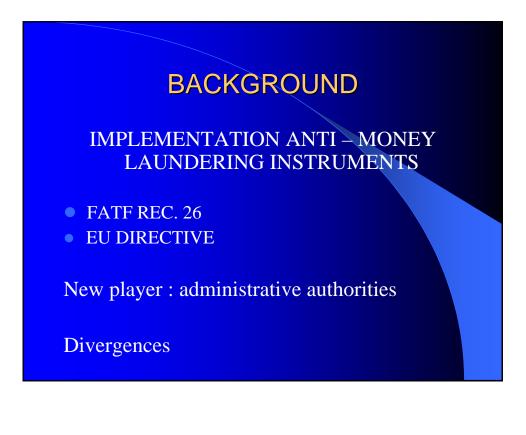
20TH OSCE ECONOMIC AND ENVIRONMENTAL FORUM FIRST PREPARATORY MEETING Vienna, 6-7 February 2012 Session V: International Information Exchange Presentation by Mr. Verhelst, Chair of the Egmont Group and Deputy of the Financial Intelligence Unit, Belgium

ENGLISH only





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 ENORCEMENT UNIT : analysis (intelligence) and investigation combined

INADEQUATE LEGISLATION

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

• INVESTIGATIVE POWERS \Rightarrow 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
 - \Rightarrow *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

- \pm 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