



SENATE OF THE PARLIAMENT OF THE CZECH REPUBLIC

14TH TERM

59th

RESOLUTION OF THE SENATE

Delivered on the 3rd session held on 1st December 2022

on the Proposal for a Directive of the European Parliament and of the Council on asset recovery and confiscation (Senate Print No. N 190/13, COM (2022) 245)

The Senate

I.

1. Supports, in general,

the proposal for a Directive;

2. Supports

the negative position of the Government, especially regarding the following:

- disproportionate extension of the possibility to confiscate property without establishing sufficiently the relation between the property and particular criminal conduct;
- reducing the required standard of proof in cases of non-conviction based confiscations;
- on the grounds of administrative burden, obligatory elaboration of a national strategy on asset recovery as well as collecting statistics, including the delegation of determining the scope of this obligation to the Commission;

3. Points out

that in certain matters, the proposal may go beyond EU competence to regulate these issues in view of the formulation of the legal basis of the proposal;

II.

1. Requests

the Government to inform the Senate no later than on 31st December 2022 about the way this Resolution was taken into account;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Miloš Vystrčil
sign manual
President of the Senate

Martin Krsek
sign manual
Senate Verifier