



EUROPEAN COMMISSION

*Brussels, 13.9.2022
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Dear Presidents,

The Commission would like to thank the Vlaams Parlement – as a component of the Belgian national parliamentary system, as indicated in Declaration no. 51 annexed to the Treaties – for its Opinion on the proposal for a Regulation of the European Parliament and the Council amending Regulation (EU) 2018/1727 as regards the collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes at Eurojust {COM(2022) 187 final}, and the Sénat for its transmission.

The Commission appreciates the interest expressed by the Vlaams Parlement as regards the investigation of war crimes, crimes against humanity, genocide and related crimes in Ukraine, and takes note of the considerations included in its Opinion. As regards the points to which the Vlaams Parlement has drawn the Commission's attention, the Commission is pleased to provide the following clarifications grouped by topic.

As for investigations of international crimes, the Commission is strongly committed to promoting accountability and upholding international law. This is crucial for maintaining a rule-based international order. The Commission, Eurojust, Europol and other bodies, in cooperation with the Prosecutor General's Office of Ukraine as well as the Office of the Prosecutor of the International Criminal Court, coordinate the accountability efforts on the ground and support the investigations of the alleged crimes committed in Ukraine. Furthermore, the Commission is actively involved in a continuous evaluation of the operational needs of Ukrainian prosecuting authorities and the best ways to address them.

Regarding the freezing and possibly the confiscation of assets belonging to listed natural or legal persons, the Commission set up the 'Freeze and Seize Task Force' in March 2022, bringing together Commission services, Member States, Eurojust and Europol. The Task Force works closely alongside the 'Russian Elites, Proxies and Oligarchs (REPO)' Task Force, set up by G7 countries and like-minded partners, such as Australia, the US KleptoCapture Task Force and the Ukrainian Task Force. The 'Freeze and Seize Task Force' serves as a platform to coordinate and facilitate, among others, the exchange of

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information and best practices on criminal investigations and confiscation of assets and to coordinate tax enforcement efforts to identify possible tax crimes related to listed persons. Assets worth more than EUR 14 billion have been frozen by Member States thus far, and most Member States have expressed their intention to further examine whether and how such assets could be used for the benefit of the people of Ukraine. Likewise, the Commission and the Member States are exploring whether assets confiscated in relation to Russia's aggression against Ukraine could be used for the same purpose. However, no confiscation has taken place yet. Indeed, in most Member States, confiscation requires a link between assets and criminal activities, to be ascertained by means of a final conviction.

Against this background and in view of the urgent need to hold accountable those who violate European Union restrictive measures, on 25 May 2022 the Commission proposed to add the violation of European Union restrictive measures to the areas of crime laid down in Article 83(1) of the Treaty on the Functioning of the European Union. Once adopted, the Commission will, in a second step, issue a proposal for a directive harmonising the criminal law definition of and penalties for the violation of European Union restrictive measures.

With a view to further strengthening the effectiveness of European Union restrictive measures and their implementation, the Council adopted, on 21 July 2022, a new package of sanctions. The package includes the obligation for the designated persons and entities to report their assets within the jurisdiction of a Member State to the competent authorities of that Member State. Failure to respect this obligation would constitute a circumvention of European Union rules on restrictive measures and would be subject to penalties if the conditions for such penalties are met under applicable national rules and procedures.

As regards the Commission's humanitarian response to Russia's war of aggression against Ukraine, one of the Commission's priorities is to ensure that protection services and assistance are provided in Ukraine and Moldova to vulnerable groups, including women, children, persons with disabilities and the elderly. So far, the European Union has allocated a total of EUR 22.5 million out of its EUR 348 million humanitarian aid funding specifically for the humanitarian response in Ukraine and Moldova. Beyond direct funding, the European Union promotes protection mainstreaming in every humanitarian action, in order to incorporate protection principles and promote meaningful access, safety, and dignity in humanitarian aid. Upon the European Union's request, the European Union humanitarian partners have increased their presence and operational capacity in eastern and southern Ukraine, including in hard-to-reach areas, when the security and access constraints allow.

Specific actions under the protection scope of the European Union's humanitarian response include funding specialised humanitarian partners that provide support to vulnerable groups with essential protection services, mental and psychosocial support, sexual and reproductive health, and combatting sexual gender-based violence, exploitation, and human trafficking. A leading example is the United Nations Population Fund, which facilitates the access to direct services for survivors of gender-based violence.

The Commission hopes that these clarifications address the issues raised by the Vlaams Parlement and looks forward to continuing the political dialogue in the future.

Yours faithfully,

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Vice-President*

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Member of the Commission*