



OECD International Academy for Tax and Financial Crime Investigation

International Cooperation in Financial Investigations



THE INTERNATIONAL COOPERATION SUPPORTING THE ECONOMIC AND FINANCIAL INVESTIGATIONS



Lt. Col. Alessandro Lo Bello
Head of Direct Taxation and VAT EOI Unit
International Cooperation Office
Guardia di Finanza Headquarters



THE POLICE COOPERATION

POLICE COOPERATION

INTERNATIONAL POLICE COOPERATION SERVICE

INTERPOL



EUROPOL



ASSET RECOVERY



Other *asset* recovery networks



COMPETENCIES



- “Targeted” request for cooperation (mainly within national scope)

You could use the obtained data through a Europol member/ partner



- Transnational criminal phenomena that involve two or more EU States
- Operational, technological and financial support needs
- Active involvement of the foreign counterpart in carrying out investigations or developing investigative activities



Europol/INTERPOL what's the difference?



EUROPOL

sets up and coordinates **cross-border operations** against the most dangerous criminal groups in the EU.

Facilitate communication among investigators from national LEAs.

Europol analysts and experts support investigators in real-time and often on-the-spot while taking an active part in complex operations.

Europol makes cross-border investigations more efficient.

INTERPOL

is a global organisation, that allows the **exchange of criminal data** among 195 countries via INTERPOL's Information System.

Both, the Interpol and Europol are responsible for acting as middle men and to provide information regarding various crimes and criminals.

NONE OF THESE AGENCIES HAVE THE POWER TO MAKE ARRESTS OR ANY EXECUTIVE POWERS.



Member States + third Countries (operational agreements)

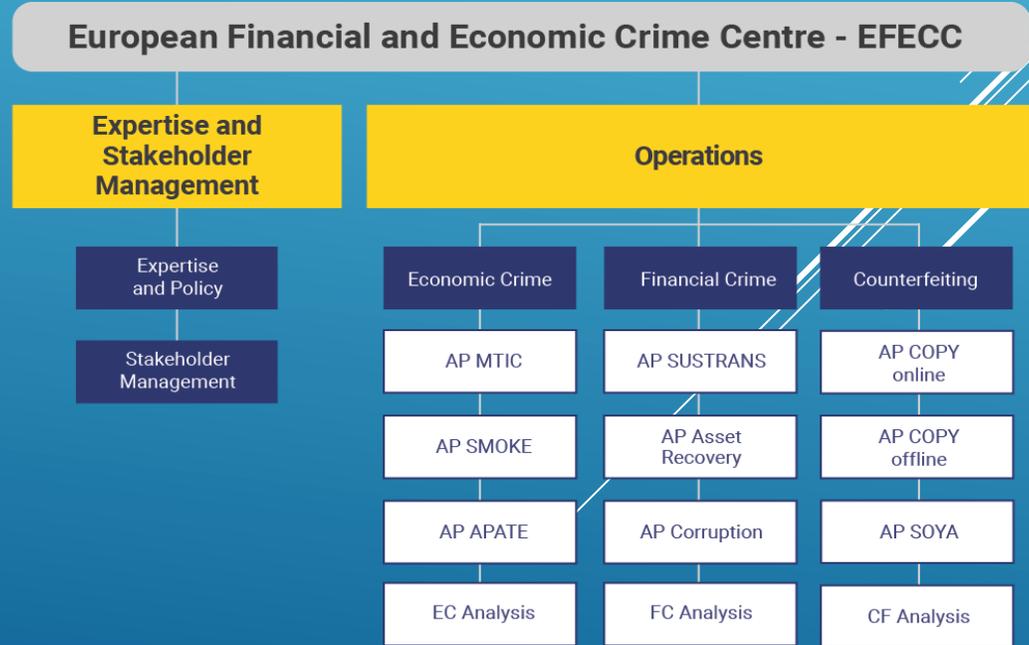


Provides support to co-operation requests through the results of analyses carried out by the Analysis Project

- Exchange of information
- Strategic and operational analysis processing
- Organisation of investigative meetings
- Participation in JITs
- Operational, technical and financial support

An **Operational Task Force (OTF)** is a temporary group of representatives from Member States and Europol.

The group is formed to carry out a specific project. It coordinates intelligence and investigative efforts focusing on the criminal activities of one or more selected **High Value Targets** and members of their criminal network.



THE ASSET RECOVERY CYCLE



1 RECEIVING REQUEST

2 CHECK OF MINIMAL REQUIREMENTS

3 DATABASE CHECK

4 ANSWER

5 OUTCOMES

ASSET RECOVERY

THE AIM:
TRACK
SEIZE
CONFISCATE

The Asset Recovery Offices

How AROs cooperate



Identify

The first step in criminal asset recovery is for Asset Recovery Offices to cooperate to identify the location of assets suitable for recovery.



Secure

ARO's will then take steps to ensure that the assets are preserved and secured. The ARO may obtain a freezing order, take possession of the asset, or utilise another power available to it.



Confiscate

The final step is for the asset to be confiscated following a final determination by a Court. The asset or the net proceeds from the disposal of the asset will then be transferred to the State or to a designated body.

INVESTIGATIVE PHASE

Exchange of information for the detection, identification and location of proceeds of crime and/or related assets

OPERATIONAL PHASE

execution of freezing, seizure or confiscation orders of the proceeds of crime, and of other assets however linked to the crime

Cooperation in *asset recovery*

The “Asset Recovery Office” network

By Council Framework Decision 2007/845/JHA, approved on December 6, 2007, the EU legislator envisaged the establishment of “Asset Recovery Offices” (so-called AROs) in each Member State:

- Acceptance of the requests made within the CARIN network (Camden Assets Recovery Inter-Agency Network);
- Set-up of a specific structure in the Member States responsible for the recovery of criminal "assets" located abroad;
- Establishment of a "legal basis" for the exchange of information

Annex B – INFORMATION EXCHANGE UNDER COUNCIL FRAMEWORK DECISION 2006/960/JHA REQUEST FORM FOR INFORMATION AND INTELLIGENCE TO BE USED BY THE REQUESTING MEMBER STATE.
This form shall be used when requesting information and intelligence under Framework Decision 2006/960/JHA & Article 3 of Council Decision 2007/845/JHA

1. Administrative information

Requesting authority (name, address, telephone, fax, email):
Name: _____
Address: _____
Telephone: _____
Fax: _____
Email: _____

Details of requesting officer:
To the following member states:

<input type="checkbox"/>	BE	<input type="checkbox"/>	BG	<input type="checkbox"/>	CZ	<input type="checkbox"/>	DK	<input type="checkbox"/>	DE	<input type="checkbox"/>	EE	<input type="checkbox"/>	EL
<input type="checkbox"/>	ES	<input type="checkbox"/>	FR	<input type="checkbox"/>	HR	<input type="checkbox"/>	IT	<input type="checkbox"/>	CY	<input type="checkbox"/>	LV	<input type="checkbox"/>	LT
<input type="checkbox"/>	LU	<input type="checkbox"/>	HU	<input type="checkbox"/>	MT	<input type="checkbox"/>	NL	<input type="checkbox"/>	AT	<input type="checkbox"/>	PL	<input type="checkbox"/>	PT
<input type="checkbox"/>	RO	<input type="checkbox"/>	SI	<input type="checkbox"/>	SK	<input type="checkbox"/>	FI	<input type="checkbox"/>	SE	<input type="checkbox"/>	UK	<input type="checkbox"/>	

Date and time of this request: _____
Reference number of this request: _____

Previous requests
 This is the first request on this case.
 This request follows previous requests in the same case.

Previous request(s):

Date	Reference number (in the requesting Member State)	Answer(s) Date	Reference number (in the requested Member State)
1.			
2.			
3.			
4.			

If the request is sent to more than one authority in the requested Member State, please specify each of the channels used:

<input type="checkbox"/> ENU/Europol Liaison Officer	<input type="checkbox"/> For information
	<input type="checkbox"/> For execution
<input type="checkbox"/> Interpol NCB	<input type="checkbox"/> For information
	<input type="checkbox"/> For execution
<input type="checkbox"/> Sirene	<input type="checkbox"/> For information
	<input type="checkbox"/> For execution
<input type="checkbox"/> Liaison Officer	<input type="checkbox"/> For information
	<input type="checkbox"/> For execution
<input type="checkbox"/> Other (please specify)	<input type="checkbox"/> For information
	<input type="checkbox"/> For execution



Other Asset Recovery Networks

Camden Asset Recovery Inter-agency Network



An informal network of contact and cooperation points for all aspects of law enforcement against the proceeds of crime.

Other asset recovery networks



The Stolen Asset Recovery Initiative (StAR)

The Stolen Asset Recovery Initiative is a partnership between the **World Bank Group** and the **United Nations Office on Drugs and Crime (UNODC)** that supports international efforts to end safe havens for corrupt funds. StAR works with developing countries and financial centers to prevent the laundering of the proceeds of corruption and to facilitate more systematic and timely return of stolen assets.

StAR provides platforms for dialogue and collaboration and also facilitates contact among different jurisdictions involved in asset recovery. Since its establishment ten years ago, StAR has assisted many countries in developing legal frameworks, institutional expertise, and the skills necessary to trace and return stolen assets.

StAR works with partners around the world to develop the most effective tools to tackle and prevent the theft of assets critical to development. StAR works with global organizations, including the Conference of States parties to UNCAC, the G8, the G20, and the Financial Action Task Force to influence and liaise with policymakers.



“Silver Notice”: new international alert system to assist Member States in locating and seizing “assets” deriving from criminal activities.

Notices system



POLICE COOPERATION



OECD TASK FORCE ON TAX CRIMES AND OTHER CRIMES (TFTC)

DATABASE FOR INTERNATIONAL COOPERATION IN CRIMINAL TAX MATTERS

<https://one-communities.oecd.org/community/taxcrimes/international-contact-point-database/SitePages/Home.aspx>

VIRTUAL ASSETS TRAINING TOOLKIT

<https://one-communities.oecd.org/community/taxcrimes/virtual-assets/SitePages/Home.aspx>

<https://one-communities.oecd.org/community/taxcrimes/virtual-assets/SitePages/Additional-Links-and-Resources.aspx>



THE JUDICIAL COOPERATION

THE JUDICIAL COOPERATION

MLAR (MULTILATERAL OR BILATERAL)
Mutual Legal Assistance Request

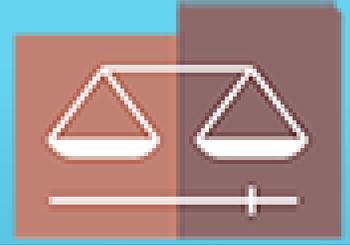
CONVENTIONS/AGREEMENT

(e.g. *UN Convention on Transnational Organized Crimes and protocols thereto done at Palermo on 2000*)

ILOR

INTERNATIONAL LETTER OF ROGATORY

EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION



EUROJUST

EUROJUST SUPPORTS NATIONAL AUTHORITIES IN THEIR FIGHT AGAINST SERIOUS CROSS-BORDER CRIME BY FACILITATING THE USE OF JUDICIAL COOPERATION INSTRUMENTS.

ASSET RECOVERY
CONFLICTS OF JURISDICTION
EUROPEAN ARREST WARRANT
EUROPEAN INVESTIGATION ORDER
JOINT INVESTIGATION TEAMS
EXTRADITION
CRIMINAL RECORDS
SPECIAL INVESTIGATIVE MEASURES
CONTROLLED DELIVERIES
DIGITAL CRIMINAL JUSTICE

EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION



EUROPEAN INVESTIGATION ORDER

(EIO) IS A JUDICIAL DECISION ISSUED IN OR VALIDATED BY THE JUDICIAL AUTHORITY IN ONE EU COUNTRY TO HAVE INVESTIGATIVE MEASURES TO GATHER OR USE EVIDENCE IN CRIMINAL MATTERS CARRIED OUT IN ANOTHER EU COUNTRY.

IS BASED ON MUTUAL RECOGNITION, WHICH MEANS THAT THE EXECUTING AUTHORITY IS, IN PRINCIPLE, OBLIGED TO RECOGNISE AND ENSURE EXECUTION OF THE REQUEST OF THE OTHER COUNTRY.

THE EUROPEAN ARREST WARRANT (EAW)

IS A SIMPLIFIED CROSS-BORDER JUDICIAL SURRENDER PROCEDURE WHICH IS APPLIED IN ALL EU MEMBER STATES. THE EAW IS ISSUED BY A JUDICIAL AUTHORITY FOR THE PURPOSES OF A CRIMINAL PROSECUTION OR THE EXECUTION OF A CUSTODIAL SENTENCE.

THE INSTRUMENT ALLOWS FOR FASTER AND SIMPLER SURRENDER PROCEDURES BY SETTING STRICT TIME LIMITS FOR SURRENDERING SUSPECTS AND CONVICTED PERSONS

JOINT INVESTIGATION TEAMS

A JOINT INVESTIGATION TEAM (JIT) IS ONE OF THE MOST ADVANCED TOOLS USED IN INTERNATIONAL COOPERATION IN CRIMINAL MATTERS

MADE UP OF PROSECUTORS AND LAW ENFORCEMENT AUTHORITIES AS WELL AS JUDGES, JITS ARE ESTABLISHED FOR A FIXED PERIOD, TYPICALLY BETWEEN 12 AND 24 MONTHS

THE PARTNERS CAN DIRECTLY EXCHANGE INFORMATION AND EVIDENCE, COOPERATE IN REAL TIME AND JOINTLY CARRY OUT OPERATIONS.

JITS ALLOW THE SHARING OF TECHNICAL EXPERTISE AND HUMAN RESOURCES MORE EFFICIENTLY. DIRECT CONTACTS AND COMMUNICATION ENABLE THE JIT MEMBERS TO BUILD PERSONAL RELATIONS AND TRUST, LEADING TO FASTER AND MORE EFFICIENT COOPERATION.

THE FINANCIAL SUPPORT PROVIDED BY EUROJUST TO JITS REDUCES THE IMPACT ON NATIONAL BUDGETS OF COSTS INCURRED DUE TO THE TRANSNATIONAL DIMENSION OF CROSS-BORDER COOPERATION.

Asset recovery - Judicial cooperation

Non EU

Prevalence of international conventions and international law over the National Code of Criminal Procedure. Check, on a case by case basis, the existence of conventional, bilateral or multilateral tools. International letters rogatory.

Within the EU

Regulation (EU) 2018/1805 mutual recognition of freezing (seizure) and confiscation orders issued within the framework of a “*criminal proceedings*”

Given the adoption of the **E.I.O.** (execution of specific acts of investigation to gather targeted evidence), the measures issued by the Public Prosecutor's Office for the purpose of obtaining the **freezing of evidence are requested with the E.I.O.s.**



EUROPEAN
PUBLIC
PROSECUTOR'S
OFFICE

LEGAL BASIS

- Article 86 Treaty on the Functioning of the European Union: the EPPO shall exercise the functions of prosecutor in the competent courts of the Member States
- EPPO Regulation (EU)2017/1939
- PIF Directive(EU) 2017/1371
- National legislation adapting the national system to the EPPO regulation and legal framework

COOPERATION BETWEEN THE EPPO AND NON-EU STATES (THIRD COUNTRIES)



The EPPO Regulation contains specific provisions for cooperation with non-EU countries (Article 104).

The EPPO may use, for **cooperation in criminal matters with judicial authorities from non-EU countries**, one of the following legal bases:

- Agreements concluded by the European Union on cooperation in criminal matters with the EPPO;
- Agreements concluded by the European Union or to which the European Union has acceded for which the EPPO is notified as the competent authority;

Examples: EU-UK Trade and Cooperation Agreement (TCA) of 30 December 2020; United Nations Convention Against Corruption (UNCAC); United Nations Convention Against Transnational Organized crime (UNTOC);

- Multilateral agreements to which the participating Member States are party, of which the EPPO is notified by these Member States as the competent authority;

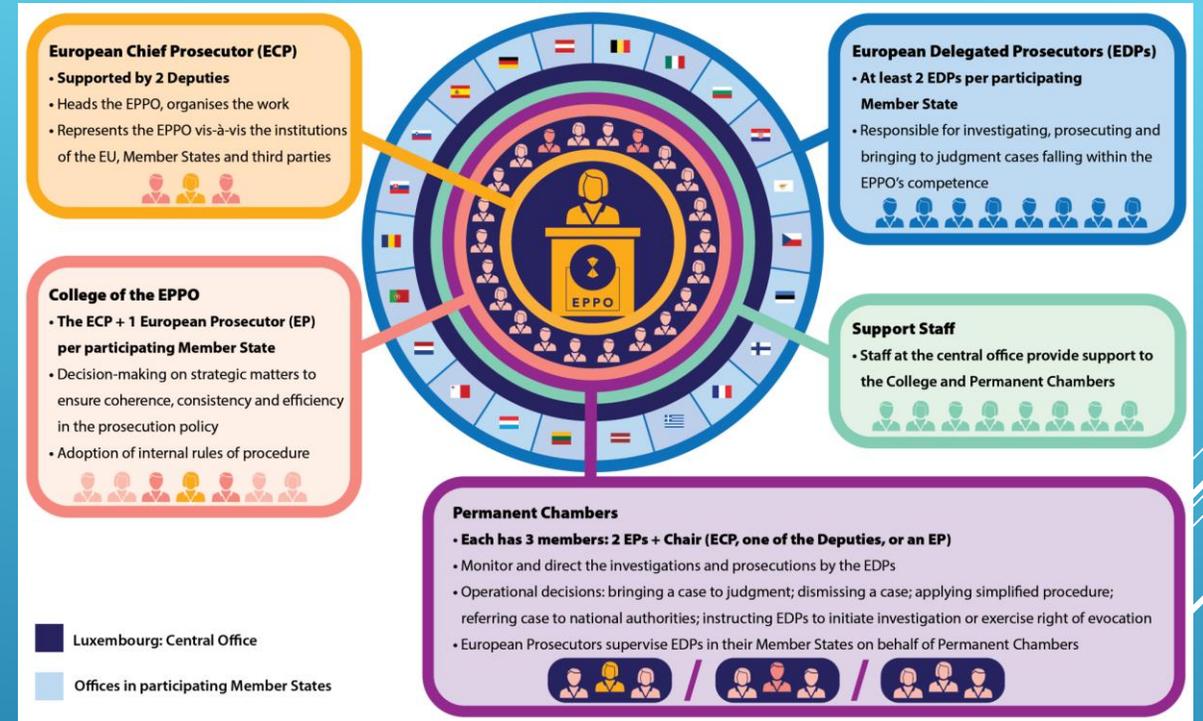
Examples: European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and its two additional Protocols of 17 March 1978 and 8 November 2001;

The EDP in charge of the investigations may make use of his/her powers as a national prosecutor to request legal assistance in criminal matters from authorities of non-EU countries, if accepted, on the basis of international agreements concluded by his/her Member State or applicable national law;

-  Austria
-  Belgium
-  Bulgaria
-  Croatia
-  Cyprus
-  Czechia
-  Estonia
-  Finland
-  France
-  Germany
-  Greece
-  Italy
-  Latvia
-  Lithuania
-  Luxembourg
-  Malta
-  Netherlands
-  Poland
-  Portugal
-  Romania
-  Slovakia
-  Slovenia
-  Spain
-  Sweden



ORGANISATIONAL STRUCTURE AND MEMBERS



Out of the 27 EU Member States, 24 currently participate in the EPPO. The map shows the current EPPO Member States (in dark blue):

<https://www.eppo.europa.eu/en/about/members>

COMPETENCIES

What are the **financial interests of the EU**?

All revenues, expenditures and assets covered by, acquired through, or due to the European Union budget and the budgets of the institutions, bodies, offices and agencies established under the Treaties, and budgets managed and monitored by them.



OPERATIONS

Investigation 'Moby Dick': Mafia clans invest in €520 million VAT fraud

Published on 14 November 2024

<https://www.eppo.europa.eu/en/media/news/investigation-moby-dick-mafia-clans-invest-eu520-million-vat-fraud>



EPPO – EUROFISC COOPERATION



**Detection, analysis,
access to data,
exchange of
information**

Cross-border network

**Most serious
VAT Frauds**

**Investigation,
prosecution and
bringing to
judgement**

Supranational

Complementarity