



EUROPEAN COMMISSION

Brussels, 19.10.2012
C(2012) 7081 final

Dear Presidents,

The Commission would like to thank the Spanish Parliament for its Opinion on the proposal for a Directive on the freezing and confiscation of proceeds of crime in the European Union {COM(2012) 85 final} and to respond to some of the points you raised.

The establishment of centralised offices or equivalent mechanisms to manage effectively property frozen before confiscation will indeed entail additional costs for the Member States, at least in an initial phase. However, the Impact Assessment accompanying the proposal indicates that such costs will ultimately be offset, largely or entirely, by the benefits from reduced ongoing costs for asset management and from smaller declines in the value of the assets of the moment of confiscation. Under these circumstances the provision of funding from the European Union would not be appropriate. The establishment of centralised offices or equivalent mechanisms will require different resources depending on the situation in each Member State and the choices of their governments. In some Member States such structures already exist, in others asset management tasks can be entrusted to existing offices, in others new offices would need to be established. Moreover, funding from the European Union has not been allocated for the implementation of other provisions requiring Member States to establish centralised offices, such as Asset Recovery Offices or the Financial Intelligence Units.

This proposal will now be subject to a detailed analysis in the Council and the European Parliament during the legislative process. The Commission will bear in mind during the discussions the points made by the Spanish Parliament.

Excmo. Sr.

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I hope that these clarifications address the comments and concerns raised in the Opinion submitted by the Spanish Parliament and I look forward to continuing our constructive political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*