

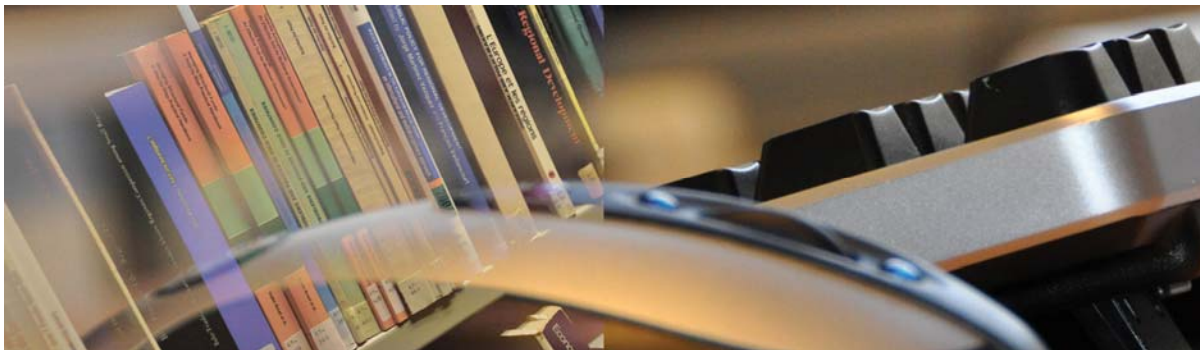


Seminar 5: Asset recovery within the European Union: Council Framework Decisions of 2003, 2005 and 2006 and new developments in this area

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Improving Judicial Cooperation in Criminal Matters in the area of Freedom, Security and Justice, Institutional Processes and Topical Areas



The Camden Asset Recovery Inter-Agency Network (CARIN), EU National Asset Recovery Offices (AROs) and Europol's Role in Asset Recovery

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**Asset recovery within the
European Union: Council
framework decisions of
2003, 2005 and 2006
and new developments in
this area**



**The Camden asset recovery
inter-agency network
(CARIN); EU National Asset
Recovery Offices (AROs) and
Europol's role in asset
recovery**

The Camden Asset Recovery Inter-Agency Network (CARIN), EU National Asset Recovery (ARO's) and Europol's role in asset recovery

The Camden Asset Recovery Inter-Agency Network (CARIN)

The Camden Asset Recovery Inter-Agency Network (CARIN), EU National Asset Recovery Offices (ARO's) and Europol's role in asset recovery

A quick history of CARIN :

- In October 2002, a conference was held in Dublin co-hosted by the Criminal Assets Bureau Ireland and Europol. Workshops were held between practitioners and the objective was to present recommendations dealing with the subject of identifying, tracing and seizing the profits of crime
- One of the recommendations arising in the workshops was to look at the establishment of an informal network of contacts and a cooperative group in the area of criminal asset identification and recovery
- The name agreed for the group was the Camden Assets Recovery Inter-Agency Network (the Camden Court Hotel Dublin being the original location of the workshops where the initiative started)

The Camden Asset Recovery Inter-Agency Network (CARIN), EU National Asset Recovery Offices (ARO's) and Europol's role in asset recovery

- What is CARIN?

A network of experts in asset recovery

- 50 countries :

Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Gibraltar, Greece, Guernsey, Hungary, Iceland, Ireland, Isle of Man, Israel, Italy, Jersey, Kosovo, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, The Netherlands, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America.

- 9 International organisations:


Europol, Egmont Group, Eurojust, International Criminal Court (ICC), International Monetary Fund (IMF);

Interpol, OLAF, United Nations Office on Drugs and Crime (UNODC), World Bank

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What is the purpose of CARIN?

- establish a network of contact points
- establish itself as a centre of expertise on all aspects of tackling the proceeds of crime
- promote the exchange of information and good practice
- undertake to make recommendations to bodies such as the European Commission and the Council of the European Union, relating to all aspects of tackling the proceeds of crime



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- act as an advisory group to other appropriate authorities
- facilitate, where possible, training in all aspects of tackling the proceeds of crime
- emphasise the importance of cooperation with the private sector in achieving its aim
- encourage members to establish national asset recovery offices



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How does CARIN work

- No legal personality
- Informal network
- 2 contacts from each member jurisdiction or organisation
- A steering group of 9 members who will oversee the administration of the network
- An AGM and a Presidency held by a representative of the steering group – currently Hungary
- A permanent secretariat provided by Europol

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What does commitment to CARIN means For Members and Observers?

- as an informal practitioners network, they may facilitate the exchange of information with other CARIN Member and Observer status contacts, within available national, European and international legal frameworks
- they should advise on and facilitate mutual legal assistance. Mutual legal assistance requests must be made through the appropriate formal legal channels
- they should share good practice, knowledge and experiences, on their own initiative, and should provide feedback to assist in research and development
- they should raise awareness with appropriate law enforcement and judicial authorities on the importance of developing all aspects of tackling the proceeds of crime and the dissemination of information

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- **CARIN recommendations**
 - Investigations methods and cooperation of law enforcement agencies with the UE
 - Building on existing international investigative and legal best practice and future legislative measures to support asset recovery
 - Promoting the creation of national asset recovery offices and the effective management of seized and confiscated assets



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CARIN Recommendations

- Promoting CARIN as a center of excellence for cooperation in confiscating and recovering assets
- Promoting the creation of national asset recovery offices and the effective management of seized and confiscated assets
- Targeting unexplained wealth



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E U National Asset Recovery Offices



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- The EU council decision 2007/845/JHA :
 - obliges Member State to set up or designate at least one national ARO
 - formally recognises CARIN network
 - provides for cooperation guidelines and exchange of information rules between AROs



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Evaluation by the UE Commission

- Notifications of 23 AROs have been received on Council decision 2007/845/JHA
- Who has not sent notifications yet
- Evaluation of cooperation between AROs
- Evaluation of exchange of information between AROs
- Evaluation of exchange of best practices
- Evaluation of data protection
- Main challenges for AROs



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- How to cooperate and exchange sensitive information
- Europol Secure Information Exchange Network Application (SIENA)
- 17 AROs are connected to SIENA



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Europol criminal assets bureau (ECAB)

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ECAB:

- Supports Member States in tracing criminal assets outside their jurisdictions
- Supports Member States in the establishment of ARO
- Holds the permanent secretary of CARIN

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From AROs to AMOs

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A tentative typology of actions for recovery assets management


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- Before seizure
 - Financial analysis of property before a seizure and recommendations on the financial viability of proceeding with the seizure;
 - Analysis and evaluation of the best method to protect and maintain the value of the asset;
 - Evaluation of the costs associated with asset management
 - Coordinating services such as storing and inspection, as needed



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- **After seizure (for assets seized or under restraint):**
 - Inspection, appraisal, administration, storage, protection and maintenance of seized or restrained property;
 - Settlement of third-party claims (i.e. from tenants and/or financial institutions) on seized property; and,
 - Advances of funds to preserve property if necessary



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- **After forfeiture**
 - Asset disposal process after completion of legal proceedings if the sentencing includes forfeiture of assets
 - Returning non-forfeited assets to their owner(s).



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Thank you for your attention!

Questions