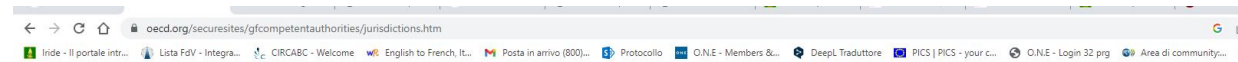


# EXCHANGE POSSIBLE ONLY BETWEEN COMPETENT AUTHORITIES

Where can I find the competent authorities database?



<https://www.oecd.org/securesites/gfcompetentauthorities/>



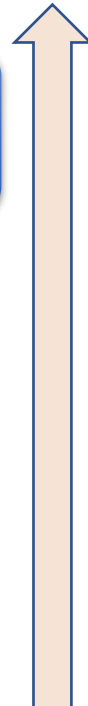
**Competent Authorities**  
List of jurisdictions  
Pretty Good Privacy (PGP)  
EOI case law  
Give us feedback

GF Competent Authorities > Jurisdictions

## Jurisdictions

Competent authorities' contact details (A-Z):

- ▶ [Albania](#)
- ▶ [Algeria](#)
- ▶ [Andorra](#)
- ▶ [Anguilla](#)
- ▶ [Antigua and Barbuda](#)
- ▶ [Argentina](#)
- ▶ [Armenia](#)
- ▶ [Aruba](#)
- ▶ [Australia](#)
- ▶ [Austria](#)
- ▶ [Azerbaijan](#)
- ▶ [The Bahamas](#)
- ▶ [Bahrain](#)





# The Mutual Administrative Assistance Customs

# INTERNATIONAL COOPERATION IN CUSTOMS MATTERS

## World dimension



WORLD CUSTOMS ORGANIZATION  
ORGANISATION MONDIALE DES DOUANES

## EU dimension



# Legal Framework for Customs cooperation

## World dimension

### Customs Co-operation Council



WORLD CUSTOMS ORGANIZATION

*Non Binding Instruments*

*Council Recommendation on Mutual Administrative Assistance (Brux., 5 Dec. 1953)*

*Declaration of the on the improvement of Customs co-operation and mutual administrative assistance (Cyprus, June 2000)*

*Model Bilateral Agreement on Mutual Administrative Assistance in Customs Matters (June 2004)*

*Binding Instruments*

*Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi, 9 June 1977)*

*International Convention on Mutual Administrative Assistance in Customs matters (Johannesburg, June 2003)*



*not yet in force!*

## EU dimension

***Reg. (CE) n.  
515/97***

**Administrative  
assistance solely**



**Cooperation between Member  
States and with the EU  
Commission (OLAF)**

***Convention  
Naples 2***

**Mutual assistance in customs  
matters; both administrative and  
during criminal investigations**

**Cooperation between Member  
States**

# ***CUSTOMS MATTERS EU COOPERATION***

	<b>CUSTOMS NATIONAL LEGISLATION</b>	<b>CUSTOMS EU LEGISLATION</b>
<b>Administrative cooperation</b>	<b>CONVENTION NAPLES 2</b>	<b>REG. (CE) N. 515/97</b>
<b>JUDICIAL COOPERATION OR "LAW ENFORCEMENT" COOPERATION</b>	<b>CONVENTION NAPLES 2</b>	<b>CONVENTION NAPLES 2</b>



# The Police Cooperation

# POLICE COOPERATION



Sistema  
Cooperazione  
Internazionale di Polizia  
(e.g. for Italy)

INTERNATIONAL POLICE  
COOPERATION SERVICE

INTERPOL

EUROPOL

S.I.Re.N.E.

C.C.P.D.



**Asset recovery**



Other *asset recovery*  
network





## Europol/INTERPOL what's the difference?



**Europol** sets up and coordinates **cross-border operations** against the most dangerous criminal groups in the EU. They facilitate direct communication between investigators from national law enforcement authorities. Europol analysts and experts support investigators in real-time and often on-the-spot while taking an active part in complex operations. In other words, **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. Interpol helps law enforcement authorities across the world to improve their capacities by the exchange of information and best practices.

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.**

# Competences



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



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

Member States + third Countries (operational agreements)



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

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

- Analysis Projects:** analysis platforms by field of operations:
- cross check (hit/no hit);
  - facilitate operational meetings;
  - participation in *JITs*;
  - provide expertise and training to LEAs;
  - provide technical equipment and devices on the field;
  - support to judicial cooperation.



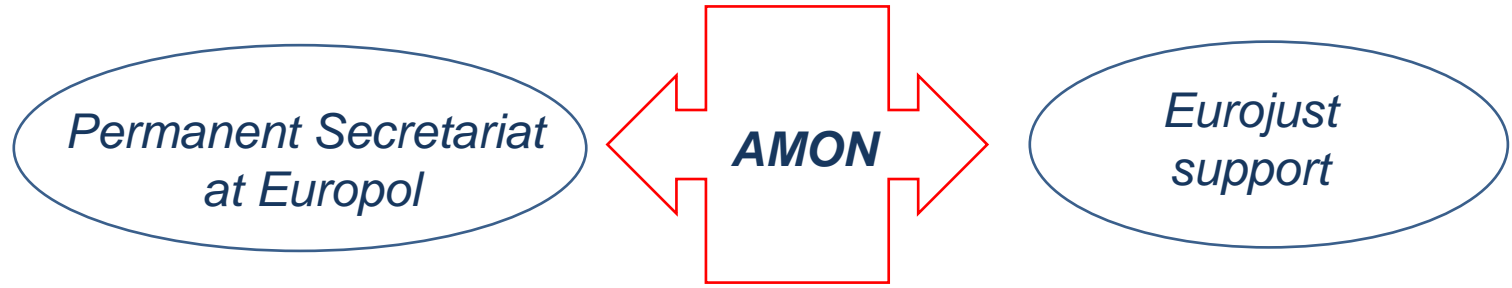
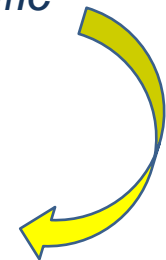
# The Anti-Money Laundering Operational Network Group AMON

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

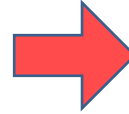


*Main goal is to strengthen and optimise the existing legal frameworks for international cooperation in the specific sector*

*Establishment of an anti-money laundering investigators network*



# International cooperation with Financial Intelligence Units



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

# International cooperation with Financial Intelligence Units

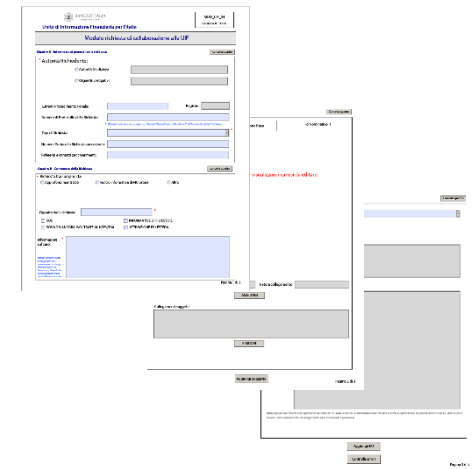
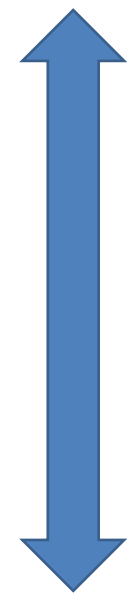
**FIUs**

Within the EU, they use a specific communication infrastructure (**FIU.NET**)

on a global level, they exchange information according to the standards of the EGMONT Group (an organisation responsible for cooperation that includes the FIUs of 152 Countries)



**General Headquarters - II Department  
THROUGH SAFE PORTAL – FINANCIAL  
INTELLIGENCE UNIT**



**GUARDIA DI FINANZA UNITS**

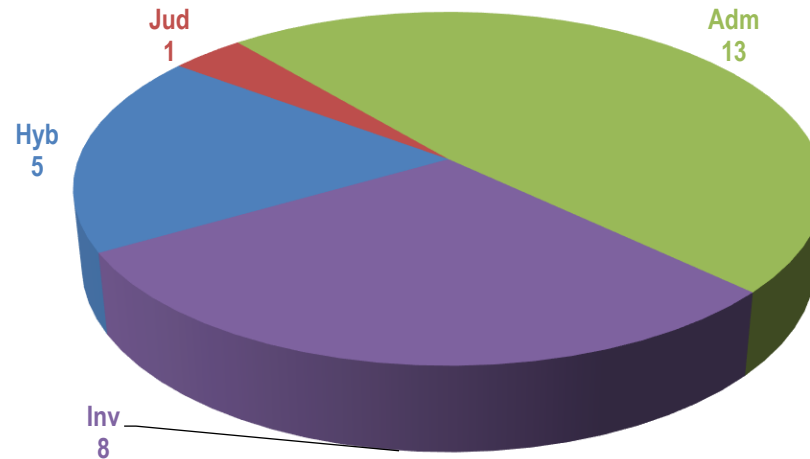
# The different types of *Financial Intelligence Units*

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



- Hybrid FIUs:
1. Cyprus;
  2. Denmark;
  3. Greece;
  4. Hungary;
  5. The Netherlands.

- 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;

# Directive (EU) 2019/1153

*Rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences*

## Requests to Member States:

- ➔ Identification of competent Authorities, amongst those *«competent for the prevention, detection, investigation or prosecution of crimes»*:
  - *“...qualified to access the centralised bank and payment registers“ (\*)*
  - *“...that may request and receive financial intelligence or financial analyses from FIUs...”*
  
- ➔ implementation of procedures to enable EUROPOL to obtain information on bank accounts and to exchange information between EUROPOL and FIUs

**Legislative Decree no. 186 of November 8, 2021**

*(\*) These authorities must include at least the Asset Recovery Offices*

## 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***

# Council Framework Decision 2006/960/JHA (Swedish Initiative)

exchange information and intelligence effectively and expeditiously for the purpose of conducting criminal investigations or criminal intelligence operations

information or data held or accessible without the use of coercive means

information from a directly accessible database:  
- **8 hours** (urgent case);  
- **7 days**, for those that are not urgent,  
information from a database that is not directly accessible:  
- **14 days**

procedure for responding within a short period of time to urgent requests for 'information and intelligence' concerning determined crimes, for the purpose of **criminal investigation** or **criminal intelligence**

Decisione quadro n. 2002/584/GAI – (EAW)

pre-investigation phase aimed at collecting, processing and analysing information in order to establish whether criminal acts have been committed or may be committed

# 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:  
 BE  BG  CZ  DK  DE  EE  EL  
 ES  FR  GR  HU  IT  CY  LV  LT  
 LU  HU  MT  NL  AT  PL  PT  
 RO  SI  SK  FI  SE  UK

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)	Date	Answer(s)	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

EU Council Decision 2007/845/JHA

### EU Asset Recovery Offices

ARO-AUT	ARO-BEL	ARO-BGR
ARO-CYP	ARO-CZE	ARO-DEU
ARO-DNK	ARO-ESP	ARO-EST
ARO-FIN	ARO-FRA	ARO-GBR
ARO-GRC	ARO-HRV	ARO-HUN
ARO-IRL	ARO-ITA	ARO-LTU
ARO-LUX	ARO-LVA	ARO-MLT
ARO-NLD	ARO-POL	ARO-PRT
ARO-ROU	ARO-SVK	ARO-SVN
	ARO-SWE	



# The Asset Recovery Offices



**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

# 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.

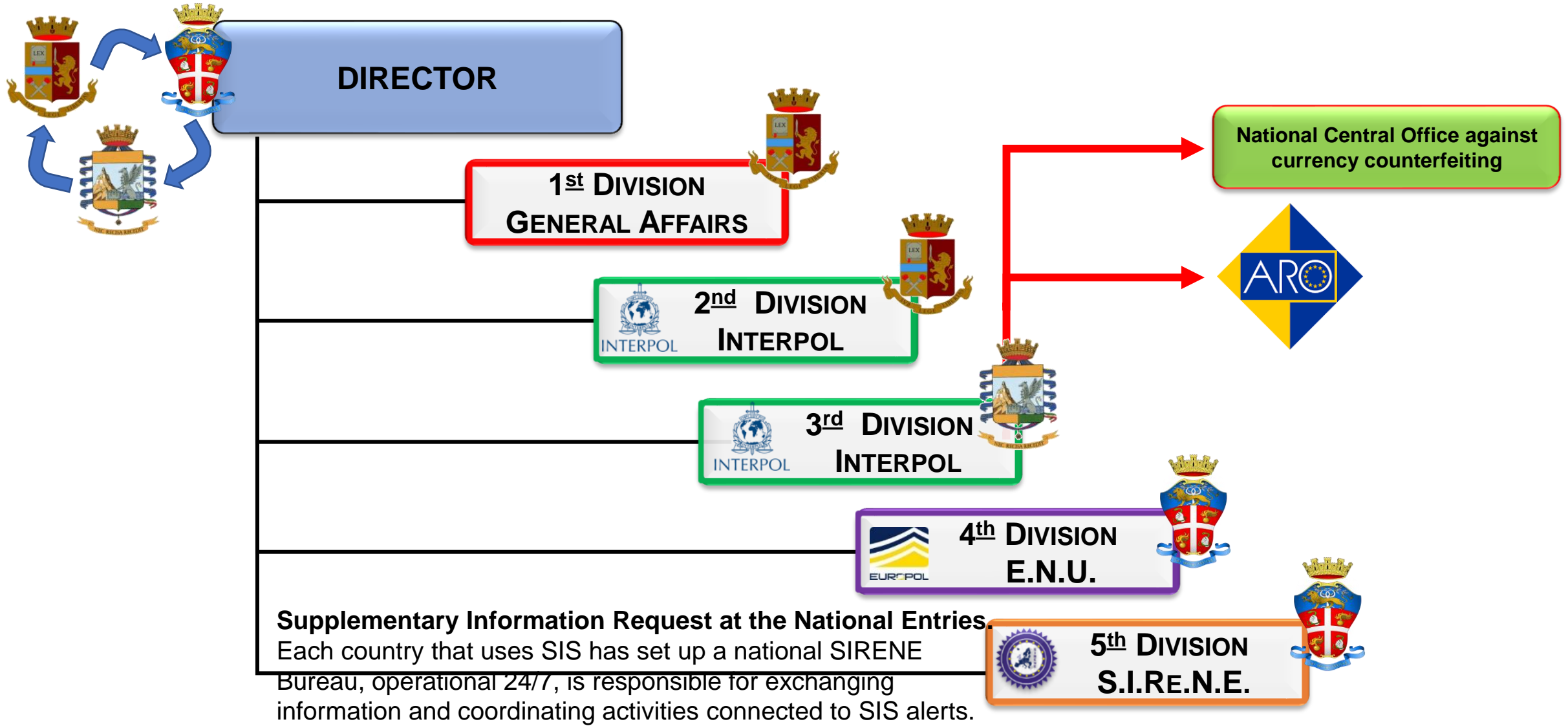


*“Silver Notice”*: new international alert system to assist Member States in locating and seizing “assets” deriving from criminal activities.



# THE ITALIAN ASSET RECOVERY OFFICE

## THE ITALIAN INTERNATIONAL POLICE COOPERATION SERVICE

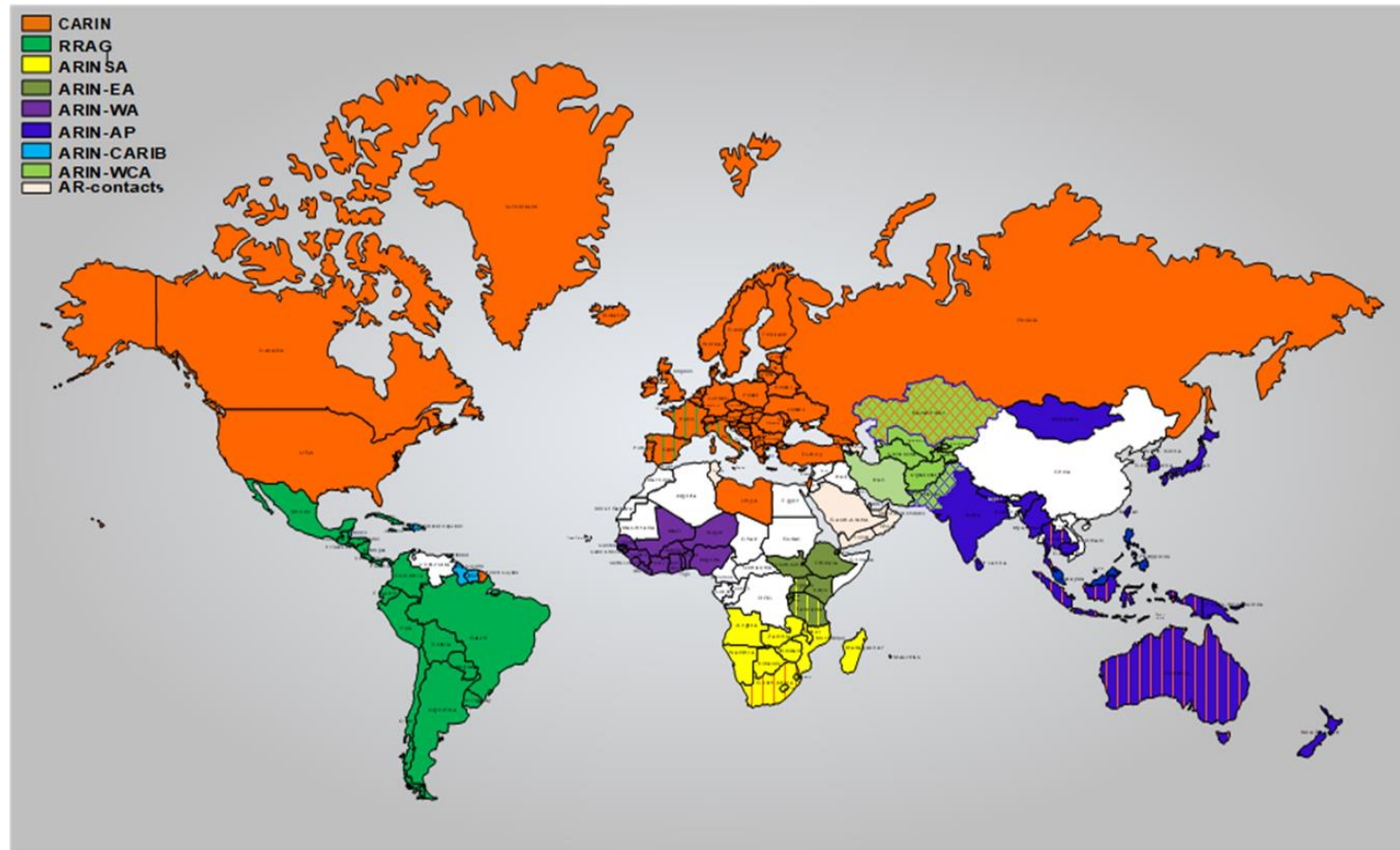


# Other Asset Recovery Networks

## 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.*



## THE ITALIAN ASSET RECOVERY OFFICE

### HOW IT WORKS



- Creation in every Member State of an Asset Recovery Office (A.R.O.) and an Asset Management Office (A.M.O.);
- A.R.O.s are entitled to exchange intelligence and information for the purpose of tracking, seizing and confiscating S.O.C.- and terrorism financing related assets;
- A.R.O.s are suggested to use the Europol secure SIENA channel;
- A.R.O.s can be set up according to the will and needs of the Member State, there is no strict structure: what matters is the function;
- Intelligence/information exchange is legally possible by using the Council Decision 2006/960/JAI (So called «Swedish Initiative»);

# THE ITALIAN ASSET RECOVERY OFFICE

## THE ITALIAN ASSET RECOVERY OFFICE



### STRUCTURE

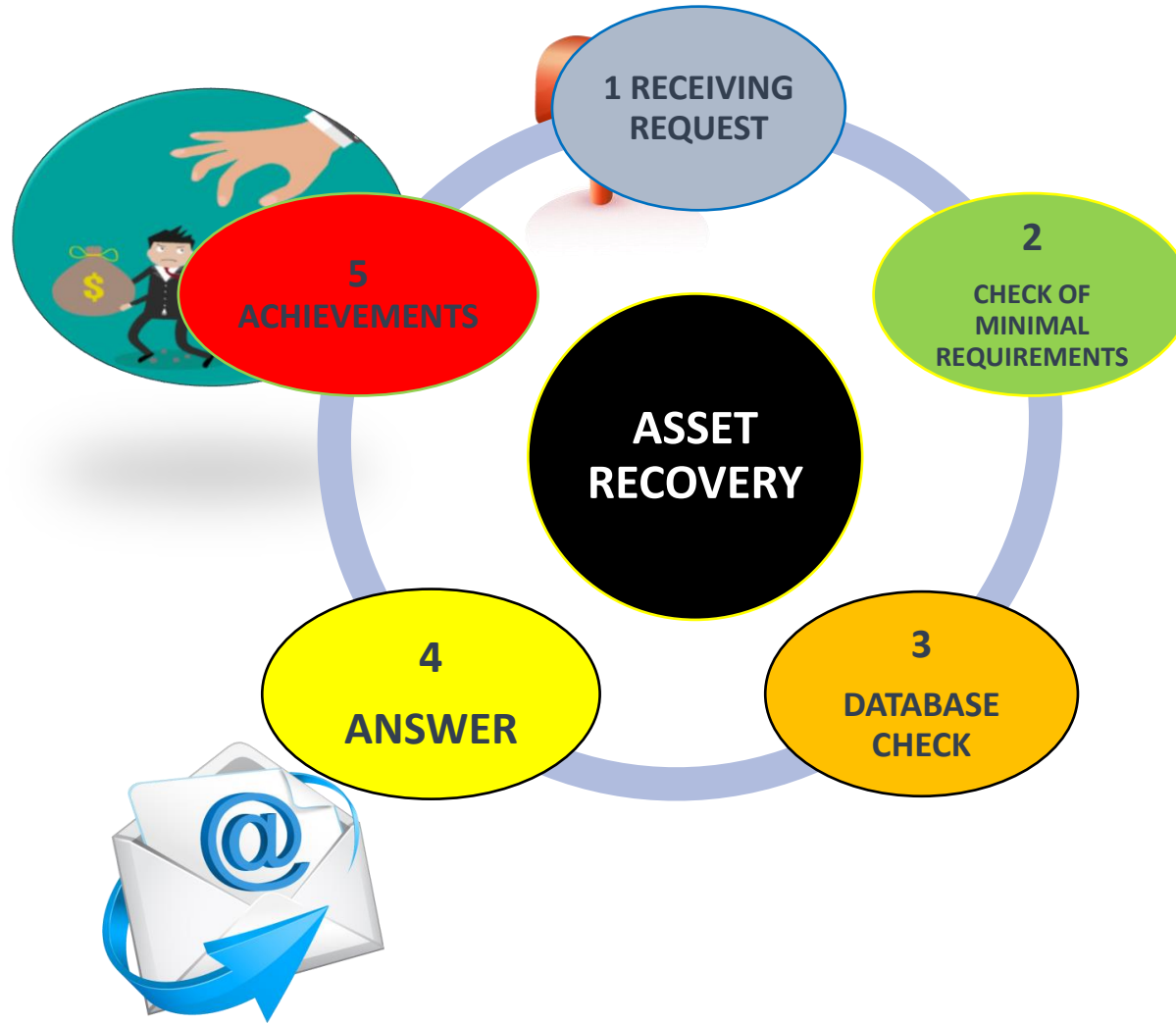
- as of today, ARO Italy is made up of five units (ARO Supervisor, ARO Chief and three operators);
- all operators belong to Guardia di Finanza, considering the peculiar skills in economic-financial matters of GDF Corps;

### DOS AND DON'TS

- ARO Italy, being an office with exclusively police powers, can only provide Information present in national central databases to other A.R.O. offices of the other EU Member States: it is not an operational office;
- ARO Italy is not entitled to freeze, seize and confiscate assets on request; those aspects have to be handled through proper judicial cooperation between competent Judicial Authorities (letters rogatory);
- ARO Italy cannot give/receive intelligence/information from the Italian F.I.U.

# THE ITALIAN ASSET RECOVERY OFFICE

## THE ITALIAN ASSET RECOVERY OFFICE



**THE AIM:**

**TRACK**

**SEIZE**

**CONFISCATE**



# THE ITALIAN ASSET RECOVERY OFFICE

## THE ITALIAN ASSET RECOVERY OFFICE



### A.R.O. ITALY

has **DIRECT** access to following national central databases:

- a. SDI ([national criminal records database](#));
- b. FISCO POINT ([national income, VAT and other taxes database](#));
- c. SISTER ([cadastral registry](#));
- d. TELEMACO ([national companies register](#));
- e. ACI ([national vehicles database](#));
- f. INPS ([social security institute](#))

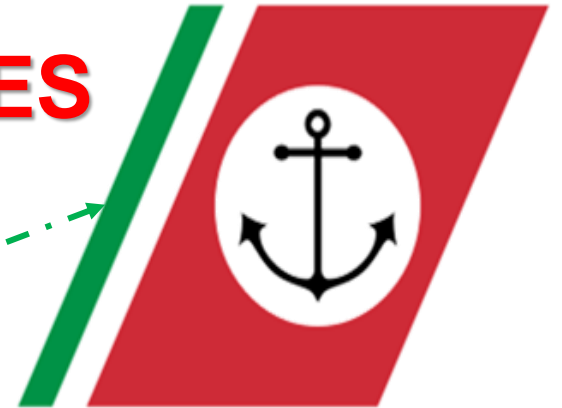
# THE ITALIAN ASSET RECOVERY OFFICE

THE ITALIAN ASSET RECOVERY OFFICE



OTHER ACCESIBLE DATABASES

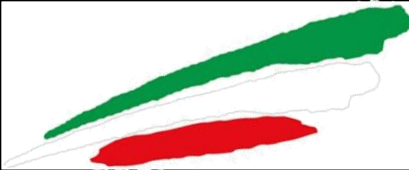
Information about ships or aircraft  
should be asked to the competent  
national authority



NATIONAL COAST GUARD



NATIONAL CIVIL AVIATION AUTHORITY



# THE ITALIAN ASSET RECOVERY OFFICE



## THE ITALIAN ASSET RECOVERY OFFICE



**A.R.O. Italy, according to the EU Directive 2019/1153, will soon have the possibility to:**

**be able to directly access the registry of financial reports; when the authorization is operational;**

**ARO Italy will, however, only be able to communicate the existence of the account or its holder, not the amount of money in the account itself.**





# The Judicial Cooperation

# EUROPEAN UNION AGENCY FOR CRIMINAL JUSTICE COOPERATION

Eurojust supports national authorities in their fight against serious cross-border crime by facilitating the use of judicial cooperation instruments. These instruments allow, for instance, to transfer evidence from one country to another or to surrender a suspect for the purpose of a criminal prosecution or the execution of a custodial sentence. The most useful tools - considered as invaluable assets in investigations spanning two or more countries - are the European Arrest Warrant (EAW), the European Investigation Order (EIO) and joint investigation teams (JITs),



**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 Investigation Order (Dir. 2014/41/EU)

(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. It is valid throughout the EU, but does not apply in Denmark and Ireland. The EIO 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 in a first Member State (issuing Member State) to a judicial authority in a second requested Member State (executing Member State) for the purposes of a criminal prosecution or the execution of a custodial sentence. Replacing previous extradition tools that required political involvement, 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, comprising a legal agreement between competent authorities of two or more States for the purpose of carrying out criminal investigations.

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, such as is necessary to reach successful conclusions to investigations.

Once a JIT has been set up, the partners can directly exchange information and evidence, cooperate in real time and jointly carry out operations. Further, JITs allow for practitioners to be present during investigative measures on each other's territories, and to therefore share their 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 and/or other EU agencies to JITs is another important benefit to national authorities, reducing the impact on national budgets of costs incurred due to the transnational dimension of cross-border cooperation.

# Asset recovery judicial cooperation

## Within the EU

**Regulation (EU) 2018/1805** (effective as of 19.12.2020): **mutual recognition of freezing (seizure) and confiscation orders** issued within the framework of a “*criminal proceedings*”, including extended confiscation, confiscation from third parties and, in particular, confiscation without a final conviction. It should also cover prevention proceedings. Preparation and sending of certificate forms to the recipient authority (also via Eurojust).

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.**

## Non EU

**Prevalence of EU law, international conventions and international law** over the Code of Procedure (Article 696 of the Code of Criminal Procedure). Check, on a case by case basis, the existence of conventional, bilateral or multilateral tools. International letters rogatory.



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

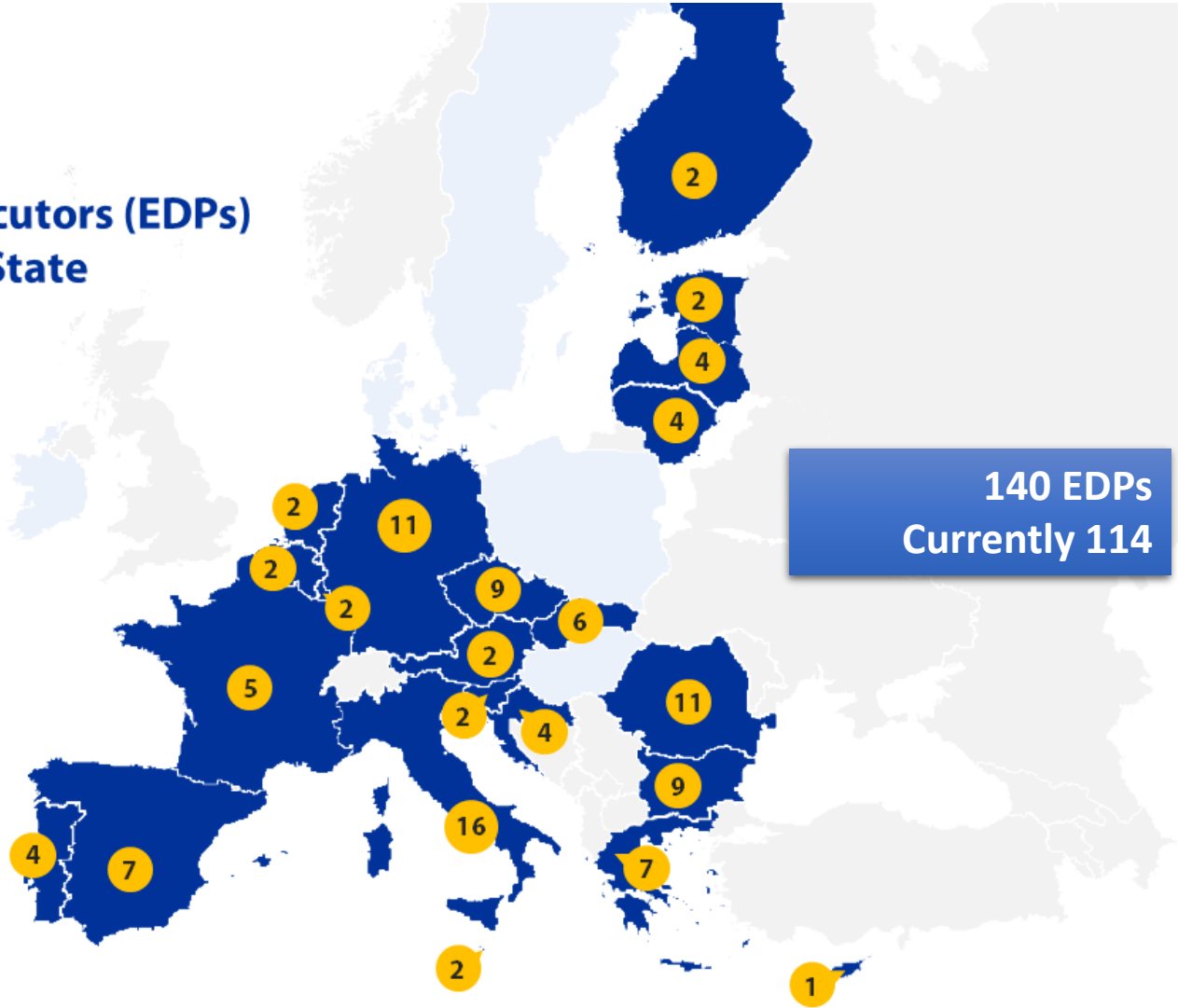
# Decentralised Level



## European Delegated Prosecutors (EDPs) per participating Member State

05/10/2022

● Active number of EDPs



# Competence

## **Article 22(1) EPPO Regulation**

- The EPPO is competent in respect of the criminal offences affecting – or potentially affecting - the financial interests of the Union
- That are provided for in Directive (EU) 2017/1371
- As implemented by national law
- Irrespective of whether the same criminal conduct could be classified as another type of offence under national law

## **Article 2(3): ‘financial interests of the Union’ means:**

- all revenues
- expenditures
- and assets
- covered by, acquired through, or due to the Union budget and the budgets of the institutions, bodies, offices and agencies established under the Treaties

# Competence

In respect of expenditure – procurement and non-procurement:

- Corruption, misappropriation, fraud, misuse, bid rigging, trafficking in influence, abusing public office

In respect of revenue (own resources) - other than VAT:

- Smuggling, custom frauds not involving VAT

In respect of revenue arising from VAT - connected with the territory of two or more Member States and a total damage of at least EUR 10 million:

- VAT frauds, custom frauds involving VAT (including tobacco smuggling and CP42 fraudulent transactions)

Organised crime when the criminal activity is focused on PIF offences

Money laundering from PIF offences

Inextricably linked and instrumental offences

# Competence – MTIC Fraud

- Acts or omissions connected with the territory of two or more Member States
- Member State means a Member State which participates in enhanced cooperation on the establishment of the EPPO (Article 2(1))
- Total damage of at least EUR 10 million:
  - VAT unpaid or deducted
  - All the economic operators of the fraudulent chain
  - All the VAT statements of the different years investigated
  - All the Member States

# EPPO – EUROFISC COOPERATION



Complementarity

# LET'S CHECK AGAIN...WHAT HAVE WE LEARNED?

Name how many ways as you can to obtain **Intelligence** Information from a foreign jurisdiction

**Group 1 & 2**



Name how many ways as you can to obtain **Evidence** Information from a foreign jurisdiction

**Group 3 & 4**



Now we are ready for International Cooperation!





Thanks for your kind attention  
My contact on the  QR code

