Moldovan government optimizes mechanism to confiscate illegally obtained assets

27 november 2024, Chișinău - Cabinet of Ministers today approved a draft law strengthening the mechanism of confiscation of criminal assets. This will improve the process of tracing, identification, seizure and confiscation of illegally obtained assets, as well as clearly establish the tasks of each institution involved in this process.

More specifically, the possibility of confiscation of an equivalent good or its equivalent value is set up, when confiscation of the criminal property is impossible. It also provides for the confiscation of the benefits derived from criminal assets, even if the person is released from criminal liability or criminal punishment.

For the first time, it will be regulated how confiscated assets abroad can be brought back into the country. Third parties will also be able to be dispossessed of their assets if they knew or should have known that the assets originated from criminal activity or were transferred to avoid confiscation.

"In this way, we will be able to confiscate assets seized in criminal cases more quickly, if these assets belong directly or indirectly to criminals and corrupts," Prime Minister Dorin Recean said.

At the same time, the period of time for which the value of acquired property is to be taken into account - 5 years before or after the crime until the date of issuance of the court indictment - was specified.

The draft also stipulates that in the case of offenses generating economic benefits in excess of 14 thousand euros, once criminal proceedings are initiated, the Criminal Assets Recovery Agency will carry out investigations to identify illegally acquired assets. The Agency will keep a single record of all seized and confiscated assets.

The enforcement mechanism is also revised, so that the enforcement of decisions on confiscation and compensation for damages and court costs will be carried out expressly by the State Tax Service, with the help of bailiffs and the Criminal Assets Recovery Agency.

The draft law will contribute to the implementation of the plan of measures for deoligarchization, the national programme for recovery of criminal assets for 2023-2027, as well as to the alignment of the confiscation mechanism with international best practices.