

# EU Asset Recovery Offices and the CARIN Network

---



**Vienna , 25-26 August 2011**

Burkhard Mühl, Senior Specialist  
Europol Criminal Assets Bureau

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

## 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.

# EU Council Decision on Asset Recovery Office(s)

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

# 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

## Conclusion FD AROs

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

# Ideal Structure of an ARO

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



## 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

**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



# EUROPE



 **CARIN**

## Asset Recovery Inter-Agency Network of Southern Africa

- Botswana
- Mauritius
- Namibia
- South Africa
- Tanzania
- Zambia
- Zimbabwe





12 Members  
November 2010

RRAG

## Red de la Recuperación de Activos de GAFISUD

- Argentina 
- Bolivia 
- Brazil 
- Chile 
- Colombia 
- Costa Rica 
- Ecuador 
- México 
- Panamá 
- Paraguay 
- Peru 
- Uruguay 





# WORLD



- CARIN
- ARINSA
- RRAG

©2010 Google - Imagery ©2010 NASA - Terms of Use



**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](mailto:burkhard.muhl@europol.europa.eu)