

**Reasons for undertaking research issues:** The area of justice and security in the European Union is being created, among others, with instruments of criminal reaction which allow law enforcement and judicial authorities to freeze, seizure and confiscate assets which may be used for financing criminal activities or constitute the proceeds of crime, in a simplified way. Oversimplification of confiscation procedures may, however, result in violation of fundamental rights and general principles of law aimed at ensuring protection of individuals against interference of public authority with their private sphere. An example of an instrument which legal qualification raises doubts by scholars and (national and European) jurisprudence is extended confiscation. As the scope of guarantees protecting individuals depends on the determination of legal nature of a relevant instrument, discrepancies in this matter may result in statement of non-compliance of the extended confiscation with the fundamental rights of individuals and general principles of law included in the Charter of Fundamental Rights of EU and in the national law orders of EU Member States. Such situation may lead to questioning its application in the course of judicial review of transnational criminal proceedings and, consequently, to breach of mutual trust which is the basis of the cooperation in criminal matters in the EU. For the above reasons, the issue of extended confiscation and its justification in light of fundamental rights and general principles of EU law and its Member States is of special importance and requires an in-depth research as part of international cooperation with comparative approach.

**Description of the research:** The research will be carried out by representatives of legal sciences from 11 EU Member States (Austria, Bulgaria, Czech Republic, Croatia, Estonia, Finland, Greece, Germany, Hungary, Poland, Spain) differing in many areas, such as: location inside or outside the EU, within or outside the Schengen area, with different levels of GDP, technological development, time of accession to the EU or legal qualification of extended confiscation in national legal order. The research team will make a legal assessment of a shape of extended confiscation in 11 legal orders (taking into account also national and European jurisprudence) and its relation to fundamental rights and general principles of law protecting EU residents against excessive interference of public authorities with their private sphere. On this basis the research team will determine what requirements should be met in order to achieve compliance of instruments aimed at effective security protection and combating crime with the regulations of the Charter of Fundamental Rights of the EU and national legal orders of the EU Member States. Another important issue that will be analysed in the course of the research, are possible divergences in the perception of certain rights and principles protecting individuals in EU.

**The primary aim of the research** is finding a justification for the use of extended confiscation that could be found acceptable for legislative and judiciary bodies in different EU Member States – and would build a point of reference for application of similar instruments of crime prevention and response.

**Expected results of the research** include establishing / determining:

- which factors have the greatest impact on the legal shape of extended confiscation in EU Member States,
- how the conformity of such instrument with fundamental rights and general principles of EU law is justified in the national legal orders of EU Member States,
- which of the fundamental rights and general principles of law included in particular in the Charter of Fundamental Rights of the EU, are most vulnerable to breach when extended confiscation or equivalent crime response instruments are used,
- whether and to what extent may exist in different EU Member States divergent perceptions of fundamental rights and general principles of EU law aimed at protecting individuals against invasive actions of public authorities aimed at prosecuting crime and ensuring security,
- clear restrictions on the application of extended confiscation,
- and creating justification for the use of extended confiscation in a manner consistent with the need to effectively protect individuals against excessive interference of public authorities with their rights and freedoms, which could also be a benchmark for creating and applying other instruments of this kind.