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COUNCIL DECISION (EU) 2026/2355

of 13 October 2026

on the signing of the Additional Protocol to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism with regard to judicial cooperation in criminal matters and police cooperation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 82(1) and (2), 83(1) and (2) and 87(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By Decision (EU) 2024/1764 ([1]), the Council authorised the Commission to participate, on behalf of the Union, in the negotiations on an additional protocol to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (the 'Protocol').

(2) The Protocol was adopted by the Committee of Ministers of the Council of Europe on 15 May 2026 and is envisaged to be opened for signature on 14 October 2026.

(3) The Protocol complies with the objective of the Union set out in Article 67(3) of the Treaty on the Functioning of the European Union (TFEU), namely to ensure a high level of security through measures to prevent and combat crime, including measures for coordination and cooperation between police and judicial authorities and the approximation of criminal laws.

(4) The Protocol contains, inter alia, provisions on its purpose and scope, on confiscation measures, on provisional measures for the seizure and freezing of property, on investigative techniques and tools, on the establishment of asset recovery offices, on the access of those offices to information and on the exchange of information between them, on the access of competent authorities to bank account information, on asset management, including the designation of asset management offices, on judicial cooperation regarding the recognition and execution of freezing and confiscation decisions, asset sharing and returns, and on procedural rights and safeguards for all affected persons.

(5) The Protocol has the potential to significantly strengthen asset recovery frameworks and related cooperation among Council of Europe Member States and other key international partners that might become Parties to the Protocol.

([1]) Council Decision (EU) 2024/1764 of 13 June 2024 authorising the Commission to participate, on behalf of the European Union, in negotiations on an additional protocol to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (OJ L, 2024/1764, 24.6.2024, ELI: http://data.europa.eu/eli/dec/2024/1764/oj).

(6) The rules laid down in the Protocol overlap to a large extent with, and were inspired by, common rules established at Union level. Those common rules include, in particular, Directives (EU) 2024/1260 ([2]) and (EU) 2024/1640 ([3]) of the European Parliament and of the Council and Regulation (EU) 2018/1805 of the European Parliament and of the Council ([4]). Moreover, the Protocol overlaps with Directive 2014/42/EU of the European Parliament and of the Council ([5]), which remains applicable only in relation to Ireland, and with Council Framework Decisions 2003/577/JHA ([6]), 2005/212/JHA ([7]) and 2006/783/JHA ([8]), which remain applicable only in relation to and between Denmark and Ireland.

(7) The Commission participated in the negotiations on behalf of the Union and ensured that the Protocol is compatible with Union law.

(8) Pursuant to Article 37 of the Protocol, it is open for signature by the Union. The Union should become a Party to the Protocol alongside its Member States, given that the Union and its Member States have competences in the areas covered by the Protocol. The Protocol should be signed on behalf of the Union as regards matters falling within the competence of the Union insofar as the Protocol could affect common rules established at Union level or alter their scope. The scope of those common rules could also be affected or altered by international commitments where those commitments fall within an area which is already largely covered by such common rules, to the extent that such commitments are capable of undermining the uniform and consistent application of the common rules and the proper functioning of the system which they establish. In the area of shared competences, the Member States retain their competence insofar as the Protocol does not affect common rules established at Union level or alter the scope thereof, including the foreseeable future development of such rules. This Decision is without prejudice to the signature of the Protocol by the Member States, in accordance with their internal procedures.

(9) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(11) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ([9]) and delivered an opinion on 10 September 2026.

(12) Therefore, the Protocol should be signed on behalf of the Union,

([2]) Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation (OJ L, 2024/1260, 2.5.2024, ELI: http://data.europa.eu/eli/dir/2024/1260/oj).

([3]) Directive (EU) 2024/1640 of the European Parliament and of the Council of 31 May 2024 on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive (EU) 2019/1937, and amending and repealing Directive (EU) 2015/849 (OJ L, 2024/1640, 19.6.2024, ELI: http://data.europa.eu/eli/dir/2024/1640/oj).

([4]) Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1805/oj).

([5]) Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39, ELI: http://data.europa.eu/eli/dir/2014/42/oj).

([6]) Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p. 45, ELI: http://data.europa.eu/eli/dec_framw/2003/577/oj).

([7]) Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49, ELI: http://data.europa.eu/eli/dec_framw/2005/212/oj).

([8]) Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59, ELI: http://data.europa.eu/eli/dec_framw/2006/783/oj).

([9]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Additional Protocol to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism on behalf of the Union is hereby authorised, subject to the conclusion of that Protocol ([10]).

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 13 October 2026.

For the Council

The President

T. BYRNE

([10]) The text of the Protocol will be published together with the decision on its conclusion.