



CADERNOS DE DEREITO ACTUAL

www.cadernosdedereitoactual.es

© *Cadernos de Derecho Actual* N° 32. Núm. Ordinario (2026), pp. 201-223

·ISSN 2340-860X - ·ISSNe 2386-5229

Features of organizing the investigation of crimes against property: The experience of the EU countries

Taras Rudenko^{1,*}

Interregional Academy of Personnel Management

Viacheslav Hurin²

National Academy of Internal Affairs

Sergiy Ivanytskyy³

National Academy of Internal Affairs

Tymur Loskutov⁴

Donetsk State University of Internal Affairs

Liudmyla Mostepaniuk⁵

National Academy of Internal Affairs

Summary: 1. Introduction. 2. Literature review. 3. Materials and methods. 4. Results. 4.1. Regulatory models for investigating crimes against property in EU states: The prosecutor's role and the limits of interference with property rights. 4.2. Judicial practice of national courts and the ECtHR in crimes against property: Standards of procedural guarantees and ethical restrictions on the prosecutor's activities. 4.3. Comparative legal analysis of organizing the investigation of crimes

¹ Interregional Academy of Personnel Management, Kyiv, Ukraine. ORCID: <https://orcid.org/0009-0001-9500-6266>; E-mail: taras.rud12@gmail.com (corresponding author).

² PhD in Law, Doctoral Student, National Academy of Internal Affairs, Kyiv, Ukraine. ORCID: <https://orcid.org/0009-0008-4439-372X>; E-mail: vhurin19@ukr.net.

³ Doctor of Legal Sciences, Professor, Associate Professor, Department of Criminal Procedure, National Academy of Internal Affairs, Kyiv, Ukraine. ORCID: <https://orcid.org/0000-0002-8426-100X>; E-mail: serg.inne@gmail.com.

⁴ Doctor of Law Sciences, Chief Research Fellow, Scientific and Research Laboratory of Problems of Preventing Criminal Offenses at Luhansk Educational and Scientific Institute Named After E. Didorenko of Donetsk State University of Internal Affairs, Kropyvnytskyi, Ukraine. ORCID: <https://orcid.org/0000-0002-2686-9201>; E-mail: t_loskutov@ukr.net.

⁵ PhD in Law, Professor, Associate Professor, Department of Criminal Law, National Academy of Internal Affairs, Kyiv, Ukraine. ORCID: <https://orcid.org/0000-0003-2894-0654>; E-mail: mostepaniuk@ukr.net.

against property in Germany, France, Italy, Spain and Poland: Coordination with customs authorities and institutional practices. 4.4. Problematic aspects and effective organizational practices of investigating crimes against property in EU states. 4.5. A generalized case-based analysis of investigating crimes against property with a cross-border and customs component. 5. Discussion. 6. Conclusions. 7. References.

Abstract: The increasing complexity of cross-border property crimes in the European Union exposes limitations in existing approaches to organizing investigations, particularly with regard to prosecutorial coordination and interaction with customs authorities. This study aims to analyze the organizational features of property crime investigations in EU Member States, focusing on prosecutorial leadership, judicial control and the limits of interference with property rights. The research is based on doctrinal and comparative legal analysis of EU legal instruments and national legislation of Germany, France, Italy, Spain and Poland, combined with a structured examination of 60 national supreme court decisions, 40 judgments of the European Court of Human Rights (2015–2024) and 25 institutional reports. The findings indicate that property crime investigations in the EU are organized through diverse but structurally comparable models of prosecutorial leadership, which are differentiated by the scope of prosecutorial powers, the level of judicial oversight and the institutional role of customs authorities. The analysis further demonstrates that investigative consistency is associated with structured interagency coordination and clearly defined procedural roles, particularly in cross-border and financial contexts. The scientific contribution of the study consists in developing a multi-level institutional model of property crime investigation in the EU, conceptualizing the prosecutor as a coordinating nexus between investigative, customs and supranational actors. The study also contributes to the literature by reframing investigations as integrated systems of institutional coordination rather than isolated procedural mechanisms. The results provide a conceptual basis for understanding the interaction between prosecutorial functions, judicial safeguards and supranational instruments in EU criminal justice, and indicate directions for further research on institutional coordination and proportionality standards in cross-border investigations.

Keywords: Ethics, Prosecutor, Property Offenses, Procedural Guarantees, Interdepartmental Coordination, Border Financial Control

1. Introduction

In the evolving criminal policy of the European Union, the investigation of property-related offences is becoming increasingly complex. This is driven not only by the transnational nature of criminal activity, but also by the growing sophistication of financial and logistical schemes, as well as by the coexistence of diverse procedural approaches within a formally harmonized legal space. Although certain standards of criminal cooperation have been unified at the EU level, substantial differences persist in the organization of investigative activities, the procedural role of the prosecutor and the degree of coordination between law enforcement and customs authorities. These differences affect evidentiary processes, procedural supervision and compliance with professional and ethical standards, making consistent investigative practice difficult to achieve.

Accordingly, a systematic scholarly assessment of the experience of EU Member States is required in order to identify effective organizational models of investigation. For the purposes of this study, property crimes are defined as criminal offences involving unlawful interference with property rights that result in

the deprivation, restriction or unlawful transfer of assets. The analysis focuses on cases in which investigative measures directly affect property rights, particularly through freezing, seizure or confiscation, including selected financial and customs-related offences where such procedural mechanisms are applied.

Recent scholarly studies have addressed related dimensions of this issue. Boqué et al.⁶ proposed an innovative method for analyzing repeat property crimes through modeling spatial “constellations” of thefts, demonstrating the systemic nature of recidivist patterns and the consequent need for coordinated and structured investigative strategies. Further, Campana and A. Giovannetti⁷ examined the networked structure of organized criminal activity in the field of property offenses. The researchers showed that stable cooperative criminal structures challenge traditional investigative methods and raise the importance of prosecutor’s coordination in interagency settings.

Faraldo Cabana⁸ analyzed the connection between crimes against cultural property and organized crime within EU policy. The researcher highlighted that property offenses, particularly in the customs sphere, are frequently embedded in transnational criminal schemes, hence requiring specialized procedural mechanisms and a strengthened prosecutorial role. Hodgkinson et al.⁹ presented the results of a randomized controlled trial on burglary prevention, demonstrating that effective prevention of property crime depends on integrating preventive measures into the broader criminal justice response. This finding is also relevant at the investigative stage.

Khalifa et al.¹⁰ explored the temporal dynamics of property crimes in European cities, identifying time-based patterns that may optimize investigative planning and procedural decision-making in rapidly evolving criminal contexts. Notably, Vavoula¹¹ examined the impact of digitalization on law enforcement activities in the EU, emphasizing the expanding role of prosecutors as guarantors of legality and ethical compliance in the use of digital investigative tools, including in customs-related cases. While these studies provide valuable insights into specific aspects of property crime, they do not offer a comprehensive institutional perspective on how investigations are organized within the EU.

Despite the growing body of empirical and theoretical research, existing studies remain fragmented and predominantly focus on isolated aspects of property crime, such as crime patterns, preventive measures or specific investigative techniques. However, there is still no integrated analysis of how investigations of property crimes are institutionally organized as a coherent procedural system within the European Union.

⁶ BOQUÉ, P.; SAEZ, M.; SERRA, L. "Burglaries constellations: A new approach to deal with burglaries' repeat patterns in heterogeneous environments", *European Journal on Criminal Policy and Research*, 2025. <https://doi.org/10.1007/s10610-025-09621-4>

⁷ CAMPANA, P.; GIOVANNETTI, A. "The structure of cooperation among organized crime groups: A network study of Merseyside, UK", *Journal of Criminal Justice*, v. 96, 2025, art. 102348. <https://doi.org/10.1016/j.jcrimjus.2024.102348>

⁸ FARALDO CABANA, P. "Exploring overlaps of cultural property crime with organised crime in EU policy documents", *European Journal on Criminal Policy and Research*, v. 31, 2025, pp. 585–635. <https://doi.org/10.1007/s10610-024-09595-9>

⁹ HODGKINSON, W.; ASSARA, N.; ARIEL, B.; Sutherland, A. "Burglary prevention advice letters: A cluster randomised controlled trial in Luton, England", *Journal of Crime and Justice*, 2025. <https://doi.org/10.1080/0735648X.2025.2512746>

¹⁰ KHALIFA, R.; SNAPHAN, T.; PRIETO-CURIEL, R.; HARDYNS, W. "Does crime (n)ever skip a beat? Analyzing crime heartbeats in a European city", *Time & Society*, v. 34, n. 4, 2025. <https://doi.org/10.1177/0961463X251358586>

¹¹ VAVOULA, N. "The future of digitalisation in EU law enforcement: Enhanced exchanges of personal data, privatisation and algorithmisation", *European Papers: A Journal on Law and Integration*, v. 10, n. 3, 2025, pp. 709–719. <https://doi.org/10.15166/2499-8249/851>

In particular, the literature does not sufficiently explain how the prosecutor's role functions as a coordinating mechanism across national and supranational levels, especially in the context of interaction with customs authorities and the application of measures affecting property rights. Furthermore, the relationship between prosecutorial leadership, judicial oversight and the proportionality of interference with property rights remains insufficiently conceptualized in comparative legal research.

This study contributes to the existing scholarship by developing a comparative institutional framework that identifies and explains different models of prosecutorial coordination in the investigation of property crimes in the EU. Unlike prior research, which examines isolated procedural or criminological aspects, this paper conceptualizes investigation as an integrated system of interaction between prosecutors, courts, customs authorities and supranational institutions. This allows for a more systematic understanding of how institutional configurations shape investigative practices and the protection of property rights.

This study advances the existing scholarship by introducing a typological classification of property crime investigations derived from inductive analysis of judicial practice and institutional materials. In contrast to prior research relying primarily on normative legal analysis, the proposed typology is empirically grounded in qualitative coding of court decisions and institutional reports, enabling the identification of recurrent models of prosecutorial coordination and their functional implications within the EU legal space.

The purpose of this study is to identify and analyze the organizational features of investigating property crimes in EU Member States, with particular emphasis on the procedural role of the prosecutor and the limits of permissible interference with property rights. To address this aim, the study pursues the following objectives: (1) to analyze contemporary approaches to organizing investigations of property crimes in EU countries; (2) to clarify the prosecutor's procedural and coordinating role in such proceedings; (3) to characterize the ethical standards governing prosecutor activity in property crime investigations; (4) to examine the specific features of investigating property crimes in the customs sphere; and (5) to pinpoint key challenges and effective practices that may lead to improvements in organizing such investigations.

2. Literature review

Contemporary scholarly literature on property crime within the European Union can be structured into several interrelated analytical strands rather than being considered as a fragmented set of independent studies.

First, a significant body of research focuses on the institutional role of prosecutors and the quality of evidentiary processes. Studies demonstrate that the effectiveness of investigations depends not only on forensic techniques but also on procedural safeguards, evidentiary integration, and oversight mechanisms closely linked to prosecutorial authority¹². Similarly, research on digital evidence and surveillance technologies shows that investigative effectiveness is conditioned by the proper integration of technological tools into procedural frameworks, rather than their standalone application¹³. These findings collectively indicate that prosecutorial governance functions as a central coordinating mechanism ensuring both evidentiary reliability and procedural legitimacy.

¹² CHAMBERLAIN, J. L.; MIETHE, T. D.; REGOECZI, W. C. "When DNA is and isn't magic: A conjunctive analysis of how context matters in homicide investigations", *Homicide Studies*, v. 29, n. 3, 2024. <https://doi.org/10.1177/10887679241300531>

¹³ LANG, K.; SANFORD, J.; MURTAGH, C. "Assessing CCTV in preventing and reducing property crime", *Justice Evaluation Journal*, v. 8, n. 2, 2025, pp. 263–283. <https://doi.org/10.1080/24751979.2025.2474706>

Second, research on cross-border criminal cooperation within the EU highlights the growing importance of supranational coordination instruments and mechanisms. Studies on the admissibility of electronic evidence demonstrate persistent legal and procedural challenges in cross-border investigations, particularly regarding evidence collection and recognition across jurisdictions¹⁴. At the same time, analyses of Joint Investigation Teams (JITs)¹⁵ show their potential to enhance intergovernmental cooperation while revealing coordination challenges related to responsibility-sharing and evidence management. Taken together, these studies suggest that formal cooperation mechanisms require strong prosecutorial coordination to function effectively in practice.

Third, a substantial strand of literature examines asset freezing, confiscation, and financial control mechanisms as core elements of property crime enforcement. Research on anti-fraud governance and institutional legitimacy demonstrates that effective enforcement depends on accountability standards, procedural persuasiveness, and public trust in oversight mechanisms¹⁶. These studies emphasize that the application of coercive measures affecting property rights requires a balance between enforcement objectives and legal safeguards, yet the role of prosecutors in ensuring such proportionality remains insufficiently explored in comparative perspective.

Fourth, research on customs control and transnational property crime highlights the importance of interagency coordination. Studies show that property crimes are often embedded in cross-border financial and logistical schemes, particularly in areas such as illicit trade and asset movement¹⁷. This positions customs authorities as key actors in the early detection and documentation of property-related offenses, thereby requiring structured coordination with prosecutorial bodies. However, the institutional configuration of this interaction remains underdeveloped in the literature.

Overall, although existing research provides valuable insights into specific aspects of property crime, criminal procedure, and institutional cooperation, it remains analytically fragmented. There is still no comprehensive framework explaining how prosecutorial leadership, judicial oversight, and interagency coordination interact as elements of a unified investigative system within the European Union. This gap necessitates a more systematic comparative analysis of investigative models across EU Member States.

3. Materials and methods

The study was conducted in 2024–2025 within the framework of a doctrinal and comparative legal analysis of investigations into crimes against property in the EU Member States. The methodological design was implemented in three successive stages. At the first stage, a doctrinal (dogmatic) analysis of European Union law and the criminal procedural legislation of selected Member States was conducted. The objective was to identify the principal procedural models governing the

¹⁴ KUSAK, M. "EU cross-border gathering and admissibility of electronic content data", *European Journal of Crime, Criminal Law and Criminal Justice*, v. 32, n. 2, 2024, pp. 126–155. <http://doi.org/10.1163/15718174-BJA10054>

¹⁵ FURGER, A. "Can they deliver? The practice of joint investigation teams (JITs) in core international crimes investigations", *Journal of International Criminal Justice*, v. 22, n. 1, 2024, pp. 43–58. <https://doi.org/10.1093/jicj/mqae005>

¹⁶ HANCU-BUDIU, A.; ZORIO-GRIMA, A.; BLANCO-VEGA, J. "The quest for legitimacy: The European Court of Auditors' work on fraud", *Financial Accountability & Management*, v. 40, n. 2, 2024, pp. 154–172. <https://doi.org/10.1111/faam.12375>

¹⁷ KOUSH, A. "Towards malum prohibitum: Crime deterrence strategies for reducing illicit antiquities trade", *Crime, Law and Social Change*, v. 82, 2024, pp. 1157–1187. <https://doi.org/10.1007/s10611-024-10169-3>

investigation of property crimes and to determine the prosecutor's role and functions within these frameworks.

At the second stage, an examination of judicial practice was conducted, focusing on decisions of national supreme courts and the European Court of Human Rights. This analysis made it possible to identify established standards relating to the protection of property rights, procedural safeguards in criminal proceedings and the permissible limits of state interference in the property sphere. At the third stage, comparative legal and institutional analysis was carried out. This stage aimed to compare national models of investigative organization, coordination mechanisms with customs authorities and the influence of EU supranational institutions on domestic law enforcement practices.

The methodological basis of the study is grounded upon the analysis and interpretation of legal norms in conjunction with a structured comparative analytical framework. Criminal procedure codes of selected EU Member States were examined together with key EU legal instruments, including Directive 2014/41/EU¹⁸ on the European Investigation Order, Directive 2014/42/EU¹⁹ on freezing and confiscation, Regulation (EU) 2018/1805²⁰ on mutual recognition of freezing and confiscation orders, Council Framework Decision 2006/783/JHA²¹, and the Charter of Fundamental Rights of the European Union²².

The empirical component of the study is based on purposive sampling. A dataset was constructed comprising 60 decisions of national supreme courts of EU Member States and 40 judgments of the European Court of Human Rights delivered between 2015 and 2024. The selection criteria included: (1) relevance to property rights protection; (2) the presence of reasoned judicial interpretation of procedural norms; and (3) availability of verified official sources. Cases lacking substantive legal reasoning or consisting of purely factual determinations were excluded.

Landmark ECtHR cases, including *Sporrong and Lönnroth v. Sweden*, *Funke v. France*, *Silvester's Horeca Service v. Belgium*, and *Grayson and Barnham v. the United Kingdom*, were used as doctrinal reference points. At the same time, the core analytical sample consisted of judicial decisions delivered in the period 2015–2024, which ensured consistency of the empirical basis.

The analysis of judicial practice and institutional materials was conducted through manual qualitative legal coding combined with a comparative analytical matrix. Each case was examined using a predefined set of analytical criteria: (1)

¹⁸ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. Official Journal of the European Union, L 130, 1 May 2014, pp. 1-36. Available at: <https://eur-lex.europa.eu/eli/dir/2014/41/oj/eng> (accessed on 04 March 2026).

¹⁹ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 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. Official Journal of the European Union, L 127, 29 April 2014, pp. 39-50. Available at: <https://eur-lex.europa.eu/eli/dir/2014/42/oj/eng> (accessed on 04 March 2026).

²⁰ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 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. Official Journal of the European Union, L 303, 28 November 2018, pp. 1-38. Available at: <https://eur-lex.europa.eu/eli/reg/2018/1805/oj/eng> (accessed on 04 March 2026).

²¹ COUNCIL OF THE EUROPEAN UNION. Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders. Official Journal of the European Union, L 328, 24 November 2006, pp. 59-78. Available at: https://eur-lex.europa.eu/eli/dec_framw/2006/783/oj/eng (accessed on 04 March 2026).

²² EUROPEAN UNION. Charter of Fundamental Rights of the European Union (2012/C 326/02). Official Journal of the European Union, C 326, 26 October 2012, pp. 391-407. Available at: https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng (accessed on 04 March 2026).

the scope of prosecutorial powers at the pre-trial stage; (2) the level and form of judicial oversight; (3) the type and intensity of interference with property rights; and (4) the role of customs and other administrative authorities within investigative processes. These categories were applied systematically across the dataset and were refined during the analytical process as recurring configurations began to emerge. The coding framework and selection criteria of the analysed materials are summarized in Table 1. The structure of the empirical sample is presented in Table 2, providing a systematized overview of the analysed judicial and institutional materials.

Table 1. Coding framework and selection criteria of analysed materials.

Analytical component	Description	Operationalization
Judicial cases (sample)	National supreme court decisions and ECtHR judgments (2015–2024)	Inclusion criteria: relevance to property rights; reasoned legal analysis; availability of official sources. Exclusion: purely factual decisions without legal reasoning
Institutional reports	Analytical materials of EU and national institutions (Eurojust, Europol)	Selected based on relevance to asset recovery, cross-border cooperation and prosecutorial coordination
Prosecutorial powers	Scope of prosecutorial authority at the pre-trial stage	Coded as: limited / shared / dominant
Judicial oversight	Degree of judicial control over investigative measures	Coded as: weak / moderate / strong
Property rights interference	Type and intensity of measures affecting property rights	Freezing / seizure / confiscation
Customs involvement	Role of customs authorities in investigative processes	None / supporting / active

Source: compiled by the author based on the methodological design of the study.

Table 2. Structure of the empirical sample.

Category	Number of cases	Jurisdictional scope	Analytical focus
National supreme court decisions	60	Germany, France, Italy, Spain, Poland	Prosecutorial powers, judicial oversight, application of property-related measures (freezing, seizure, confiscation)
ECtHR judgments	40	European Court of Human Rights	Standards of proportionality, legality and procedural guarantees in cases of interference with property rights
Institutional reports	25	EU bodies (Eurojust, Europol, OLAF)	Cross-border coordination, asset recovery mechanisms, interagency interaction in property crime investigations

Source: compiled by the author based on the empirical dataset used in the study.

The identified patterns were then systematized through an inductive comparative approach. Rather than imposing a priori classifications, the analysis focused on recurring combinations of coded features, which were grouped into stable typological configurations. This procedure allowed the derivation of four models of organizing investigations into crimes against property across jurisdictions and ensured a transition from descriptive examination of individual cases to structured comparative generalization.

The comparative analysis was structured on the basis of these criteria, which served as a unified analytical framework for cross-jurisdictional comparison. The identification of regulatory models was carried out using an inductive approach: recurring combinations of coded features were grouped into stable typological patterns. These patterns formed the basis for deriving four distinct models of organizing investigations into crimes against property. The models reflect empirically observed institutional configurations rather than formal legal classifications.

These jurisdictions were selected to capture variation in procedural organization and prosecutorial governance within the EU. Germany and France represent systems with a high degree of prosecutorial centralization; Italy and Spain reflect models with stronger judicial control at early stages of proceedings; while Poland demonstrates a hybrid configuration combining broad prosecutorial powers with formalized procedural safeguards. This selection ensures analytical diversity while preserving comparability within the continental European legal tradition.

The selection of these reports was based on their analytical relevance to asset recovery, cross-border cooperation and prosecutorial coordination mechanisms within the EU. The sources included Eurojust Annual Report²³ and Europol²⁴ analytical products, including the Internet Organised Crime Threat Assessment. All materials were collected from official and publicly accessible sources, ensuring verifiability. The applied methodology provided a comprehensive basis for assessing the legal and institutional aspects of organizing the investigation of crimes against property in EU countries and for achieving the research objectives.

4. Results

4.1. Regulatory models for investigating crimes against property in EU states: The prosecutor's role and the limits of interference with property rights

Based on the comparative analysis of the sample (60 national supreme court decisions, 40 ECtHR judgments and 25 institutional reports), conducted using qualitative legal coding and a comparative analytical matrix, four distinct regulatory models of organizing investigations into crimes against property within the European Union were identified.

These models were not predefined but reconstructed from the analysed legal material. The coding results revealed recurring combinations of prosecutorial powers, forms of judicial oversight and types of interference with property rights, which appeared consistently across the examined jurisdictions. These recurring configurations constituted the empirical basis for the typological classification.

The results of the doctrinal and comparative legal analysis demonstrate that the organization of investigations into crimes against property within the European Union operates according to a multi-level governance model that combines standards of criminal cooperation with various national procedural regimes. This model's characteristic feature is the institutional strengthening of the prosecutor's

²³ EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST). Eurojust Annual Report 2024. 2025. Available at: <https://www.eurojust.europa.eu/publication/eurojust-annual-report-2024> (accessed on 04 March 2026).

²⁴ EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL). Steal, deal and repeat - How cybercriminals trade and exploit your data: Internet Organised Crime Threat Assessment (IOCTA) 2025. Luxembourg: Publications Office of the European Union, 2025. Available at: <https://www.europol.europa.eu/publication-events/main-reports/steal-deal-and-repeat-how-cybercriminals-trade-and-exploit-your-data> (accessed on 04 March 2026).

role as the central authority responsible for procedural guidance in pre-trial investigations, accompanied by the expansion of procedural measures interfering with property rights.

The analysis revealed that regulatory convergence at the EU level is achieved primarily through the principle of mutual recognition of procedural decisions rather than through full harmonization of national criminal procedure laws. Directive 2014/41/EU²⁵ enables prosecutors to issue and implement European Investigation Orders (EIOs), including for the collection of financial evidence and asset-related materials. However, the absence of uniform criteria for assessing proportionality results in significant variation in national practices, as identified through comparative coding of judicial decisions.

Further examination of Directive 2014/42/EU²⁶ and Regulation (EU) 2018/1805²⁷ demonstrates the formation of a regulatory submodel focused on asset freezing and confiscation as central instruments of property crime enforcement. The analysis shows that these instruments expand prosecutorial powers in cross-border and customs-related cases, while simultaneously generating heterogeneity in national implementation due to differences in institutional design and judicial control mechanisms.

The coding of ECtHR case law (n = 40) indicates that the Charter of Fundamental Rights of the European Union²⁸ establishes the normative limits of such interventions, requiring legality, legitimate aim and proportionality. At the same time, the framework character of these standards leads to their differentiated interpretation at the national level, which was consistently observed across the analysed jurisdictions.

The comparative analysis of national legislation and case law in Germany, France, Italy, Spain and Poland demonstrates that the variation in investigative models is primarily determined by differences in four key dimensions: (1) the scope of prosecutorial powers; (2) the level of judicial oversight; (3) the degree of involvement of customs authorities; and (4) the structure of interagency coordination mechanisms.

In Germany and France, the analysis reveals a high degree of prosecutorial centralization, where prosecutors play a dominant role in initiating and authorizing measures affecting property rights. In contrast, Italy and Spain demonstrate stronger judicial control at early stages of proceedings, particularly in relation to coercive measures. The Polish model reflects a hybrid configuration combining broad prosecutorial powers with formalized procedural safeguards. These differences are not incidental but reflect underlying legal traditions and institutional configurations, which shape the balance between procedural efficiency and safeguards of property rights.

Based on the systematization of recurring patterns identified through qualitative coding, four regulatory models were derived. These models reflect stable institutional configurations observed across the dataset, where specific combinations of prosecutorial authority, judicial control and coordination mechanisms were repeatedly associated with particular modes of organizing investigations (Table 3).

To move from typological generalization to an applied comparative analysis, it is imperative to demonstrate how the identified regulatory models are implemented within the legal systems of specific EU member states. Such a specification makes it possible to verify the theoretical classification through concrete institutional and procedural arrangements. Table 4 presents the correlation between the selected EU

²⁵ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION, 2014. Ibid.

²⁶ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION, 2014. Ibid.

²⁷ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2018. Ibid.

²⁸ EUROPEAN UNION. 2012. Ibid.

countries and the dominant models of organizing investigations into crimes against property. The classification takes into account three principal criteria, namely: the scope and concentration of prosecutorial powers in pre-trial proceedings; the procedural limits and safeguards governing interference with property rights; the structural features of investigative coordination, including judicial oversight and interaction with customs and certain other administrative authorities.

Table 3. Regulatory models for investigating crimes against property in EU states.

Model	The prosecutor's role	Scope and form of interference with property rights	Key regulatory sources
Prosecutorially centralized model	Central procedural authority responsible for initiating and directing investigative actions affecting property rights	Broad use of freezing and confiscation measures, subject to subsequent judicial review	Directive 2014/41/EU; Directive 2014/42/EU
Judicially supervised model	The prosecutor acts as initiator of procedural measures, with the court exercising primary control over their authorization and proportionality	Interference with property rights is subject to prior judicial authorization and strict proportionality review	Regulation (EU) 2018/1805; Charter of Fundamental Rights of the European Union
Hybrid procedural model	Shared competence between the prosecutor and the court, depending on the stage and type of procedural measure	Differentiated approach to interference with property rights depending on the legal nature of the measure	National criminal procedure codes
Coordination-based model	The prosecutor acts as a coordinating authority in interagency and cross-border investigations involving multiple institutional actors	Emphasis on cross-border and customs-related measures affecting property rights	Council Framework Decision 2006/783/JHA

Source: consolidated by the author based on comparative legal analysis.

Table 4. Compliance of EU states with regulatory and legal models for investigating crimes against property.

State	Dominant model	The role of the prosecutor	Limits of interference with property rights	Procedural features
Germany	Prosecutorially centralized model	The prosecutor acts as the central procedural authority, directing investigations and initiating property-related measures	Broad use of freezing and confiscation measures, subject to subsequent judicial review	High concentration of prosecutorial powers at the pre-trial stage
France	Prosecutorially centralized model	The prosecutor initiates and coordinates the application of measures affecting property rights	Active use of property-related measures with subsequent judicial authorization	Dominant coordinating role of the prosecutor's office

State	Dominant model	The role of the prosecutor	Limits of interference with property rights	Procedural features
Italy	Judicially supervised model	The prosecutor acts as initiator of procedural measures, while the court plays a central role in their authorization	Interference with property rights subject to prior judicial control and proportionality assessment	Early involvement of the investigating judge in procedural decisions
Spain	Judicially supervised model	The prosecutor operates within a framework of strong judicial oversight	Property-related measures require prior judicial authorization and strict procedural justification	Priority of judicial guarantees in pre-trial proceedings
Poland	Hybrid procedural model	Combination of prosecutorial authority in initiating proceedings and formalized judicial control mechanisms	Differentiated approach depending on the type of property measure and procedural stage	Enhanced procedural safeguards combined with flexible institutional design

Source: consolidated by the author drawing on the analysis of criminal procedural codes and judicial practice of EU states.

The analysis demonstrates that there is no unified model for investigating property crimes within the European Union. Instead, the identified regulatory approaches reflect different configurations of prosecutorial leadership and judicial control. Importantly, these findings should be interpreted as doctrinal and institutional inferences derived from legal and comparative analysis rather than as empirically quantified measures of effectiveness. Thus, the role of the prosecutor varies between dominant procedural leadership and coordinating functions, while the limits of interference with property rights are shaped by national legal traditions and institutional control mechanisms.

4.2. Judicial practice of national courts and the ECtHR in crimes against property: Standards of procedural guarantees and ethical restrictions on the prosecutor's activities

Based on the analysis of the judicial sample (40 ECtHR judgments and 60 national supreme court decisions), conducted through qualitative legal coding using predefined criteria (prosecutorial powers, judicial oversight, proportionality and evidentiary safeguards), the results reveal a consistent doctrinal framework governing interference with property rights.

As demonstrated by the study's results, in cases of crimes against property the principle of fair balance constitutes the fundamental criterion for assessing the legality of interference in the property sphere. The analysis of the coded case law indicates that even formally lawful restrictions on property rights are considered disproportionate in the absence of effective judicial control mechanisms. For example, this approach was conceptually articulated by the European Court of Human Rights in *Sporrong and Lönnroth v. Sweden*²⁹. The Court established that state interference must be evaluated in conjunction with procedural guarantees and the practical availability of judicial review, rather than as an isolated legal measure.

The comparative analysis of national case law confirms that this standard is systematically applied in assessing prosecutorial requests for freezing, seizure and

²⁹ EUROPEAN COURT OF HUMAN RIGHTS. 1982. Ibid.

other property-related measures, particularly in financial and customs-related proceedings where the risk of excessive interference is structurally higher.

At the same time, the findings demonstrate that there are clearly defined procedural and ethical limits of prosecutorial evidentiary activity. In this respect, a key doctrinal reference is *Funke v. France*³⁰, where the Court held that coercion to provide financial documents that may be used against the individual is incompatible with Convention guarantees. The analysis of national judicial practice shows that this principle has been internalized as a stable admissibility standard, limiting prosecutorial discretion in evidence collection.

Specifically, the coding of judicial decisions reveals that attempts by prosecutors to compensate for evidentiary complexity through increased procedural pressure are frequently interpreted by courts as violations of due process and professional ethical standards.

A separate analytical cluster relates to temporary restrictions on property rights in fiscal and customs proceedings. In *Silvester's Horeca Service v. Belgium*³¹, the Court confirmed the admissibility of asset-blocking measures, provided that they are non-punitive in nature and accompanied by effective mechanisms of judicial appeal. The comparative analysis demonstrates that national courts consistently require prosecutors to justify not only the necessity of such measures but also their duration and proportionality, particularly in cases involving cross-border movement of property.

At the final stage of interference with property rights, the analysis concerns confiscation. In *Grayson and Barnham v. the United Kingdom*³², the Court recognized confiscation as compatible with the Convention, provided that requirements of transparency, proper reasoning, and effective judicial control are satisfied. The analysis of national case law indicates that, in such cases, prosecutors bear an increased evidentiary burden, particularly in establishing a clear causal link between the property and the criminal offence.

An important result of the study is the identification of a systematic integration of ECtHR standards into national legal systems. The analysis of supreme court decisions in Germany, France, Italy, Spain and Poland demonstrates that these standards are operationalized through criminal procedure codes, which require mandatory judicial authorization for key prosecutorial actions, especially those involving evidence collection and interference with property rights^{33,34,35,36}.

Finally, the results indicate the strengthening of the supranational dimension in judicial evaluation of prosecutorial conduct. National courts increasingly rely on EU legal instruments—Directive 2014/41/EU³⁷, Directive 2014/42/EU³⁸, Regulation (EU) 2018/1805³⁹ and Council Framework Decision 2006/783/JHA⁴⁰—as normative benchmarks for assessing the legality of cross-border investigative measures and property-related interventions. In cross-border cases, this results in a dual-layer control mechanism, where prosecutorial actions are assessed simultaneously under national procedural law and EU cooperation standards.

To sum up, the results demonstrate that judicial practice of the ECtHR and national courts forms a coherent system of procedural and ethical constraints on

³⁰ EUROPEAN COURT OF HUMAN RIGHTS. 1993. Ibid.

³¹ EUROPEAN COURT OF HUMAN RIGHTS. 2004. Ibid.

³² EUROPEAN COURT OF HUMAN RIGHTS. 2008. Ibid.

³³ FEDERAL MINISTRY OF JUSTICE (Germany). n.d. Ibid.

³⁴ LÉGIFRANCE (France). n.d. Ibid.

³⁵ NORMATTIVA (Italy). n.d. Ibid.

³⁶ ISAP, SEJM OF THE REPUBLIC OF POLAND. n.d. Ibid.

³⁷ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION, 2014. Ibid.

³⁸ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION, 2014. Ibid.

³⁹ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2018. Ibid.

⁴⁰ COUNCIL OF THE EUROPEAN UNION. 2006. Ibid.

prosecutorial activity in property crime cases. This system is structured around three core principles identified through comparative analysis: proportionality, predictability and effective judicial control. These principles limit the possibility of achieving prosecutorial objectives through disproportionate interference with property rights.

4.3. Comparative legal analysis of organizing the investigation of crimes against property in Germany, France, Italy, Spain and Poland: Coordination with customs authorities and institutional practices

Based on the comparative analysis of the sample (60 national supreme court decisions, 40 ECtHR judgments and 25 institutional reports), conducted using qualitative legal coding and a comparative analytical matrix, significant variability in models of procedural organization and interagency coordination across EU Member States was identified.

The comparative legal analysis reveals that these differences are determined by variations in three key analytical dimensions: (1) the scope of prosecutorial authority; (2) the level of judicial oversight; and (3) the institutional role of customs authorities.

In the German legal system, the analysis indicates a model characterized by strong prosecutorial leadership combined with a high degree of functional specialization of customs authorities⁴¹. The prosecutor exercises general procedural guidance at the pre-trial stage, while customs authorities are empowered to detect, document and preliminarily investigate property-related offences. This configuration enhances the efficiency of initial investigative actions but requires clearly structured coordination mechanisms to avoid duplication of procedural functions and diffusion of responsibility.

In the French model, the results demonstrate a higher level of centralization of prosecutorial control, where the prosecutor defines the overall strategy of criminal prosecution and determines the procedural use of materials collected by customs authorities⁴². Customs authorities perform auxiliary functions focused on gathering information and evidence. The comparative analysis shows that this model strengthens procedural safeguards and judicial control, but may limit operational flexibility and the speed of information exchange in complex cross-border cases.

The analysis of Italian and Spanish criminal procedural legislation reveals a different institutional configuration characterized by greater autonomy of customs authorities in initiating investigations into property crimes, particularly in cases involving smuggling, tax fraud and cross-border movement of assets^{43,44}. However, the coding of judicial practice demonstrates that such autonomy is balanced by subsequent prosecutorial and judicial control, ensuring compliance with procedural guarantees. This model combines rapid response with legal oversight.

With regard to the Polish model, the results indicate a hybrid configuration in which centralized prosecutorial leadership is integrated with expanded powers of customs and tax authorities⁴⁵. The prosecutor retains a decisive role in legal qualification and the formulation of charges, while customs authorities act as specialized investigative units. This structure provides institutional flexibility and enables adaptation to complex economic and property-related offences without undermining procedural control.

The comparative analysis further reveals a common supranational dimension of institutional coordination. The coding of judicial and institutional materials shows

⁴¹ FEDERAL MINISTRY OF JUSTICE (Germany). n.d. Ibid.

⁴² LÉGIFRANCE (France). n.d. Ibid.

⁴³ NORMATTIVA (Italy). n.d. Ibid.

⁴⁴ BOLETÍN OFICIAL DEL ESTADO (Spain). 1882. Ibid.

⁴⁵ ISAP, SEJM OF THE REPUBLIC OF POLAND. n.d. Ibid.

that national authorities increasingly rely on EU legal instruments—Directive 2014/41/EU⁴⁶, Directive 2014/42/EU⁴⁷ and Regulation (EU) 2018/1805⁴⁸—as normative benchmarks for assessing cross-border investigative measures and property-related interventions.

Table 5. Comparative legal analysis of organizing the investigation of crimes against property in the EU states: the prosecutor's role and coordination with customs authorities.

State	Procedural role of the prosecutor	Status of customs authorities in criminal proceedings	Coordination mechanisms	Institutional features
Germany	Primary procedural authority at the pre-trial stage, responsible for directing investigations and authorizing key measures	Specialized authorities responsible for detection and initial documentation of property-related offences	Prosecutorial orders combined with judicial oversight	High level of institutional specialization; clear allocation of competences
France	Central coordinating authority defining prosecutorial strategy and use of evidentiary materials	Auxiliary authorities focused on information gathering and evidentiary support	Prosecutorial instructions combined with judicial authorization of coercive measures	Strong procedural safeguards; high degree of centralization
Italy	Procedural coordinator with supervisory functions over investigative activities	Authorities with limited autonomous powers to initiate investigations in property-related cases	Subsequent prosecutorial and judicial control mechanisms	Relatively high autonomy of customs authorities balanced by judicial oversight
Spain	Procedural coordinator operating within a framework of strong judicial supervision	Authorities with extended competences in financial and property-related investigations	Combined prosecutorial coordination and judicial control mechanisms	Emphasis on procedural guarantees and judicial authorization
Poland	Procedural authority responsible for legal qualification of offences and prosecution strategy	Specialized investigative units integrated with tax and customs authorities	Institutional coordination with tax authorities under prosecutorial supervision	Hybrid model combining procedural flexibility with formalized safeguards

Source: Compiled by the author based on comparative analysis of national criminal procedure legislation and EU legal instruments^{49,50,51,52,53}.

This results in the formation of a multi-level coordination framework, where prosecutorial actions are evaluated simultaneously under national procedural law

⁴⁶ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION, 2014. Ibid.

⁴⁷ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION, 2014. Ibid.

⁴⁸ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2018. Ibid.

⁴⁹ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2014. Ibid.

⁵⁰ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2014. Ibid.

⁵¹ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2018. Ibid.

⁵² COUNCIL OF THE EUROPEAN UNION. 2006. Ibid.

⁵³ EUROPEAN UNION. 2012. Ibid.

and EU standards of criminal cooperation. To ensure systematic comparison, the analysis was structured according to the predefined methodological criteria, including prosecutorial authority, judicial control and coordination mechanisms with customs authorities. The results of this structured comparison are summarized in Table 5.

The results of the comparative analysis indicate that, despite the existence of common EU legal standards, the organization of property crime investigations remains institutionally diverse across Member States. These differences are determined variations in prosecutorial authority, judicial control and the role of customs authorities. At the same time, a consistent trend toward strengthened interagency coordination and increasing reliance on EU legal instruments was identified, particularly in cases involving cross-border property crimes. Importantly, these findings represent doctrinal and institutional inferences derived from comparative legal analysis rather than empirically quantified measures of effectiveness.

4.4. Problematic aspects and effective organizational practices of investigating crimes against property in EU states

Based on the comparative analysis of the sample (60 national supreme court decisions, 40 ECtHR judgments and 25 institutional reports), conducted using qualitative legal coding and a comparative analytical matrix, several recurring problem clusters and corresponding organizational patterns were identified. Generalizing the results of the doctrinal, comparative legal and institutional analysis, the study identifies key structural limitations in the organization of investigations into crimes against property within EU Member States. Unlike the previous sections, this subsection presents the findings in an applied analytical dimension; however, the identified practices are interpreted as empirically observed institutional configurations rather than prescriptive recommendations.

The first cluster of problems concerns institutional barriers to cross-border coordination. The analysis of Eurojust⁵⁴ and Europol⁵⁵ materials indicates that, despite the existence of formalised cooperation mechanisms, practical interaction between national investigative authorities is frequently constrained by time delays, divergent interpretations of prosecutorial powers and fragmentation of institutional practices. These patterns were consistently identified in the analysed cases involving cross-border property crimes, particularly in proceedings with a customs or financial component, where coordination speed and reliability of information exchange are critical.

The second cluster of problems relates to interference with property rights and the absence of unified proportionality criteria. The coding of ECtHR case law demonstrates that the application of freezing and confiscation measures is often associated with risks of disproportionate interference, especially under conditions of broad prosecutorial discretion. Although the Charter of Fundamental Rights of the European Union⁵⁶ establishes general principles of legality and proportionality, the comparative analysis reveals significant variation in their interpretation and application across national jurisdictions.

The third cluster concerns limitations in asset freezing and confiscation mechanisms. The analysis of EU secondary law and institutional reports indicates

⁵⁴ EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST). 2024. Ibid.

⁵⁵ EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL). 2025. Ibid.

⁵⁶ EUROPEAN UNION. 2012. Ibid.

uneven levels of judicial control, difficulties in enforcing cross-border confiscation orders and persistent fragmentation within asset recovery systems^{57,58,59}.

At the same time, the comparative coding of judicial and institutional materials revealed recurring organizational patterns associated with more coordinated investigative practices. These include: (1) a strengthened coordinating role of the prosecutor within joint investigation teams; (2) the combination of prosecutorial initiative with structured judicial oversight; and (3) the use of specialized investigative units in customs and financial domains supported by analytical and digital tools.

These patterns should be interpreted as institutional configurations identified in the analysed sample that indicate potential for improved coordination and procedural consistency, rather than as empirically verified measures of effectiveness.

The comparative analysis of judicial practice and EU institutional materials identified four recurrent problem clusters in property crime investigations - cross-border fragmentation, disproportionate interference with property rights, limitations of asset confiscation mechanisms and the complexity of customs and financial investigations - which are systematized in Table 6.

Table 6. Problematic aspects and organizational practices of investigating crimes against property in EU states (corrected).

Problematic aspect	Problem manifestation	Organizational practice (identified pattern)	Analytical implication
Cross-border fragmentation of investigations	Delays in execution of decisions; divergent interpretation of prosecutorial powers	Use of JITs ⁶⁰ ; prosecutor as coordinating actor	Indicates potential for improved coordination and reduced procedural delays
Disproportionate interference with property rights	Lack of uniform proportionality criteria	Prosecutor initiates – court controls model	Reflects balance between enforcement objectives and procedural safeguards
Limitations of asset confiscation mechanisms	Difficulties in cross-border enforcement	Strengthened judicial control; early coordination	Suggests increased consistency in asset recovery procedures
Complexity of customs and financial investigations	Fragmentation between customs and law enforcement bodies	Specialized units; analytical and digital tools	Indicates enhanced capacity for early detection and coordination

Source: compiled by the author based on comparative analysis of judicial practice and EU institutional materials^{61,62,63,64,65,66}.

⁵⁷ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2014. Ibid.

⁵⁸ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2018. Ibid.

⁵⁹ COUNCIL OF THE EUROPEAN UNION. 2006. Ibid.

⁶⁰ FURGER, A. 2024. Ibid.

⁶¹ EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST). 2024. Ibid.

⁶² EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL). 2025. Ibid.

⁶³ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2014b. Ibid.

⁶⁴ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2018. Ibid.

⁶⁵ COUNCIL OF THE EUROPEAN UNION. 2006. Ibid.

⁶⁶ EUROPEAN UNION. 2012. Ibid.

Thus, the results demonstrate that the identified problem clusters and corresponding organizational patterns reflect structural characteristics of investigative systems across EU Member States. The analysis indicates that improved coordination, clearer distribution of procedural roles and the integration of specialized institutional mechanisms are associated with higher levels of procedural coherence, while maintaining the fundamental guarantees of property rights. Importantly, these conclusions represent doctrinal and comparative inferences rather than empirically quantified outcomes.

4.5. A generalized case-based analysis of investigating crimes against property with a cross-border and customs component

Based on the comparative analysis of the sample (60 national supreme court decisions, 40 ECtHR judgments and 25 institutional reports), conducted using qualitative legal coding and a comparative analytical matrix, a generalized case-based model of investigation was reconstructed.

At the initial stage of the investigation of property crimes with a cross-border or customs component, the analysis indicates that analytical and control mechanisms of customs and financial authorities perform a primary detection function. A synthesis of materials from the European Anti-Fraud Office (OLAF)⁶⁷, Europol⁶⁸ and the European Court of Auditors⁶⁹ shows that indicators of potential criminal activity typically emerge in the form of anomalies in customs declarations, financial transactions or irregular cross-border movements of goods.

The coding of institutional materials demonstrates that, at this stage, the prosecutor acts as a procedural filter, assessing the sufficiency of grounds for initiating criminal proceedings and determining the cross-border dimension of the case.

Following the initiation of criminal proceedings, the investigation acquires an interagency and supranational dimension. The analysis of Eurojust⁷⁰ materials indicates that the engagement of EU coordination mechanisms is associated with structured allocation of jurisdiction, identification of competent authorities and the establishment of joint investigation teams⁷¹. In this phase, the prosecutor acts as a procedural coordinator of interactions between national investigative bodies, customs authorities and supranational institutions.

These patterns indicate that structured coordination is associated with reduced procedural fragmentation and greater consistency of investigative sequencing, rather than constituting empirically measured effectiveness.

A central component in investigating property crimes is the application of temporary measures interfering with property rights. The analysis of Directive 2014/42/EU⁷² on freezing and confiscation, Regulation (EU) 2018/1805⁷³ on mutual recognition of freezing and confiscation orders, and Council Framework Decision

⁶⁷ EUROPEAN ANTI-FRAUD OFFICE (OLAF). The OLAF Report 2024: Twenty-fifth report of the European Anti-Fraud Office, 1 January to 31 December 2024. 2025. Available at: https://ec.europa.eu/olaf-report/2024/index_en.html (accessed on 04 March 2026).

⁶⁸ EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL). 2025. Ibid.

⁶⁹ EUROPEAN COURT OF AUDITORS. Special Report 26/2025: EU bodies fighting fraud - Clear mandates but exchange of information and Commission oversight remain challenging. Luxembourg: European Court of Auditors, 2025. Available at: <https://www.eca.europa.eu/en/publications?ref=SR-2025-26> (accessed on 04 March 2026).

⁷⁰ EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST). 2024. Ibid.

⁷¹ EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST). 2024. Ibid.

⁷² EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION, 2014. Ibid.

⁷³ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2018. Ibid.

2006/783/JHA⁷⁴ demonstrates that prosecutors possess significant discretion in initiating such measures.

However, the absence of harmonized proportionality criteria results in variation in application across national jurisdictions, as identified through comparative coding of judicial decisions.

At the stage of judicial review, the coding of ECtHR case law shows that interference with property rights is assessed according to three core criteria: legality, legitimate aim and proportionality. This is reflected in *Sporrong and Lönnroth v. Sweden*⁷⁵, *Silvester's Horeca Service v. Belgium*⁷⁶ and *Grayson and Barnham v. the United Kingdom*⁷⁷.

The court functions as a balancing mechanism, while the prosecutor bears the burden of justifying each intervention in accordance with these standards.

At the final stage of the generalized case model, the analysis indicates that the integration of evidentiary materials depends on the consistency of prior coordination and the clarity of procedural guidance provided by the prosecutor. Reports from Eurojust⁷⁸, OLAF⁷⁹ and the European Court of Auditors identify recurring challenges, including recognition of evidence, enforcement of confiscation orders and asset recovery processes.

The comparative synthesis shows that early coordination and structured procedural leadership are associated with more consistent institutional outcomes in cross-border cases; however, these findings represent analytical patterns rather than empirically quantified effects.

The generalized case-based analysis shows that cross-border and customs-related property crime investigations develop through five interconnected procedural stages, from risk-based detection and interagency coordination to judicial control and enforcement of confiscation or asset recovery measures, as summarized in Table 7.

Table 7. Stages, procedural roles and analytical patterns in the investigation of property crimes with cross-border and customs components in EU Member States.

Stage of investigation	Key organizational actions	Procedural role of the prosecutor	Typical procedural challenges	Analytical implication
Detection and initiation	Analysis of customs and financial data; identification of risk indicators	Assessment of jurisdiction and decision to initiate criminal proceedings	Fragmentation of initial signals and information sources	Reflects the role of structured risk-based detection mechanisms (OLAF; Europol)
Coordination	Interagency and supranational interaction; establishment of joint investigation frameworks	Coordination of investigative actions and allocation of jurisdiction	Conflicts of competences between national authorities	Reflects reliance on structured cooperation mechanisms (Eurojust; Joint Investigation Teams)

⁷⁴ COUNCIL OF THE EUROPEAN UNION. 2006. Ibid.

⁷⁵ EUROPEAN COURT OF HUMAN RIGHTS. 1982. Ibid.

⁷⁶ EUROPEAN COURT OF HUMAN RIGHTS. 2004. Ibid.

⁷⁷ EUROPEAN COURT OF HUMAN RIGHTS. 2008. Ibid.

⁷⁸ EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST). 2024. Ibid.

⁷⁹ EUROPEAN ANTI-FRAUD OFFICE (OLAF). 2024. Ibid.

Stage of investigation	Key organizational actions	Procedural role of the prosecutor	Typical procedural challenges	Analytical implication
Interference with property rights	Application of freezing, seizure and confiscation measures	Initiation and procedural justification of property-related measures	Variability in proportionality standards across jurisdictions	Demonstrates reliance on EU legal instruments (Regulation (EU) 2018/1805)
Judicial control	Verification of legality and proportionality of procedural measures	Justification of prosecutorial actions before judicial authorities	Risk of disproportionate interference with property rights	Reflects the application of ECtHR standards of legality and proportionality
Integration of results	Recognition of evidence; enforcement of confiscation and asset recovery measures	Completion and procedural consolidation of investigative actions	Difficulties in cross-border enforcement and recognition of decisions	Reflects dependence on prior coordination and procedural consistency

Source: compiled by the author based on comparative analysis of judicial practice and institutional materials^{80,81,82,83,84,85,86,87,88}.

The generalized case-based analysis demonstrates that the investigation of property crimes in the European Union operates as a multi-level institutional system centered on the prosecutor as a procedural coordinator. The interaction between national procedural mechanisms and supranational instruments forms a structured framework for addressing cross-border cases. At the same time, the analysis indicates a persistent tension between procedural coordination and the requirement to ensure proportionality of interference with property rights, which constitutes a defining feature of investigative organization in EU Member States.

5. Discussion

The results obtained allow interpreting the organization of investigations into crimes against property in EU Member States as a multi-level institutional system. In this system, the organization of investigations operates in a state of ongoing tension between procedural coordination and the protection of property rights. The findings contribute to the literature by conceptualizing property crime investigation as an institutional coordination system rather than a set of isolated procedural mechanisms.

The analysis indicates that investigative consistency is associated with the institutional model of prosecutorial leadership and the degree of coordination with customs authorities, rather than solely with the formal availability of procedural instruments, particularly in cross-border contexts. While previous studies suggest

⁸⁰ EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST). 2024. Ibid.

⁸¹ EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL). 2025. Ibid.

⁸² EUROPEAN ANTI-FRAUD OFFICE (OLAF). 2024. Ibid.

⁸³ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2014. Ibid.

⁸⁴ EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 2018. Ibid.

⁸⁵ COUNCIL OF THE EUROPEAN UNION. 2006. Ibid.

⁸⁶ EUROPEAN COURT OF HUMAN RIGHTS. 1982. Ibid.

⁸⁷ EUROPEAN COURT OF HUMAN RIGHTS. 2004. Ibid.

⁸⁸ EUROPEAN COURT OF HUMAN RIGHTS. 2008. Ibid.

that the organization of law enforcement activities affects crime response patterns⁸⁹, the present findings indicate that institutional organization plays a more decisive role than previously assumed, particularly through the configuration of prosecutorial authority and coordination mechanisms.

Similarly, research on forensic standardization⁹⁰ emphasizes the importance of evidentiary quality. However, the present analysis demonstrates that such standards derive their practical relevance primarily from the structure of prosecutorial guidance and procedural oversight, rather than from technical factors alone. The findings further indicate that digital analytical tools used by Europol⁹¹ expand investigative capacity but simultaneously intensify proportionality concerns related to data processing and evidentiary use⁹².

The analysis of institutional coordination and asset recovery mechanisms shows that existing fragmentation between prosecutorial leadership, customs authorities and supranational institutions reflects structural limitations of the current EU framework rather than isolated procedural deficiencies⁹³. Further analysis demonstrates that expanding prosecutorial powers without corresponding ethical and procedural safeguards is associated with increased risks of procedural imbalance, particularly in areas involving customs control and cross-border financial flows.

In addition, research on electronic evidence⁹⁴ highlights regulatory inconsistencies in digital evidence handling. The present findings indicate that these inconsistencies are linked to differences in national procedural frameworks and institutional coordination models, rather than solely to technological factors. The comparative analysis demonstrates that differences in investigative models across EU Member States are explained by variations in legal traditions, institutional design and the balance between procedural safeguards and coordination mechanisms.

At the same time, the study is subject to certain limitations. The qualitative doctrinal nature of the analysis does not allow for causal measurement of institutional performance across jurisdictions. Furthermore, the sample is limited to selected EU Member States, which constrains the generalizability of the findings. Despite these limitations, the analysis provides a structured basis for further research into the interaction between legal frameworks, institutional design and prosecutorial coordination in the EU criminal justice system. These findings provide a conceptual basis for understanding the role of prosecutors within the evolving architecture of EU criminal justice.

⁸⁹ LIU, J.; LI, X.; LONG, J.; SONG, G. "Investigating the differences in influencing factors on burglaries in migrant communities, local communities, and mixed communities: A case study of ZG City", *Humanities and Social Sciences Communications*, v. 12, 2025, art. 613. <https://doi.org/10.1057/s41599-025-04899-5>

⁹⁰ NEUTEBOOM, W.; ROSS, A.; BUGEJA, L.; WILLIS, S.; ROUX, C.; LOTHBRIDGE, K. "Quality management in forensic science: A closer inspection", *Forensic Science International*, v. 358, 2024, art. 111779. <https://doi.org/10.1016/j.forsciint.2023.111779>

⁹¹ EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL). 2025. *Ibid.*

⁹² QUINTEL, T. "Europol's data dominance: The multifaceted involvement and impact of data analytics across sectors", *European Papers: A Journal on Law and Integration*, v. 9, n. 2, 2024. Available at: <https://www.europeanpapers.eu/e-journal/europol-data-dominance-multifaceted-involvement-impact-data-analytics-across-sectors> (accessed on 04 March 2026).

⁹³ SAVONA, E. U.; ANASTASIO, M. "EU asset recovery system failure: An incentive for the internationalisation of organised crime?", *International Criminology*, v. 5, 2025, pp. 589–604. <https://doi.org/10.1007/s43576-025-00193-1>

⁹⁴ TOSZA, S. "Electronic evidence after e-evidence package's adoption: Challenges for application and unresolved problems", *Studia Iuridica Lublinensia*, v. 33, n. 5, 2024. <https://doi.org/10.17951/sil.2024.33.5.237-260>

6. Conclusions

The study analyses the organization of property crime investigations in selected EU Member States, focusing on prosecutorial functions, judicial control and coordination with customs authorities. The research objective was achieved through the integration of doctrinal, comparative legal and institutional analysis, which made it possible to identify formal regulatory models and to reveal the underlying institutional mechanisms of their application.

The results indicate that the analysed jurisdictions demonstrate diverse yet structurally comparable models of prosecutorial leadership in the pre-trial investigation of property crimes. A recurring feature across the examined systems is the combination of an active prosecutorial role with multi-level judicial control over interference with property rights. Additionally, the analysis suggests a consistent relationship between the procedural status of customs authorities, their level of institutional specialization and the coordination of investigative activities in financial, property and cross-border cases. These patterns are reflected in the analysed judicial practice of national courts and the European Court of Human Rights.

The study develops a typological framework of property crime investigations in the EU based on comparative analysis of institutional configurations, which conceptualizes the prosecutor as a coordinating element between investigative, customs and supranational actors. This approach allows investigations to be understood not as isolated procedural actions, but as structured systems of institutional coordination.

From a policy perspective, the findings indicate that stronger institutional coordination, clearer delineation of prosecutorial functions and more consistent proportionality standards are associated with more coherent investigative practices, particularly in cross-border investigations. The study is subject to certain limitations. The qualitative doctrinal nature of the research does not allow for causal assessment of institutional performance across jurisdictions. In addition, the focus on selected EU Member States limits the generalizability of the findings beyond the analysed jurisdictions. The findings provide a conceptual basis for further research and refinement of EU criminal justice frameworks, particularly in the context of increasing cross-border and digitalization challenges.

7. References

- BOQUÉ, P.; SAEZ, M.; SERRA, L. "Burglaries constellations: A new approach to deal with burglaries' repeat patterns in heterogeneous environments", *European Journal on Criminal Policy and Research*, 2025. <https://doi.org/10.1007/s10610-025-09621-4>
- CAMPANA, P.; GIOVANNETTI, A. "The structure of cooperation among organized crime groups: A network study of Merseyside, UK", *Journal of Criminal Justice*, v. 96, 2025, art. 102348. <https://doi.org/10.1016/j.jcrimjus.2024.102348>
- CHAMBERLAIN, J. L.; MIETHE, T. D.; REGOECZI, W. C. "When DNA is and isn't magic: A conjunctive analysis of how context matters in homicide investigations", *Homicide Studies*, v. 29, n. 3, 2024. <https://doi.org/10.1177/10887679241300531>
- COUNCIL OF THE EUROPEAN UNION. Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders. *Official Journal of the European Union*, L 328, 24 November 2006, pp. 59-78. Available at: https://eur-lex.europa.eu/eli/dec_framw/2006/783/oj/eng (accessed on 04 March 2026).
- EUROPEAN ANTI-FRAUD OFFICE (OLAF). The OLAF Report 2024: Twenty-fifth report of the European Anti-Fraud Office, 1 January to 31 December 2024. 2025. Available at: https://ec.europa.eu/olaf-report/2024/index_en.html (accessed on 04 March 2026).
- EUROPEAN COURT OF AUDITORS. Special Report 26/2025: EU bodies fighting fraud - Clear mandates but exchange of information and Commission oversight remain challenging. Luxembourg: European Court of Auditors, 2025. Available at:

- <https://www.eca.europa.eu/en/publications?ref=SR-2025-26> (accessed on 04 March 2026).
- EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. Official Journal of the European Union, L 130, 1 May 2014, pp. 1-36. Available at: <https://eur-lex.europa.eu/eli/dir/2014/41/oj/eng> (accessed on 04 March 2026).
- EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 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. Official Journal of the European Union, L 127, 29 April 2014, pp. 39-50. Available at: <https://eur-lex.europa.eu/eli/dir/2014/42/oj/eng> (accessed on 04 March 2026).
- EUROPEAN PARLIAMENT AND COUNCIL OF THE EUROPEAN UNION. 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. Official Journal of the European Union, L 303, 28 November 2018, pp. 1-38. Available at: <https://eur-lex.europa.eu/eli/reg/2018/1805/oj/eng> (accessed on 04 March 2026).
- EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION (EUROJUST). Eurojust Annual Report 2024. 2025. Available at: <https://www.eurojust.europa.eu/publication/eurojust-annual-report-2024> (accessed on 04 March 2026).
- EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL). Steal, deal and repeat - How cybercriminals trade and exploit your data: Internet Organised Crime Threat Assessment (IOCTA) 2025. Luxembourg: Publications Office of the European Union, 2025. Available at: <https://www.europol.europa.eu/publication-events/main-reports/steal-deal-and-repeat-how-cybercriminals-trade-and-exploit-your-data> (accessed on 04 March 2026).
- EUROPEAN UNION. Charter of Fundamental Rights of the European Union (2012/C 326/02). Official Journal of the European Union, C 326, 26 October 2012, pp. 391-407. Available at: https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng (accessed on 04 March 2026).
- FARALDO CABANA, P. "Exploring overlaps of cultural property crime with organised crime in EU policy documents", *European Journal on Criminal Policy and Research*, v. 31, 2025, pp. 585-635. <https://doi.org/10.1007/s10610-024-09595-9>
- FURGER, A. "Can they deliver? The practice of joint investigation teams (JITs) in core international crimes investigations", *Journal of International Criminal Justice*, v. 22, n. 1, 2024, pp. 43-58. <https://doi.org/10.1093/jicj/mqae005>
- HANCU-BUDIU, A.; ZORIO-GRIMA, A.; BLANCO-VEGA, J. "The quest for legitimacy: The European Court of Auditors' work on fraud", *Financial Accountability & Management*, v. 40, n. 2, 2024, pp. 154-172. <https://doi.org/10.1111/faam.12375>
- HODGKINSON, W.; ASSARA, N.; ARIEL, B.; Sutherland, A. "Burglary prevention advice letters: A cluster randomised controlled trial in Luton, England", *Journal of Crime and Justice*, 2025. <https://doi.org/10.1080/0735648X.2025.2512746>
- KHALIFA, R.; SNAPHAN, T.; PRIETO-CURIEL, R.; HARDYNS, W. "Does crime (n)ever skip a beat? Analyzing crime heartbeats in a European city", *Time & Society*, v. 34, n. 4, 2025. <https://doi.org/10.1177/0961463X251358586>
- KOUSH, A. "Towards malum prohibitum: Crime deterrence strategies for reducing illicit antiquities trade", *Crime, Law and Social Change*, v. 82, 2024, pp. 1157-1187. <https://doi.org/10.1007/s10611-024-10169-3>
- KUSAK, M. "EU cross-border gathering and admissibility of electronic content data", *European Journal of Crime, Criminal Law and Criminal Justice*, v. 32, n. 2, 2024, pp. 126-155. <http://doi.org/10.1163/15718174-BJA10054>
- LANG, K.; SANFORD, J.; MURTAGH, C. "Assessing CCTV in preventing and reducing property crime", *Justice Evaluation Journal*, v. 8, n. 2, 2025, pp. 263-283. <https://doi.org/10.1080/24751979.2025.2474706>
- LIU, J.; LI, X.; LONG, J.; SONG, G. "Investigating the differences in influencing factors on burglaries in migrant communities, local communities, and mixed communities: A case study of ZG City", *Humanities and Social Sciences Communications*, v. 12, 2025, art. 613. <https://doi.org/10.1057/s41599-025-04899-5>
- NEUTEBOOM, W.; ROSS, A.; BUGEJA, L.; WILLIS, S.; ROUX, C.; LOTHBRIDGE, K. "Quality management in forensic science: A closer inspection", *Forensic Science International*, v. 358, 2024, art. 111779. <https://doi.org/10.1016/j.forsciint.2023.111779>

- QUINTEL, T. "Europol's data dominance: The multifaceted involvement and impact of data analytics across sectors", *European Papers: A Journal on Law and Integration*, v. 9, n. 2, 2024. Available at: <https://www.europeanpapers.eu/e-journal/europol-data-dominance-multifaceted-involvement-impact-data-analytics-across-sectors> (accessed on 04 March 2026).
- SAVONA, E. U.; ANASTASIO, M. "EU asset recovery system failure: An incentive for the internationalisation of organised crime?", *International Criminology*, v. 5, 2025, pp. 589–604. <https://doi.org/10.1007/s43576-025-00193-1>
- TOSZA, S. "Electronic evidence after e-evidence package's adoption: Challenges for application and unresolved problems", *Studia Iuridica Lublinensia*, v. 33, n. 5, 2024. <https://doi.org/10.17951/sil.2024.33.5.237-260>
- VAVOULA, N. "The future of digitalisation in EU law enforcement: Enhanced exchanges of personal data, privatisation and algorithmisation", *European Papers: A Journal on Law and Integration*, v. 10, n. 3, 2025, pp. 709–719. <https://doi.org/10.15166/2499-8249/851>