Asset Recovery in the EU: the role of Europol and the Camden Asset Recovery Inter Agency Network (CARIN)

OSCE Seminar “Identifying, Restraining and Recovering Stolen Assets in the OSCE Region”
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Burkhard Mühl, Senior Specialist
Europol Criminal Asset Bureau
burkhard.muehl@europol.europa.eu

Europol Criminal Assets Bureau

Responsibilities of ECAB

Operational
- To provide support to all mandates crime areas in order to identify and seize/freeze criminal assets
- To directly support Member States in tracing criminal assets located outside their jurisdictions

Strategic
- To support Member States in the establishment of Asset Recovery Offices in line with European Law (Council Decision 2007/845/JHA) and to facilitate the information exchange between them via the Europol SIENA System
- To hold the permanent Secretariat of the ‘The Camden Asset Recovery Inter-Agency Network – CARIN’
- To manage The Europol Financial Crime Information Centre Web Site – FCIC
ECAB Operational Support

- Using CARIN
- Using National Asset Recovery Offices (AROs)
- Europol Financial Crime Information Center Website

CARIN

- **EU Network of Experts** in Relation to Asset Recovery
- Improve cross-border and Inter-Agency **co-operation**
- Informal (and personal) contacts using the **Multi-Agency Approach**
How does CARIN work?

- CARIN is informal, i.e. as a network it has no legal basis
- The CARIN contacts list forms the basis of the network
- Informal network – formal channels
- The Network Contacts are the practitioners in the field, the working language is English
- CARIN contacts provide general information on the possibilities in their own jurisdictions and facilitate the effective exchange of information and intelligence where necessary

What benefits can CARIN bring to you?

- General advice and guidance on asset recovery in member jurisdictions
- Facilitate, where possible, training in all aspects of asset recovery
- Facilitate the exchange of operational requests between your investigators and prosecutors and other CARIN member jurisdictions
- Access to the FCIC website containing all general CARIN information
61 Members
March 2012

50 Countries / Jurisdictions:

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
SOUTH AFRICA
7 Members

Botswana
Mauritius
Namibia
South Africa
Tanzania
Zambia
Zimbabwe

LATIN AMERICA
12 Members

Argentina
Bolivia
Brazil
Chile
Colombia
Costa Rica
Ecuador
México
Panamá
Paraguay
Peru
Uruguay
ECAB Operational Support

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EU Council Decision on Asset Recovery Office(s) 2007/845/JHA

What is it’s purpose?

- Obliges every Member State to set up ARO
  - Principal obligation to set up/ designate 1 (or 2) AROs per Member State - Legal/constitutional set-up of every MS
- Creates legal EU framework for existing informal network CARIN
- Establishes legal obligation for co-operation between AROs of different legal nature

ARO = Office charged with

- the facilitation of the tracing and identification of proceeds of crime and other crime related property
  - which may become the object of an order made by a competent judicial authority for freezing or seizure or for confiscation in the course of criminal or, as far as possible under the national law of the Member State concerned, civil proceedings.
## ARO Matrix

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>Police</th>
<th>Judiciary</th>
<th>Multi-disciplinary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>P</td>
<td>J</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>J</td>
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<td></td>
</tr>
<tr>
<td>Bulgaria</td>
<td>J</td>
<td>W</td>
<td></td>
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<tr>
<td>Cyprus</td>
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<td>W</td>
<td></td>
</tr>
<tr>
<td>Czech Republic</td>
<td>P</td>
<td>W</td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td>P</td>
<td>W</td>
<td></td>
</tr>
<tr>
<td>Estonia</td>
<td>P</td>
<td>W</td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td>P</td>
<td>W</td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td>P</td>
<td>J</td>
<td></td>
</tr>
<tr>
<td>Germany (2)</td>
<td>P</td>
<td>J</td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>P</td>
<td>W</td>
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</tr>
<tr>
<td>Ireland</td>
<td>P</td>
<td>W</td>
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<tr>
<td>Italy</td>
<td>P</td>
<td>W</td>
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<td>Latvia</td>
<td>P</td>
<td>J</td>
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<td>Lithuania</td>
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<tr>
<td>Luxembourg</td>
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<td>J</td>
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<td>Netherlands</td>
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<td>P</td>
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</tr>
<tr>
<td>Sweden (2)</td>
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<td>J</td>
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</tr>
<tr>
<td>UK-England, Wales &amp; NI</td>
<td>P</td>
<td>W</td>
<td></td>
</tr>
<tr>
<td>UK-Scotland</td>
<td>P</td>
<td>W</td>
<td></td>
</tr>
</tbody>
</table>

### ARO SIENA Project

- **✓** Provides High security standards for exchanging sensitive information
- **✓** A direct link for AROs to SIENA is recommended
  - Siena should be accessible on a terminal within the ARO Office
- **✓** 17 AROs are already connected to SIENA:
  - Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Spain, United Kingdom
The role of Europol in the information exchange between AROs

- Through Europol Criminal Asset Bureau access to Europol databases and capacities:
  
  Analysis  
  Cross-matching  
  Identification of new leads

Co-operation with Third Parties

<table>
<thead>
<tr>
<th>THIRD COUNTRIES</th>
<th>OPERATIONAL AGREEMENT (Personal data)</th>
<th>SIGNATURE</th>
<th>ENTRY INTO FORCE</th>
<th>LIAISON OFFICERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>X</td>
<td>20/02/2007</td>
<td>27/06/2007</td>
<td>1 at Europol</td>
</tr>
<tr>
<td>Canada</td>
<td>X</td>
<td>21/11/2005</td>
<td>21/11/2005</td>
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<td>19/08/2006</td>
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<tr>
<td>FYROM</td>
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<td>28/06/2001</td>
<td>06/06/2001</td>
<td>1 at Europol</td>
</tr>
<tr>
<td>Monaco</td>
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<td>06/05/2011</td>
<td>05/08/2011</td>
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<tr>
<td>Norway</td>
<td>X</td>
<td>28/06/2001</td>
<td>24/12/2001</td>
<td>2 at Europol</td>
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<tr>
<td>Switzerland</td>
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<td>24/09/2004</td>
<td>01/03/2006</td>
<td>2 at Europol</td>
</tr>
<tr>
<td>USA</td>
<td>X</td>
<td>20/12/2002</td>
<td>21/12/2002</td>
<td>10 at Europol (ATF, DEA, FBI, ICE, IRS, NCIS, PSI, USSS), 2 in Washington</td>
</tr>
</tbody>
</table>

Total third countries: 9
ECAB

- The Europol Criminal Asset Bureau
- The Camden Asset Recovery Inter-Agency Network (CARIN)
- The Europol Financial Crime Information Center Website
  (Email: fcic@europol.europe.eu)
Burkhard Mühl, MA
Senior Specialist
Europol Criminal Assets Bureau
Tel.: +31(0)703531623
Mobile: +31(0)652560497
burkhard.muhl@europol.europa.eu

Thank you for your attention!