

No.	Adjudicating entity	Type of ruling	Date	Ref. number	Parties	Examined regulations	Outcome	Additional info.	Notes
1.	ECHR	judgement	22/02/1994	12954/87	Raimondo v. Italy	Art. 1 of the Protocol no. 1 to the ECHR	no violation/violation	No violation in respect of seizure, confiscation and the damage to property occasioned by those measures; violation inasmuch as the confiscation of some assets remained entered in the relevant registers after the decision of the Court of Appeal to return confiscated assets.	unanimously
2.	ECHR	judgement	09/02/1995	17440/90	Welch v. The United Kingdom	Art. 7 § 1 of the ECHR	violation	Confiscation order amounted to a penalty - the applicant faced more far-reaching detriment as a result of the order than that to which he was exposed at the time of the commission of the offences. Imposing a confiscation order retrospectively following conviction for offences is a violation.	unanimously
3.	ECHR	judgement	05/07/2001	41087/98	Phillips v. The United Kingdom	Art. 6 § 1 of the ECHR, art. 1 of the Protocol no. 1 to the ECHR	no violation	ECHR had to decide whether the way of application of the presumption of the illegal origin of assets was in compliance with art. 6 § 1 of ECHR. The other issue revolved around proportionality of interference with the right to respect for property (art. 1 of the protocol no. 1 to ECHR).	2 dissenting opinions
4.	ECHR	decision	05/07/2001	52024/99	Arcuri and three others v. Italy	Art. 6 § 1 and § 3, Art. 1 of the Protocol no. 1 to the ECHR	no violation	The interference with the applicant's right to peaceful enjoyment of his possessions was not disproportionate to the legitimate aim pursued; confiscation was based on "sufficient circumstantial evidence" which was not assessed arbitrarily; the proceedings for the application of preventive measures were conducted in the presence of both parties and with respect for the rights of the defence; reversing the burden of proof did not prevent the applicants from proving that their property had been lawfully acquired.	unanimously
5.	ECHR	decision	04/09/2001	52439/99	Riela v. Italy	Art. 6 § 1 of the ECHR and Art. 1 of the Protocol no. 1 to the ECHR	no violation	Non-conviction based confiscation was a preventive measure and pursued a legitimate aim; it constituted control of the use of property within the meaning of the second paragraph of Art. 1 of the Protocol	unanimously
6.	ECHR		25/03/2003	55927/00	Madonia v. Italy			NOT AVAILABLE IN ENGLISH	
7.	ECHR	decision	05/07/2005	19581/04	Van Offeren v. the Netherlands	Art. 6 § 2 of the ECHR	no violation	The applicant complains that the confiscation order imposed on him infringed his right to be presumed innocent under Article 6 § 2 of the Convention since it was based on a judicial finding that he had committed an offence of which he had been acquitted in the criminal proceedings that had been brought against him. According to the ECHR confiscation order procedure is directly linked to a criminal procedure and does not include bringing of any new charge within the meaning of art. 6 § 2 of the ECHR even if rules of criminal procedure do not apply to it.	unanimously
8.	ECHR	judgement	01/06/2007	30810/03	Geerings v. The Netherlands	Art. 6 § 2 of the ECHR	violation	Confiscation is not an appropriate measure to assets which are not known to have been in the possession of the person affected, especially if it is related to the crimes of which the defendant had been acquitted. Voicing of suspicions regarding accused's innocence is not admissible after the final acquittal; deprivation of assets in such situation is not compliant with the presumption of innocence.	unanimously
9.	ECHR	decision	10/07/2007	696/2005	Dassa Foundation v. Liechtenstein	Art. 6 § 1 and 2, art. 7 § 1 of the ECHR, art. 1 of the Protocol no. 1 to the ECHR	Art. 6 and 7 not applicable, Art. 1 of the Protocol no. 1 (in this particular case) not applicable	Art. 6 of the ECHR was not applicable due to provisional and safeguarding (although long-lasting) character of the confiscation; the confiscation order did not determine guilt and was not reflected in any criminal record. Art. 7 was not applicable as forfeiture of assets did not amount to a penalty - it is not an additional punishment but a civil law consequence of a fact, that a person had obtained assets originating from an unlawful act; it is more comparable to a restitution of unjustified enrichment than to a punishment. Art 1 of the Protocol was not applicable due to non-exhaustion of domestic remedies.	unanimously
10.	ECHR	judgement	13/11/2007	399/02	Bocellari and Rizza v. Italy	Art. 6 § 1 of the ECHR	violation	The applicants had no possibility of requesting or obtaining a public hearing at both instances. Procedures before the courts were aimed at confiscation of assets and could therefore directly and significantly affect a person's financial situation. Procedures required public scrutiny in order to ensure the rights of the interested parties; the parties should be offered at least the opportunity to request a public hearing before the specialised sections of the ordinary and appeal courts.	unanimously
11.	ECHR	judgement	23/09/2008	app. nos. (joined cases) 19955/05 & 15085/06	Grayson and Barnham v. the United Kingdom	Art. 6 § 1 of the ECHR, art. 1 of the Protocol no. 1 to the ECHR	no violation	Reversal of the burden of proof does not violate the right to a fair trial. Imposing a obligation to pay money under a confiscation order does not constitute a disproportionate interference with one's right to peaceful enjoyment of possessions.	unanimously
12.	ECHR		25/09/2008	42132/06	Paraponiaris v. Greece			NOT AVAILABLE IN ENGLISH	

13.	ECHR		05/01/2010	4514/07	Bongiorno and others v. Italy	Art. 6 § 1 of the ECHR, art. 1 of the Protocol no. 1 to the ECHR		NOT AVAILABLE IN ENGLISH	
14.	ECHR	judgement	01/04/2010	16903/03	Denisova and Moiseyeva v. Russia	Art. 1 of the Protocol no. 1 to the ECHR	violation	The national courts failed to give their attention to the possibility that the confiscated property items could have belonged to family members rather than to Mr Moiseyev himself (husband and father of the applicants). The applicants, given that they did not have the opportunity to challenge effectively the confiscation measure imposed in the criminal proceedings to which they were not parties, “bore an individual and excessive burden”.	1 dissenting opinion
15.	ECHR	judgement	12/05/2014	6219/08	Paulet v. The United Kingdom	Art. 1 of the Protocol no. 1 to the ECHR	violation	The applicant, while not challenging the legitimacy of the confiscation, submitted, that the confiscation order made in the present case was not proportionate to the offence committed. According to the ECHR the scope of the review carried out by the domestic courts was too narrow to satisfy the requirement of seeking the “fair balance” inherent in the second paragraph of Article 1 of Protocol No. 1., thus the confiscation order was disproportionate.	1 separate opinion - joined by another judge; 1 concurring opinion; 1 dissenting opinion
16.	ECHR	decision	04/11/2014	28457/10	Aboufadda v. France	Art. 8 of the ECHR, Art. 1 of the Protocol no. 1 to the ECHR	application inadmissible	Given the wide margin of discretion the state has, the confiscation order was not disproportionate to the legitimate aim pursued. The reversed burden of proof, connected with presumption of illegitimate origin of the assets, do not violate the Convention as the applicants were granted the possibility of rebutting the presumption.	
17.	ECHR	judgement	03/03/2015	12655/09	Dimitriovi v. Bulgaria	Art. 1 of the Protocol no. 1 to the ECHR	violation	Disproportionate burden of proof was placed on the defendants; no time limits for the forfeiture proceedings; confiscation without conviction of the defendants.	unanimously
18.	ECHR	judgement	12/05/2015	36862/05	Gogitidze and others v. Georgia	Art. 1 of the Protocol no. 1 to the ECHR	no violation	Confiscation measures can be applied not only to persons directly accused of offences but also to close relatives presumed to possess and manage the ill-gotten property informally or otherwise lacking the necessary <i>bona fides</i> . ECHR found, by analogy, that the civil proceedings <i>in rem</i> in the instant case could not be considered arbitrary or to have upset the proportionality test under Article 1 of Protocol No. 1.	unanimously
19.	ECHR	judgement	17/05/2016	38359/13	Džinić v. Croatia	Art. 13 of the ECHR, art. 1 of the protocol no. 1 to the ECHR	violation	Gross disproportionality between the alleged pecuniary gain obtained by the commission of the offences referred to in the indictment and the value of the seized property, which imposed on the defendant an excessive individual burden.	unanimously
20.	ECHR	judgement	28/06/2018	1828/06	G.I.E.M. S.R.L. and others v. Italy	Art. 7 § 1 of the ECHR, art. 1 of the Protocol no. 1 to the ECHR	violation	Non-conviction based confiscation is incompatible with art. 7 of the ECHR; confiscation order was disproportionate and incompatible with art. 1 of the Protocol no. 1	joint partly dissenting opinions of 7 judges
21.	ECHR	judgement	13/07/2021	50705/11	Todorov and others v. Bulgaria	Art. 1 of the protocol no. 1 to the ECHR	violation in respect of some applicants; no violation in respect of other applicants	The interference had pursued a legitimate aim and the Court had to determine the proportionality of it; the Court decided, that only all of the factors of the case at hand could render the forfeiture measures disproportionate although separately they do not have such an effect; the establishment of a causal link, direct or indirect, between the assets to be forfeited and the criminal activity has to be “logically justified” and based on the individual circumstances of each case.	unanimously
22.	European Commission of Human Rights	decision	15/04/1991	12386/86	M. v. Italy	Art. 6 § 1 and 2, Art. 7 § 1 of the ECHR, Art. 1 of the Protocol no. 1 to the ECHR	no violation	Confiscation of property whose lawful origin the applicant is unable to prove constitutes a control of the use of property and is only a preventive measure; art. 6 and 7 of the ECHR are not applicable as the preventive measure does not involve a finding of guilt subsequent to a criminal charge (does not constitute a penalty)	
23.	CJEU	decision	14/01/2021	C-393/19	OM, Okrazhna prokuratura Haskovo, Apelativna prokuratura Plovdiv	Art. 17(1) and 47 of the Charter of Fundamental Rights, art. 2(1) of Framework Decision 2005/212, rec. 33 of Directive 2014/42	National law cannot extend confiscation on third parties acting in good faith. National law cannot allow for confiscation of assets belonging to a person other than the perpetrator without the former being afforded an effective remedy.	Main issues: confiscation of assets belonging to a third party acting in good faith, effective remedies for person (other than the one who committed an offence) whose property is being confiscated. The right to property may be subject to limitations as long as these limitations genuinely correspond to objectives of public interest pursued by the European Union and do not constitute, in relation to the aim pursued, a disproportionate and intolerable interference, impairing the very substance of the right so guaranteed.	

24.	CJEU	judgement	21/10/2021	joined cases C-845/19 and C-863/19	DR, TS, Okrazhna prokuratura – Varna	Art. 47 of the Charter of Fundamental Rights, art. 2(1), art 6, art. 8(1),(7) and (9) of Directive 2014/42/EU	Directive 2014/42/EU and the European Charter of Fundamental rights are applicable to a criminal offence related to the possession of narcotics even if all the elements inherent in the commission of that offence are confined within a single Member State. The Directive provides for confiscation of property constituting benefit derived from the criminal offence in respect of which the perpetrator has been convicted, but also from other criminal conduct if the court is satisfied and the offence is liable to give rise to economic benefit - directly or not. National legislation, which allows for confiscation of property belonging to a third party without prior hearing of this party violates art. 8(1), (7) and (9) of the Directive as well as art. 47 of the Charter.	The case mostly revolves around safeguards related to confiscation of property belonging to third party as well as procedural aspects connected with this issue.
25.	CJEU	judgement	28/10/2021	C-319/19	Komisia za protivodeystvie na koruptsiyata i za otnemane na nezakonno pridobitoto imushtestvo v. ZV, AX, „Meditinski tsentar po dermatologija i estetichna meditsina PRIMA DERM“ OOD	art. 17 and art. 48 of the Charter of Fundamental Rights of the EU	Directive not applicable	Directive does not apply to legislation of a Member State which provides that confiscation of illegally obtained assets is to be ordered by a national court in the context of or following proceedings which do not relate to a finding of one or more criminal offences.
26.	CJEU	judgement	12/05/2022	C-505/20	RR, JG, Spetsializirana prokuratura	art. 17 of the Charter of Fundamental Rights of the EU, art. 4(1), art. 2(3), art. 8 of the Directive 2014/42/EU	Art. 8(1) precludes national legislation from depriving a bona fide third party of the right to request the return of property at the stage of judicial proceedings; the Directive allows national legislation to exclude the confiscation of an item belonging to a bona fide third party and used as an instrument in the commission of an offence, including situations where the item has been placed by that third party at the disposal of the accused on a permanent basis.	The applicants complain that they were deprived of the right to request the return of seized property because of the stage of the proceedings - they could file a request at preparatory stage but not on judicial stage which the Court found unacceptable.