

Quiz – Asset recovery and confiscation

Q1) The seizure of proceeds of crime in the EPPO proceedings:

- a) is governed by the national law of the EDP handling the case
- b) is governed by the regulation EU/1805/2018
- c) is governed by the EU directive 2014/42 as long as it is directly applicable

Q2) In cross border cases, when the handling EDP needs to seize or confiscate proceeds of crime located in the territory of another EPPO Participating State:

- a) the handling EDP will make use of the EIO
- b) the handling EDP will submit a MLA request
- c) the handling EDP will act under article 31 of the EPPO regulation

Q3) The directive 2014/42/EU:

- a) is an harmonisation legal instrument, so that in each MS the same kind of seizure and confiscation are applicable
- b) is a mutual recognition tool, to allow the EDP to execute seizure and confiscation in another MS
- c) is a directly applicable legal instrument, governing the execution of seizure and confiscation in the EU

Q4) “Proceeds of crime” means:

- a) only the direct proceeds from criminal activity
- b) all indirect benefits from the crime, including subsequent reinvestment or transformation of direct proceeds
- c) proceeds that can be quantified in money

Q5) In the EU legislation “Confiscation” means:

- a) taking someone’s goods directly linked to a criminal offence further to a judicial ruling of conviction
- b) taking someone’s goods whose possession is disproportionate with the life conditions of the person and not justified, further to a judicial ruling of conviction
- c) taking someone’s goods further to a judicial ruling without a criminal conviction

Q6) In order to recover the defrauded amount in the EPPO proceedings:

- a)* OLAF cannot play any role, as the regulation prevents OLAF from opening an administrative enquiry while the EPPO investigation is ongoing
- b)* OLAF and the EPPO can cooperate by exchanging information
- c)* EPPO can delegate OLAF to deal with the financial recovery of the amount