

**Thirteenth session
of the Implementation Review Group
(13-17 June 2022)**

*Panel discussion on best practices
and challenges in ensuring effective
cooperation at the domestic level
among anti-corruption and law
enforcement authorities*

*Eugenio Fusco
Deputy Chief Prosecutor
at the Prosecutor Office in Milan*

The role of the Milan Public Prosecutor Office in the fight against corruption

- *The Milan Public Prosecutor Office has always been committed to the fight against corruption, both domestic and international: the investigation "Mani Pulite", the thirty-year anniversary of which is celebrated, marked an era and represents a world symbol of the «fight against corruption»*
- *Over the years, the Office has built strong relationships with many foreign authorities and, in particular, with the Swiss Confederation, whose cooperation has proved decisive in conducting investigations*
- *The investigations are mainly delegated to the **Guardia di Finanza (GDF)**, the Italian law enforcement body with a specific competence in economic and financial matters which is ordinarily committed to fighting against all forms of economic and financial crime, including bribery: over the years the close synergy between the Public Prosecutor Office and the GDF has made possible the improvement of specific investigative methodologies applicable in the financial field*

The investigative activity of the Milan Public Prosecutor Office

- *One of the features that distinguishes the investigative activity carried out by the Milan Public Prosecutor Office in the fight against corruption, concerns its particular focus on those specific crimes that may occur in the corporate and tax fields*
- *In cases where the fact of corruption affects a company, one of the main investigative modalities is the examination of both tax and accounting documents, in order to identify any resources specifically intended for the commission of the bribery*
- *In the corporate context, in fact, the creation of specific funds is always the necessary prerequisite for the payment of the "bribe"*

A practical case

- *The company tied to the payment of the "bribe" commissions, to a third company, works that will not be realized; it is also frequent the case of the agreement of a price «inflated» that incorporates the amount of the "tangent"*
- *To conceal the price of corruption a fictitious cost item is created on the balance sheet thus altering the representation of the economic, patrimonial and financial situation of the company*

The cooperation between the Milan Public Prosecutor Office and the National Anti-Corruption Authority (ANAC)

- *The Milan Public Prosecutor Office, like many other Public Prosecutors Offices, has signed a specific Memorandum of Understanding with the National Anti-Corruption Authority (ANAC)*
- *The purpose of the Memorandum is to allow an effective exchange, between the two Parties, of information, acts and documents relating to investigations, criminal and administrative proceedings, of their respective competence*

The cooperation between the Milan Public Prosecutor Office and the National Anti-Corruption Authority (ANAC)

- *According to the Memorandum, if the ANAC, during its inspection activity, identifies suspicious elements related to the crime of corruption, informs the Prosecutor Office*
- *The Public Prosecutor Office, in turn, when it concludes its investigations in relation to corruption crime, informs ANAC*
- *On the basis of the Memorandum, the Authorities cooperate with each other also at the stage of the investigation: the Public Prosecutor Office may make use of the specific competence of ANAC*

The cooperation between the Public Prosecutor Office, the Bank of Italy (the Italian Banking Supervisory Authority) and the Italian Financial Intelligence Unit

- *The fight against corruption takes significant advantage from the cooperation between the Public Prosecutor Office and the Bank of Italy and the Italian Financial Intelligence Unit (FIU)*
- *The cooperation among these entities is based on two Memoranda of Understanding setting the legal framework for the exchange of information, including the exchange of the Suspicious Transaction Reports from FIU*
- *Within this framework, since 2009 the Milan Public Prosecutor Office avails itself of a **Judiciary Support Unit**, made up of four experts specifically tasked with supporting criminal investigations (especially in the reconstruction of the financial flows lying behind any economic offence, including corruption and laundering of related profits)*

The cooperation between the Public Prosecutor Office, the Bank of Italy and the Italian financial intelligence Unit

- *Assistance from the Unit have often proved helpful, sometimes essential, in detecting and giving evidence of corruption and other criminal offences*
- *This confirming the idea that “following the money trail” – as Giovanni Falcone suggested many years ago – is crucial to combating, beyond the Mafia, economic crime in its more extended meaning*