



## FIU COOPERATION CHALLENGES



## BACKGROUND

### IMPLEMENTATION ANTI – MONEY LAUNDERING INSTRUMENTS

- FATF REC. 26
- EU DIRECTIVE

New player : administrative authorities

Divergences

## LEGAL OBSTACLES

- DIFFERENT STATUTE

*COOPERATION ADMINISTRATIVE - POLICE FIU*

- LEA communication lines
- Administrative: direct exchange
- Problem: - police <--> intermediary
  - Confidentiality (« closed box » systems)

- DIFFERENT FUNCTION

*ADMINISTRATIVE UNIT :*  
*strict separation analysis / investigation*

*LAW ENFORCEMENT UNIT :*  
*analysis (intelligence) and investigation combined*

## ● INADEQUATE LEGISLATION

- *Legal basis deficient*
- *Excessive formalities → treaty condition*
- *Enhanced secrecy systems (offshore)*
  - *protection real beneficiary*
  - *fiscal alibi*

## ● INVESTIGATIVE POWERS ⇒ SOURCES

- *Predicate offense : general <--> limited scope*
- *Financial information : direct access <--> court order*
  - non disclosure related?*
- *Law enforcement information*
- *Administrative registers*
- *Commercial sources*

## PRACTICAL OBSTACLES

- NO RESPONSE
- INCOMPLETE INFORMATION
- DELAYS
- PROTECTION OF COMMUNICATION LINES

⇒ *Direct relation with resourcing*

- legal
- material

## REMOVING OBSTACLES

- EGMONT GROUP SOLUTIONS
  - *PRINCIPLES OF INFORMATION EXCHANGE*
    - Reciprocity
    - Free exchange at FIU level
    - Prior consent rule
    - Confidentiality
  - *EGMONT MODEL MOU*
  - *CODE OF BEST PRACTICES*
  - *EGMONT SECURE WEB*

## LEGISLATIVE INITIATIVES

- ADEQUATE LEGISLATION

- ± autonomy FIU
- legal basis for intelligence exchange
- effective access to relevant information
- nature counterpart irrelevant
- no excessive conditions (treaty ...)

## OTHER INITIATIVES

- SUPRANATIONAL INSTRUMENTS

→ *EU COUNCIL DECISION 17.10.2000*

→ *UN TOC CONVENTION 2000*

- STIMULATING DIRECT CONTACTS

→ *workshops, seminars ...*

- BILATERAL AGREEMENTS → MOU

→ *customised*

## *REAL CHALLENGES*

**SPEED / EFFICIENCY**

**INCREASING QUALITY!**

## **IMPROVING SPEED / EFFICIENCY**

- EU INITIATIVE : FIU-NET project
- MULTILATERAL INSTRUMENTS  
→ *additional protocol 1990 Strasbourg Convention*

# IMPROVING QUALITY

## ➤ SUBSTANTIAL / RELEVANT INFO

- CONFIDENTIAL
- FINANCIAL
- LAW ENFORCEMENT

## ➤ RELATION OF TRUST