



**ACTS OF THE
FEEDBACK SEMINAR ON THE CONCLUSIONS
OF THE ACTION-RESEARCH
PROGRAMME OF CEIFAC**

University of Strasbourg (France)
24 June 2016

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N°0- 2016 Parution - Gratuite - ISSN 2272-981X



By Dr. Chantal Cutajar, Executive Director of CEIFAC

The European College of Financial Investigations and Criminal Financial Analysis, CEIFAC, takes part in the implementation of the objective of the three-year contract, Strasbourg, European Capital (2015-2017), to strengthen the position of Strasbourg as host city for the European institutions. It aims to promote a Europe of security and justice - indeed, recent events remind us that it requires urgent consolidation.

Through education and research to promote Europe in Strasbourg, it contributes to a Europe that puts justice and law at the heart of its action. Its programme, designed and implemented through a close partnership with the French prosecuting authorities and from other Member States of the European Union (EU) as well as the European bodies in the fight against organized crime, makes CEIFAC - an academic centre dedicated to financial investigations - unique in Europe.

Financial investigations have indeed been identified, particularly by the Financial Action Task Force (FATF) and the European Commission (EC), as an effective tool for fighting against organized crime, terrorism, corruption and generally against all forms of criminality generating cross-border financial flows.

CEIFAC's recommendations were forwarded to the EC in May 2015. The Vademecum of financial investigation and financial criminal analysis, developed by Elena Addesa-Pelliser, doctoral candidate, has been widely circulated and is freely available on the CEIFAC site since November 2015. The same applies to the inventory of the implementation of the regulatory provisions by member states concerning money laundering and corruption, directed by Laure Romanet, a PhD student, from auditors' reports.

The EC found, at the end of the first phase which ended in 2015, the project was drawn up in line with the Commission's line of action; teaching materials have focused on treating financial investigation as a whole (...), which is appreciated « and that it « helped bridge the gap between political 'commitments' and the reality on the ground.» Finally, «it could serve as a useful reference during the Dutch Presidency «.

The European Council of 9 and 10 June 2016 adopted conclusions and an action plan on the way forward for financial investigations including several of the recommendations made by the CEIFAC especially concerning training.

One of the peculiarities of the CEIFAC is that it is open to all in order to promote information and ownership by citizens of the initiatives and activities carried out to promote a Europe of freedom, security, and justice.

The commitment to inform and share with all citizens the recommendations for the attention of the EC and Member States resulted in organizing a seminar to report on the CEIFAC's action-research programme open to the public on 24 June 2016. Three round tables have been dedicated to three of its recommendations.

The first round table moderated by Elena Addesa-Pelliser dealt with training for criminal financial investigations (Round Table 1). The second, co-hosted by Marc Simon and Simon Baechler, was dedicated to the requirements and issues in operational strategic analysis (Round table 2). The third, led by Chantal Cutajar, considered the legislative and institutional reforms useful for the implementation of financial investigations in Europe (Round table 3).

This inaugural issue of the Journal of CEIFAC publishes the proceedings of this seminar.

We are happy to share them with you.

Notes :

1. The partners of the 2015-2017 three-year contract are the French state, Eurometropole Strasbourg, the City of Strasbourg, the Department of Bas-Rhin, and the Region of Alsace ceifac.eu/info.php?pge=Presentation_ceifac
2. The vademecum: and current state are available at this address www.ceifac.eu/info.php?pge=Rapport_ISEC_2013_2015
3. Elena Addesa-Pelliser and Laure Romanet are doctoral students under the direction of Chantal Cutajar within the UMR 7354 DRES of the University of Strasbourg and attached to the research team of the Group for deep research on organized crime (GRASCO).
4. <http://data.consilium.europa.eu/doc/document/st-8777-2016-init/en/pdf>

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FEEDBACK SEMINAR ON THE RESULTS OF THE ACTION-RESEARCH PROGRAMME OF CEIFAC

Under the direction of Dr. Chantal CUTAJAR, JD in Law (1996): The shell company - Test on its concept and its legal system, with honours Suma cum laude

Research Director, Director of the research laboratory GRASCO (Actions-research group on organized crime), Director of the scientific journal of GRASCO, Executive Director of CEIFAC (European College of financial investigations and financial criminal analysis), expert at the European Commission on the seizure and confiscation of assets and financial investigations at European level, Director of Master's 2 «Conformity manager / compliance Officer» and «Fight against organized crime in its economic and financial aspects», Teaching manager for foreign students in the ERASMUS / SOCRATES exchange programme. Auteur de très nombreuses contributions, articles, actes de colloques et conférences, coordinatrice d'ouvrages scientifiques collectifs sur le thème de la lutte contre la criminalité financière, criminalité organisée, lutte contre le blanchiment et la corruption.

Author of numerous contributions, articles, conference proceedings and conferences, coordinator of collective scientific works on the theme of the fight against financial crime, organized crime, fight against money laundering and corruption.

Alphabetical list of speakers:

ADDESA-PELLISER Elena, Doctoral student in Criminal Law and Criminal Sciences on « Financial investigations in the EU: overview and recommendations ». 2013: Master in Business Law - Fight against fraud and money laundering (University of Strasbourg), 1994 graduate of HEC Jouy-en-Josas (major: Audit, consulting, expertise), 1992 DESS International Relations (University of Dauphine) 2014: brief training in forensic criminal intelligence at the University of Lausanne. Author of the Vademecum of criminal financial investigation and financial analysis, under the direction of Chantal Cutajar.

BAEHLER Simon, responsible for training at the School of Criminal Science of the University of Lausanne, scientific police Inspector NEUCHATEL, Switzerland, PhD in Forensic Science

CASSUTO Thomas, magistrate and Councillor at the Court of Appeal of Lyon, JD, France

DALLES Bruno, Director of TRACFIN (French Financial Intelligence Unit)

DELEPIERE Jean-Claude, former President of the CTIF (Belgian FIU), trainer involved in CEIFAC

training sessions

SERVETTAZ Jérôme (Colonel), commander of the Central Criminal Intelligence Service, Judicial Division of the National Gendarmerie

SIMON Marc, Chief Superintendent, Head of Central Operations of Criminal Analysis Unit, Directorate for fight against serious and organized crime, the Federal Judicial Police of Belgium, Degree in Criminology participation with the EU Falcone programmes «Conceptualization and development of criminal financial analysis - AFC» and EU Agis «Implementation of a training program for criminal financial analysis» Co-author of a «European model diagram director of training at the criminal financial analysis»

SMITH Lisa, Professor of Criminology at the University of Leicester - Coordinator and federator of the INTREPID project, funded by the European Union

STORCK Michel, JD, Professor, Head of the Master in Business Law, Governor of the University of Strasbourg

PRESENTATION AND COURSE OF THE SEMINAR

Roundtable no. 1

«The training of criminal financial investigations»

Moderated by Elena ADDESA-PELLISER

Speakers :

Thomas CASSUTO; Chantal CUTAJAR; Lisa SMITH; Michel STORCK

This roundtable follows Recommendation 3 of the Vademecum: Create at European level a complete higher-education training mechanism encompassing all aspects of financial investigations and criminology, for members of both the law enforcement agencies and the judicial services, so as to harmonise the knowledge base among

practitioners in all member states and supplement knowledge of the national legal and procedural environment with a complete and consistent common corpus, certified at EU level, on which practitioners could then base their own experience. It could be in the form of a common core of knowledge accompanied by additional modules

on specific topics, proposed in accordance with existing centres of expertise in the EU: by means of a mechanism for validating what has been learned and recognising qualifications, it would enable financial investigators to arrange their own customised training pathway based on the common core.

Roundtable no. 2

« Requirements and challenges in the field of strategic and operational analysis »

co-hosted by SIMON et Simon BAECHLER

Speakers :

Chantal CUTAJAR; Colonel Jérôme SERVETTAZ

This roundtable follows Recommendation No. 24 of the Vademecum: Foster academic research in loco in law enforcement agencies (either in a dual role as a police officer/researcher

or a resident researcher) so as to gain easier access to data for meaningful research and to disseminate new methods, new approaches etc. by peer work. It would be most important to

facilitate academic research for, with and by practitioners.

Good practice: Switzerland - University of Lausanne -, Slovenia

Roundtable no. 3

What legislative and institutional reforms?

Hosted by Chantal CUTAJAR

Speakers :

Thomas CASSUTO; Bruno DALLES; Jean-Claude DELEPIERE; Marc SIMON

This roundtable follows Recommendation No. 8 of the Vademecum: Set up a European FIU with a representative and advisory role and responsible for providing a European secretariat for all the other FIUs, to serve as a platform for risk analysis at European level, without prejudice to the respective powers, structures

and terms of reference of the national FIUs. This representative FIU could collate and consolidate the national risk analyses in support of the risk analysis conducted at EU level, keep it updated and disseminate it to the national FIUs with an analysis enabling them to fulfil their prevention role under better conditions. It

would supplement the range of assistance and support facilities for the European Prosecutor. This would be particularly helpful for the FIUs experiencing difficulties on account of limited human resources. Proposal by M. Delepière, Prosecutor, former President of CTIF (Belgian FIU).

Elena ADDESA-PELLISER (roundtable 1)

I. Rationale for this roundtable

The idea of this roundtable arose from of several observations during my doctoral research and experience of CEIFAC project.

It appeared that:

- several EU countries in northern Europe, such as the UK, the Netherlands or the Scandinavian countries, have very interesting results in terms of tracing, freezing, seizure and confiscation of criminal assets¹ ;

- in parallel, these countries offer university courses (or 3rd cycle in police academies) at Master's level in criminal financial investigation (FI) and / or forensic information /intelligence-led policing; Germany offers this type of course in each Land; the UK offers it in several universities; the Netherlands has a cluster of researchers working for years on aspects of criminal finance - Wittig for the financing of terrorism, Hunger and van der Linde for money-laundering - but not on actual financial investigations; Belgium and the University of Lausanne offer training in forensic intelligence

and criminal financial analysis (CFA);

- the careers of practitioners are clearly individualized and labelled as «financial investigator»; Wales has set up a certification mechanism entailing in-service training obligations to remain «financial investigator» certified; and

- these countries often allow greater inter-services porosity and wider diversity of early career paths, where a place is made for atypical profiles.

In France, apart from the tax authorities, whose inspectors are trained at INSEE, each major service (repressive, prosecution, or judicial) organizes its own internal training based on several criteria, of which the first is to meet the requirements within the procedures and powers applicable. The internal financial investigation courses are based on the experience of seasoned investigators who provide it according to the cases they have had to deal with in the context of the procedures specific to their service. What is more, all the new entrants do not necessarily have access to them.

This raises cross-agency issues - at national level and between Member States of the Union - with a necessarily incomplete conceptual framework, as well as the loss of knowledge (once retired every trainer takes away his capital of experience which is lost forever, since it has not been conceptualized, recorded and «translated» into a body of structured knowledge that can be transferred and assimilated).

CEIFAC offers an innovative course. At the end of the first cycle we had recommended providing ourselves with a university department in this field. What is the way forward so we can raise to the level of the public security issues and fill the gaps in training for the prosecution and justice services? This is the purpose of this first Roundtable debate.

1. ARO 2014 meeting, communication by EUROPOL: in general, the countries that can confiscate without having to convict are better armed. As regards training note'll also be taken of the variety of long courses proposed in the English-speaking countries (US, Australia, for example).

II. Training for FI / CFA today: needs and perspectives

Issue

1. CEIFAC's students are looking for an educational framework in order to consolidate their knowledge / experience: they are enthusiastic about the DU associated with CEIFAC training (one out of four has followed it, and one student is taking a doctorate). Can we meet this demand? In this case, what would be the difficulties and what obstacles (political, linguistic, technical, etc.) would need overcoming?

To launch the debate - Finding: Practitioners have shown a real desire to continue and deepen their learning path. There is a **very strong demand**, both from French practitioners who sometimes have few opportunities

to be exposed to experiences of other countries and from practitioners in other Member States wishing to give a European perspective to their profile - as it is a career-booster. Being a member of a **network of professionals** having received joint training can be especially valuable in the future for **police cooperation and international judicial mutual aid**, but also from the perspective of the creation of the **European Public Prosecutor's Office**, without forgetting the fact that ten years later many of the former auditors will be in **senior posts**- which cannot fail to smooth relations between administrations of the Member States.

A few questions : how to involve politicians in this action? How

to mobilize key actors - policy makers and HR departments in the various services, for example? How to have the prosecution and justice services do more to make their vision and knowledge of FI converge?

Issue 2. CEIFAC is a short course for working professionals. Very flexible, it meets a real need for cross-training in EU Member States. What about new recruits or practitioners wishing to conceptualize from their experience?

To launch the debate - Finding :

Practitioners have shown a real desire to continue and deepen their learning path. There is a **very strong demand**, both from French practitioners who sometimes have few opportunities to be exposed to experiences of other countries

and from practitioners in other Member States wishing to give a European perspective to their profile - as it is a career-booster. Being a member of a **network of professionals** having received joint training can be especially valuable in the future for **police cooperation and international judicial mutual aid**, but also from the perspective of the creation of the **European Public Prosecutor's Office**, without forgetting the fact that ten years later many of the former auditors will be in **senior** posts - which cannot fail to smooth relations between administrations of the Member States.

A few questions : how to involve politicians in this action? How to mobilize key actors - policy makers and HR departments in the various services, for example? How to have the prosecution and justice services do more to make their vision and knowledge of FI converge?

Questionnement 3. Il n'existe pas pour l'instant de criminologie comparative européenne, ce qui ne permet donc pas de mettre les expériences et avancées nationales en perspective et en synergie par des travaux de recherche, ni d'anticiper rapidement l'évolution de la criminalité, faute d'une compréhension fine au niveau européen des phénomènes sous-jacents, qui constitue pourtant un élément fondamental pour ne plus avoir un temps de retard sur les criminels. Par ailleurs, le financement du terrorisme, du fait d'attentats commis récemment sur les territoires nationaux des Etats membres ainsi que par ses spécificités, est l'un des problèmes cruciaux qui se posent aujourd'hui aux services répressifs, de poursuite et de renseignement. Là aussi, il y aurait un intérêt à fédérer et mutualiser les travaux de recherche en la matière, pour mieux appréhender les situations nationales dans une perspective plus complète.

Quel avenir pour la recherche dans ce domaine ? Quels défis relever, quels bénéfices en tirer ?

To launch the debate - requirements : It would be useful to supplement CEIFAC sessions with a **long university course** focused on professionalism, such as a Master's 1 / Master's 2 for students starting their careers and those who are already operational. Given the very positive reception CEIFAC format has received from **trans-sectoral groups of European practitioners**, this approach could be bols-

tered by setting up the university education under **Erasmus**, i.e. by opening it to candidates from other countries, and possibly proposing it in duplicate (courses in French and English - subject to a sufficient number of candidates for each). In this way synergies could be created between learners from different countries and systems. This type of long training would make it possible to explore and deepen the full range of tools needed or useful for FI - legal and accounting knowledge, computing and visualization, using the results of special investigative techniques for FI, exploiting European support mechanisms for investigations, in particular. This training could be broken down into initial and continuing training (with the procedures appropriate to each of these formulas).

A few questions: might sandwich courses be considered for new recruits? What are the obstacles to overcome to bring the partner universities together? Would it be possible to bring the project inside the framework for European research programs? What are the challenges and conditions in terms of recognition of qualifications / validations of prior professional skills?

Issue 3. As of yet no comparative European criminology exists, which therefore in the absence of a detailed understanding at a European level of the underlying phenomena prevents national experiences and advances from being put in perspective and in synergy with research studies or trends in crime from being anticipated quickly - though this is a fundamental factor in order to stop being always one step behind the criminals. Furthermore, owing to its specific characteristics and to recent attacks on the national territories of Member States, the financing of terrorism is one of the critical issues facing law enforcement, prosecution and intelligence units today. Again, there would be an interest in uniting and pooling research work on the subject to arrive at a better understanding of national situations with a more comprehensive perspective.

What is the future for research in this area? What challenges are ahead? What benefits can be obtained?

To launch the debate - Prospects: giving a wider dimension to the Master's department through setting up, with partner univer-

sities and following the format described above for the Master's level, a multidisciplinary doctoral cluster while taking advantage of codirections and exchanges of PhD students for short periods between partner universities so as to create a synergistic research group that could begin to develop a corpus of scientific literature² on FIs and criminal financial analysis based on practitioners' theorized and transversal experiences.

Creating a 3rd Cycle and doctoral studies department which is transparent and multidisciplinary but international too presents significant challenges in terms of organization, coordination, and research direction. Lisa Smith, a professor at the University of Leicester, coordinates a cluster of this type in criminal sciences. She very kindly agreed to talk to us about the challenges and successes of this research format.

A few questions : how to transcend the «silos» of specialized research (law, social sciences, economics, finance and accounting, IT in particular) to create a truly multidisciplinary team of researchers? How to make the criminal financial investigation / criminal financial analysis a transversal discipline in criminal sciences? How to theorize on the systemic of FI / criminal financial analysis combined with data acquisition to produce intelligence?

Conclusion of the Roundtable 1 as a transition to Roundtable 2

Criminal financial investigations and financial criminal analysis are inseparable; it is not possible to teach the FIs without their counterpart that maximises their potential - criminal financial analysis. Roundtable 2 will complete this overview by giving expert analysts from national law enforcement authorities the opportunity to present the current situation regarding criminal financial analysis, their views on the role that criminal analysis can and must have, and discuss the best way to use it to full effect in the proposed system of training.

1. 2 Specialized scientific journals practically don't exist - so there are few transfers of the results of the research. Interesting scientific articles are targeted in accounting / auditing, law or economics. Moreover, much of the literature is in English, limiting its penetration in the French-speaking market. Lastly, some complexities to do with FI/CFA tools impede easy and rapid dissemination of technology, yet it must be controlled if FI/CFA is to achieve their full potential.

Thomas CASSUTO (roundtable 1)

The need to develop training in economic and financial investigations across the EU

100 billion Euros. .

This figure alone, established by EUROPOL in 2013³ and which represents the minimum amount of intra-Community fraud, by itself demonstrates the need to develop training in economic and financial investigations.

Article 86 of the Treaty on the Functioning of the European Union constitutes a second major argument - institutional in this case. This text introduces the principle of a European Public prosecutor for European Community fraud. The treaty, however, refers to the adoption of a Regulation for its implementation, according to the derogatory procedure of unanimity. The European Public Prosecutor should be able to rely on highly specialized services.

This is a subject of red-hot topicality, especially in the context of the referendum on maintaining the UK in the European Union, because the positions of this country hamper the establishment of an ambitious European Public Prosecution Service that meets the challenges of protecting the financial interests of the European Union.

This development - the first real transfer of jurisdiction in judicial matters - is part of the construction of a justice, freedom and security area. It highlights the progress made since the Geneva Appeal launched in 1996.

At the same time, organized crime and financial crime have continued to develop their capabilities widely profiting from the free movement of persons, capital and financial services.

In view of the actual advent of a European Public Prosecution Service it is urgent to anticipate

the training of the future authorities and their members at the centre, as well as of their national extensions and of the services on which these institutions will have to rely. The European Public Prosecutor and the delegated national prosecutors in the Member States will have to be able to conduct or supervise investigations of fraud at European level. This will necessitate the ability to coordinate the relevant departments in different Member States and, for this purpose, to have, within this architecture, the best possible expertise to ensure the effectiveness of this future institution and the most effective protection of the EU's financial interests.

This need which will emerge in the near future is in line with the classic arguments calling for the training of investigators in the techniques of economic and financial investigation.

Indeed, the scale of the threat represented by organized crime's infiltration of society and especially of the legal economy - particularly through recycling its colossal revenues - continues to grow. This has an impact on economic and financial stability, on public confidence in the administration and the ability of legitimate economic actors to continue working in an environment subject to unfair competition from illegal activities boosted by money-laundering. Similarly, the underground and illicit economy has an appeal all the more attractive in that the capacity for prevention and repression seems insufficient to counter this infiltration.

Despite a strengthening of the international legal framework and the development of national legislation, the results may appear derisory. The causes are multiple: the legal framework still leaves much room for improvement: the human resources are inadequate and are not organized for a long-term fight against orga-

nized crime's economic component. At the heart of this problem inadequate training becomes glaring.

This failure also reflects reluctance - as much political as cultural - concerning the development of a common public economic order expressing a general European interest in the judicial field. The recent development of high common minimum standards in the field of the procedural rights of suspects or accused persons should nevertheless legitimize ambitious actions to create new tools and improve judicial cooperation in the economic and financial fields.

To the structural need for developing training for financial investigations is added an operational necessity.

Financial investigation has special technical features. It requires a good knowledge and understanding of multiple rules - in particular:

- legal - in areas such as commercial law, tax law, business law, law of public contracts, banking law, law of intellectual property;

- technical - particularly in accounting and certification of accounts;

- economic and financial - to understand financial instruments or grasp the economic analysis of a business;

- communications and information technology - at the heart of financial engineering - fearsome arms in the hands of criminal organizations;

- concerning legal cooperation - which provides increasingly sophisticated tools.

Interdisciplinarity is also an important aspect of training in financial matters. Interdisciplinary investigative structures exist. It is still necessary for investigators to acquire additional skills in particular to develop their skills at cooperation.

In light of this particularity, the time scale specific to financial investigation entails giving it a certain level of autonomy, while recognizing how it complements conventional investigations. We must therefore build or strengthen bridges, especially in the information about and analysis of criminal processes and typologies, and use the content of the procedures. The fight against organized crime and major financial criminality now calls for the targeting of criminal organizations and systems of corruption - where appropriate by focusing on the economic and financial structures or by addressing these phenomena indirectly to neutralize them more effectively, particularly through confiscation mechanisms.

On this basis, the national investigating capacities have to acquire capacities inside the partner authorities, particularly within the European Union. Training in financial investigation must not only address national and international issues but also develop a common culture in the treatment of this type of activity in order to pool operational resources and defend a European public order.

Many instruments have been adopted in the field of mutual recognition of freezing and confiscation orders. More recently, Directive 2014/41 / EU on the European Investiga-

tion Order establishes a virtually universal modern mechanism for the implementation of cross-border investigations. It contains specific provisions in the banking and financial field. These provisions, however, highlight the lack of harmonization regarding the centralization of bank accounts.

Concomitantly, the EU adopted Directive 2014/42 / EU on confiscation. The adoption of this standard was accompanied by a statement from the Parliament and Council calling on the Commission to present a proposal aimed at strengthening mutual recognition of freezing and confiscation orders. This statement goes to show that despite efforts, considerable progress is still needed.

Nationally, forty years ago, the establishment of regional centres for economic and financial matters marked a first step in the specialization of judges dealing with such cases. The law of 6 December 2013, establishing a national financial prosecution service, represents a significant symbolic step in the centralization of certain cases, particularly in terms of corruption, and complements the financial hub of the Paris Court of First Instance which has exclusive jurisdiction. These structures benefit from increased resources, particularly from specialized assistants and can rely on specialized investigative services with an extensive jurisdiction. However, the operational capacities of these services should be strengthened.

The fact remains that this system is still insufficient and does not have all the resources necessary even when its operation may have a substantial impact on the protection of the Nation's financial interests. Thus, the fight against fraud and tax evasion reveals promising prospects, provided the prosecuting authorities have the full use of their prerogatives.

In the same vein, the results recorded by the AGRASC (the French agency for managing seized criminal assets), an essential actor for the courts, demonstrate the relevance of efforts to target and confiscate criminal assets, including in the perspective of mutual international assistance. This effort should be continued particularly to track down these assets abroad, develop response capacity, and improve overall confiscation levels.

In this context, the rationalisation of the procedural tools in economic and financial matters applying to serious financial and organized crime may appear timely to give them greater clarity, including to allow the legislator to adapt them constantly to the reality and prepare ambitiously for the creation of a European Public Prosecution Service.

*
* *

If organized and serious financial criminal groups have developed, it is mainly because of their ability to enjoy the proceeds of crime on a worldwide scale. To fight more effectively against these forms of serious crime, including terrorist financing which relies on profits or tools provided by conventional crime, it is necessary to strengthen the means available, especially by improving efficiency and the systematic coordination of the economic and financial processing of crime. Such a strategy can only be based on improving the recruitment and training for financial investigations, and the modernization and rationalisation of the procedural framework.

Notes :

1 <https://www.europol.europa.eu/sites/default/files/publications/socta2013.pdf> v. notamment p. 26.

Marc SIMON et Simon BAECHLER (Roundtable 2)

Our roundtable is part of CEIFAC feedback seminar which will take place from 8 a.m. to 12 noon at the LE BEL Institute - Amphi 3, 4 Rue Blaise Pascal at Strasbourg. This roundtable will take place from 9:45 to 10:45 and is entitled «The requirements and issues in the field of strategic and operational analysis.»

The aim is to discuss current and future requirements for strategic and operational analysis - particularly at the European level - then consider possibilities for solutions for the near or distant future by suggesting maybe some recommendations. Here are the 5 themes for discussion we have considered:

- Multiplicity of data sources and structuring requirements

The environment is more and more informative and complex, which entails a working method provided by analysis. The range of data sources is in constant expansion (survey data, police databases, forensic evidence, including telephone and digital evidence, informants, whistle-blowers, OSINT, etc.) and it is up to the analysts to design the good practices and systems to integrate and make the most of all of this information. It entails giving up working in silos to turn to a more interdisciplinary problem-centred approach (judge-investigator-analyst-specialist(s) «teams»).

- Awareness-raising and training of investigators and magistrates

CEIFAC has highlighted this requirement once again - the participants for the most part having no idea about the subject at the beginning of the course. There is a need to introduce criminal financial analysis, in

basic and on-the-job training, to instil a real working method rather than learning as you go along. We will survey the various models existing in Europe (France, Belgium, Switzerland, etc.).

- Mastery of tools and methods of analysis, of course but not only - control of crime and procedures is essential too:

We'll broach on the role of strategic analysis, interaction and integration with other units of analysis (tactical, operational) and other actors of the judicial system and security, shared working method and operating at different levels of generality, as well as facilitation of national and transnational development of the image of criminality and criminal threats.

- Police guided by information / intelligence-led policing

This is a new paradigm that gives an even more central place to analysis. There is a need to demystify the concept - actually very simple: it entails a more effective and efficient decision making - more rational. A wide range of decision makers can benefit from this new approach (magistrates, Dpt managers, politicians, investigators, private actors, etc.).

- Opportunity for universities and the police to work together to take the axes discussed up till now further

Main avenues lie in research, basic and on-the-job training - possibly with expertise activity. What potential? What obstacles? How to remove them? It follows that we have to instil a new culture. In this respect we can introduce recommendation 24 of CEIFAC Vademecum:

Recommendation 24. Foster academic research in loco in law enforcement agencies (either in a dual role as a police officer/researcher or a resident researcher) so as to gain easier access to data for meaningful research and to disseminate new methods, new approaches etc. by peer work. It would be most important to facilitate academic research for, with and by practitioners.

Good practice: Switzerland
- University of Lausanne -,
Slovenia

Jean-Claude DELEPIERE (Roundtable No. 3)

A. PREVENTION AGAINST LAUNDERING CRIMINAL CAPITAL, TERRORISM FINANCING AND PROLIFERATION AT THE EUROPEAN UNION LEVEL: A THIRD PILLAR SPECIFIC TO COMBATING THE FINANCIAL ASPECTS OF SERIOUS CROSS-BORDER CRIME, TO RECEIVE INFORMATION FROM THE SECTORS CONCERNED BY REPORTING REQUIREMENTS, TO ENHANCE, PROCESS, AND ANALYZE THEM SO AS TO REINFORCE THROUGH FINANCIAL INTELLIGENCE THE ACTION OF THE JUDICIAL AND POLICE SERVICES IN CRIMINAL INVESTIGATION AS WELL AS PROSECUTION

The fight against the laundering of illicit capital that was initiated at international, European, and state levels - as we know it today - has over 20 years of existence. Originally set up to fight against the corrupting effects of the infiltration of ill-gotten assets from drug trafficking and the activities of organized crime into the financial and economic workings of our democratic states, over the years the fight against money laundering has extended to other highly profitable criminal and illegal activities. Thus - to mention only the most significant - terrorism and its financing, as well as serious tax fraud have joined the list of crimes constituting an international priority in the fight against money laundering and terrorist financing.

Responding to international instruments in this field and mainly with the FATF Recommendations, four European Directives successively since 1990 have obliged European states to introduce, at the least, into domestic law measures to establish a preventive system for detecting money laundering and terrorist financing. This common preventive system strengthened justice systems and police authorities who were in charge in all Member States of investigations and criminal prosecutions against offenders engaged not only in serious criminal activities but also, where applicable, directly or indirectly (via intermediaries) in laundering significant profits from these activities, traffics and multiple serious frauds. In all Member States the offence of money laundering is to be a specific offence that may be prosecuted regardless of basic offences generating economic

and financial profits.

For the record and broadly speaking, to demonstrate its specificity it is essential to trace the milestones established by the 4 Directives to set up a preventive system for gathering financial intelligence. On the one hand, this is to protect the integrity of the financial system and, on the other, to introduce an obligatory cooperation between the private sectors concerned by the threat of money laundering (and later by that of the financing of terrorism and proliferation) and specialized central Units.

These are designed - with all the features necessary for the specificity of the intelligence function - to serve as a filter (in different degrees depending on the nature of the model of FIU) and only inform the judicial authorities and police services of the information relevant for starting investigations, possibly for criminal prosecution, and leading to the seizure and confiscation of the criminal assets involved.

The first Directive 91/308 / EEC of the Council of 10 June 1991 on the prevention of the use of the financial system for money laundering (OJ No. L166, 28.6.1991, 77-83), - almost exclusively concerned with the laundering of money from drug trafficking - built the foundations of the system by creating financial intelligence units (FIUs) in each Member State of the EC and by requiring the financial institutions (mainly banks) to collaborate with the system by communicating suspicious transactions to the FIUs.

So from the 1990s more and more European countries went on to impose a system of STRs

and set up FIUs. Most Anglo-American type FIUs opt rather for a purely mechanical automatic reporting system for suspicions resulting from a defined number of objective indicators or from exceeding certain thresholds. On the contrary, most European FIUs opted instead for a «subjective» reporting mechanism, that is to say statements whose transmission is primarily the result of an analytical appraisal of the declarant (AML officer for the institution concerned) taking into account contextual factors related to the nature of operations and the customer's profile.

Even if at the European level the FIUs spring from the same European Directive, this sector is characterized by its wide diversity. There are basically four FIU models in the world: administrative, police, judicial and mixed (police / judicial).

In the administrative model, suspicious transaction reports are sent to an independent administrative authority specially constituted for this purpose, which processes and analyses them before transmitting them - if appropriate - to the judicial authorities for investigation or prosecution, with the seizure and confiscation of criminal assets as their essential goal. This type of FIU acts as a filter between the reporting persons and institutions and the judicial authorities.

In the police model, suspicious transaction reports are sent directly to the police for investigation. This is in most cases a unit or a department formed or designated within the police, sometimes with a mission similar to an administrative type of FIU.

In the judicial model, the reports are directly transmitted to the Prosecutor, who instructs the police to carry out the investigation.

In over 20 years the FIUs, whether administrative, police, or judicial, have collected a mass of financial information (suspicious transactions, banking relationships, financial flows) relating to money laundering, but also to suspected criminal or terrorist activities and terrorist financing. Most of them have also gained experience and considerable recognized expertise in financial analysis. All the information collected is centralized by each individual FIU and may be used in connection with the financial and criminal investigations that remain - apart from some too rare exceptions, limited in most cases to the local level.

Today there are 151 FIUs worldwide meeting the characteristics of the Egmont Group - of which 58 in Europe in the wider meaning, including those of the 28 EU Member States. These FIUs have implemented secure information exchange networks at the international (Egmont Secure Web) and European level (FIU-NET). This exchange has hitherto been used for bilateral purposes in the case of specific dossiers, and hardly at all for arriving at an assessment, for instance, of phenomena related to money laundering and terrorist financing to proactively determine the degree of threats and risks associated with them.

The second Directive 2001/97 / EC of the European Parliament and Council of 4 December 2001 amending the Council Directive 91/308 / EEC on preventing the use of the financial system for money laundering (OJ. No. L344, 28.12.2001, 76-82.) amended the scope of the first Directive, in particular by extending the reporting obligation to the entire financial sector but also to other non-financial professions vulnerable to money laundering, such as the accounting and legal professions. This second Directive has extended the range of crimes concerned beyond just drug trafficking, targeting all

serious crime and as a minimum the activities of criminal organizations, serious fraud, corruption etc.

The third Directive 2005/60 / EC, of the Commission and Council of 26 October 2005 on the prevention of the use of the financial system for money laundering and terrorist financing (OJ No. L 309, 25.11.2005, 15-36) introduced a preventive approach to detecting money laundering based on the vigilance of the financial and non-financial sectors, based on the real risk of money laundering. It has strengthened measures against PEP (politically exposed persons). As regards crime, the scope has been extended to the fight against terrorist financing.

The fourth 2015/849 Directive of the European Parliament and Council of 20 May 2015 on preventing the use of the financial system for the purpose of laundering or terrorist financing, repealing Directive 2005/60 / EC and Directive 2006/70 / EC, includes measures strengthening the FIUs' role in intelligence, particularly in the area of information concerning the actual beneficiaries, so as to enhance transparency in the fight against the misuse of legal entities in laundering. Recitals 54, 55, 56, 57 and 58 are particularly illuminating on the willingness of the European authorities to continue to improve coordination and cooperation between FIUs in the EU, especially within the «platform for EU FIUs» active since 2006. The use of secure systems for exchanging information is encouraged, referring to the FIU.net decentralized computer network, today housed within Europol. Reference is made to future developments in terms of analysis, including not only the information collected by the FIUs and transmitted by them to the judicial authorities, but also concerning «information that is not subject to processing «(by the FIU)» or a subsequent release» (to the prosecution authorities)» unless this exchange of information is contrary to fundamental principles of national law. «

Lastly, as a decisive factor for the immediate future and which logically completes the progress to be achieved in terms of infor-

mation exchange, «the joint analysis of cross-border cases and trends and factors useful for assessing the risks of money laundering and financing terrorism at the national and supranational level». This recital refers to the new Recommendations 1 and 2 of the FATF, which require the FATF member states, and so all the EU MS, to prepare an annual assessment of risks and threats in money laundering, terrorist financing and proliferation for the purposes of preventive strategies and policies against the effects of these criminal phenomena.

The implementation of this approach is an essential part of the 4th cycle of current appraisals by the FATF, the effectiveness of the normative and operational systems, including EU Member States.

No doubt that the results of these MS assessments will constitute an essential interpretation grid of the EU's capabilities to contribute at the supranational level to the effectiveness of the fight against money laundering and the financing of terrorism and proliferation - not only all over its territory, but also world-wide.

B. THE INTERNATIONAL LEGISLATIVE CONTEXT AS COMPARED TO THE ACTUAL EVOLUTION OF RISKS AND THREATS (FATF) IN MONEY LAUNDERING (EXTENDED TO CRIMINAL TAX OFFENCES) AND TERRORIST FINANCING AND PROLIFERATION: ITS GROWING INFLUENCE ON THE LEGISLATIVE ASPECT AT THE EUROPEAN LEVEL.

It is essential from a strategic point of view to remember that the above 4 European Directives have only followed the FATF Recommendations. The evolution of these Recommendations themselves was determined by the occurrence of world events generating threats and risks for the international community, but also for the individual States. It is therefore clear that for the European states the Directives provide a common minimal basis for implementing the recommendations of the FATF and that beyond this aspect it increasingly involves the EU as a territorial and institutional entity which is obliged to respond, not only in terms of legal norms, but also in terms of effectiveness in the fight against money laundering and the financing of terrorism and proliferation. This aspect of effectiveness (highlighted by the 4th round of mutual assessment by the FATF, see above) is more than ever at the heart of debate since the recent tragic events in Paris and Brussels. Indeed, the evolution of the FATF recommendations reflects the importance of strengthening all the responses relating to the fight against these phenomena, which especially threaten the financial stability of democratic systems.

To demonstrate this importance here are examples of this evolution, taken from the period 2001-2012. Convened in an emergency meeting in Washington following the attacks of 11 September 2001 the FATF developed the 9 special recommendations on the fight against terrorist financing. They are now integrated in the 40 revised recommendations of February 2012. As early as June 2008 the FATF's mandate was extended to include the development of policies for new and emerging threats, such as proliferation financing. These measures followed the Iranian crisis and the adoption by the

United Nations Security Council of Resolutions 1696, 1737, 1747, and 1803 of 31 July 2006, 23 December 2006, 24 March 2007, and 3 March 2008 respectively. The FATF recommendations will definitely integrate this dimension of the fight against proliferation when revised as adopted at the plenary session of February 2012.

In September 2008 the «subprime» crisis degenerated into a global banking crisis. In the wake of this crisis, in 2010, the sovereign debt crisis added to the gloom and struck the EU Member States. For the international community one of the consequences in particular is - though most often implicitly and with great restraint - to have to give more attention to «illegal» tax evasion phenomena and through fighting against the laundering of money from this fraud to find ways to recover substantial sums essential for the states' functioning and for the services responsible for combating the financial and economic aspects of serious and multifaceted criminal activities. According to estimates based on the work of the European Parliament and Commission, in 2013 the loss incurred through tax avoidance - whether fraudulent or not - totalled between € 1000 and 2000 billion per year for the whole of the EU. In 2009 in Belgium the House of Representatives' Commission of Inquiry on major tax fraud cases recorded an estimate of 30 billion a year as an indicative figure for tax evasion resulting from the underground economy. This underground economy has strategic importance for the recycling of dirty money and its corrupting infiltration in social, economic and financial circuits.

Finally, as a last example, the events of 2011 known as the «Arab Spring» cast a small amount of light again in the

news on the systems of massive embezzlement of public goods and capital, the phenomena of corruption, and the socially destabilizing consequences associated with them. The FATF recommendations revised in 2012, have therefore also responded to these events by attacking the laundering of the proceeds of criminal tax evasion and corruption, as is already the case for other forms of serious criminal activity that generate fat profits.

It is on basis of these new recommendations that the round appraising the effectiveness of the national systems in place - particularly those of the EU MS - will take place.

C. IT HAS TO BE RECOGNIZED THAT, WHILST THE LEGISLATIVE ASPECT SATISFIES THE REQUIREMENTS OF THE RULE OF LAW BY EVOLVING IN LINE WITH EVENTS OF MAJOR SEVERITY ON A THE LEVEL WITH THEIR CONSEQUENCES, THE PREVENTIVE AND PROACTIVE DETECTION OF THESE EVENTS FOLLOWED BY SETTING UP AN EFFECTIVE COMBAT STRATEGY HAVE BEEN SO FAR INADEQUATE.

The importance, magnitude, and dangers of money laundering, terrorist financing, and proliferation no longer need any emphasis. What does, however, is the fact that after 20 years this importance, this magnitude, and these dangers have changed for the worst, despite the systems of standards in place at all levels. Standards are all very well, but they are not sufficient to reach the levels of preventive and repressive effectiveness necessary in the face of transnational problems of such an elaborate and diffuse complexity as those in question. The more so as the organizations and individuals who develop this complexity so as to hinder the detection, prosecution, and the confiscation of criminal assets have immeasurable resources at their disposal, whereas the States, increasingly deprived of means, have to ensure on a local basis the material effectiveness of the fight against these phenomena with a supra-national impact. These same States have become at the same time places of transit for laundering or successfully inserting illicit and criminal capital - laundered and undetected. So under these circumstances they cannot be expected to be sufficiently successful in implementing these legislative arsenals by themselves, if, for example, in parallel with their actions, other States or territories do nothing to fight effectively against the same phenomena or even exploit them for their benefit by continuing to open the doors of their financial or legal systems to illicit and criminal capital.

In 20 years, globalization has been widely used to increase both fraudulent and criminal revenues and to allow them to be laundered and re-injected into the financial and economic circuits. They could do that thanks to complex interactions of constructions and mechanisms of all kinds, offshored in multiple

and fragmented ways, benefiting from the compartmentalization of the strategic interests of the States, as much on an international or European as a national level. To this must be added the ability to take advantage of market developments and micro- and macro-economic situations and the accompanying speed of adjustment demonstrated in this respect by criminals and fraudsters who are organized to adapt their techniques of money laundering to these developments. Offenders and criminals of all kinds have long since abandoned merely national structures for high-level money laundering turning towards using flexible internationally oriented organizations - employment of managers and specialist advisers and deployment of sophisticated communication, investments, and economic profitability strategies.

Whilst, as seen above, many counter-measures have been taken whether on the level of principles, FATF recommendations, or European directives, the will, however, on the same levels, in terms of effectiveness, resources, and urgency has not followed with the same intensity. This is proved by the fact that it is only after the materialization of risks and threats - such as those mentioned above - that the reactions take place to adapt the legislation, each time with a significant time lag between the international response, the European response, and that of the Member States. Each time too, the gap between adapting standards and operational monitoring in the field has widened further. Owing to the principle of sovereignty the States are left alone to face their problems of lack of resources and so of operational efficiency. The implementation of these standards, applied with insufficient coordination between the States and with only minimal cooperation, more often subject to imperatives and rules having more in

common with a form of egotistical economic and financial competition than with the real democratic interests of public policy and financial, economic, and social security - whether national or European - completes this state of affairs.

At the same time, there has too often been a tendency not to (want to) see that all the persons, organizations, or entities involved in such fraudulent or criminal activities on a large scale, or who abet them are objective active allies when it comes to disguising the origin of the substantial profits they have made at the expense of individuals and / or States. On the one hand, criminal money federates! On the other, financial crime benefits from its white-collar crime status which often implies, wrongly, that it is not very dangerous inherently and does not need to be tackled as a matter of priority with the appropriate means. So there is reason to fear that the ratio of the estimate of 1%, made by the United Nations in 2009, of the amount seized - 2,100 billion US dollars of world annual profits from drug trafficking and other criminal activities - has not significantly changed in seven years, while the various types of crises have increased the financial difficulties of the States still further, whereas the fight against terrorism made it necessary to strengthen certain resources, making them even less available for the fight against crime's financial aspects - of which the most dangerous is money laundering.

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D. FINALLY, THE FINDINGS ABOVE RAISE THE QUESTION OF WHY - LIKE EUROPOL AND EUROJUST - THE PILLAR OF THE PREVENTIVE FIGHT AGAINST MONEY LAUNDERING, TERRORIST FINANCING, AND PROLIFERATION STILL HAS NOT BEEN GIVEN OFFICIAL STATUS BY THE CREATION OF A EUROPEAN FIU.

The effectiveness of the fight against these phenomena is vital. This fight has to be across the board both to curb the most serious forms of traditional criminality and to combat white-collar crime. This effectiveness can only be measured by the seizure and confiscation of considerable financial revenues. This transversal fight has been given special status by specific European standards - which are neither police standards nor legal standards. The preventive system contributes to both these essential missions, but it is also the specific location for the collection of financial information and its enhancement, and processing, not only for police and judicial operational purposes but also, and increasingly, for the purposes of strategically analysing all the information - beyond police and judicial purposes.

Financial intelligence - and therefore the work of the FIUs - is indeed one of the basic pillars necessary to understand the risks and threats concerning money laundering and the financing of terrorism and proliferation. The weaving together of these three aspects in all current regulatory texts - from international to national - is more than just symbolic of the fight to be fought: dirty money mixes together to form an indistinct mass, in which criminal cartels, corrupting and / or corrupt business groups, extremist and terrorist organizations, rogue states, networks of human traffickers, and major fraudsters legitimize and reinforce one another (thereby pushing back into the shadows the multiple criminal origins of the profits each has made). EUROPOL and

EUROJUST certainly play a role in their spheres of jurisdiction in the fight against money laundering - particularly by facilitating cooperation and coordination between the police authorities and national courts. Even inside itself EUROPOL hosts the FIU-NET which is the secure information exchange system of the European FIUs to which the 4th Directive refers in its recitals (see above - point A). These same FIUs have also met periodically within the European Commission's FIU-platform since 2006. But, as is evident, nothing is comparable with EUROPOL's and EUROJUST's permanent action, role, and resources, especially as concerns the coordination and cooperation of the European FIUs.

An essential component and marked by urgency, if not neglected, at best embryonic in the FIU- platform's current periodic reflections, is the appraisal at EU level of the risks and threats from money laundering and terrorist financing. This appraisal ought to enlighten the annual appraisals already existing in some Member States (those already appraised or being appraised by the FATF) or still to be carried out for the others.

The new Recommendations 1 and 2 of the FATF are nevertheless essential: «Countries should identify, appraise and understand the risks of money laundering and financing of terrorism they face.....and should take steps including the designation of an authority or mechanism to coordinate risk assessment activities and mobilize resources to ensure that risks are effectively diminished...». «Countries should have national AML / TF policies that take into account the

identified risks. These policies should be reviewed regularlyThe countries should ensure that those responsible for policy development, the financial intelligence unit (FIU), the criminal prosecution authorities... and the other competent authorities concerned, at both the operational and policy development level, have effective mechanisms to cooperate and, where appropriate, coordinate with one another... for the development and implementation of policies and activities to combat money laundering, terrorist financing and the financing of the proliferation of weapons of mass destruction. »

If these recommendations are addressed to Member States, the subjects of evaluation, coordination and cooperation they concern must also be of weight for the European Commission (which is one of the 37 members of the FATF) regarding the need to create a EURO-FIU at the same level as EUROPOL and EUROJUST. The latter institution's 2014 annual report gives, concerning money laundering (speaking of its assistance «in other areas of crime»), the following details which do not contradict at all the findings above and even tend to strengthen the conclusion on the question of the necessity of creating a EURO-FIU: «Although money laundering is not one of EUROJUST's priority crime sectors for the period 2014-2017, it still represents 220 investigations recorded at EUROJUST, which represents a net increase over the figures recorded in 2013 (193), and confirms the growing trend of EUROJUST's operational work in this area begun in 2012 (144). »

No greater emphasis can be given either to the lack of priority in the fight against a phenomenon that alerts the most important international instances in the field or at the same time to the signs in terms of caseload - which confirm the growth of the menace considered by EUROJUST since 2012!

Europol, which, as has been recalled above, already hosts the European FIUs' computerized secure information exchange

network, could also host the EURO-FIU. Despite their specific features, which they conserve, it should be recalled that the FIUs can have a policing character (see point A above).

The level of urgency today, however, is being exceeded. The fight against the phenomena involved is more than ever a race against time. Just waiting for things to happen and reacting with regulations is a dead end. Should we fail to realize this or

not want to react, it is very much to be feared that in the fields in question we shall suffer in the future, as we do at present, with such an exponential speed that we shall lose all control over preserving the very substance of our national and European democratic values.

III. Minutes of the debates

Introduction : Chantal CUTAJAR

For this final seminar reporting on CEIFAC action-research programme we have chosen to retain three of the most resonant recommendations amongst those contained in the Vademecum. Indeed, it seemed to me there were three key subjects most urgently needing further reflection.

The first roundtable will focus on training for criminal financial investigation and will be moderated by Elena ADDESA-PELLISER. Professor Michel STORCK, Head of the Business, Banking, and Financial Law Master's department, will speak at this roundtable. Professor STORCK will give us the benefit of his long experience of training courses including at the European level and as governor of the University of Strasbourg his contribution's invaluable.

We are also fortunate to have with us Lisa SMITH, a criminology professor at the University of Leicester who has created a multidisciplinary course in criminology. Her feedback

and analysis of the difficulties encountered in this multidisciplinary approach will be invaluable to the extent that we find the same type of difficulty with financial investigations and financial criminal analysis.

The second roundtable will focus on the needs and challenges of strategic and operational analysis, to which Marc SIMON and Simon BAECHLER each in their field have given much thought for many years already.

Alongside Marc SIMON and Simon BAECHLER, who co-moderate this roundtable, Colonel Jérôme SERVETTAZ who commands the Central Criminal Intelligence Service for the judicial division of the National Gendarmerie and Elena ADDESA-PELLISER who has developed a number of analyses and formulated proposals in the Vademecum.

The last roundtable will deal with two recommendations directly from the inventory conducted during CEIFAC programme. The first concerns the consecration

of a specific legal framework for financial investigation that would enable such investigations to be conducted systematically and proactively as Financial Actions Group, the FATF, also recommends. The second recommendation concerns intelligence sharing, which could be facilitated with the adoption of a European financial intelligence unit.

« Training for criminal financial investigations »

Elena ADDESA-PELLISER

Elena PELLISER - I have the honour - quite a daunting one - to open the first roundtable. Before starting the discussion, I would just like briefly to recall why we make this proposal - this is one of the three strategic proposals. In fact, as part of my doctoral research, an overview was needed. This overview shows a quite contrasting situation, completely heterogeneous, functioning chaotically - whether in financial investigations at the European level, or in the crime-conducive environment - impacting financial investigations. So when you have a kind of puzzle in three dimensions that does not stop moving and evolving, the first temptation, obviously, is to level the playing field; and the best way to do it remains using financial investigations, because they transcend borders and have nothing to do with this or that system of law. These are simply the same techniques and so that lets everyone talk about the same thing. So it was a solution that was already in the air.

When we started to take stock through a small survey, we realized also that financial investigations go well beyond the simple purpose of confiscation, and especially that these are techniques that must be learnt - you have made the experiment yourselves for 15 days and all your predecessors also. So I think the solution imposed itself: we have CEIFAC which is a short course but it would be quite useful - and it is this track we will look at today in the roundtable - so as to provide an entire department that may actually push the technical knowledge as far as possible. But to get results, we reversed the pyramid and rather than go looking for experts we found those in the know - i.e. all of you who work in the field and have experience. CEIFAC and department we propose today are made

for, by and with practitioners. The debate of the day will focus, among other subjects, and thanks to Mr STORCK who is at my side, on very concrete aspects: how can we set up this kind of department? What are the difficulties? Does the University of Strasbourg sponsor this kind of project? Are there political issues? How to work in interdisciplinarity? To go further, Lisa, who has already set up something that is quite interesting, will tell you about her experience with the INTREPID project. Without further delay I give the floor to Mr STORCK for the first questions.

Michel STORCK - Thank you. I'm going to ask questions rather than make affirmations. When Chantal told me about this project I remembered a number of experiments we conducted at the University of Strasbourg and I think that in this set of elements you should tell me what your main wishes are. In my opinion what they've done at Lausanne is the really right way to do it - the involvement of professionals in university courses and vice-versa.

To conduct these courses we have the choice between a number of degree structures and we have to find how to pack them together. Often, and it's part of your proposals, we say: the most elitist and most recognized training would be a PhD. Personally, I shouldn't urge you to go overboard for a doctoral project. We've just had, in April 2016, a new decree on doctoral programmes in France and, very briefly, I'll say it has now become a very regulated course, highly supervised, and that it leaves little room for professionals. Courses have to be followed; these courses have to be proven; agreements have to be made with the thesis director; attendance at the university is compulsory; the funding must be justified. It's heavy. I do not think it is a good thing. Some

may succeed but it is not necessary to have a project actually developed within CEIFAC in these doctoral programmes. Support for those of you who want to pursue a thesis, yes - but saying as a matter of course «doctoral training is a goal», I don't believe so. We can discuss it if you have any questions on this.

Below doctoral training, you have Master's degrees. We are currently working on the models for the Masters' since at the university we work in five-year plans and the plan for the courses from 1 January 2018 is being negotiated now. Before the end of the autumn we'll have to file Master's prospectuses to be open on 1 January 2018. It seems it'll be possible to open a specialty on financial investigations adapted to the professional world. It's possible but it'll be reactive, i.e. it is a worksite that is open now.

The Master's 2 training for professionals is, in my opinion, also inappropriate as training because there are administrative constraints: there are restrictions on course content; exam procedures need completing. Knowing that you are scattered over Europe, these are constraints that are too heavy; it isn't reasonable.

We've had experience on similar questions relating to Islamic finance. We've developed a niche we're committed to - working on Islamic finance to see what both the legal and financial aspects are - and it's of interest for you too at certain levels in your investigations.

As for Islamic finance, looking back after a decade setting up these courses I believe the system we have set up could inspire you. We first developed an eMBA in Islamic finance reserved for professionals who are in on-the-job training - so they are

not first-time students - three days a month for twelve months. They come from all around the world, Djibouti, Mauritius, even Kuwait, to follow this course. We have a contingent of four or five participants from Chad. Every month they come for three days - which is heavy. It represents a huge investment. They follow this high-level training in which mainly professionals are involved. They take the exams. When they've kept that pace up throughout the year they're so motivated that they succeed. 100% examination success. And they get this eMBA which is a certification of skills in their country that's very important. This eMBA now has worldwide recognition. Newspapers have told us - we enjoyed the comparison a lot - that we were the Mecca of Islamic finance [laughs].

Elena PELLISER - It was easy

Michel STORCK - It was easy. But there's a recognition, a status of the degree that is acquired through experience. Parallel to this course - because in this eMBA they are professionals who come and go - we launched an Islamic finance Master's 2 open to first-time students. This Master's 2 welcomes students who do not have work experience but we have joint seminars between the two courses that will be in parallel. And what's going to get us back on our feet is that students who get the Islamic finance eMBA - who, in some cases, have degrees from prestigious institutions, already have scientific training, or even already two doctorates - still want further research in that area and enrol in PhD; with an eMBA or DU, you can't. But with the qualification level equivalence system when they want to continue with a thesis, we give them the equivalent of the Master's 2 that exists. They are dispensed from a number of preliminaries; they simply present a dissertation at the end and they obtain this Master's 2 without an additional year of study. So they have the

eMBA; they validate the Master's 2 by equivalence and then they can register for the thesis. And we have some who have followed this course that keeps the basic research at a high level, welcomes professionals, and enable them to go on to take a doctorate. It is a system which has the advantage of flexibility because what's imperative for you, it seems to me, is the flexibility in the organization of degree.

I may disappoint Chantal, but what I recommended is having rather as a support structure a DU (university diploma) or an eMBA or another qualification for which there is complete freedom of organization. The simple constraint imposed at the university is to self-finance the course: there are expenses to pay for this course that have to cover the teaching hours. But since we organize classes that are shared between the eMBA / DU and the Master's 2, when this is the case the teaching hours are paid by the Master's 2. It's the small local organization. So it allows us to charge the cost of these participants to the Master's 2. In total, the cost of DU is not that large. With the DU, you have complete freedom for the number of hours, the themes, of course, costs, schedule, and calendar. A DU would then really allow you to meet the demand of the participants and adapt to this audience. But not to stay at DU level, it is possible to add to the Master's 2 course a specialty or course on financial investigations and have it both ways because I doubt that you, who are professionals in Europe, have time to come to Strasbourg every week to attend seminars, give presentations and take exams. I do not believe that to be the case.

Chantal CUTAJAR - The University diploma «Financial Investigations at European level» cannot, in my opinion, as things stand, correspond to an opening towards the M1 doctoral track. I think it's necessary to start from the fact that financial investigations will become the alpha and omega not just of law enforcement but also

prevention. I think especially of the investigators involved in the fight against corruption. These are the same inquiries; it is the same technique, so there's really a way to be opened connected to business law. The question is what to do to take into account this radical change induced by the need for people with a transdisciplinary training. Business law is involved but also many other subjects - but what are we to do, us the university, to take this new rationality into account? As for the modalities, we've created a Master's-2 Financial Investigations at European level that is aimed at professionals in the sector of prevention and repression. Training takes place at the rate of one week per month face-to-face.

The idea, now, would be to do the same at EU level

Elena PELLISER - Thank you very much, Chantal.

Michel STORCK - Just a small clarification. Chantal had also questioned me about this point; she asked me if the Erasmus Mundus track was an avenue worth exploring. We set up an Erasmus Mundus Master's there seven years ago, with three partner universities in Europe. It is a very interesting structure but very, very heavy as concerns presenting the dossier, steering, and guidance. We were the first to have one in Strasbourg. In total I think at the University of Strasbourg, in ten years we've had three Erasmus Munduses which is very few, and which is very symbolic; this is an avenue that is not blocked for the future, but right now it is not reasonable to count on it and make a commitment to it. What's most important is to have a degree that is valued by professionals and recognized at the European level; and whatever the name of that degree, it cannot be called a Master's 2. It may be a Master's 2 but it can't be called a Master's 2 and yet it will be recognized internationally.

Elena PELLISER - I'd like, please, to refer again to what Chantal CUTAJAR's just said. Not only is

financial investigation imperative because 70% of crimes are crimes for profit and so by not taking your eye off the ball it is still much easier to have a chance of disrupting the criminals. When you see the number of specialties you should at least know a little bit - be aware of them if you like - really to be able, when you're a detective or financial investigator, to make the most of all the specialists you'll have around you, there are a little over half a dozen that are hard sciences, to which we may add psychopathology and profiling. All this can have an effect on financial investigation and so it is important to be part of the transversality because for the moment we have no comparative criminology or common thread between sciences that are pillars. And that can really make things happen.

Chantal CUTAJAR - Are there any examples at the university of this type of course?

Michel STORCK - Of transversal courses? Yes, precisely. I've modestly mentioned the case of Islamic finance, half law, half finances. And this is the first time that lawyers worked with financiers on a degree. So it's perfectly possible. Compared to other universities the problem is that there are divisions in the disciplines that are disastrous for the university, and as soon as you put two parallel disciplines in symbiosis and manage to make them work together, the gain is immediate and phenomenal and you stand out from all the rest. So yes, that's proven: interdisciplinarity yes, absolutely, there is no problem.

Elena PELLISER - I'd also like to come back to a remark you made earlier. The doctoral cluster is only the final purpose. If one focuses on the example of Simon BAECHLER present here, who will speak later in the roundtable 2, in fact, we can clearly see - which we have seen with CEIFAC's previous students - that there's a huge demand to reflect, conceptualize, and structure what they learned

from their own experience.

This conceptualization still takes place at a certain level: once the techniques have been learned, once the method and analytical approach are mastered and a start made on working with these tools, then one is able to conceptualize.

Why is it a project close to our heart? Because at the moment everything is transferred by field experience. The supra-governmental experts talk about things they do not know as well as you in this room do. Whether you are in law enforcement, in the prosecution service, or legal services you have a skills and knowledge base that is absolutely phenomenal. And as it is not structured and consolidated into a broader knowledge base, every time one of you disappears from the professional landscape, a whole section - a sort of experimental knowledge base if you like - disappears at the same time. And that's what's important. It is a mission; it is not so much the question of an elitist qualification - I come back a bit to what you said earlier - it is imperative that we act now in view of the security problems we face, and which will only increase. It is not prohibited by the Penal Code to tap into all individual intelligences to form a collective intelligence - and a collective intelligence in both meanings, i.e. both an ability to build knowledge and also an ability to make police intelligence, which has nothing to do with the intelligence of the DCRI (French interior intelligence), for example.

If this project is so important it is because there is nothing about the question other than all that comes to us from Canada where they are far ahead, the United States, the Anglo-Saxon world which is not ours culturally, which does not have the same criminogenic forms, I would say. But when you have such a difference between the speed of reaction, for example, of the prosecution institutions on the one hand and the speed and agility on the other of criminals who within 48 hours have devised a plan B because you have

dismantled plan A, we really need to put our minds together. And we can only do it in a structured way that if a certain level of action research is attained.

If the case of Simon is exemplary, it is because there are data which you can only access if you're right in there. Any other external research, even doctoral, which has no access to basic operational data, is fruitless. However, when one is a practitioner it is essential to free oneself of one's own career to go beyond it because it is inevitably patchy, because the neighbour might have what you need. So I should say that I what am trying to sell you today is more of a mission than a new training course; it is a weapon of which our continent has an absolute, imperative need.

Michel STORCK - Yes. One point that I had not even mentioned is the validation of professional experience. It is a French university system that can be very interesting because when you, professionals, you have acquired a skill, skills, which are at a certain level, you ask - to get that Master's 2 talked about or even a Ph.D. - go over tests on theory at the university with all the constraints that this represents in terms of availability and commitment and then also the lack of interest of certain subjects - which will be a problem: the validation of professional experience allows - as part of a demand that is presented - and which is on an essentially personal basis and so for each individual it will be different - to get the equivalent of a Master's 1, a Master's 2, or now even a doctorate. The press was still talking about it yesterday: doctorates through validation of professional experience are possible - it is exceptional but it is possible. At this level some thinking may be useful to see if the Master's in specialty 2 is open, if it is possible to allow you to validate a Master's 2 this year without the constraints of periodic journeys. Chantal, you reminded me of the example of the partnership with the gendarmerie. The system was perfect

because the gendarmerie bore the expenses of the travelling and the accommodation too. If asked it's up to you now to come from all over Europe, even once every two months, to follow three / four days of training in Strasbourg, if your institution bears the costs, OK; if it's your own money, I think it will be difficult.

Chantal CUTAJAR - No. This requires European funding.

Michel STORCK - Yes. For European funding the ideal is to have a mechanism like Erasmus Mundus already set up. When one was set up it was because we already had a partnership and could demonstrate that we had established a degree that would be even better if it were labelled Erasmus Mundus. We could start by setting up a pilot mechanism in relation to the resources we have and then really go up-scale and professionalize it. But the VAP (validation of professional experience) may be a very interesting option for you.

Elena PELLISER - Thank you very much, Chantal. I'd also just like to come back to a second mission of this training path which we're talking about today. If we have practitioners who have received the same basic training, it means that at the host institution level we can plan for intense training exchanges, where you take a Spanish financial investigator and you open a six month gap for him because you have an opportunity to do so. And once we have the same basic training we speak the same language. The only thing that can happen is that you are trained in the host country's criminogenic environment. It's an invaluable supplement because you can't find it in books. First, it does not exist and next, when from time to time there are reports they are completely censored because some things cannot be said publicly, so it has to be between you, the practitioners, that you can learn more by travelling as apprentices, a little bit like the French master-craftsmen's Tour de France. Well, here you can do it only on condition of course of having the same

level and the same language. And that's why it's important to put this foundation in place.

Michel STORCK - Just a small point because I'd then like to hear about Leicester's experience. A small observation again: there is a structure that could be interesting - it's the creation of a chair. You mentioned the case of Lausanne which has professors' chairs open to professionals; that's perfect. In the current economic situation in France, it is not a priority for the Ministry of Education to increase academic positions, unfortunately. However, it is possible to set up chairs that are co-financed by the university, European funds and also by various institutions or various companies interested in our work. And when you have a chair, you have an envelope and you can join a professional to this chair. I don't think this is the ideal arrangement for you but for the year, you have an annual budget and you can bring to this chair, for example, ten professionals who'll each come for / five days - the travel, accommodation, and remuneration will be paid for. And in their CVs they'll be able to show that they are holders of the Chair of Financial Investigations of the University of Strasbourg - which can be extremely stimulating for these professionals and ensures this transfer of knowledge. At that time, specifications must be developed for being affiliated with this chair and in these specifications, there may be in particular research work to be conducted there may be a professional experience validation or a memo to file on the skills you contribute as a professional in this chair. For example, you have developed a tool of such a mechanism, such a technical point, you will be teaching for two / three days students in training who may be on M2 or DU type courses. There are a significant number of mechanisms that can be juxtaposed to reach a goal. So for the approach, what I'd recommend is to identify the wishes, match them with all the resources and tools that can be used, and optimize all of it as well as possible. Obviously concerning

this subject, you have the typical example of the university's new commitments. It isn't a closed environment any more exclusively interested in knowledge; it's the opening of the university to the professional world. And this the University's vice-chancellor, Alain BERETZ, says at every meeting of the board: it's a priority. Some still haven't understood. So we have to move forward and as for financial investigations the experience that CEIFAC has and all the work that has been carried out is absolutely exemplary at the European level, so you already have to make the most of this brand - it's a real brand now - and of this know-how. It's important.

Elena PELLISER - In line with your remark just now I wanted to introduce you to Lisa Smith, a professor at the University of Leicester where she runs a program called INTREPID in which a dozen doctoral students from disciplines quite different from one another work together in co-mentoring (both disciplines at once). She's going to explain how to reach the goal of her programme, which is to identify what the future police tools of the 21st century will be. What will the police tools of the 21st century have as their end purpose, as a form, and as an objective, and how will they work? How is it going to happen? I'll give her the floor and you'll see that the experience is very informative.

Lisa SMITH - I'd like to thank you for inviting me to participate in your roundtable in recognition of the success of the INTREPID Forensics project we are conducting at the University of Leicester. I've brought you some presentation cards. Essentially, this project is funded by the European Union to the tune of € 2.9 million. This funding has enabled us to launch an innovative multidisciplinary doctoral program. I'm delighted that CEIFAC has chosen to approach the practitioners, we've chosen the same path for INTREPID. Let me explain why I believe this approach is very important.

INTREPID Forensics now has 10 PhD students. We are very innovative: until then, the University of Leicester did not practice much multidisciplinary direction of doctoral research. A chemistry PhD student is followed by the Faculty of Chemistry. INTREPID is unique in that we started from the premise that every issue relating to the forensic world - that is all that has to do with criminal investigation and criminal sciences - is linked to the law, and should be treated using a multidisciplinary approach because we are in an essentially multidisciplinary field: law and science come together to try to resolve important issues, and we decided we could find the answers to these questions in isolation; the effort should be collaborative.

The other strong point is that we did not want to start all over again and that is why we have associated practitioners in the design of the entire project. So we asked the forensic sector, public authorities, and policy makers what a teacher of criminal science, what the next generation of doctoral students is entitled to expect from their teaching, and that's what we have based our project on. It's a change of scale. The University liked the idea in principle, but in practice this hasn't been easy. So we have ten doctoral students working transversally. The University of Leicester has four faculties, all of which participate in the project. To me, that's what's made this project very useful for students who learn from each other, who discover disciplines with which they are unfamiliar, and it is rewarding - it's what makes the quality of the research project - but universities are not really structured to work in this form. It's hard to build bridges between disciplines, so we had a little difficulty with the administration and logistics of the project. But I am convinced that the difficulties are worth the benefits it provides for research.

I agree with what was said earlier about whether a PhD is always the right answer. To me, this

depends on the practitioners. Some do not need one. One may ask the question: why am I doing a doctorate? In my view, the point of a doctorate or a Master's is the systematic teaching. I come from Canada and I worked with the police in Canada before moving to the United Kingdom; traditionally, in the police the training is provided by the most experienced, and therefore the oldest in the profession. But this does not amount to a discipline, on the contrary, it perpetuates the same behaviour, and even if some is good, some needs to be improved. In my view, the doctorate and diploma courses with a research component have the advantage of removing barriers and systematically analysing the ideas on the ground. That's why I think if practitioners engage in doctoral studies it's a good thing - especially if that then means feeding back the results on the ground. The University of Leicester has made every effort to be flexible in order to support practitioners who reconnect with university studies. For example, in the UK, it is possible to pass a professional doctorate by validating a portion of professional experience. It's rather like the portfolio system, and this is a good way to enable practitioners to obtain their doctorate.

We've also set up many distance-learning Master's for practitioners. Again, we told ourselves that practitioners may not necessarily be able to find large stretches of time to come and take courses, that education is expensive etc. So we set up Master's according to the model of education at a distance for them, that way they can work and study at their own pace.

In my view, it is important for the academic world to be agile and very responsive to practitioners' needs. This is why I find CEIFAC's approach crucial: it associates practitioners at all stages and in my opinion that's the only way for the university to understand what their needs are.

The other fundamental reason for involving practitioners and universities is that it helps understanding the role of each better, when participating in training sessions like CEIFAC or following a PhD, which includes understanding one's own role better, the fact that what one does affects the next stage, whether at the stage of prosecution or investigation. Another reason behind the INTREPID project to involve policy makers is that we want to be sure that the research conducted will reach back down to field level because as researchers we write articles nobody reads apart from other researchers; transmission mechanisms are needed and I think this is a point that you should take into account when taking your projects further.

Access to funding for multidisciplinary education is essential, as is the association with partners who are not academics, such as practitioners, public authorities etc. This, I am sure, is why INTREPID has been so successful.

Elena PELLISER - Thank you, Lisa. I think Lisa has told you many things that are very, very helpful and very valuable for this debate. Indeed, the trend is still that, i.e. the police cannot continue having experts whose sole purpose is to consolidate their expertise. At some point there have to be exchanges for there really to be a dialogue between knowledgeable parties and an expert is not necessarily a knowledgeable party. A knowledgeable party can be an expert, however. To some extent it's the ambiguity of the exchange of knowledge that damages the structure because the natural human tendency is still to keep for one self and one's own possession when on the contrary it's necessary to open up.

I'd like to mention another little question starting from a good practice of our Welsh friends who set up a certification mechanism, which makes it possible to have in the practitioner vocational programmes a «financial investigator» qualification and

also maintain the levels, since certification is only retained on condition of having regularly satisfied a requirement for a few days training; this is interesting because it also obliges the levels of knowledge transmitted to be structured and controlled. So in the context of this morning's debate, it is also one of the questions I put to you: what certification, for whom, and especially what career path afterwards? And at this point, how do we bring into the debate the heads of human resources departments who are quite different and having entirely different procedures, with competitive entrance or induction examinations specific in every case? What do we do to keep up the momentum, i.e. make a complete programme that allows everyone to talk about the same thing and then have a vocational programme that is identifiable, recognized and «branded», and certified?

Michel STORCK - That's an excellent question. As for the certification, I'll speak briefly of an unhappy experience - at least unhappy so far - we have set up in Strasbourg: when students plan to work in the financial system and for financial service providers they must have a certification recognized by the financial markets regulator. This certification was set up seven years ago at the request of the AMF (French market authority), which does not certify the skills of the candidates but that empowers institutions or institutions to administer certification exams.

When we saw that, we were rather unsettled by the observation that the certification bodies were all private organizations - I shan't list them, these are private institutions connected to the banks in particular - which sell the certification to professionals and students and do not just sell the right to take a certification exam but above all the prior work. If you want to pass your exam, purchase the training package. And if you

want to multiply your chances of success yet more, take a pack for six months and that'll cost you € 3,000 to take an exam that'll cost you a minimum of € 300 or € 400. We talked about it internally here and we considered that it was a very dangerous path in relation to the role of the University as these certifications are given outside the academic world. We educate students; they have a degree but are told, «to work in a bank, the Master's 2 is worthless; what you need is the AMF certification you'll have gained by following the course you've paid for; whether you have a BTS, a Master's, or PhD 2, it makes no difference, what counts is the certification.» So we decided to ask the AMF to be recognized as a certifying institution and we have been. We got the AMF certificate; you can administer certification exams. This is where it gets a little complicated because to be certified - Chantal was involved in this project - a basic 700 questions must be filed; and then, by means of random computer techniques, candidates will have to answer 70 random questions. So we had to prepare 700 questions. Inside the University I asked for the release of funds to pay academics or professionals to help us put it in place. They told me, «No, there is no credit. Yes, next sell the courses, we're all for it but we aren't releasing any funds.» So we tinkered with colleagues again and got together a questionnaire with 700 questions with two other colleagues, in addition to some other activities we have. It took longer than expected and the AMF asked to see this basket of 700 questions and found that we did not meet the specifications because there was not the percentage of questions on such a theme, etc; we had to start all over again. At this point my colleagues told me, no, we stop. We cannot work on such a basis, while at the same time, you have private establishments - the CFPB, for example - who boast of having 10,000 candidates take the certification, which is huge. So there is a market. The academic world has left this market.

I asked that we should start working on this dossier again and lodge another set of questions but that we should be funded so that it can be done on a professional basis. It's currently still under discussion; we haven't found the solution. But - and this is where I say it again - because any failure is an experience for the future. When I talked to the Vice President responsible for relations with the corporate world, he said, «but it's simple, we have interesting financing vehicles. Certification is a new path the university's going to have to commit itself to because in a few years you'll find the AMF certification, which all in all is a good thing, for doctors or engineers - for all disciplines. You will be asked - for the legal professions as well - to have not only a diploma but a certificate from accredited institutions. And this now puts the universities' backs to the wall: if they do not set about working with these certification programmes, private institutions will offer them in parallel and sell these courses.» The CFPB (French Banking Industry Training Centre) has just put a teaching programme for the presentation of the AMF certificate online. This is exactly the project we had to set up. We did not have the credits; they did.

So now with the IdEx, we can try our luck again on a slightly more serious basis. So you might consider launching this certificate programme, which would be an innovation because there're none in either France, or Europe and launching a CEIFAC certification. There are a large number of private institutions that want to certify skills in this field, of which some are less serious than others, and sell you certificates that will offer no professional perspective because it's a business, it's sad to say. They sell courses without worrying about the result. That's not what a university's for. The university brand is a brand, all the same, that's recognized. When the AMF said to us: «We're happy that a university has finally come to us, we ask to be certified, do it as quickly as possible; it's a very

good thing» this had energized us quite a bit.

CEIFAC could think about implementing this certification on the basis of what is done in a number of fields by asking the university to be part of IdEx - because our IdEx was renewed so we have credits; at that level you will have no problem - to envisage this certification at the European and not just national level. And then, once this certification by an academic institution has been set up, the European institutions could perhaps validate this certification, already start the same certification process, and make a call for applications for organizations that want to be certified to deliver this proof of knowledge and CEIFAC could be one of them. I think the certification path is very interesting.

What we've also tried to put in place, a project that remains work-in-progress, is to prepare professionals for this certification through teaching on-line; we talked about course material, etc. and when the professional or candidate has completed the training and validated the certification, we issue him not only with this professional certificate but that also enables him to obtain a DU or even a M2 through capitalization of credits and capitalization of skills by backing several horses at once. The certification could be added to the DU and to the M2, it could be done at the European and international level with specifications to be drawn up. And in drawing up these certification specifications the experiences of all of you are absolutely fundamental. This is a path to follow. And behind, we can find funding at the university by presenting a well prepared dossier; this will get results because it is a step forward that's going to be essential in all disciplines: physics, chemistry, medicine, etc; so we're a move ahead. And as, in addition, we are lawyers, we know how to draw up the specifications and types of dossiers.

Elena PELLISER - That's quite encouraging. Thank you very much. It is, indeed, a breakthrough to be able to materialize and certify all this knowledge you accumulated - once it is structured and transmitted.

So far, we've talked a lot about financial investigation techniques: what was the purpose? What was the objective? What was the scope of financial investigation? What were the possibilities for Strasbourg University to assist us in enhancing the vocational education sector? But obviously technique without reflection or analysis does not work. And analysis without the basic technique on which to theorize and understand does not work either. The other side of the coin is criminal analysis.

In fact, the same debate we just had this morning can be applied to teaching the criminal analysis that has to accompany the financial investigation. We've gradually progressed from a technical proposal by widening the fields, defining the challenges, and widening even more, because it is through financial criminal analysis and financial investigations that a more accurate and rapid understanding will be obtained of what is happening on the ground from the point of view of crime, which will mean having the resources to get ahead but it actually supposing, once again, training, structuring, transposing, and being curious. All this, of course, cannot be done like this blindly. Why? Because when we made a general overview - be it another PhD student, Laure Romanet, for the actual legal aspects or myself for the actual financial investigation - we realized that we were dealing with a multiplicity of actors, factors and vectors - which means a three-dimensional jig-saw in perpetual motion.

We also deal with areas that do not quite touch one another and at the interfaces things are happening. The jurisdictional territory may not always fit with the

criminogenic territory, i.e. there is a criminal you've arrested at a given moment on your own territory and maybe in a neighbouring territory he has done even worse and you haven't seen and can't do anything - at least not immediately.

At a certain point of our research, we said to ourselves: «what's missing?» At the European level there is a lack of a comparative criminology to constantly call into question what we know, complete and formulate hypotheses, wonder for instance if the small-time metal thief here is not, after all, the leader of a large gang elsewhere, etc, by going beyond the limits of skills. It is this kind of questioning that feeds the analysis. And without this analysis, financial investigations, in general, do not get very far. Financial investigation has two purposes: first a mission to prove the crime, and second of helping to demonstrate the truth; and the latter goes much further.

Chantal CUTAJAR - Lisa is a professor of criminology. We, at the University in France, have a real questioning in relation to criminology. There was an attempt to create a section dedicated to criminology that failed. Criminology is not really recognized as a scientific discipline at the University. To speak of Comparative Criminology is already the next step. We are still far from that unfortunately. What is your point of view on the teaching of criminology at French universities?

Michel STORCK - It's a loaded question. It's a debate because there are political implications in addition at the national level and when the section was created at the CNU this was done without great transparency and... well, we will not go back to that point.

If I had any advice to give it is that it is better to avoid confronting the problem head on and go around it because otherwise we will run up against cliques immediately - the criminal lawyers against the criminologists, the criminologists who aren't criminal lawyers and

are legal experts; criminology is the way to introduce people who come from sociology or other backgrounds and who are not lawyers. It is the academic and university world in all its horror that appears here.

Chantal CUTAJAR - Yes except that criminology today is done elsewhere in our law schools. Lisa, you don't have this problem in the UK. What place for Criminology at the university?

Lisa SMITH - Criminology is taught differently in different universities in Britain. In some, it falls within the Faculty of Law, in other the sociology faculty. Leicester is unique in that it is the only university in the UK to have an autonomous criminology faculty that welcomes postgraduate and doctoral students. Cambridge also has an Institute of Criminology, but only the Master's levels can have access to it. I think it's good for our faculty - some do not agree - and, in open days I tell students who come to learn: If you want a degree in multidisciplinary criminology, here's the place to come. Otherwise, if you want more of Sociology, you must approach a sociology faculty that also teaches criminology.» The place of criminology in the University organizational chart influences the way it is taught. From this point of view, autonomy truly creates synergies between different disciplines instead of having a predominantly legal or sociological criminology. I think this is to the students' benefit and that it's precisely for this that they come to study at Leicester: for its multidisciplinary approach.

Again, this organizational structure has its difficulties. There's a constant discussion whether to merge with law or sociology. For now, we remain autonomous, but that could change.

Michel STORCK - To clarify: in Strasbourg, in the years 1960-1965 we had the first Criminology Institute in France, which was led by Professor Léauté who was an authority, and it was not a problem. Things only went awry

after May 1968, and that is unfortunate. But I think there're enough areas of work for CEIFAC and it is better to try to get round this obstacle; there's no need to add to it.

Elena PELLISER - It's always possible to do things without putting a label on them, i.e. if the research work concerned the presence of certain criminal phenomena transversally on a continental level, what can one do? It's a natural slope. Today, we see supra-governmental experts making reports with questionnaires given to 42 people of whom 38 responded and selling it as a panacea and the image of what is needed in financial investigation! But sample is not representative, it's ridiculous! These practices take the upper hand. And that's why we absolutely, fundamentally need a scientific approach; that's why we're here today.

I see that there are questions in the room.

Intervenant en salle - I am a former student of the Faculty of Strasbourg. I'm an auditor; I participate in some surveys. In your population of auditors, you have a party of officials concerning enforcement, justice, etc. and you have a proportion who are in the private sector, i.e. certified auditors, etc. who have no powers of investigation and have to be appointed by the authorities to be experts; they need, let's say, to be appointed by a court, etc. Currently in France, criminal financial analysis is not recognized as an «expert grade» subject, i.e. in fact you can't be appointed to this type of expertise; you're just an accountant. If we managed to change this practice and have this subject appear at the European level as «expert grade», maybe then we could deal with the problem.

Michel STORCK - I'll come back to your question. Would auditors be interested in having some of them certified in this area?

L'intervenant dans le public - «I think so.»

Michel STORCK - Lawyers can be certified in real estate law, family law, etc. for the auditors could this be an addition skill, knowing it would be interesting to see with the Training Board for Certified Auditors at the national level whether they would be willing to delegate this attribution of jurisdictions to an institution such as CEIFAC?

L'intervenant dans le public - «Given that the Faculty of Strasbourg issues a degree, this degree would need to be recognized as «expert grade» or I do not see the point of having this degree if it is to leave it in a drawer.» That isn't the problem. For ten years I've asked to be a court expert as a financial analyst; I've always been refused because my services were not needed. On the other hand, I am appointed by investigating judges on cases where I replace them and I am a criminal financial analyst. But that isn't recognized nationally.

Elena PELLISER - This is a quite interesting testimony that allows us to widen the debate further in the sense that your expertise would be very useful because financial investigations also concern assets but not just assets and so it would indeed be very useful to have a resource of various subjects that are recognized as expertises and that the whole is recognized itself, i.e. the sum of the parts is bound to be a whole that is an expertise if each of them is an expertise. This could be interesting as a work-around precisely for the financial investigation.

Lisa SMITH - I would add to this that in my opinion, to ensure the quality of the evidence either before the courts or as a witness, a qualification should be endorsed by a university, when in other areas within a discipline which is the recognized standard, it is not possible to give a valid expert testimony if one has not followed a proper training in criminal forensic chemistry or another

field. I do not see why it would be different for financial analysis. To me it seems important for us to maintain the evidence's level of quality.

Elena PELLISER - Next question?

Marc SIMON - First point: first of all I'm very surprised about the discussion on criminology. Much has been made of transversality and transdisciplinarity. If there is a science that is transversal and transdisciplinary it is criminology that incorporates all the same the important facets of the investigation and which also associates the magistrates with the future police analysts. Here in Belgium with us criminology is under the roof of the Faculty of Law. As for myself I've got a degree in criminology and I'm proud of it because it's an opening of the mind that focuses precisely on the basic knowledge everybody needs - besides, we're going to talk about it just now. The control of reasoning and techniques is one thing but the mastery of knowledge - you call it the fundamentals in France - is absolutely essential, therefore, I am astonished at this debate. Criminology, for me, is a field of study, a logic that attracts more and more interest from young students and gives a prospect for jobs in the various police forces and other organizations. That's the first point.

Second point: we talked about expertise. In Belgium, for example, criminal analysts are not recognized as experts like forensic doctors etc., but as witnesses just like the investigators. This is absolutely no problem because in a court of justice, the result of our work is recognized in the same way as an expert's or almost. So I do not quite see why we waste time debating about «providing recognition as experts or certification» to criminal analysts. No, what you need to do is educate our political, judicial, and police

authorities about the added value of this technique which should be used by everyone - as much by magistrates as by investigators and analysts - of so we can speak the same language and exchange information and opinions much more easily - as the three-day course on criminal financial analysis at CEIFAC has, I think, been able to demonstrate. And for me, we don't need to be recognized as experts.

Elena PELLISER - Thank you, Marc. In terms of the recognition of expertise, actually there is - and it is discussed sometimes - the issue of the admissibility of evidence and of admissibility of expertise, which can require having to prove the expert witness's level every time. It is true that our Belgian friends operate very flexibly and this is something remarkable and to their credit, but not all countries are like that and if you actually try to testify as a criminal financial analyst in countries that are a little more rigid, your testimony is simply not admissible as expert testimony. But who can do more can do less - a guaranteed level is useful for all concerned; afterwards, both for those who use it and those who propose it, nothing stops you from hanging your diploma on the wall and forgetting it alongside your sports badge.

But this said, I think we can still come up to the operational flexibility of our Belgian friends. True, it works well; it also works with experts such as Olivier Deblinde, who began CEIFAC with us, who officiated as an expert to the courts in Liege. And this we do not necessarily have in a clear-cut manner in France. Given that there are as many national situations as there are Member States, the easiest way is to effect a full review and lay everything flat; and from then on the countries will function as they wish. Are there other questions?

Lisa SMITH - I think another danger in this context is, as you mentioned earlier, that the private

sector offers training diplomas. Another reason, doubtless, for CEIFAC and the University to take a leadership role on this point is that it is appropriate to maintain the quality level of the certification to stop private institutions that basically just sell certificates from becoming the norm.

Elena PELLISER - Merci, Lisa, ce d'autant plus, effeThank you, Lisa, the more so as these private certifying organizations come to us from a country more powerful than ours and with economic and financial traditions that are not the same and which rely enormously on credit cards whereas in our country conditions are quite different so that the criminogenic possibilities are also quite different.

Michel STORCK - Since we were talking about the certification, I think the university's involvement in certification would be extremely fruitful but might be associated with other institutions which perhaps we shall talk about afterwards such as TRACFIN or others, just as the AMF did. I think that concerning certification, a partnership or an application with TRACFIN would benefit everyone. I understand your reluctance concerning this procedure; you aimed at efficiency rather than an accumulation of barriers. Unfortunately, in the evolution at the European level, we still reason in terms of certification and certification becomes a priority. And that stops you from having incompetent people who claim to be competent. The best way to demonstrate this is through certification. If they are certified, it does not prove that they are competent but there is a presumption of competence.

Elena PELLISER - This First roundtable was very rich in reflections. Please excuse me, we've exceeded the time a little and Philippe Marie is not very happy - which is understandable. I suggest you join us after the break for the second roundtable.

« Requirements and challenges in the field of strategic and operational analysis »

Simon BAECHLER - I am pleased to open this second roundtable. We'll talk about the needs and issues in strategic and operational criminal analysis and consider several themes. I'll get back to them very shortly but first I want to let my two acolytes of the day I'm delighted to see come and join me for this roundtable introduce themselves. First of all, Jerome Servettaz.

Jérôme SERVETTAZ - Thank you Simon. I'm Colonel Jerome Servettaz, head of the Central Department of Criminal Intelligence of the National Gendarmerie, which is a service that depends on the Judicial Centre based at Pontoise and whose essential missions are a part of the administration of databases, especially the production of criminal intelligence, the support of the units in a pre-judicial or judicial stage and then - in certain cases - the investigation.

Simon BAECHLER - Thank you. And then Marc

Marc SIMON - Marc Simon. I'm privileged to lead the Central Operational Criminal Analysis Unit of the Federal Judicial Police in Belgium which has been linked for over a year to the Directorate for the Fight against Organized Crime. The advantage is that I can work with the strategic analysts I'm going to talk about.

Before starting the debate, that famous slide behind you (Financial crime analysis is sexy) [Laughs] has been the motto of CEIFAC since the first session; an important symbolic system, i.e. the economic and financial aspects have to be demystified once and for all with all concerned - judges, investigators and analysts - as they are neither arid nor complex if we are well trained. As indeed Elena said, money is the motivation in more than 75% of organized crime

dossiers, financial and economic data turns up everywhere and therefore this little negative - me looking like a Georgian criminal billionaire in my chair enjoying my illicit gains... combated by the financial crime analyst is the new sexy, illustrated by this photo.

Simon BAECHLER - Thank you, Marc. I'm Simon Baechler. I work partly in the police as a scientific inspector and as a participant on crime scenes in the Neuchâtel police, near the French border. That takes up 50% of my time and the other 50% I spend at the University of Lausanne where I'm in charge of training, especially in the field of crime analysis and courses are given to practitioners whether they are investigators or magistrates, but of course also to students and then to other types of profiles in the private sector too.

As for the various aspects we wanted to cover, ultimately they derive to a certain extent from financial criminal analysis process which we talked about during the training in this training session. In the first place, we wanted to address the issue of complexity that is constantly increasing in line with the data available. It's lucky in a way, but this multiplicity of data sources raises some questions, some challenges, some difficulties which we'll try to come back to because the real issues are there.

We'll then attempt to evoke the need to educate and train a maximum of practitioners - whether investigators, judges, or policymakers in the general sense - concerning the contribution of financial criminal analysis, and operational and strategic crime analysis, and by evoking the concepts of operational and strategic analysis - with perhaps a distinction

since the definitions are different in English and French. We'll consider strategic analysis as the analysis of underlying problems over the long term, the somewhat political analysis of the threats, and tactical or operational criminal analysis will be more at the level of the coal face or of the investigation itself, at the level of dealing with crime problems; so we shall - perhaps for simplification purposes today - make a distinction today between strategic analysis and operational and tactical crime analysis.

We see again that mastering tools, mastering this discipline, this working method we call criminal analysis is not enough. We must go further and we need to look at the adversary, take an interest in the methods of criminals, their modus operandi, their ways of working, their organization - how they live in their criminality. And there, there's a very interesting dimension that revolves around strategic analysis.

This question will lead us directly to the following: this new philosophy that is changing the face of Europe - it's a rather positive upheaval - this new philosophy is the Police guided by intelligence, information, an analysis that makes us maybe a little bit more intelligent. Hopefully, in this way we'll be able to make better decisions and be more effective. And that's obviously one of the most important issues of strategic but also operational analysis to concern us.

Finally, we'll come full circle with the last subject of discussion that'll touch on the same themes as the first roundtable, namely the advantages of mixing academic and professional circles to try to get the best of

both - to try to ensure that everything achieves its potential to get the best out of it.

Let's start with perhaps the very first question on the multiplicity of data sources. Today we're fortunate to have easy access to a wealth of information. This creates a new problem: in the end there's a danger of being a bit drowned by all these data sources and all this information; on this point a decision will be needed: who'll be needed to collect what, who's going to structure the thing and who's going to exploit it. To clarify this discussion a bit, I would like to mention two sources that are relatively new: those sources called OSINT in English (open sources intelligence) which are more interesting and are a real challenge for the investigator because these methods can't be invented: they really require structured learning. And then another example is the whistle-blowers, who are also a new source of data needing to be taken on board as well as possible, which is rather original for the average investigator who hitherto hadn't necessarily had access to - or been lucky enough to have - this type of information.

The question I want to ask to open the debate with Jerome or Marc is to know finally how to handle these new sources: is it up to the investigator, in this case in particular the financial investigator, to be responsible for the collecting and the structuring and in certain cases maybe to call on an analyst or, on the contrary, is it is the analyst's exclusive responsibility to handle these issues of collecting, structuring and exploiting the information? I don't know what you think. I imagine that Switzerland isn't necessarily the best example in this field and you may want to

come back to this first theme of discussion.

Jérôme SERVETTAZ - Thanks for giving me the floor. Indeed, everything depends on the level where the problem lies. If you are already in a phase of criminal investigation, it is clear that the investigator himself will search for the information that will be relevant for him, so he will search alone, possibly in any case orient the search for information and intelligence alone - he can do it; freeing himself from this information at his level may entail resources he will not have at the local level so he may apply at a national level, for example, for the authority to seek information from closed sources on the Internet with other units' agreement. The investigator in an investigation phase, the investigation director, or the magistrate of course will guide the search information that will be useful for his dossier. In this case it's a question of searching for information - you'd say an operational phase. Once you're in a phase that's either rather tactical or strategic - because we make the distinction, and perhaps I'll explain to you why shortly, the tactical and strategic phase - it is rather up to a service specialized in analyzing criminal intelligence (whether regional or national) to try to detect phenomena and flows, to sense information upstream, and see if that can result or not in judicial investigations or other types of actions.

Simon BAECHLER - OK. Thank you. Marc

Marc SIMON - The situation is quite the same in Belgium. And actually, in recent years the palette of data sources has widened to become increasingly important. OSINT intervenes more and more like a technique

called social network analysis or network analysis, which can map the totality of the entities in connection with other entities. But of course these are new techniques that sometimes still frighten our authorities and so it's up to us - criminal analysts - to prove the added value of these various tools in assisting investigators in their everyday work as much as magistrates who direct these inquiries.

Jérôme SERVETTAZ - To complete the data sources actually the data sources are substantial; more and more data and information are produced by the materials used, so you have access to more and more data. In the data sources it is also sometimes necessary to distinguish those admittedly under a sealed lid but if they are placed in a legal framework or not, depending on the law of the country, their use is not always the same; it is not always easy to move from one framework to another. It's a worldwide issue on the treatment of the access to the datum and processing the datum.

Other problems appear and have appeared very recently on very specific cases where there was quite considerable volumes of information: when investigator numbers are multiplied - ten investigators may sometimes work on some cases - they provide information and managing all this information can be difficult; they were worked in different fields: lots of listening, lots of videos, lots of photographs, lots of location data, etc. so considering it all's a real issue. And our crime analysis systems can be worth adapting and deserve support or a development in the structure - through know-how, not the tools.

Marc SIMON - That's what we find and what we actually do in Belgium. By multiplying and recruiting a large number of investigators who focus on a

particular case - of course the amount of information, the volume of information to analyse, process and integrate becomes increasingly substantial. Some of our officials still have this vision that by recruiting an analyst you have less than an investigator whereas an analyst is an investigator in first instance with the specific skill that is operational criminal analysis. And that's still a message to deliver; so if I have any advice to give you, and if you want to create units of analysis, it is to make it clear to your authorities that an analyst is not less than an investigator in their organizations; he is in fact an investigator who will support other investigators in the course of their work. So if you recruit a hundred investigators you also have to recruit a number of analysts to manage, process, analyse, and use the information because there is information but a lot of it isn't processed and sometimes it's the cause of failure of some of our investigations.

Simon BAECHLER - It's something I also come across in my work regarding these matters: concerning the various data sources it seems that some investigators and some analysts sometimes have affinities for instance with open sources or telephony; there's a whole challenge concerning the issue of playing on these various affinities at the right time and fine tune the teams around different roles - the director of investigation, the circle of magistrates, the investigator, the analyst - each has a role not very structurally defined from which is not easy to part; it is necessary to allow oneself to go beyond these roles and really consider the investigation team as an integrated team in which the magistrate's sensibility may well be significant where he is comfortable with telephone data because he has had the right dossier. The analyst, who is a pure criminal financial analyst and is very comfortable with financial data, well, one will make use of his skills, etc. So this effort is

needed to go beyond labels and say, «you're an analyst and I'm an investigator and therefore your role's going to be structuring the databases; my role is going to be hunting the information,» and have this more integrated vision; sometimes one comes up against personal status problems in rather rigid organizations. Here we leave the subject of the debate a bit, it's also one of CEIFAC's objectives, you'll have understood, to bring these various profiles together and hope the borders fade away, that the porosity between the profiles results in a kind of creative and effective magma.

Marc SIMON - This remark is quite justified. I always take this caricature - because obviously it's a caricature: 15 or 20 years ago, the criminal analyst was the one who was all alone in his cave like a hermit with a dusty folder and with virtually no contact with the magistrate or investigators in charge of it, while today, as indeed Simon's said, it's really a team effort where everyone has a role to play and a responsibility to take, and this has several advantages: of course, a much more effective exchange of information, better understanding of the added value we can provide one another, better collaboration, and more positive results. In addition, there is the relationship of trust that it's essential to create between the magistrates, investigators, and analysts, since it has to be remembered that a few years ago the reflex of investigators when an analyst was put on a case was still to say that he was there to check his work. No, the analyst is really there to support the investigator. That's a very important message.

Jérôme SERVETTAZ - The analyst in the units is also an investigator at least that's how I've understood it and he's actually there to help manage and interpret data in favour of the directions of the

investigation - whether the investigation director, or obviously the magistrate. The analyst, anyway, can't be completely isolated, since the material requires collaborations such as data captures. The uptake is relatively large today; there are legal tools that allow us to capture huge amounts of data and this necessarily requires collaboration at local or national level.

The second important point on the datum's the storage - once you've understood, it's to store it. Now there are two ways of working, at least in France, there is the way in which criminal analysts work: I make a local temporary database - at least a temporary database for the criminal investigation and then also a permanent database that interacts constantly with the investigation. So there are two levels of data storage (temporary and permanent) and then databases, which can be thematic, may vary in their volume, in the silo storage depending on the type of service holding them; it is also a very important point to consider: how we will store data (partitioned or not, accessible or not, local, temporary or permanent) knowing that the processing systems of the current data, the information processor works even better in maintaining the ability to manage sizeable volumes of information. But here, legal or political considerations often come into play.

Marc Simon - Then another point that's very important: operational crime analysis has been implemented in Belgium since 1992 and so that makes a few years of experience already all the same, it's essential to put an operational criminal analyst to work as soon as possible at the heart of a complex investigation and not wait for weeks and / or months of work by the investigators. This is a very important development that means the working hypotheses or investigative suggestions we make are really made in real time and the information flow

is quite permanent, which is rewarding for everyone, at any rate for the criminal analyst who is really integrated into the tool and actually brings its added value. Obviously, this is very difficult because you work just in time, that is to say that we must work in a different way than if we worked on a cold case; moreover, an analysis of a cold case requires a totally different approach but it brings a lot of satisfaction and the results are much better. This is an excellent development that should be applied as soon as possible.

Jérôme SERVETTAZ - JI fully agree with your point of view. Indeed, when the investigation requires, it is important to carry out data compilations quickly and any delay will be a delay to the processing of such data.

Simon BAECHLER - Indeed, the need to start the analysis as quickly as possible starts us immediately on the second subject of discussion: the need to educate and train as much as possible all those involved in criminal prosecution, in the administrative area, generally in the field of security, on the effectiveness of criminal analysis in complex data processing and multiple data sources; we have seen with all this discipline, systematic, or scientific approach that allows you to find your way through a forest of data and find the needle in the haystack. So this issue of education and training is not so obvious; CEIFAC is a vector but ultimately how to put the thing effectively into practice, how to ensure that as many people as possible are affected, and in this case there are various models and I think the panel represents the various models with Belgium, France, and Switzerland; perhaps I may say a word about the advantages of these different models by starting in alphabetical order.

Marc SIMON - It is true that at first it was a real problem to inform judges and investiga-

tors of the added value of crime analysis; so we absolutely had to find a solution suitable precisely for explaining to all these key players what it could bring. The solution that has been advocated is precisely to integrate modules of initiation to operational criminal analysis (basic training or continuing education) into the training modules for judges and investigators because the first thing I tell students at the beginning of a new course is: «but you all already do analysis empirically.» Every interviewer, every judge does analysis, of course. The strength of criminal analysis through this course and to address the various aspects of crime analysis - to make known what operational crime analysis is, what added value it can bring, what the means, techniques and tools that we use are. How to call on a criminal analyst? In what case? What are the criteria to be taken into account?

The second way of doing it is, obviously, with the history that is behind us - all the positive experiences we have had and the word of mouth among our judges or investigators; we are increasingly approached by one and all. And I who have been producing annual statistics since 2001, I can tell you that the number of requests has exploded between 2001 and today, which makes me say that it would be essential for us to recruit even more new analysts because we really are reaching the limit of human and even computing resources; indeed, we need much more efficient computing resources, as Jerome said, to be able to process and integrate this very large volume of data or quite special data.

Simon BAECHLER - A small question, Mark: what is the ratio - number of analysts / number of investigators - even though analysts remain investigators and investigators do analysis, as is understood?

Marc SIMON - We've carried out bench-marking with various

countries, the ratio is an analyst for 20 investigators.

Simon BAECHLER - OK. I'll just say a few words about the Swiss model. For those who have participated in the course, I've already given the outline in the introduction to the course. In Switzerland, the thing is designed around three training levels: the first - we'd have liked all the investigators to go there - it's a week of training or rather initiation, of raising awareness to the same method on our tools before which, for example, an investigator will have to deal with a telephone use report or three complicated telephone use reports by using display and mapping tools just to understand what the advantage is; and then in some relatively complex or relatively simple cases - it depends how you see the thing - get by by himself. That's the first level. It was hoped that all investigators could take it; we reach a percentage that is slightly lower than that. The minimum threshold has been set at 25%.

The second level is that by which we'll start a little to professionalize the analyst that follows two weeks of really intensive training in extremely thorough methods: the first week, it'll be an explanation of these methods and the second week, it'll be a real simulation exercise with a complex case resulting from relatively recent cases (drug trafficking, financial affairs etc., so rather all types of profile) and he'll be asked to show what he can do throughout the analysis process. And those going through this training will be guarantors for analysis for complex cases in their investigative units of their brigade.

And Level 3, it will really be the analysis professional, he who will spend all his time performing analysis at the strategic, tactical and operational levels and this level 3 in Switzerland, I don't know if we reach the ratio - the Belgian ratio, probably not - but this three-level structure has the

advantage of being able to bring into the fold of analysis people who don't necessarily have the desire to be full-time analysts but who still like to process data and we get really quite positive feedback: people who follow the level 1 course saying, «hey, analysis is not my thing; I hate computers» and they got a taste for the game and ended up graduating their knowledge in the different levels and the analysts have become accomplished and happy. So I think if it doesn't exist in the country, this tiered approach may have some advantages.

Jérôme SERVETTAZ - As for the French gendarmerie, there is a level of analysts, in fact operational analysts, with a fairly heavy training that is conducted in conjunction with a university and the staff are then assigned in units which are essentially sections of research, whether judicial support sections or services at the central level with a department that is dedicated to criminal analysis. Investigators and gendarmerie investigation directors no longer need convincing, I believe, to the point of having an analyst on issues that deserve criminal analysis; the main problem is actually resources. We constantly have to decide on which case will be selected and create true crime analysis teams. We had some examples of criminal cases in particular. So it's a real problem of resources. The ratio of 1 in 20, it depends on what you call an investigator. If you limit yourself to the OPJ (officiers de police judiciaire - CID officers) I don't think it's reached. It is far from being achieved with us. In any case, the redeployment of crime analysis and greater use of crime analysis will inevitably require more effective tools, particularly data entry, because now a lot of time is lost in integrating data because the investigation data comes from all types of media and is a considerable waste of time.

Marc SIMON - In this regard, I should mention that since January 2013, we created the concept, the function of analyst assistant (and so encoder) to help the analyst to encode the data so as to free the analyst to do his job which is to process, exploit, interpret, and define investigative hypotheses and suggestions. That's the real value of crime analysis - not wasting time just encoding the data.

The other solution put into practice is to focus as much as possible on a digitized rather than a paper file. To do this we developed a tool that's been provided to all investigators; we, the Belgian analysts, work with the tool that was developed for investigators in which we also developed features that are specific to operational criminal analysis. The advantage of this tool is the ability to import data directly from the statements, information reports, etc. without having to encode; and in addition with this tool the investigator can judge his own investigation for himself, make a kind of analysis, and therefore have a clear vision of his case and its progress. It also has a drawing sheet that enables him to do the mapping without having to have software which is extremely expensive. And for us, as I said earlier, it saves time and again makes for very close work with the investigators since we use the same tool.

The post of assistant analyst, exists, it works very, very well. Initially, analysts were reluctant because in their training, they were taught to encode their own records; well, today this is no longer the case, they were convinced of the merits of this new feature and now analysts work fully as analysts.

Simon BAECHLER - So maybe to finish on this second discussion theme on education and training, I didn't want to forget to say that in the academic training for future magistrates and investigators, in any case concerning

criminal knowledge, at Lausanne in Switzerland, we are very keen on introducing more courses on criminal analysis; criminal financial analysis will also be a theme to be reinforced and what may be cause for regret is that while future investigators and future judges following a university course are very, very well trained, the investigators following a more police-centred learning path, who join a police academy, still have relatively little contact with these courses; they have to learn on the job, so there it is a whole issue on which we'll have to work. I guess this could also be the case in other countries, and perhaps we'll have the opportunity to return to this at the end of the discussion.

Another topic we wanted to discuss with you today - and I take this opportunity to say that if you have any questions, inquiries or suggestions, feel free to make yourself heard. Perhaps there'll be time for a question session at the end but if during the debate you have something to say please don't restrain yourselves. I see that someone has come forward: Jean-Marc Pochebonne.

Member of the audience - Thank you very much. I wonder if you know that in the French police schools there are courses offered to the constables, officers and auditors because in fact, I think that there, there is a base that may be interested and so which could be useful for us because I see that the gendarmerie is developed but I'm the only one - with my two colleagues in Strasbourg - to be here.

Simon BAECHLER - Good question. Personally, I don't know

Marc SIMON - I can't answer that question myself but if there's one recommendation for your hierarchy, it is precisely to incorporate crime analysis in the basic training of the various forces. They do it in the gendar-

merie, why not in the police? I attended, a few weeks ago, their first operational crime analysis training. I was very surprised because this three-week course focused solely on mastery of the Analyst Notebook display software, certainly for all of us a very valuable tool for understanding for instance the mechanisms of a criminal organization, but it is quite insufficient. Criminal analysis is not just that. It is also and above all analytical reasoning. When I explained how we went about developing working hypotheses, according to what criteria of quality, opportunity, etc. and bank accounts analysis with pick-lists of suggestions in relation to different types of actions or investigations, they were very surprised and astonished, saying, «but that's not possible! ». Yes, indeed, that's what goes on. So it's essential to check whether, in your police academies, there actually is a criminal analyst course; and if there isn't, setting one up has to be recommended. That's an absolute must.

Simon BAECHLER - There's a question in the audience.

A person in the audience - I have a small question. There was talk of criminal financial analysis, but the financial analyst is not necessarily a criminal analyst. It's a completely different job. I know because I am head of financial division and I see every day it's totally different. So I reacted because for me, a criminal analyst is not necessarily a financial analyst.

Jérôme SERVETTAZ - You're right, a criminal analyst is not a financial analyst. The analyst is actually there to analyse data, join the dots, and speculate to help the specialist who will be the financial investigator. So I think it's unrealistic to try to train all analysts for all crime themes, but that it'd be better to train the investigators specialized as financial investigations to use analysts well. Moreover, within the service, in the special-

ized departments now, we tend to put three types of staff - we also actually asked ourselves the question you're asking - i.e. we have an officer or under-officer of gendarmerie who knows the business and knows crime and we have analysts who are not necessarily police investigators, who are not necessarily gendarmes, who may be civilians but who have a capacity to analyse, speculate, test hypotheses, develop intelligence, and so may have completely different careers, who may for example come from other state services.

And finally there is a third type of staff called «data scientist» who is there to handle the data and so basically make the data speak and making it available to the analyst, so it's really a complementary work of three skills that appear, from my point of view, to be at present quite essential for the global and massive analysis of the datum.

Marc SIMON - In Belgium, indeed, operational criminal analysts are versatile and should be able to support any type of investigation. Obviously, financial investigations are quite specific and therefore the solution that has been advocated is to integrate a specialized ECO-FIN training module for criminal analysts so they can support in particular our two central offices (the Central office for the Fight against Economic and Financial Crime and the Central Office for the Fight against Corruption); and also integrating the analysts in the teams of these central offices specialized in these activities means that day by day they acquire an increasingly significant expertise and at that time they'll be able to communicate the results in response to the requirements formulated. But I totally agree with you; the same observations have been made in Belgium. We pushed the exercise to the point of the absurd, i.e. to create a team in which we had financial investigators, a magistrate and

an analyst but who knew absolutely nothing in economic and financial matters. It was a total fiasco because it was completely unable to provide its knowledge in terms of methods, techniques and tools of analysis, hence the need to have basic knowledge in these various subjects. As I said just now: besides having command of the reasoning, techniques, and tools, the analyst also needs to be able to know the criminal phenomena he'll have to work on, either by integrating the analyst in a specialized unit dedicated to this/these phenomenon(a) or by calling on strategic analysts (and on their phenomenon study, conceptual model...).

Simon BAECHLER - That makes a perfect link with the following subject - the need for strategic analysts - and I think this is a major challenge at the European level because we start from the analysis of the investigation data, very well, but we must learn this method - I think we're all more or less convinced of this in this room - but we also need to be able to know the modus operandi, criminality and criminal groups; this work is the work of the strategic analyst who can sometimes lose sight of the whole because we're all focused on our investigations that concern us from day to day and this need for strategic analysis really isn't evident, especially at the European level and this strategic analysis is essential to be able to guide police action, in order to guide how their resources are going to be allocated, the way priorities will be chosen and this strategic analysis is absent in a number of countries, for example in Switzerland it'd be worth developing and more widely put into practice and I'd have liked to ask the panel what the right recipes for it are and how can we set up a strategic analyst function, and operated by what kind of staff to make it work best?

Jérôme SERVETTAZ - A clarification of what we mean by strategic and operational analysis because definitions vary widely depending on the services; so we all had a go at the problem, at our headquarters, and we have defined a number of things. For us, large-scale strategic analysis is the analysis which is for our top management, even at the political level, and aims to enlighten at the national level, the level of leadership and government about how criminality's changing, its major trends, and the strengths or weaknesses of systems in the gendarmerie or of legislative provisions so as to have changes in the legislation if appropriate, modifications to the organization of the forces, and modifications to how I have to cooperate with various services or countries. So it's a response at a national and essentially political level.

For example, the analysis we have done in France on mobile organized criminal groups has led to reinforcing and adapting the gendarmerie systems - ultimately upwards. This is an example of strategic analysis.

Tactical analysis, as we understand it, is intended rather for territorial commanders. This is to help them make best use of the resources available. Particularly in this goal we have developed what is called decision analysis; basically, it is for a regiment commander to set up any inquiry or investigation group or unit to fight against this or that phenomenon. Therefore tactical means using resources.

Finally, operational analysis aims very directly to identify individuals or criminal groups so as to put a stop to their activities.

So strategic analysis, at the gendarmerie, is essentially done by my service - CISC - in connection with the Sub-Directorate

of the Judicial Police from the information we have of the land, from all sources information, possibly in collaboration with other services, to identify the threat; it translates into sheets, documents, analyses that are usually transmitted in a fairly open to different authorities or services.

Marc SIMON - The path Jerome's depicted for us is almost identical in Belgium so on the one hand the strategic analysts with different mapping techniques, statistics, etc. enable a security image to be developed; moreover, it's with these national police pictures of security that our political, judicial, and police authorities prepare what is called an action plan which indeed has just been signed by our supervising authorities on 7 June, a new national security plan in the development of which the strategic analysts of the Central Directorate in which I work had a very great part. So this is really a support for the political authorities. So there is really a support to the political authorities.

Later, of course, strategic objectives are defined; they must be translated into operational objectives including a better fight against social and fiscal fraud, the more direct the work on the search for ill-gotten gains, etc. in any case relating to ECO-FIN. And so it'll result in documents that are called programme files that are developed, specifying the types of event and the operational and strategic goals are - long term being strategic and short-term operational obviously - in which quantitative and qualitative indicators are formulated, etc. so we can evaluate it afterwards, manage the risks, i.e. respect what was planned via an internal control system. There's also a lot of talk about proactive adaptation if it's found that after a certain time there's a slight deviation

from what had been defined so to ensure monitoring and appraisal. That's at the political level.

But within the Directorate for the Fight against Organized Crime there are strategic analysts working rather in support from a tactical angle, i.e. supporting the judicial work in the sense that they make phenomena studies, particularly criminal phenomena studies, under the National Security Plan, i.e. they update in real time the new trends in these various phenomena and of course communicate them to the appropriate authorities but also to any police officer working on these phenomena. And it is a source of extremely important information for investigators and criminal analysts and that's why I said you had to have, one way or another, a basic knowledge of the phenomena you're working on. A criminal analyst can't know everything, hence the need to work more interactively with these strategic analysts, since besides studies of the phenomena they also make conceptual diagrams and activity diagrams you've seen during the course, i.e. to determine what are all the different phases necessary to commit the offense that the offenders are going to commit, what are all the activities necessary to create a laboratory for producing synthetic drugs, etc. And all of these pieces of information are essential for the criminal analysis to do quality work. And let's not forget the typologies. What are the different typologies? I'm mainly thinking of the money laundering. When the criminal analyst is aware of these different typologies, when he gets into a case he'll already have the advantage of knowing all this. If, in his work, he detects new modus operandi - a mechanism has been created that goes in the opposite direction, i.e. this new modus operandi is commu-

nicated to the strategic analysts who validate immediately if they consider it to be a modus operandi and include it in their study of phenomena which is constantly updated.

Simon BAECHLER - So these good practices, these models that work well in the country it's quite a challenge to make them work at the transnational level and perhaps one of the recommendations that we can try to pass on today is that sometimes in international exchanges - there are mechanisms for example within Europol, it's a bit tedious to complete forms, to take steps; we prefer to take the phone and call the colleague we know well, having spent two weeks with him in Strasbourg. Unfortunately, this rather informal approach does not leave a trace in the formal exchange of data systems and these formal exchange systems have the great advantage of acting as a reservoir of information to drive strategic analysis at a European level. For example EUROPOL will essentially dip into these exchanges to build a picture of crime at the continental level and set priorities; so if they're cut off from the database their means of orienting police action to direct resources will be biased and unfortunately less effective. Perhaps that was the little reminder.

Time flies...

Marc SIMON - The ongoing challenge of strategic analysts is to dare to predict the future. So we also work by induction and not just deduction. Dare to look ahead and identify trends.

Don't forget risk analysis either. Risk analysis is needed - it's also very important for making our authorities and our police aware of the developments in new criminal phenomena.

Simon BAECHLER - We're ready to take questions and then we'll deal with the last topic.

Member of the audience - I just have a question about - let's take an example - the Panama Papers. There're loads of people who've laundered money through Panama. Have each country's judicial investigation forces begun to look at what were the means that allowed them to move their money there? What interests me is eradicating the means - not just being content to say: «we've located and repatriated the funds.»

Jérôme SERVETTAZ -It's fair to say that when we gather intelligence, action must be foreseen because intelligence without action is useless, i.e. intelligence is designed to reach an actual decision, to reveal weaknesses, to reveal a system that must also make us more effective in our action to neutralize the problem we're attacking. Following on the topics you mentioned, obviously the services that do strategic analysis will be interested in cases like this one, and will be interested in an open or closed way according to the relationships they have with one another in the new modus operandi - whether national or international.

Marc SIMON - Regarding the Panama Papers case - we're right in it in Belgium - especially our services. In fact, there are two aspects: there's the aspect dealt with by the Special Tax Inspectorate in order to determine if it's good tax planning or tax evasion - that's their work - and the other work of the police and judicial authorities - precisely to prosecute the various natural or legal persons who are involved illegally in tax evasion. And there indeed in relation to the modus operandi, in relation to all I have

explained on the level of strategic analysis, they'll outline a series of recommendations they'll refer to the authorities on what can't be done at the national level and what must be done at the international and European level.

Jean-Claude DELEPIERE -

Jean-Claude DELEPIÈRE - I'd like to respond to the question that was just asked because it is very illuminating. Beyond analysis, it proves one thing: was it through journalism's revelations about the Panama Papers we learned what was going on? The answer is perfectly clear. No, these are things we know - not for the last six months - but which have been highlighted during 20-25 years of fighting against money laundering. So you already have a part of your answer. What is significant is that it had to be consortia of journalists who revealed this kind of thing and so reveal these phenomena, because these phenomena were certainly already revealed by police analysis, intelligence, and FIU units didn't initiate effective responses. And I'd like maybe to go further because I am retired now and so perhaps freer, but the question you asked should be considered in this way.

I'd also take the opportunity to come back on a remark. I fully agree with what's said about the importance of analysis, but it's also important to know that what is very important is - and you said it - but it goes beyond the sphere of the police, that the magistrates perceived afterwards that this analysis is an essential tool for them.

But being myself a magistrate in Belgium, I know my colleagues and it's not for the sake of criticizing them but most of them, especially in financial matters,

are afraid of this type of analysis. Why? Because they are already today, and I speak of Belgium, in a situation of inadequate resources; they have to work with their nose to the grindstone as they say, they are trying to clear the cases they have because they are drowning and the idea - and we know because at the financial intelligence unit we also see this kind of report - of receiving more information that should be useful to them appears to them to be extra information that aggravates their workload even more. And so they drown. Regardless of the quality of information, for them it feels like a flood, like a surplus of information; they do not have the time; they do not have the means; they are afraid to deal with it; fear that their file may get lost in lots of directions because they do not have control, doubtless because they neither know nor have understood, and it's an essential point, the customers for these analyses and methods not only have to be receptive, trained, and aware of their utility, but are also in such conditions that they're able to say, «ok, I'm interested' because otherwise the effect's the opposite; they feel they're receiving things in total disorder and this aggravates their incomprehension and awareness of the importance of the analysis.

Simon BAECHLER - Thank you for this testimony. We may come back to your question shortly if we have time, because I would love to address the last point or then maybe just read one of the recommendations at the end of the first cycle of CEIFAC which considers it useful to promote academic research as much as possible inside the police services and finally beyond that, without reading you the whole recommendation, a better marriage between academia and the world of practitioners and the police.

As we're running out of time I'd just encourage you in your services - in relation to that - to be creative in the sense of being open, allowing academics to have your data to work on; reciprocally, at the University to be interested in and open to the problems on the ground. I give you this testimony: I'm the product of this process since I work half in the police and half in an academic department at a university, and I speak from experience: it's a very good experience, it's going very well, and, really, both worlds profit from it enormously - the police are up-to-date with the latest developments, there's a kind of outsourced technological and scientific watch done on their behalf: for the researchers it gives us access to extremely valuable and rich data and do research that is related to your requirements, with realistic requirements with current requirements, with the news and not to think up potential requirements that have nothing to do in the end with the real issues.

Marc SIMON - Compared to this, for example, my department uses lots of college students to do research and development, new methods, or new techniques; we've developed geographic profiling in particular, specific to Belgium; we are currently developing the tactical analysis tool with the Catholic University of Louvain, etc with a dissertation that has been written up and now the tool is used in our work every day; that's the interaction that may exist between the police and the academic world: precisely - to have this thinking ability of these students to help us in our work every day. And it's win-win because myself, when I was a student, I'd have liked to give a concrete dissertation of this type and see that the method or technique that has

been developed is used in the policeman's everyday work. And it also allows us to have an open mind.

Simon BAECHLER - By way of a conclusion - since essentially we're investigators and magistrates here - make the most of this academic resource that may be asking for nothing else but is in fact only asking for it but maybe expresses itself badly; and take advantage of it because it's really a very, very interesting two-way gain. So much for the future prospects Thank you Marc Simon and Jerome Servettaz for co-moderating the roundtable. Thank you for your contributions and we are of course available at the cafe soon to continue discussions on various issues. Thank you very much and I wish you a nice day.

Note :

1 <http://curia.europa.eu/jcms/upload/docs/application/pdf/2013-04/cp130054fr.pdf>

« What legislative and institutional reforms? »

Chantal CUTAJAR - In the course of this roundtable, I suggest we try to understand the best methods for improving the practice of financial investigations and the use of intelligence. Mark, could you perhaps start with an inventory?

Marc SIMON - Being neither a judge nor a lawyer, in relation to the questions in the context of this third roundtable I allowed myself to make an inventory, particularly my starting point of reflection following a conference I attended at the Faculty of Law and Criminology at the Catholic University of Louvain with professors Michael Fernandez-Bertier and Christian de Valkeneer who's Attorney General at Liege. Why this theme? Simply, and you know, because it's very topical. So after a first wave of cases relating to economic, financial, and fiscal crime, the war against white-collar offenders initiated in the US has accelerated dramatically after the 2008 financial crisis, especially concerning recent investigations against international banking and financial institutions that have been subject to criminal prosecution. Of course, Europe is not immune from this movement, so there is more and more interest in this new «form of crime» that also profits from globalization and the financialization of the economy and the progressive decrease in barriers to international trade. An interest that is not only shared by the states and by the private sector but also and increasingly by civil society - the Panama papers are the latest witness to date. Indeed, the fight against tax havens accelerated sharply since April 2, 2009. This marked the end of traditional banking secrecy and a further step was taken in 2014 with the automatic exchange of information which will come into force in 96 countries in 2017 and 2018 and the adoption of a multilateral convention by more than 100 countries.

To cite a figure, the amounts involved in economic and financial crimes are often considerable, since according to the IMF, they represent 2 to 5%

of global gross domestic product and in the EU (2013 figures), 330 billion are laundered annually in the European Union - which is still quite considerable, to which is added the phenomenon of the black economy, which obviously uses economic and financial crime; so by organizing the fight against this type of crime as well as possible we should be able to limit its impact and recover sums very useful for financing our states.

However, the repression of this form of crime isn't easy; criminal justice, unfortunately, is primarily organized on a national basis - I guess you've noticed - while the crimes are often carried out across various countries.

Moreover, as we have already said, the financial, material, and human resources allocated to prosecuting these complex and sophisticated crimes are often incommensurate with those available to the criminal organizations. And it's no coincidence if today we talk about criminal engineering in this field.

On the other hand, in the application of standards and on the level of efficiency we can still ask questions precisely because of the severe lack of human, material, training, and coordination resources; investigations are very long, exceeding reasonable time limits, limitations, lack of enforcement - I've seen it - insufficient financial penalties, an evident shifting of responsibilities and costs from the public to the private sector and, NB, a general European movement is noticeable: towards preventive over-regulation in addition to over-criminalization of behaviour. So adopting's good; applying's better.

Thus, in the USA, the Americans now accelerate the procedures and trials with plea-bargaining; currently, 97% of the accused choose to plead guilty and increasingly transactions reach really exemplary confiscations. The watchword I'd like to give here is confiscate and seize as fast as possible. It helps fund the

state budget; it is a better way to compensate victims and so repairs the damage; it deprives offenders of their property and that really hurts. So we have a preventive function.

So what are the priorities at the repressive level? To prioritize action and recommendation, the instruments exist; I spoke particularly in Belgium of this famous national security and general policy directive plan with a risk assessment. It is essential to instil a culture that fights against illicit financial flows; we must confiscate as quickly as possible; we must confiscate more systematically; we must - above all - and this is the purpose of CEIFAC - streamline international cooperation. In addition, let's use all the available tools: for example, trial negotiation, extended penal transactions, plea-bargaining, prior admission of guilt. It is essential to improve the investigation - that's also CEIFAC's goal - with the help of criminal analysis and prosecution of corporations; to implement adequate and comprehensive statistics; and lastly, to increase the resources of the judiciary and the police and especially develop expertise through specialization and training.

In our increasingly virtual world, the sophistication of the instruments available and the internationalization of the markets obviously complicate our task, and that of the regulators, judges, investigators, and analysts. The preventive arsenal put in place to prevent white-collar crime is important but it is not enough so long as the fundamental ethical issues raised by this form of crime have not been clearly stated. Simply put, the prevention and repression of economic and financial and tax offenses must be accompanied by a change of culture regarding what is legitimate or not in the markets. Given the rapidly changing technologies and markets it is illusory to want to regulate everything. In order to combat economic and financial crime a balance must be struck between prevention and enforcement, by ensuring that the

two aspects are properly developed by all actors - be they bankers, investment firms, market operators, investors, regulators, judicial and police authorities, etc. It is more than ever necessary to address the underlying problem. Crime cannot lay claim to any impunity.

Having cast a critical eye on the situation in this matter in Belgium and Europe we now need to identify ways forward and offer more solutions: this is the purpose of this roundtable.

Chantal CUTAJAR - Thank you, Marc Simon. Bruno Dalles, You're the Director of TRACFIN, the French FIU. I'd like you to comment on this inventory before we go on to the recommendations.

Bruno DALLES - I shall give more comments on the recommendations. But as for the inventory made since this morning, in terms of difficulties in having appropriate training structures, difficulties in taking analysis into account operationally, making the magistrates, investigation services, and judges understand what analysis with specific purposes is, and making a simple system effective, of course I share this diagnosis even if I'm lucky enough to be in a financial intelligence service that illustrates the opposite of this pessimistic diagnosis since we have the means to work - they're increasing; there's an increase in intelligence; we have relatively powerful analysis tools and are building new ones; we also have international cooperation with our counterparts which - even if it is perfectible - gives us real-time exchange of highly accurate data some of which can be outsourced to the judiciary. So I share the pessimism and lucidity of the diagnosis; I also share the voluntarism, especially at the European level to improve things by organizing them and I'm an example of optimism for moderate but effective development in taking analytical tools into account in financial intelligence, mainly upstream of criminal investigations.

Chantal CUTAJAR - Thank you. Mr Delepière.

Jean-Claude DELEPIERE - - In the

wake of what Bruno's just said, I'd say I'm neither optimistic nor pessimistic. I actually think, because we're in a university and trying more and more to adapt rigorous scientific methods, that a breakdown of what work's needed, of course - there's no reason to say that everything's bad - but from time to time courage is necessary, I think it's an obligation - without treating one another like fishwives - to be able to see what's not working; I share Bruno's vision: the financial intelligence units, it's true, are doing well; we have good results. The problem isn't the FIUs, but after 20 or 25 years - and it astonishes me the banks haven't done it before, but they've adapted too without being too naive - must the entire system, the preventive system, actually lead to the confiscation or seizure of criminal assets? Does all this have positive results? It's all very well to have financial intelligence units that work well, which have resources, which transmit a lot of information to the judicial authorities and other services. But if one takes only the judicial authorities - because in our legal system they're the only ones able to go as far as confiscations - and look at confiscation after 20 years, in Belgium for our 20 years' existence we've detected € 22,000 billion in 20 years - referred to the judicial authorities of the country after 20 years as I said yesterday; on paper i.e. judgment, order, and condemnation - only 5% were recovered and when I say on paper that means that afterwards we don't even have an idea about what 5% we were actually able to recover. So based on this finding, I think at some point you have to tell yourself: well, it's time to have a look; there're problems; we must identify and solve them.

I conclude by saying that I always take figures with a pinch of salt but I'm optimistic when I hear the European Union saying: mind, every year 330 billion is laundered at the expense of the States. You can have a look at a pile of statistics. When talking about tax evasion we speak of from 1,000 to 2,000 billion of tax fraud per year to the detriment of the Union and Member States. I guess the 330 billion laundered are related to these 2,000 billion. On the other hand, I read in the latest

Europol report 2014 - excuse me for being a little critical but I think today the time has come to ask questions on the basis of these findings - «Although money laundering is not one of EUROJUST's priority crime areas for the period 2014-2017, it still represents 220 investigations recorded with EUROJUST» which represents a significant increase compared with the figures recorded in 2013 which are only 193 and confirm the increasing trend of the operational work. Yes, it's true, it's an optimistic view. I'm happy when I read it but I think it's a little smug especially when at the same time it's apparent the phenomenon's increasing since there're more investigations. But despite the figures that come from the same European Union and which are still alarming, it's beginning to be said that it isn't part of the priority areas. So how, within the member states, do you want it to be part of the priority problem - this preventive system that works well but is a little inconvenient because it adds many problems all the same for a final result or end-use, which are not attained. That's my reaction.

Chantal CUTAJAR - Thank you. Thomas Cassuto, your point of view is interesting. You're a magistrate and have spent several years in the European Commission where you have participated in the development of the latest instruments, whether for freezing or confiscation of assets, or the famous EIO. What is your position?

Thomas CASSUTO - Thank you. First of all, thank you for the invitation because I've learnt a lot and it's a great satisfaction. Then to answer your question, it illustrates the fundamental principle: where there's a will, there's a way and that this will has to be expressed at every level and I'll return to this for the non-legal aspect because these instruments are actually necessary. It took will to adopt them; now the will is needed to implement them.

Two preliminary remarks. First about the training. I think I attended a very interesting techno-academic debate. What's important is that the investigators - all the participants - have as broad a training as possible in all the fields relating to

the economy in general and so can have access to business law Masters' 2 type qualification. Why? Because these are the keys to the real economy but also the keys enabling laundering structures to be set up. Furthermore, a second approach is complementary, CEIFAC's, where we worked on criminal investigation to reach a given result. But these two approaches are complementary and so we have to be able to make this effort - if it's made by the State even if it isn't an individual - from training ourselves on these subjects.

The second point I wanted to make in relation to what was said earlier about the analysis is that the analysis is important for the investigator but not only him; it's important for him who will make the decision, whoever he is: the investigator, of course, the investigation director, the prosecutor and the prosecution service that'll prosecute. He needs a form of training that is both clear and reliable. We can't spend a month to read 45 tons of paper to make a decision: do I prosecute or not? Do I prosecute so-and-so or not? I wish to seize this asset or that... We have to have information that is all-inclusive and easy to interpret. Criminal analysis offers this possibility. But it's also necessary - for the judge who comes afterwards - to have access to this information. It has to be reliable and it has to be easy to interpret. If crime analysis isn't dematerialized, isn't made accessible and intelligible to the one who's going to make the decisions, it's very problematic.

And I'll give you an example: we're quite ready to seize and confiscate assets. It's still necessary to be aware of these assets' existence and exact identification since this has to be ruled upon, and it's necessary to be able to argue on the connection between the asset and the criminal profits and resources. It's the dossier that'll provide these elements. And we can't humanely process 42 volumes or 100 or 200 volumes as is possible if we don't have this analysis, this synthesis that is carried out. It can be classic or much more useful if from the start the assets of criminal origin are listed and, on the other hand, the connections supporting the decision

to confiscate these assets are established because they are - this is the case today - held by third parties. We have to be able to have this classic means of investigation on the relationships between individuals, their involvement and our action and their application in a laundering phenomenon. And we have to be able to rely on tools. What you've described is great but I feel like saying - this is the minimum. We must be able to work on still more modern tools that make reading a dossier very simple but reliable.

And then we have to be able to cooperate because it is good to do the analysis and criminal intelligence at the national level and have very, very good tools to map an organization; we must be able to exchange this information. There're tools that exist; they still need to be applied. The JIT is a great tool for cooperation; it's the future - a little bit complicated to put into practice and with legal restrictions but incredibly effective. There're dossiers that can't be taken outside a joint investigation team and there's no reason concerning organized or financial crime they shouldn't be. Use must be made of these new tools. The EIO (the Directive 2014/41) not only has provisions allowing for much faster exchanges of information on financial assets and transactions or results of transactions but also invites the States to acquire the means to provide such information. One of the difficulties is the disparities so there again a need must be created, in all the Member States it's necessary to have a system for identifying bank accounts, financial assets, and economic beneficiaries so that, in the context of cooperation, certainty of access is possible for all existing information which must be made available. This, I think, is the first thing. Afterwards, indeed, one can think about other measures and I think we should be able to say more about them later but with the obligation for the users and judicial authorities of which you are part to use them actively and advisedly, i.e. to seek mutual help, but also to give it with confidence.

Chantal CUTAJAR - So precisely, financial investigation is only

possible if we can have access to financial information. Via a study that has been made - an inventory of the files of bank accounts - the obvious conclusion has been reached that the Member States should all equip themselves with a file of bank accounts. But it seems we are progressing with difficulty on the scale of the European Union. What's the situation?

Thomas CASSUTO - At the latest state of my knowledge there were eight Member States that have a bank accounts centralization system. This is clearly insufficient. We were speaking about the United States; the US have a bank accounts centralization system, yet it's a federal state and, so long as there's cooperation they can provide information very quickly, including for confiscation, and what's more on a specific legal basis which is confiscation without criminal conviction. This mechanism exists in some Member States or not, but is also a tool, I think, for the future.

Chantal CUTAJAR - Good. So let's talk about these recommendations. In fact, financial investigations have really become the essential component of the fight against organized crime, against corruption, against serious and organized tax fraud, and also against terrorist financing and they've turned out to be the only way to fight against money laundering, i.e. the infiltration of the economy by illegal money flows. Financial investigation makes it possible to trace financial flows and to discover and dismantle criminal networks, identify and track down the proceeds of crime, terrorist funds, and all assets that may be seized and confiscated.

The work we have done in CEIFAC based on auditors' feedback has shown that few states within the European Union had systematized the implementation of financial investigations and raises the question of how to achieve this systematization. What do you think of the idea of granting financial investigation legal status?

Bruno DALLES - Two things. First, as the recommendation is drafted,

it bothers me a little because it is written by referring to the notion of legal status and parallel investigation. Now concomitant, coordinated, and systematic investigation, yes; parallel, i.e. which would be disconnected from the main investigation on the key facts and criminal organization, I'm worried because we saw this morning that what was important in the process of analysis is precisely to be able to cross-check and analyse financial data but also to make connections, make correspondences with non-financial data and the authors who have to be oriented to be able help in understanding of the financial elements.

So I think CEIFAC's recommendation is interesting: yes, more systematically to integrate a financial investigation in the investigations on the criminal facts; and yes, to say that this investigation is not just an investigation of assets because we already have this idea of assets investigation, which is an excellent thing. In reality, we're still far from attaining the goals because I've read the Department of Justice's directives and I've read the chief public prosecutors' directives. When I was a prosecutor I myself asked for an asset investigation in the dossier; we even said where how to insert it etc. And then when I went to the hearing, because it was necessary from time to time - we were understaffed, I looked for the asset investigation in the dossier. I was told, «No, the instructions are too recent, the training has not been done, the judicial police officers are snowed under» and then it is believed that for the asset investigation you need an investigator almost on a level with an auditor to be able to carry it out.

So that today is where all the difficulty is and it was the second thing I wanted to say is that when we decided - I remember because I was there in 2000 - in 1999, we also already had instructions for fighting against drug trafficking and prosecutors were asked for this idea of dual investigation, saying «we must co-refer to a service which deals with crime and so narcotics and the financial section. We must co-appoint two investigating judges: a specialist in

crime and a financial specialist. «All this is nice but we don't have them, so we shan't be able to co-refer to them. There is still fundamentally a structural difficulty to be able to set up this type of system - we don't have the resources.

There's a small development. The small development was the creation in 2002 of the regional multi-disciplinary investigative groups that today make 30% of their turnover from investigations in which the asset aspect and the aspect of narcotic traffic laundering are done. And for the rest, it was forgotten - because everything happens too fast - that originally these individual service units weren't meant to turn into a second judicial police but there was an operational unit and then there was also an intelligence unit with people with multidisciplinary profiles had to look for information in each of the source administrations in order to do this enhancement work - this analysis and this anticipation work. And today the regional investigation groups have finally developed into specialized police services that in the co-referral mechanism provide a quite important skill but have forgotten why they were created, but which would have helped precisely set up these investigations that are not parallel but that perfect the financial component.

So concerning the first aspect of the question, I agree with the objective. I'll be much more careful about the wording and suddenly, I deduce that the legal or non-legal character - i.e. the legal status or not - is not the issue. And even were it the issue, I'm afraid it is a matter of complexification. So today there's no need to have a legal process in parallel with this economic and financial investigation, it must be linked to the main investigation; it must be integrated. And we already have a lot of opportunities in the Code of Criminal Procedure that are not known. I'll give just one: when precisely in the 2000s, we were told that it was better to work with the other administrations, there's one we all fantasize about it knows us, because it checks on us with dematerialised methods - the tax authori-

ties. And we had planned an article (Article L10 B of the Tax Procedures Book) that allowed the judiciary and prosecution services to require the tax administration to provide tax and financial information precisely for criminal investigation. A small methodological guide was made in 2002 for investigators so as to set up this tool. Then the tax police was created, so that it was forgotten this article could be used; we were in this logic of almost parallel investigation because we searched for information with requisitions but put the non-CID to work to seek financial information that could be included in the criminal investigation.

So I think that there are not 36 solutions: one must have a proactive and optimistic programme and the only issue is to manufacture specialized police officers and manufacture analyst trained in proactive investigation, and therefore we need a five-year plan to strengthen police and justice in this way; what we did with the tax police is insufficient. We must go further and much stronger. And we shan't do this by changing the law; we'll do it by changing our programming and with maybe a plan for pooling training between different service forces - since we can see the interest of a common route.

Chantal CUTAJAR - Let me clear up something about the wording that worries you. It's the FATF, in its recommendations, which uses the term «proactive and parallel investigation». But parallel does not mean disconnected; parallel is precisely the opposite, it means happening at the same time.

Bruno DALLES - But the parallels, in principle, do not meet.

Thomas CASSUTO - Either they are superimposed, or they are separate.

Jean-Claude DELEPIERE - Very briefly, I mean you can't put it better than Bruno; I do understand both requirements. As Bruno noted, it varies slightly depending on the magistrate, it's not something systematic and preferential, the idea that'll come out of this is to say «ah yes, but there's a financial section» so we'll give the financial aspect to the financial section that'll be quick

to say, we don't have time», etc. So there's absolutely no problem. I know that the circulars are there; nothing stops a magistrate from the narcotics section from doing so; on the contrary, he's obliged to. But in practice we'll actually say «Oh yeah, that's it.» So the problem is rather to ensure that the recommendations of the FATF - which are still binding and which even though it is not a mandatory standard all Member States are committed to respect - are applied, and indeed also again via the Union. Today first of all a firm will is needed and so at the level of the European level coordination structures we send this message. Why indeed don't Eurojust and Europol give this message instead of sending a message saying, «That's very good, it's increasing, but it's not our priority.» Here there's an awkward situation; even if we give it a legal status, in reality there'll be brakes and in five years we'll be back again saying, «Yes, we've adopted texts, etc. but...»

Thomas CASSUTO - Bruno said something very important, as always, he spoke of turnover. It's a criterion that isn't taken into account. The activity in economic and financial investigations consists of achieving a turnover - seizing, dismantling, incidentally neutralizing people - that's important but getting at the assets is what really hurts.

Just now we talked about EUR 330 billion in Europe. I can give you figures and it's well above: 5% is the figure reported to the TIP of the European Union - that's not 330, it's 700 billion Euros. 700 billion Euros are pilfered and we twiddle our thumbs. Criminal assets in Italy: € 1,000 billion. The turnover of the mafias in Italy annually is € 150 billion. The first bank in Italy, an Italian mafia : € 65 billion. Intra-Community fraud, including VAT: EUR 100 billion. Public money is taken and thrown down the drain.

And if we want to legitimize a particular action it can be done in relation to turnover. It's as simple as that. If you identify criminal assets whether in the form of a pretty investigation with a lovely header or simply with a Post-it that does not come off and immediately allows the magistrate to

order a seizure for confiscation, you achieve a turnover, you are efficient, you legitimize not only your work but also those behind who'll say, «I need more staff, look, it works». That's where it is. And I'll say that it's everyone's duty to insist on it, to roll up our sleeves, get down to the nitty-gritty, lower our heads if necessary, and ensure that there's a confiscation order which will not necessarily be brought to the investigator's attention - that's also one of the difficulties. When the court confiscates, at least until recently and in France, it was difficult to know, to make the link between the investigation and the confiscation. I think it's something extremely important. There are countries where the investigation's valued or at least financially quantified and it's decided what's done or not done. The problem's that sometimes we miss important things. In other countries, for example, an attempt will be made at processing but in reality not much is done because the resources aren't necessarily there or the degree of priority isn't quantified, but I think there's a subject for discussion.

To answer the question of the legal framework, I'll send back another question: there's an important institutional challenge at the European level - the European prosecution service without the United Kingdom, I'm afraid. What do we want to do with this European prosecution service and how do we want it to work? It'll need resources and it's not going to be by putting people in an office in Brussels or in any place X that'll it work; it'll necessarily have to rely on national authorities, delegated national prosecutors, and national investigators. So there effectively, we must develop a legal structure and what may lead to defining something initially a little conceptual but which will result in the articulation between the national procedures, the development of innovative tools and indeed coordination; because that's what's going to be important: to ensure that such investigations are trans-boundary and that based on investigations in one country they allow very rapid seizures and confiscations in another.

Chantal CUTAJAR - In that context it'll only cover fraud against the financial interests of the European Union. That's a good start at least.

Thomas CASSUTO - It can help make a good turnover.

Chantal CUTAJAR - Mr Delepière, I give you the floor immediately so that you can tell us about this idea of creating a European financial intelligence unit operating so as to improve the processing of intelligence on a European scale.

Jean-Claude DELEPIERE - Yes, in fact I'm starting from a finding of a lack and I'll quickly recall things that I think are essential to justify not a firm and definitive proposal, but simply to illustrate a question that may be asked. Roughly 25 years ago today - 25 years is a quarter century, on the scale of a lifetime that means something, on the scale of the world and perhaps the European Union that does seem much but it's still evidence of a certain slowness that is not comparable with the speed at the world and all kinds of criminals are changing, while up till then there was only a police investigation and prosecution, in 1990 on the FATF's instigation a prevention system was set up with a very evocative name - the prevention of the use of the financial system for money laundering purposes. So what we first want to do - and it came from the banking world - is to protect financial institutions against the infiltration of dirty money. Already, by itself, that shows it's a reality

On that basis, a start was made with a crime considered important at the time - a priority: the fight against drug trafficking. We really started from a horizontal phenomenon - money laundering - we fought against a form of crime, to repeat a bit all the kinds of discussions we had (by sector, etc.) so the laundering that is very wide and which requires awareness of the fact that there are basic forms of crime. One is taken and already finding that the public services responsible for suppressing and prosecuting, etc undoubtedly need support, the financial sector - which more or less asks for it - is required to make statements in case of suspicions and at the same time

the establishment of financial intelligence units is suggested. Today there're examples in every State of the European Union.

And based on this there's a series of directives. These 25 years will follow the developments of the FATF closely. And that's interesting to consider because the development of the FATF also follows the occurrence of sometimes very dramatic phenomena - drug trafficking in the early activities of the FATF - it quickly became apparent that by limiting it to one form of crime it was actually losing lots of things and that the system wasn't going to be effective, so the scope of application started to be extended. In 2001, after the attacks in New York, on the political prompting of course of the Americans, the FATF took nine Special Recommendations, European directives were adopted to put it all in place and continue with other events later, there would be proliferation; in 2012, after the financial crisis again under the leadership of the United States via the FATF - we are in 2012 so it is already more than 20 years after the creation of the FATF - tax fraud was finally included in many discussions on terminology but finally it actually happened. And so we see that from the financing of terrorism, we see that from drug trafficking at the start in the preventive area, it developed into a whole range under the cover of struggling against these laundering phenomena, as Thomas Cassuto rightly said, and thus be effective in seizing, confiscating and depriving those concerned of their resources.

After 25 years there're financial intelligence units in all European countries, it's been found that it isn't working very well; if you want a legal example, take a look at the judgment of the European Court in *Jyske Bank Gibraltar Ltd v. Administración del Estado*¹ it's evident that the Court notes there're still major problems; although there are units in every country - even based on common recommendations - there're still snags - I shan't go into details.

On the national level, of course, it may well work better but these phenomena are transnational and most of all European, we have already noted at different levels with

different actors that there are things to do in terms of information, in terms of cooperation, and in terms of coordination, especially with the new FATF recommendations that apply not only to member States but also to the European Commission which is a member of the FATF; a risk-based approach should be adopted (which isn't new either) but this time at the level of the States, that the States should know the risks and the threats they face so as to take these risks and threats into account and put strategies in place. So the Member States must do it and the European Commission has to do it too. Although it's yearly, the Commission said, «I'll do it every other year.» So when'll it be done? There're two groups. There's a group of experts on terrorist financing that I attended for years. Yes, that's interesting but it doesn't take things much further forward and particularly talking about real problems is avoided so we don't get much further.

The FIUs' platform exists, where representatives of the FIUs are found. Already there isn't always coordination between the experts and the platforms of the FIU and the FIU platform: each does a bit to defend its specificities, etc., so things don't advance much either.

We had a specific system with specific directives - it's lasted 20 years. There's been a whole series of events all the same that show - especially in terms of financing of terrorism - that there're things to do, to exploit again analysis and financial information not so much to solve all the problems of terrorism but to combine other things, make connections, discover, etc. to expand training towards a better vision not only for legal purposes. It was thought that the judicial final purpose - this was the impression from the beginning - was a panacea. No, we load everything on to the legal process and magistrates but in doing this, they're the ones who get all the information and they don't know how to use it all - besides the fact they use it for judicial purposes so all this information is lost.

There's also a difference between Member States regarding the distri-

bution of this information to other services within Member States. We've only been able to pass on terrorism information directly to our intelligence services since 2013. This wasn't possible before. So the threats result in something. But what we see is that we're reactive: at the European level, we follow the recommendations of the FATF; we take a directive and then afterwards the Member States still take some time to integrate it with some differences still.

So the conclusion is that yes, we evolve - fortunately - that'd cap it all were that not the case! - And on the regulatory level we follow the events. The problem's that in terms of efficiency, it's more and more a mare's nest especially in Europe where there aren't enough operations. There are some but not on a level with the threats that have to be taken into account. It's apparent when the figures for turnover are given. Well, it's because when it comes to terrorism, we started with this rather strange concept that for a terrorist attack you don't need much money. As a result we made no progress for years, and some fellow judges still think this, with the idea that the financial aspect for terrorist financing isn't important at all since with 2000 Euros you can kill 30 people. But that isn't the problem.

So the conclusion is that yes, we evolve - fortunately - that'd cap it all were that not the case! - And on the regulatory level we follow the events. The problem's that in terms of efficiency, it's more and more a mare's nest especially in Europe where there aren't enough operations. There are some but not on a level with the threats that have to be taken into account. It's apparent when the figures for turnover are given. Well, it's because when it comes to terrorism, we started with this rather strange concept that for a terrorist attack you don't need much money. As a result we made no progress for years, and some fellow judges still think this, with the idea that the financial aspect for terrorist financing isn't important at all since with 2000 Euros you can kill 30 people. But that isn't the problem.

I note that in the Member States, with all the difficulties involved,

but also with everything that FIUs have contributed after 20 years, all these FIUs today have a stock of information that can be of incalculable importance, which can still be used today when we do not even know that it exists; they've move so far from their legal purpose to be either intelligence units or do intelligence with strategic analysis sections; with this development we go much further and are completely in what needs to be done - the risk-based approach - that everyone can be informed including the private sector that cooperates because that's forgotten too. And so I ask: Eurojust, yes, to respond effectively to a need for support; EUROPOL, yes. And why on earth after 20 years? Why not a EURO-FIU? I'd like someone to tell me why it wasn't considered necessary or why we still consider it necessary to think of something. Now that's not why I say «one's absolutely necessary.» Might it be EURO-FIU? I note that there is a vacuum, that this vacuum is fundamental, it is strategically important and that if we don't fill it today very quickly and that it's therefore necessary to begin to think about it by saying «something has to be done on that level» if only for the transmission of information. When there are terrorist attacks, where are the Member States going to seek financial information? Do they know it exists? Well, we see in our own countries that the services do not always know what there is. There's information from our foreign counterparts that only we have or that others have too, so we have information - as Marc was saying earlier - that's scattered without the partners knowing there's other information and who may seek or ask questions while the key is at the end of a phone call or piece of information. That's what has to be done.

I think there is a vacuum at the European level. Cash - there've been border controls since 2007. It can be interesting for terrorist financing. There's a central base, it seems, to be supplied with information by European customs. Are they communicated today? Are they not? For a long time they weren't. But here again there is information that's immediately available. It is a part

of things but there's the transfer of skills, there're the common analyses. We were speaking about the investigation work and FIUs involved in the attacks should work etc. with a European support so the question is raised and I say let's start with a EURO-FIU. I am not saying we have to do the same thing; I'm saying that there's a demand and there's a gap, why isn't it filled?

And you can find other solutions; there're structures that already exist, and I'll finish here as I've never been in favour and I fought against this idea: why not finally within EUROPOL since EUROPOL took over the FIUs' secure database - it's called FIU.net, which is a powerful instrument and is growing more and more with lots of opportunities. Why not within EUROPOL? Provided we don't get involved in pointless discussions: police model, administrative model, mixed model, etc. because all these are distractions; whether FIU or police, administrative, etc. if the European legislation is clearly applied, I think it would be even an advantage because we have again at this time a sharing of the same function through people who have different approaches, visions, and contexts so there's no need for Member States to go and make me a FIU. No, it doesn't work like that. And in this spirit, why not have an FIU platform within Europol? The FIU platform exists; it could be used this way. It's only a discussion but I think it's a problem; it's something we have to think about and which we have to have answers to.

Chantal CUTAJAR -Thank you very much. Bruno Dalles.

Bruno DALLES - I don't know if I have the answers and I don't know if I've the time to have them but it's easy to see the difficulty of the exercise. I'm not going to say there's a gap but I share the diagnosis that there's a need to improve cooperation and there are obstacles now to cooperation, including between the financial intelligence units.

When Jean-Claude told me yesterday he would support the thesis - even if in the end he developed it a little - of the creation of a European

FIU, I told myself last night before falling asleep: but still, haven't we made the same usual mistake which consists in saying «I see that there are problems and to solve the problems I created a new structure and while I'm speaking of the creation of the new structure I forget to fix the problems that really exist and when the new structure exists, I'm not sure I'll have really solved the problems.» And at that moment I fell asleep. [Laughs] I fell asleep and I had a dream - I had a dream - that this European FIU existed and in my dream its headquarters was in Brussels, which is normal, and as it wanted to show it was European, this FIU had a board of 28 representatives of the FIUs which defined its strategy, which met in Strasbourg, in my dream, at the end of every month on Friday. And in my dream, it even had a name. It was called FIFA-EURO 2016. [Laughs] Financial Investigation Agency-Force EURO 2016. I still hadn't woken up at that moment, though I could have because it was already noticeable there were disturbances in my dream of this European financial intelligence unit. And then there was an agenda for the board - synthetic, as always with European organizations - with 15 items to settle in an hour and a half so as not to miss the high-speed trains of the afternoon. And in the first item on the agenda, there was a request from the representative of the English financial unit that said, but can I stay on this board because the deeper cooperation you propose conflicts with the secret agreements that I've made with the Americans and Australians? And then he wasn't allowed to finish his sentence.

Second item on the agenda: there was the German FIU indicating that it had two problems. The first problem was that it'd just changed its status because it was police and it'd just become financial (attached to customs) and that therefore they could not participate in the board because a new representative had to be appointed. And then there is a second problem - that the supranational principle that made the European financial intelligence unit work in relation to the national financial intelligence units raised a constitutional problem.

And then there was a third point submitted to the agenda which was financing the FIU and then there were the Greeks and the French who requested schedules for paying their contributions [Laughs] to the European financial intelligence unit.

And then there was another item on the agenda was the Dutch financial intelligence unit who asked for the staff running the FIU.net platform that had been taken over by Europol to be recruited and paid by the FIU because EUROPOL had just refused - and that's the truth as it's happening - to recruit them and so the Dutch unit considered it had to leave this organization.

And then lastly, there were operational issues because in any European meeting there're always operational issues and they usually appear in the tenth item on the agenda. And there, in the operational items, there was a first tricky item which was the working language for writing STRs intended to supply the European financial intelligence unit. So there, obviously, translators can't be recruited, they're exhausted already, but in addition there weren't enough translators and so you had to work in English and then there were the French who said «but how am I going to explain to the French banks, to the Banque populaire corse which is already struggling to use French in all its STRs - fortunately they don't make many - to make us suspicious transaction reports in English to supply the European financial intelligence unit? »

And lastly, there was also a data protection notice to give because the EU national freedoms Commission had taken a position on the computer system of the European FIU saying that you can't cross data from different countries and throw the privacy protection rules out of the window.

And then finally, there was the idea of having an even more operational dimension (you can see that we were really going operational since we'd been working on it for a time) on how to work best together on analytical methods and criteria that could

define the conditions of supply to the FIU. And while there, we had agreed, after already six months of discussions, that couldn't take all suspicion reports from all the countries in the European Union but that only STRs involving at least two or three countries of the European Union were required. And then there was a secondary question if the declaration of suspicion concerned a third country. We were thinking about a validation committee for the integration of suspicious transactions in the European IT system and then I woke up and I was hot [Laughs], I was naked in my bed and then I said, «Jean-Claude, what a strange idea to want to make a European financial intelligence unit all at once! ».

So behind the joke, you see that if you look forward a bit the path is long and complicated. Now the problems are there here and now and so even if this perspective and this reflection is legitimate, I believe that if we really want to move forward in operational cooperation between financial intelligence units, there are already small step to take on the obstacles that have already been identified and need to be removed, but not in ten years but in 2016 and 2017.

There are three main obstacles today to the exchange of operational information between FIUs. The first obstacle is that in the European Union, there are still financial intelligence units that do not process incoming requests from other FIUs with the possibility of using all the national powers of the financial intelligence unit. In other words, the unit will respond that it can't, that it has no information in its databases, but it won't use its resources or powers to look for and deepen the elements of analysis and 'investigation. And this is contrary to the FATF recommendation 29.3, including the interpretative note which was formulated and refined in the last session of the FATF in October 2015. And so that needs working on and the incoming request to a financial intelligence unit needs to have the same legal value as a declaration of suspicion and mobilize all the Finan-

cial Intelligence Unit's resources.

The second problem is related to restrictions on sharing information, that is to say that today we'll have answers from some FIUs but with a usage restriction saying you can only use them if there is already an ongoing legal investigation. Well sweetie, I'm an FIU! I'm upstream of the legal investigation! There's no ongoing legal investigation, so I want to use this information at the intelligence stage. And then you have other financial intelligence units that will say it sends you information but you can't use it if there's a criminal investigation underway because we can't circumvent the mutual legal assistance rules by using the rules of financial intelligence units. Terrorists, in Molenbeek or elsewhere, if they just knew that we can't cooperate for reasons like this! Both these restrictions really must be eliminated.

You have the same reasoning about the use for tax purposes or for purposes other than tax, about laundering tax fraud proceeds, or about social fraud. The only restriction is the need to maintain this restriction with respect to the conditions for obtaining the intelligence: when this intelligence was obtained by special intelligence techniques through special intelligence services of which the methods have to be protected. But then, after that, we can discuss between FIUs on the basis of the classification that exists at EUROPOL (H1, H2, H3) which controls how the information is disseminated.

Today the third obstacle to exchanging information is neither these legal issues nor these organizational problems; it's simply the problem of access to information. It was mentioned earlier: when out of 28 countries, there are only eight - and still not even them really - with bank account centralizing files which in some cases don't contain all the relevant information, you can always interrogate, you can always ask for the country's domestic legal means to be used, if it's impossible to know whether Mr. X had or has accounts and then be able to identify the financial institutions where we can exercise our right of communication to analyse the data, you can

make all the progress you want, real progress is organizing and harmonizing the capacities to have access to the information of all the FIUs.

As in my dream Jean-Claude was the Secretary General of the European financial intelligence unit because we had obviously failed to agree on the appointment of a president or a CEO, the presidency was rotating to each board and in my dream I specified that the meeting of Strasbourg's Board was held today; that's why I was sweating because you can see we couldn't meet the targets, I told him something still had to be proposed to fill that void.

So the first proposal is to implement the Supplementary Plan for the European Union that was been proposed by the Commission after the firm behest of France and Germany - the plan of February 2, 2016 which precisely plans to eliminate all the obstacles that I have just mentioned. But as here we're in a proactive approach and whether we receive a pension or not, we have a freedom of speech and action, we have to go further and maybe we must go further perhaps with two or three other proposals I give here. The first: why not exchange experts and analysts in our financial intelligence units? I myself am ready to teach Belgian once to one of my officers who's following the courses to work with the Belgian FIU! I'm ready and it's been done with other countries; we can organize, institutionalize and pool human resources and share skills. We can organize, multilaterally with those who are willing to do - i.e. all of us except the English - the possibility of discussing working methods, data mining tools - precisely to improve our analyses - and our analysis techniques. And that is not done today because, as Jean-Claude was saying, we have large technical masses or Egmont groups and a platform that are on another planet and that's what gives us some difficulties.

Third, operational tools also have to be developed - we've just done it, we've just test them precisely with FIU.net - with common query lists on persons who might belong to networks that finance illegal immi-

gration; this approach - even if it has not produced very concrete operational results - which was initiated by the Dutch financial intelligence unit is an interesting move because we pooled data and lists, set up an alert and information sharing computer tool to enable each financial intelligence unit to work on targets and structures that were identified and could be their own.

Finally, the last possibility: why not conduct investigations as understood by financial intelligence on clearly identified transnational criminal networks, not in parallel but simultaneous and coordinated, to produce for our judicial and other authorities transmissions that are common transmissions: Franco-something or Belgian-thingummybob, etc.

And finally because indeed the political representation of financial intelligence units within the European institutions and all decision-makers is probably low, one can imagine an independent High Commissioner - I will not say the name but it starts with Jean-Claude and ends in Delepière - and it is on this Delepière we could build our new temple [Applause] of the European fight against crime [Applause]

Jean-Claude DELEPIÈRE - I'll think about it. I didn't have this ambition but this... No, what I'd say is - you didn't dream a dream, you had a nightmare but I think the nightmare is actually the reality of today. But then, just as I was saying earlier I'm trying to be neither optimistic nor pessimistic, I'm pessimistic because it's true that it happens like that today and it's true that the danger is that it'd happen in the way as elsewhere unless we make it a condition that we must not repeat the same errors and that all these elements enter into our thinking by saying it's not worth doing something again with today's deficiencies. And there he's quite right.

I understand all your proposals; I tried to put it in place at the CTIF (Financial Information Processing Unit) - I was there for 20 years - and each time we did some things bila-

terally but there are limits. When it has to take three to do it, it's hardly worth doing it at all. We've already tried many things; I'm not saying we've tried everything. There may only be one solution - and this may be the beginning of a nightmare - the British won't be the only ones to leave Europe because if Europe is unable to respond to the phenomena we've just seen. The goal isn't to create a new gizmo. The new gadget has been created: they're the guidelines and regulations that are put in place by Member States which are not appraised by the European Union but by the FATF. And the appraisal stage today by the FATF of the European States will have an impact on the effectiveness or not of the European Union. It must not be forgotten that not only Europeans are ask asking one another little questions. I recalled in my text that the United States have always been at the forefront from the start of recommendations with drug trafficking and that they first seek to solve their problems - which is quite legitimate, it isn't a criticism, it's a statement -- and for them the FATF is a geo-strategic instrument.

I don't know, but I feel that the European Commission shuns debate, all the Member States are there too, and so we see there the image of the nightmare because all the Member States are in the FATF and the European Commission is also there and so they appear as countries doing the same thing and applying the same thing, and then each country depending on the discussion has a different position and the European Commission is there, waiting; occasionally, it intervenes on subjects of supranational importance, but that's all. But today this isn't our situation any longer. There's one thing your nightmare doesn't say: today we have no choice - you say it afterwards in your proposals - it's vital to be effective today. We have to be effective in relation to world geo-strategic policy and we aren't. So if that is not enough to create a gadget, I think it actually would have to be said in this idea that it can't be just a gadget - that a gadget exists already. I believe that yes, this possibility needs mentioning

but if there's no longer a way then we're actually caught in a terrible dead-end and I'm in fact retired and this is probably one of the last times I'll participate in this kind of forum, but as for me I'm just telling it like it is and I fear there're going to be more and more rude awakenings.

Bruno DALLES - I'm going to stop sleeping so I'll have no more problems waking up. But just a clarification all the same on what we're committed to today by the action. I'm convinced that beyond what I've told you, the creation of a European financial intelligence unit is either too late, or too soon. It's too late, because once we'd accepted the FIU platform and the FIU system were hosted by EUROPOL and even though today this accommodation because of problems (budget, recruitment, inter-connections, data security), this action is past the point of no return and the more so in that there's a second factor that hasn't been mentioned: it's the change in the EUROPOL regulation that takes effect 1 March next year; and therefore on 1 March 2017 in the reform of the EUROPOL regulation the FIUs will be recognized as structures that may interrogate EUROPOL and at any event the mechanism for getting closer to EUROPOL has been started and basically I think it's a good thing. It's a

good thing because indeed EUROPOL already has political support from Parliament and the Council and the resources; it's a good thing because EUROPOL's already made progress in terms of databases including financial databases - the database we mentioned just now indirectly is the Sustrans base which includes a number of customs data, financial data and data that in some countries may originate FIUs. We have analysts at EUROPOL; at EUROPOL we have the joint team approach to investigation with the support of EUROPOL to provide the investigation services with its payments analysis skills and at EUROPOL we have multidisciplinary approaches.

The only caveat I would make is that the FIUs mustn't lose their identities in terms of responsiveness, in terms of specialization and above all this system mustn't penalize the financial intelligence units that aren't police-based, because the police-based units will find their place naturally inside EUROPOL and the judicial- or administrative-types, or financial-types such as TRACFIN, should keep their specificities with rules as I mentioned earlier on the use and exchange of information.

So I think it's too late because all that's already under way. Or maybe

it's really too early because we'll have to wait indeed until we have European prosecution service type structures, the coordination with EUROJUST is defined, and the scope of jurisdiction is expanded and all is brought together to strengthen the resources even though the future OLAF will have to be given a status because we haven't talked about but it's also part of the landscape and it's designed to deal more or less - much rather less than more - with issues in its areas of jurisdiction. So one day there's bound to be a review of the overall balance of these institutions and perhaps there'll be a new place on the subject. But it seems that it is fashionable to be «en march» (on the move) so all this is definitely «en marche».

Chantal CUTAJAR - Thanks a million. I think the debate's far from over and that the reflection should continue.

LES CAHIERS DU CEIFAC

Numéro ISSN : 2272-981X

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In the framework of the European Commission's (EC) (DG Home Affairs - Action grant 2012 - FINEC Financial and Economic Crime) program, CEIFAC was financed from 2013 to 2015 by the EC at 90 % Of the total amount of the project and the supplement has been contributed by the local and regional authorities (Eurométropole and city of STRASBOURG and Regional Council of ALSACE), the University of STRASBOURG and the Gendarmerie Nationale.

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