



OECD International Academy for Tax and Financial Crime Investigation

International Cooperation in Financial Investigations



THE INTERNATIONAL COOPERATION SUPPORTING THE ECONOMIC AND FINANCIAL INVESTIGATIONS

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Let us explore the (almost) unknown world of **THE INTERNATIONAL COOPERATION**

What is your personal experience?

Have you ever sent or received a request for information for/from a foreign jurisdiction?

Could you name some EOI channels?



AM I AWARE OF WHAT INTERNATIONAL COOPERATION CAN BRING TO MY INVESTIGATIONS?



INADEQUATE DOMESTIC LEGAL AND REGULATORY FRAMEWORK

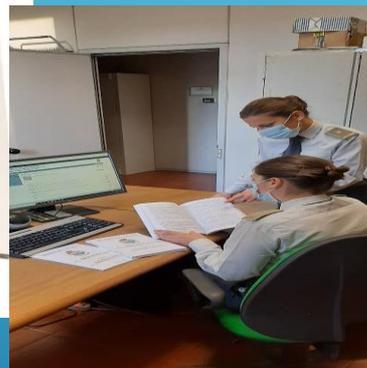
LACK OF KNOWLEDGE OF THE EXISTENCE OR FUNCTIONING OF THE COOPERATION CHANNELS

**BIG
ISSUE**

NON-COMPLIANCE WITH INTERNATIONAL STANDARDS AND TERMS OF REFERENCE

POOR TRAINING AT BASIC COURSES AND NO SPECIFIC GUIDANCE

GDF OPERATIONAL HANDBOOK FOR INTERNATIONAL COOPERATION



3 VOLUMES:

- ✓ Police cooperation;
- ✓ Mutual administrative assistance in tax matters;
- ✓ Cooperation in customs matters and protection of the financial interests of the European Union.

HOW CAN WE BOOST OUR INVESTIGATIVE EFFECTIVENESS THROUGH THE INTERNATIONAL COOPERATION?



► What to check since the **early stage** of your investigation

- Is there is any cross-border illegal activity going on?
- Do the natural or legal persons under investigation have economic interests in foreign countries (financial account, real estate, asset to be seized/confiscated as proceeds of crime)?
- Do I need information from abroad to prove some domestic administrative or criminal violation or to strenghten my existing evidentiary framework?

THE ARROWS IN OUR QUIVER



What is the main difference between formal and informal cooperation?



EXISTENCE OF
LEGAL BASIS
COMPETENT AUTHORITIES
OFFICIAL CHANNELS

- *ADMINISTRATIVE*
- *POLICE*
- *JUDICIAL*
COOPERATION

*We can use it as evidence in crime
and administrative proceedings*

EVEN WITHOUT LEGAL BASIS
(DIFFERENT WAY OF
COLLECTION AND USABILITY)

*INTELLIGENCE
COOPERATION*

*Fast, useful, essential to address the
next investigative steps!*

FROM A WHOLE-OF-GOVERNMENT APPROACH TO AN INTEGRATED INVESTIGATION APPROACH

The Whole-of-Government Approach” refers to the joint activities performed by diverse ministries, public administrations and public agencies in order to provide a common solution to particular problems or issues. The approach and content of the initiatives can be formal or informal.

Even if we have not direct access to some set of information we MUST consider the possibility of requesting and obtaining them through the competent agency/authority to speed up our investigation and to consolidate our report of findings/crime report.

THE MORE WE KNOW, THE BETTER



WHAT INFORMATION DO I NEED?

Beneficial Ownership Information
Tax return
Bank Account
Company Information
Tax Database
Criminal records
Balance sheet
Address
Telephone Number
Commercial Transaction
Invoice
Movable/Immovable property
Cadastre
Cars/Boat/Planes
Police Border check (PNR)
TIN/VRN
STRs



HOW CAN I GATHER THIS
INFORMATION FROM FOREIGN
JURISDICTION?



AM I ENTITLED TO DO THAT
(DIRECTLY OR INDIRECTLY)?

NATIONAL LEGAL AND REGULATORY FRAMEWORK

POWERS ATTRIBUTION



- ▶ Can I directly obtain the information?
- ▶ Do I need to request the information through another Agency/Authority?
- ▶ Is the coordination among the different involved bodies in place/ functioning?

International Cooperation



1. Interpol
2. Asset Recovery networks



1. Bilateral Agreements and Multilateral Conventions



1. Bilateral Agreements and Conventions . art. 26 OECD Model
2. Multilateral OECD Convention – Council of Europe



- Financial intelligence Unit Network:
1. Global (Eggmont group)

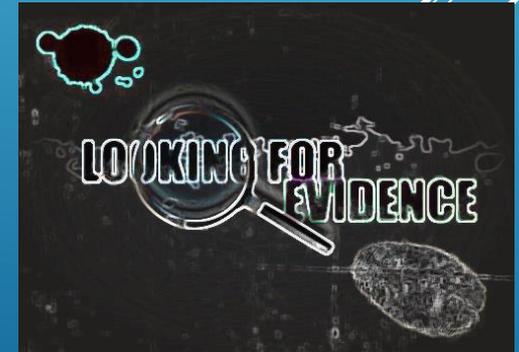


1. Intelligence and informal activity
2. Memoranda of Understanding
3. Agreements on institutional areas of interest

LET'S CHECK YOUR KNOWLEDGE ON INTERNATIONAL COOPERATION



Name how many ways as you can to obtain **banking information** from a foreign jurisdiction





THE INTELLIGENCE COOPERATION

WHAT IS THE INTELLIGENCE ACTIVITY?



Yes, that's so cool, but...

...INTELLIGENCE AS WE SHOULD BE INTENDING IT

Thesaurus

Legend:  Synonyms  Related Words  Antonyms

Switch to [new thesaurus](#)

Noun 1. intelligence activity the operation of gathering information about an enemy

 intelligence operation, intelligence

 [undercover work](#), [spying](#) - the act of keeping a secret watch for intelligence purposes

 [information gathering](#) - the act of collecting information

 [current intelligence](#) - intelligence of all types and forms of immediate interest; usually disseminates delays for evaluation or interpretation

 [combat intelligence](#), [tactical intelligence](#) - intelligence that is required for the planning and conduct of tactical operations

 [strategic intelligence](#) - intelligence that is required for forming policy and military plans at national and international levels

 [SIGINT](#), [signals intelligence](#) - intelligence information gathered from communications intelligence, electronics intelligence or telemetry intelligence

 [clandestine operation](#) - an intelligence operation

 [overt operation](#) - the collection of intelligence

 [reconnaissance](#), [reconnaissance mission](#) - intelligence gathering (of an enemy or potential enemy); "an exchange of intelligence"

 [counterintelligence](#) - intelligence activities proposed by hostile intelligence organizations to counter terrorism



"CITE"  Based on WordNet 3.0, Farlex clipart collection



CONVERTING INTELLIGENCE INTO EVIDENCE

It is crucial to be able to turn intelligence into evidence, also in international cooperation.

The conversion process is neither simple, nor clear at the domestic level, but at the international level, we should consider the intelligence information as a way to address our investigations and requests through the formal/official channels.

**Gathering intelligence can speed-up the investigation.
It can help you understand if you are on the right track**



THE INTERNATIONAL COOPERATION AND THE MANAGEMENT OF THE “INTELLIGENCE DATA FLOW”

The role of the investigator in the “intelligence data flow”

The international cooperation involves well-defined positions, usually identified as Competent Authorities or National Focal Points.

Competent Authorities are appointed according to conventional procedures.

The role of the Competent Authority cannot be delegated.

THE EXCHANGE OF INTELLIGENCE INFORMATION



**Non-certified
information**

→ The investigator, during his intelligence activity, never acquires *“certified information”*, as he does not operate within the framework of procedures provided for by intergovernmental agreements/ national law.
→ The investigator can merely exchange non-certified information in both directions (to and from abroad).

**Certified
information**

→ Information acquired through procedures prescribed by laws and regulations:

- *Interviews;*
- *Official documents, deeds and reports having the nature of Public Acts.*

THE "MIDDLE LAND"

Certified information with handling codes
(its usability is subject to certain condition)

Requests of information about ongoing investigations

Investigative *follow-up* meetings

To sum up...

No research, BUT COLLECTION of information

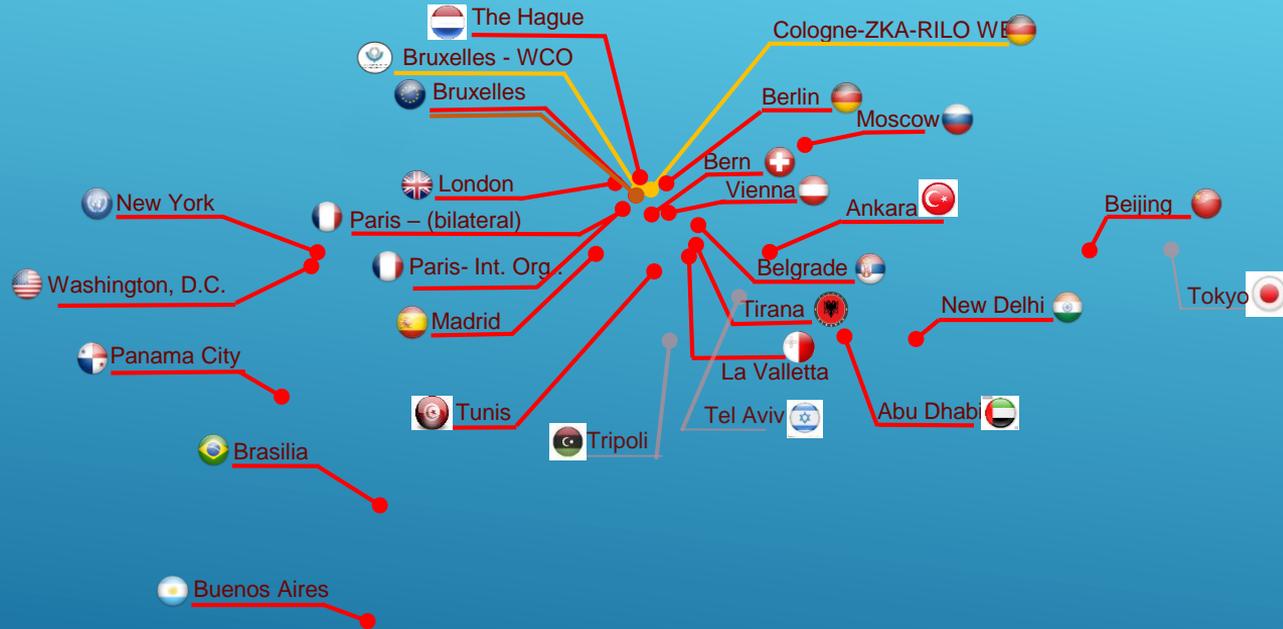
Exchange of non-certified information

Own-initiative alerts

Every initiative comes from a need and every need is intelligence

NETWORK OF GUARDIA DI FINANZA EXPERTS

CURRENT FOREIGN NETWORK



23 Experts at Italian Diplomatic Missions

1 Support Staff: Bruxelles (EU Representation)

2 liaison officers: Bruxelles (WCO), Cologne (ZKA-RILO WE)

3 New positions: Tokyo, Tripoli, Tel Aviv

— Experts
— Support Staff
— liaison officers

NETWORK OF GUARDIA DI FINANZA EXPERTS



MAIN ACCREDITATIONS	SECONDARY ACCREDITATIONS
 Countries: 20 International Organisations: 4	 Countries: 56 International Organisations: 2

International cooperation with Financial Intelligence Units

F.I.U.

EGMONT
GROUP



A national unit which, for the purpose of combating money laundering and terrorist financing, is responsible for receiving (and, if authorised, requesting), analysing and forwarding to the competent authorities, financial intelligence reports, that is, information requested by national laws or regulations.



FEATURES

Operational and management autonomy

Uniqueness at national level

Specialisation in financial analysis activities

Capability of exchanging information directly and autonomously

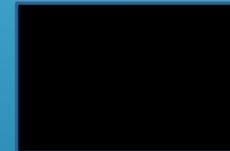
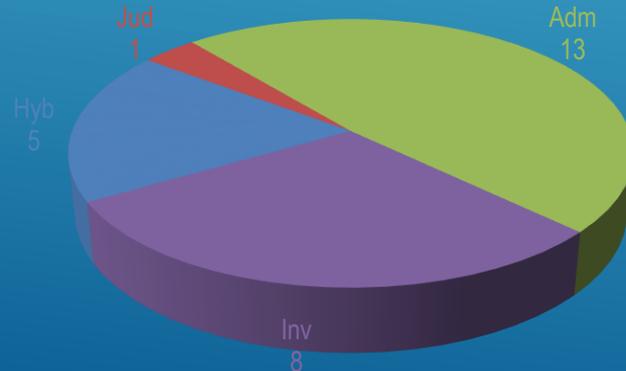
The different types of Financial Intelligence Units

JUDICIAL	LAW ENFORCEMENT	ADMINISTRATIVE	HYBRID
Established within judicial offices, typically under the jurisdiction of the public prosecutor.	The FIU is embedded within already existing police investigation agencies.	The FIU is an independent administrative authority that receives and processes information which is then forwarded to the investigative units	It is different from the others. For example, it may be established within an administrative agency but have law enforcement staff

159 FIUs of the Egmont Group



27 European FIUs



Judicial FIU:
1. Luxembourg.

Administrative FIUs:
1. Belgium;
2. Bulgaria;
3. Czech Republic;
4. Spain;
5. France;
6. Croatia;
7. Italy;
8. Latvia;
9. Malta;
10. Poland;
11. Romania;
12. Slovenia;
13. Germany.

Law enforcement FIUs:
1. Austria;
2. Estonia;
3. Finland;
4. Ireland;
5. Lithuania;
6. Portugal;
7. Sweden;
8. Slovakia;

The Anti-Money Laundering Operational Network Group AMON

Informal cooperation network that gathers specialised anti-money laundering investigators from over 40 Countries, of which 21 EU Member States, including Italy



Main goal is to strengthen and optimise the existing legal frameworks for international cooperation in the specific sector

Establishment of an anti-money laundering investigators network

*Permanent Secretariat
at Europol*

AMON

*Eurojust
support*

The Fin-NET intelligence network (UK)

It is based in London at the headquarters of the **Financial Conduct Authority (F.C.A.)**. Over 100 members are part of this agency, including all UK police forces and various agencies (for example Bank of England and London Stock Exchange)



It fosters the exchange of information and international cooperation between competent authorities, in order to strengthen the prevention and fight against economic and financial crimes

the information exchanged is to be considered at *intelligence level only*

INSTRUMENTS OF INTERNATIONAL LAW (TECHNICAL UNDERSTANDINGS) TO IMPLEMENT COOPERATION ARRANGEMENTS

They do not burden the relevant government from a political - legal point of view

They are of a lower level than international agreements or treaties

They are however subject to a strict and complex authorisation process

They fall into the category of direct cooperation on a spontaneous basis

They are distinguished from police info-operational cooperation by the lack of a legal basis to support the exchange carried out

They generate information flows of a strictly classified and confidential nature, the use of which is automatically ruled out



THANKS FOR YOUR KIND ATTENTION!

My contact on the QR code

