

SUB-DIRECTORATE GENERAL FOR ASSET LOCALISATION AND RECOVERY

- Identification, search and location of assets, instruments and proceeds of crime located both within or outside national territory.
- Safeguarding and recovery of assets.
- Provision of the information obtained to the judicial authority or the competent international bodies and institutions.

SUB-DIRECTORATE GENERAL FOR ASSET PRESERVATION, ADMINISTRATION AND REALIZATION

- Conservation, management and administration of assets derived from crime.
- Management of the ORGA's Deposits and Consignments Account.
- Realisation of assets, if so agreed by a Judge or Court after confiscation, as well as advanced realisation of seized property.
- Technical advice to judicial bodies and the prosecution service regarding the enforcement of seizures and confiscations.
- Support the activity of the Committee for the allocation of the proceeds of crime.

The Office for Asset Recovery and Management (ORGA in Spanish) is also responsible for deciding on the use to be given to seized property and on the protection measures to be adopted, provided its provisional use is authorised by the judge.



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S P A I N



LEGAL FRAMEWORK, STATUS, OBJECTIVES, PROCEDURE AND SCOPE OF ACTION

LEGAL FRAMEWORK

Article 10 of [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 urges Member States to take the necessary measures to establish centralised national offices «to ensure the adequate management of property frozen with a view to possible subsequent confiscation».

In Spain, this provision of the Directive has been included in the [Sixth Additional Provision of the Code of Criminal Procedure](#), by which the Office for Asset Recovery and Management (ORGA) is established and given the responsibility for the tracking, recovery, conservation, administration and realisation of assets derived from criminal activities in the terms provided by criminal and procedural law.

[Royal Decree 948/2015](#) of 23 October regulates the Office for Asset Recovery and Management, and [Order JUS/188/2016](#) of 18 February determines the scope of action and the start of operation of the Office for Asset Recovery and Management as well as the opening of its Deposits and Consignments Account.

ORGA shall act when so entrusted by a competent Judge or Court, sua sponte or at the behest of the State Prosecutor Office or the Office itself. It shall also proceed to trace assets at the request of the Public Prosecution Service within the framework of its competences in the areas of criminal investigation, international legal cooperation and autonomous confiscation procedures, or in whatever other actions within the terms provided by criminal or procedural law.

STATUS

The Office is set out as an auxiliary administrative body within the Administration of Justice, with the purpose of fulfilling a significant role in locating and managing assets derived from crime, with the support of the institutional structure and the necessary financial and human resources, in order to facilitate the freezing and confiscation tasks of judges and courts within the framework of criminal proceedings.

It is, therefore, defined as a body within the State General Administration and an auxiliary for the Administration of Justice.

OBJECTIVES

- Contributing to the recovery of proceeds of crimes referred to in Article 127 bis of the Penal Code.
- Reducing costs derived from the management of seized and confiscated goods while at the same time discharging the courts from this task.
- Optimising the value of the product obtained so that it is sufficient to deal with the financial restitution to victims.
- Complying with the obligations arising from international cooperation and collaborating with the courts and the Public Prosecution Service in their functions concerning judicial assistance in criminal matters.
- By means of the Allocation Committee, transferring the product obtained to social purposes and to the strengthening of institutions aimed at fighting against organised crime.

PROCEDURE AND SCOPE OF ACTION

Action at the request of judges, courts or the Public Prosecution Service

Actions initiated at the request of judges, courts or the Prosecution Service, shall only refer to property seized or confiscated from 24 October 2015, effective date of Royal Decree 948/2015 of 23 October when ORGA became operational, onwards, and in relation to one of the criminal offences described in Article 127 bis of the Penal Code.

Action at the request of the ORGA itself

If action is initiated at the request of ORGA, the Office may act within the framework of any criminal activity whenever deemed appropriate in view of the nature or the special circumstances of the goods, with prior judicial approval and regardless of the date on which the goods have been confiscated or seized.

LINKS

- [Royal Decree 948/2015 of 23 October](#) regulating the Asset Management and Recovery Office
- [Order JUS/188/2016 of 18 February](#)
- [Sixth Additional Provision of the Code of Criminal Procedure](#)
- [Directive 2014/42/EU](#)