

The EU policy is trying to solve confiscation problems, such as inadequate efficiency of depriving and recovering the proceeds of crime, improving the rights of victims, and creating a system of fair social redistribution of recovered assets. Part of the implementation of this policy is the determination of standards for the confiscation of the proceeds of crime in EU law affecting national legal orders. High confiscation standards established at the EU level serve to implement the concept of the unprofitability of crime. Impact on legal solutions for the confiscation of the proceeds of crime introduced in the EU is exercised by international law developed within the Council of Europe, the UN, the OECD, as well as by the FATF recommendations and the case law of the European Court of Human Rights.

1. The innovative nature of the research

The project is an original scientific undertaking on a global scale, as the standards for the confiscation of the proceeds of crime set in EU law have not been the subject of comprehensive scientific research, the purpose of which is to detect their gaps and propose ways to improve them at the level of EU law. There is no monograph on this subject in the literature, which justifies the development of research in this area. Existing publications regarding confiscation contain references to EU law, however, the research presented in them has a different scope and purpose.

2. Research objectives

- 1) Determining the EU standards for the confiscation of the proceeds of crime with due regard to the law of the Council of Europe, the UN, the OECD, as well as the FATF recommendations.
- 2) Critical analysis of the EU policy shaping the standards for the confiscation of the proceeds of crime.
- 3) Comparison of the criminal law of Poland, Germany, France and the United Kingdom (limited to the law applicable to England and Wales) in terms of the EU standards on the confiscation of the proceeds of crime (with differences in the United Kingdom status within the EU).
- 4) Assessment of standards, indication of gaps in the standards and risk areas related to insufficient protection of individual rights (suspect, victim, third party) and failure to achieve the objectives of the criminal process.
- 5) Formulating proposals for improving the EU standards for the confiscation of the proceeds of crime with a fair balance between the interests of individuals involved in the confiscation procedure and the interests of criminal justice, that may conflict.

3. Research description

- 1) Examination of the EU policy shaping the standards for the confiscation of the proceeds of crime with the auxiliary use of the theory of the rational creation of law of Professor Jerzy Wróblewski.
- 2) Examination of the standards for the confiscation of the proceeds of crime set in EU law with due regard to the law of the Council of Europe, the UN, the OECD, as well as the FATF recommendations.
- 3) Comparative examination of the criminal law of Poland, Germany, France and the United Kingdom (with limitation to the law applicable to England and Wales) in terms of the EU standards on the confiscation of the proceeds of crime (with differences in the United Kingdom status within the EU).
- 4) Examination of the case law of the European Court of Human Rights on the confiscation of the proceeds of crime.

4. Expected research results

The research results should enable the identification of gaps in the standards for the confiscation of the proceeds of crime set in EU law and the formulation of proposals for their improvement. The findings can also serve as a reference point for planning the EU policy in solving key confiscation problems and for creating confiscation rules at the level of the EU and national legal orders.