EU Asset Recovery Offices and the CARIN Network

Vienna, 25-26 August 2011

Burkhard Mühl, Senior Specialist
Europol Criminal Assets Bureau
Background

- CARIN Network
- Austrian Presidency initiative, supported by Belgium and Finland

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.
What is its 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
EU Council Decision on Asset Recovery Office(s)

Obligation to exchange information and best practices

- Regardless of legal nature of ARO

- Reference to the Framework Decision on simplifying the exchange of information between the law enforcement authorities of the MS of the EU

  - Procedures, Channel, Data protection regime, Time limits

- Co-operation is aimed at exchanging information on location and identification of seizable property = police co-operation
EU Council Decision on Asset Recovery Office(s) =

• important ‘institutional brick’ in the EU framework for confiscation of criminal proceeds

• Mutual recognition of freezing orders/confiscation orders is contingent upon the swift exchange of information between AROs
AROs ideally should –

• Have a multidisciplinary structure comprising expertise from law enforcement, judicial authorities, tax authorities, social welfare, customs and any other relevant services. These agencies should be able to exercise their usual powers and have access to all relevant databases in order to identify and trace assets.

• Have access to a central bank account registry at national level

• Be adequately resourced
Ideal Structure of an ARO

- Provide a central point for all incoming requests relating to asset recovery

- Collect all relevant statistics on freezing and confiscation

- And where AROs do not directly manage seized assets, they at least should collect information from competent authorities on seized assets.
EUROPOL SIENA System – a secure channel for direct co-operation between AROs

- AROs have an obligation to co-operate therefore need a secure channel to exchange sensitive information
- SIENA is already operational and offers this secure channel
- 15 AROs of the EU are already connected to SIENA
- Provides high security standards for exchanging sensitive information
CARIN  58 Members  June 2011

49 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, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, The Netherlands, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America, Turkey

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
CARIN is an informal network of English speaking judicial and law enforcement practitioners, who are experts in the field of asset tracing, freezing, seizure and confiscation.

The aim of CARIN is to increase the effectiveness of members’ efforts on a multi-agency basis, in depriving criminals of their illicit profits.
Structure of CARIN

- no legal basis - informal
- CARIN contacts are not linked electronically
- The CARIN contacts list forms the basis of the network
- Informal network – formal channels
- 2 contacts from each member jurisdiction or organisation
- Steering Group – 9 members, Presidency – Annual
- Europol - permanent Secretariat
How does it work?

Operational Involvement – all crimes approach

CARIN contacts provide general information on the possibilities in their own jurisdictions

And facilitate the effective exchange of information and intelligence where necessary
New CARIN Style Networks

Camden Asset Recovery Inter-Agency Network (CARIN)
  • Secretariat located at Europol

Asset Recovery Inter-Agency Network Southern Africa (ARINSA)
  • Secretariat located at the South African National Asset Forfeiture Unit

Red de Recuperacion de Activos de GAFISUD (RRAG)
  • Secretariat located at the GAFISUD Secretariat Office
Asset Recovery Inter-Agency Network of Southern Africa

- Botswana
- Mauritius
- Namibia
- South Africa
- Tanzania
- Zambia
- Zimbabwe
Red de la Recuperación de Activos de GAFISUD

- Argentina
- Bolivia
- Brazil
- Chile
- Colombia
- Costa Rica
- Ecuador
- México
- Panamá
- Paraguay
- Peru
- Uruguay
Thank you for your attention!

Burkhard Mühl, MA
Senior Specialist
Europol Criminal Assets Bureau
Tel.: +31(0)703531623
Mobile: +31(0)652560497
burkhard.muhl@europol.europa.eu