



Case Management and the use of EU legislation and tools: Key Components in the Fight against Financial Crimes. ¹

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http://ec.europa.eu/anti_fraud/about-us/funding/index_en.htm

22-23 May 2014 – IGO-IFJ - Brussels

Ref.: INT/2014.200

Target audience

IGO will train 40 Belgian and 40 foreign magistrates in majority from the EU Member States (investigating judges, prosecutors, judges) in the area of financial criminal law.

Context of this conference

Fighting financial crimes is fundamental to preserve our licit economies. Combating this threat requires therefore a strategy in which all judicial authorities as well as all law enforcement agencies are involved.

Following the Final Report on the fifth round of mutual evaluations “Financial Crimes and Financial investigations” which was approved by the Council’s Working Group on General Matters including Evaluations (GENVAL) on 3/10/12, the lack of efficient *case management* (time and resource management) and unfamiliarity with the *use of national and EU legislation/tools in the field of financial crimes*, are identified as key problem in investigating financial crimes at national and European level.

¹ This communication reflects the view only of the author, and the European Commission cannot be held responsible for any use which may be made of information contained therein.

To consult the entire report please click on

<http://register.consilium.europa.eu/pdf/en/12/st12/st12657-re02.en12.pdf>

It is known that financial investigations cost a lot of time and require a large amount of *resources in terms of time, manpower and financial means*. Since they are often scarcely available within national investigation offices, it is of important to use them efficiently. Therefore it might be of interest to judicial authorities to take a look to national case management systems which have been developed in other MS (e.g. NL, UK, Italy and Scandinavian countries) with the objective to reduce duplication of work and to shorten legal procedures.

An efficient *freezing and confiscation policy* is also considered to be a key component in the fight against financial crimes. Notwithstanding the fact that there is quite some EU legislation (2012 Directive on the freezing and confiscation of proceeds of crime in the EU) and tools available in this area , the practical use of these tools by magistrates is often lacking (eg. European Freezing Order, JIT, etc) and on the contrary the application of long-established MLA-instruments are still being used.(Recommendation 6.2.2. in Belgian Report: how come this is the case and what can be learned from other MS) (Recommendation 6.2.1. Exemplary role of Central Office for Seizure and Confiscation(OSCS)in seizing assets in the investigation stage).

Furthermore, it is noticed that magistrates do not seem to have knowledge of the *specific OLAF legislation with regard to the protection of the financial interests of the EC (PIF-legislation)*. Currently, a proposal of directive(COM(2012)363/2) on this matter is being discussed within the EU institutions proposing minimum sanctions to be applied by all Ms for a number of defined financial crimes. The above mentioned Final Report stresses the importance of training among judicial authorities at all levels in order to reinforce the expertise and enhance judicial cooperation.

At least the focus on the best practices to collect evidence hidden behind electronic data is an important challenge.

Objectives

- 1) to update the knowledge of judges and prosecutors on EU and national legal instruments on financial criminal law, with special focus on its implementation;
- 2) to exchange experiences and good practices with regard to the implementation of financial investigations in different Member States;
- 3) to familiarize judges and prosecutors with the use of financial investigation tools in order to enhance cross border judicial co-operation in the future.

Dates

From Thursday 22 May 2014 to Friday 23 May2014

Venue

Institute of Judicial Training (IGO-IFJ) – Avenue Louise 54 – 1050 Brussels (Belgium)
<http://goo.gl/maps/vrmRv> .
1st Fl conference room Bonnie & Clyde

Comments

The working languages of the seminar are English and French, with simultaneous interpretation. The number of participants is limited to 40 Belgian judges and public prosecutors and 40 judges and public prosecutors from the other Member States and candidate countries.

Documentation :

The institute has a paperless-policy whereby only for exceptional cases (like practical exercises) hard-copy documentation is provided. Because of this, we ask the participants to bring their own device (laptop or tablet computer) by which they can consult the documentation. This documentation will be accessible via the web.

Meeting materials for the meeting will be available the week before the start of the exchange by clicking on the following hyperlink :

<http://edu.igo-ifj.be/fr/doc/int-200-218> - password : int200

Programme

1. Thursday 22 May 2014

Morning session:

Best Practices with regard to Case Management of investigations into financial crimes

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| 9:00 - 9:30 | Registration |
| 9:30 - 9:35 | Welcome by Mrs. Edith VAN DEN BROECK |
| 9:35 - 9:45 | Chair and introduction by Mr. Jean-Michel VERELST , Deputy Director, Central Office for Seizure and Confiscation (COSC) |
| 9:45 – 10:15 | Presentation on the Final Report on the fifth round of mutual evaluations “Financial Crimes and Financial investigations” Mr. Peter BRÖMS , Senior Strategic Adviser National Bureau of Investigation, Criminal Intelligence and Investigation Division in Stockholm, Sweden, before National Expert, General Secretariat, Council of the EU |
| 10:15 – 10:30 | Q&A |
| 10:30 – 12:30 | Presentations given by experts describing <i>good practices</i> with special focus on resource management, procedures en co-operation between different actors (20’ per speaker) <ul style="list-style-type: none">• Representative of the Financial Expertise Center , Ms. WITTEVEEN, Secretary of FEC in The Netherlands• Representative from the London Metropolitan Police Service “Specialist and Economic Crime Command” (police driven investigation)
Mr. Simon WELCH, Detective Chief Inspector, Criminal Finance Teams SC&O 7 Specialist and Economic Crime OCU at the London Metropolitan Police |
| 11:10 – 11:30 | Coffee Break |
| 11:30 – 12:50 | <ul style="list-style-type: none">• Representative of the Swedish Economic Crime Authority Bureau in charge of investigating and prosecuting financial crimes, Mr. Jonas ARVIDSSON, Senior Public Prosecutor |

- Representative from France : Mr. **Jacques CARRERE**, Deputy Prosecutor, at the Prosecution Office of Paris
- Representative from Italy Mr. **Gianfranco DONADIO**, Deputy Chief Prosecutor, National Anti-Mafia Direction (Italy)

12:50 – 13:00 Q&A

13:00 – 14:00 Lunch offered by IGO-IFJ

Afternoon session:

National and EU legislation and Tools with regards to the deprivation of assets

14:00 Chair and Introduction
Mr. **Jean-Michel VERELST**, Deputy Director, Central Office for Seizure and Confiscation (COSC)

14:00 – 14:20 **European Freezing Order: Legal framework, its application and pitfalls**
Mrs. **Svetlana KLOUCKOVA**, Ph.D. Director of International Affairs Department. Supreme Public Prosecutor's Office. of the Czech Republic

14:20 – 15:00 **Implementation of the European Freezing Order in Belgium**
Mr. **Jean-Michel VERELST**, Deputy Director, Central Office for Seizure and Confiscation (COSC)

15:00 – 15:30 Coffee Break

15:30 – 16:45 **Workshop on the implementation of the EFO in different Member States**
Case introduced by
Mrs. **Inge ARNAUTS**, Prosecution Office of Antwerp, Financial Unit
(participants will be divided in 4 groups. Each WG nominates a reporter who will report on the outcome of the discussion in morning session of 23/5/14)

16:45 – 17:10 **Criminal Assets Recovery and management of seized goods**

Presentation on CARIN (Asset Recovery Inter Agency Cooperation)
Mr. **Burkhard MUHL**, Senior Specialist, Europol Criminal Assets Bureau & CARIN Secretariat

17:10 – 17:50 **Research and technical tools for performing more effective financial investigations and the Italian best practices with regard to management of seized goods**
Mr **Michele RICCARDI**, Adjunct Professor of Business Economics and Accounting Project Officer and Researcher TRANSCRIME Joint Research Centre on Transnational Crime

17:50 – 18:00 Q&A

20:00 Dinner in the city

2. Friday 23 May 2014

Morning session:

Improving Financial Investigations through PIF Legislation

- 9:00 – 9:10 Chair and introduction
Mr. **Stefan De MOOR**, Judge at the Court of Appeal in Antwerp (former staff member at OLAF).
- 9:10 – 10:00 Reports of the 4 reporters on the implementation of the EFO and reaction of Mr. Stefan De Moor
- 10:00 – 10:30 **OLAF Legislation on the protection of the financial interests of the EU in general**
Mr. **Stefan DE MOOR**, Judge at the Court of Appeal in Antwerp
- 10:30 – 10:50 **Presentation on the Proposal of directive of the EP and Council in the fight against fraud to the Union's financial interests by means of criminal law**
Mr. **Lothar KUHLMANN**, Head of Unit, OLAF.D.1.: Policy Development (*to be confirmed*)
- 10:50 – 11:10 Coffee Break
- 11:10 – 11:30 **Joint Investigation Team Network**
Mr. **Vincent JAMIN** Head of JITs Network Secretariat of EUROJUST
- 11:30 – 12:20 **Case presentation on electronic data and access to data holding information relevant to financial investigations, in particular related to EU fraud and corruptions**
Mr. **Paul LAFORCE** Team leader EAT - Expenditure Analysts Team, Senior Analyst - Registered Forensic Auditor Operational analysis and Forensics Unit OLAF.C.3.: Operations Analysis & Digital Forensics (*to be confirmed*)
- 12:20 – 12:30 Q&A
- 12:30 – 13:30 Lunch offered by IGO-IFJ

Afternoon session
Implementation of the EU-Recommendations

- 13:30 – 13:45 Chair and **Introduction on the recommendations stated in the Belgian Mission Report** (Council of the EU, 9518/2/10 REV2, 29/7/10)
Mr. **Daniel FLORE**, General-Director of the DG Legislation at the Belgian Federal Department
- 13:45 – 14:30 Discussion on the recommendations in workshops
(participants will be divided in 4 groups. 4 reporters among the participants will be nominated to brief the plenary)
- 14:30 – 15:55 Briefing by the 4 reporters and reaction of Mr. **Daniel FLORE**
- 15:55 Concluding words by director IGO-IFJ Mrs. **Edith VAN DEN BROECK**
- 16:00 Reception offered by IGO-IFJ



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