NOTE
From: General Secretariat of the Council
To: Law Enforcement Working Party
No. prev. doc.: 10125/16, 11841/17
Subject: Council Conclusions and Action Plan on the way forward with regard to financial investigation

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (20.08.2019)

On 9 June 2016, the Council adopted its Conclusions on the way forward with regard to financial investigation, endorsing an operative Action Plan¹.

Implementation of the Action Plan was discussed under the Slovak Presidency in 2016² and under the Maltese and Estonian Presidencies in 2017³. A mid term progress report was discussed and endorsed by the LEWP on 24 October 2017⁴.

Since nearly 18 months have passed since the latest implementation review and considering that according to the Action Plan a number of activities are foreseen as continuous or planned for 2019, the Presidency decided to carry out an intermediate review in order to ascertain that the implementation is well on track.

¹ 10125/16
² 12295/16
³ 10123/17, 11841/1/17 REV 1
⁴ 13382/17
This document follows the structure of the request for contributions in 7377/19. Contributions by the Member States are summarized as to the main trends in the relevant chapters and set out in their entirety in Annex 1 to this document. The complete overview of training activities provided by CEPOL and pertaining to Action 1 of the Action plan is set out in Annex 2 to this note. The contribution by Europol regarding Action 2 is set out in Annex 3.

**Action 1: Increasing awareness and knowledge**

1. **The Member States** are invited to provide information on the strengthening of first responders competence/basic knowledge on financial investigation.

   Ten Member States provided their replies, reporting on various forms of training activities organised for police officers at national level. [DELETED]

   The complete text of the Member States' replies can be found in Annex 1.

2. **CEPOL** was invited to provide information on a series of topics related to financial investigations

   The overview of training courses provided by CEPOL since the latest implementation review (that is as of 2017) is set out in Annex 2 to this note.
**Action 2: Increasing expertise on financial investigations in order to support operational cooperation**

1. The **Member States** are requested to indicate progress in building up financial expertise at the national desks at Europol and Eurojust. Member States are invited to inform on sharing best practices through Europol and on promoting the expertise function of Europol and the relevant networks amongst financial investigators.

A wide participation in various relevant Analysis Projects, carried out under EMAPCT at Europol is common theme in the 9 replies received from the Member States. Many of them are also active within the Camden Assets Recovery Inter-Agency Network (CARIN), or cooperate with the European Network for Financial Investigations (ENFIN - **DELETED**). In terms of tools, many of the replies refer to the use of SIENA and the Europol Platform of Experts (EPE). Again, the complete text of the Member States' replies can be found in **Annex 1**.

2. **Europol** is invited to provide information on:

- the development and strengthening of its financial intelligence structures in order to provide effective operational and strategic support to the Member States.

- cooperation with relevant private sector parties who can contribute to building up specific expertise on financial or technical issues.

The contribution by Europol is set out in **Annex 3** to this note.

3. **CEPOL** is invited to provide any relevant new information on how awareness has been raised concerning the expertise function of Europol and Eurojust in training activities.

Concerning awareness and expertise of the function of Europol the following residential activities have integrated Europol and Eurojust expertise in the training programme in 2018 (related to Financial Investigations)

- 34/2018 – Financial investigations (supported by Europol and Eurojust)
- 35/2018 – Money laundering (supported by Europol)
• 36/2018 – Asset recovery (supported by Europol)
• 37/2018 – Financial intelligence and analysis of financial data (supported by Europol)

**Action 3: Financial investigations applied in the fight against migrant smuggling**

1. The **Member States** are requested to indicate whether they have identified concrete cases to start operational actions and criminal investigations such as parallel investigations and Joint Investigation Teams as a follow-up to the business model analysed under the mid term review.

   Regarding this Action, several Member States report that financial investigations constitute a systematic or at least regular component of investigations into migrant smuggling, THB and facilitation of illegal immigration. **DELETED**

   Detailed replies by the Member States can be found in **Annex 1**.

2. Eurojust is invited to indicate whether financial investigations have been carried out in Joint Investigation Teams on migrant smuggling.

   This part will be updated in a revised version of this document at a later stage.
Action Plan on the way forward with regard to financial investigation

Action 1: Increasing awareness and knowledge

1. CEPOL is invited to provide information on:

   1. strengthening multidisciplinary cooperation with regard to financial investigations by providing training, including training in a multidisciplinary formation.

2019 (Residential Activities)

The following Financial Investigations related residential activities will be implemented in 2019:

01/2019 – Financial investigation linked to facilitation of illegal immigration
(organiser: The Netherlands) (Dates: 4 – 8 November 2019)
   o 4 days, 26 participants

38/2019 – Asset recovery and confiscation
(organiser: Italy, Guardia di Finanza) (Dates: 9 – 12 July 2019)
   o 4 days, 26 participants

39/2019 – Cash collectors in money laundering
(organiser: France ICD) (Dates: 20 – 24 May 2019)
   o 5 days, 50 participants

40/2019 – Money laundering
(organiser: Italy) (Dates: 19 – 22 November 2019)
   o 4 days, 26 participants

41/2019 – Financial intelligence and analysis of financial data
(organiser: CEPOL) (Dates: 17 – 20 September 2019)
   o 4 days, 26 participants

2018 (Residential Activities)

The following Financial Investigations related residential activities have been implemented in 2018 (number of participants altogether: 195)

03/2018 – Financial investigation linked to facilitation of irregular migration
   o Number of participants: 32, General satisfaction: 97%

34/2018 – Financial investigations
   o Number of participants: 30, General satisfaction: 94%

35/2018 – Money laundering
   o Number of participants: 30, General satisfaction: 96%
36/2018 – Asset recovery
  o Number of participants: 34, General satisfaction: 96%

37/2018 – Financial intelligence and analysis of financial data
  o Number of participants: 29, General satisfaction: 96%

<table>
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<tr>
<th>2017 (Residential Activities)</th>
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<tbody>
<tr>
<td>The following Financial Investigations related residential activities have been implemented in 2017 (number of participants altogether: 176)</td>
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</table>

4/2017 – Financial investigation in relation to the facilitation of irregular migration
  o Number of participants: 28, General satisfaction: 100%

9/2017 – Financial investigation and asset recovery for THB investigations (with EJTN)
  o Number of participants: 40, General satisfaction: 97%

74/2017 – Financial investigations
  o Number of participants: 27, General satisfaction: 100%

75/2017 – Money laundering
  o Number of participants: 26, General satisfaction: 100%

76/2017 – Asset recovery
  o Number of participants: 27, General satisfaction: 100%

77/2017 – Financial intelligence and analysis of financial data
  o Number of participants: 28, General satisfaction: 100%

2. developing cooperation with the European Judicial Training Network.

<table>
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<th>2019 (Residential Activities)</th>
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| 9/2019 - "Financial investigations related to Trafficking in Human Beings (in cooperation with EJTN)"
  (organiser: The Netherlands) (Dates: 3 – 7 June 2019)

37/2019 – Financial investigations (in cooperation with EJTN)
  (organiser: France ICD)

72/2019 - "Joint Investigation Team – Implementation (in cooperation with EJTN and Eurojust)"
  (organiser: Germany ERA) (Dates: 2 – 5 April 2019)

73/2019 - "Joint Investigation Team – Leadership (in cooperation with EJTN and Eurojust)"
  (organiser: France ENSP) (Dates: 25 – 29 November 2019)

74/2019 - "Joint Investigation Team - Western Balkans and Moldova (in cooperation with EJTN and Eurojust)"
  (organiser: Germany ERA) (Dates: 4 – 6 September 2019)
2018 (Residential Activities)

8/2018 - Financial investigations related to THB (in cooperation with EJTN)
Number of participants: 40, General satisfaction: 97%

94/2018 - Joint Investigation Teams – Implementation (in cooperation with EJTN)
Number of participants: 38, General satisfaction: 100%

95/2018 - Joint Investigation Team – Leadership (in cooperation with EJTN)
Number of participants: 30, General satisfaction: 100%

96/2018 - Joint Investigation Team - Western Balkans (in cooperation with EJTN)
Number of participants: 27, General satisfaction: 87%

3. training on new technologies as well as topics such as dark web and virtual currencies.

2018 (Residential Activities)

30/2018 - Bitcoins and cryptocurrencies - prevention of illegal use
Number of participants: 33, General satisfaction: 96%

4. training on legal issues encountered by law enforcement in (cross-border) financial investigations.

2019 (Residential Activities)

01/2019 – Financial investigation linked to facilitation of illegal immigration
Part of learning outcomes:
- Describe the international legal framework in the context of financial investigations and asset recovery, the function of FIUs / Europol and OLAF and the relevant networks for financial investigators

38/2019 – Asset recovery and confiscation
Part of learning outcomes:
- Examine and compare national and the EU legal practices of identifying, tracing and confiscating proceeds of crime;
- Analyse the legislative framework and the practice concerning the administration/management of seized and confiscated assets in the EU countries;
- Describe recent evolutions of the legal framework in the field and the impact on investigations (e.g. discussions revolving around centralized bank account registers, reshuffling of directives on freezing and confiscation).

39/2019 – Cash collectors in money laundering
40/2019 – Money laundering
Part of learning outcomes:
- Be acquainted with the role of various actors, such as Europol, Eurojust and networks such as FIU, CARIN, the Egmont Group and ALEFA

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<tr>
<th>2018 (Residential Activities)</th>
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<tr>
<td>03/2018 – Financial investigation linked to facilitation of irregular migration</td>
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</table>
Part of learning outcomes:  
- Describe the national / international legal framework in the context of FI and AR and the possibilities at Europol and the relevant networks amongst financial investigators

| 8/2018 - Financial investigations related to THB (in cooperation with EJTN) |
Part of learning outcomes:  
- Describe the national / international legal framework in the context of THB, financial investigations and asset recovery

| 34/2018 – Financial investigations |
Part of learning outcomes:  
- Exchange best practices on law enforcement and judicial cooperation in (cross-border) financial investigations, through the review of concrete practical cases.  
- Understand the role of various international actors, such as Europol, Eurojust as well as OLAF and networks such as FIU, CARIN, the Egmont Group and ALEFA

| 35/2018 – Money laundering |
Part of learning outcomes:  
- Gain a good strategic understanding of the importance of money laundering investigations independently or alongside investigations of the predicate offence, both from the administrative and judicial point of view  
- Be acquainted with roles of various actors, such as Europol, Eurojust as well as OLAF and networks such as FIU, CARIN, the Egmont Group and ALEFA

| 36/2018 – Asset recovery |
Part of learning outcomes:  
- Examine and compare national and the EU legal practices of identifying, tracing and confiscating proceeds of crime
- Analyse the legislative framework and the practice concerning the administration/management of seized and confiscated assets in the EU countries
- Describe the tools for international cooperation (legal framework, institutions like AROs, AMOs or CARIN)
- Describe recent evolutions of the legal framework in the field and the impact on investigations (e.g. discussions revolving around centralized bank account registers, reshuffling of directives on freezing and confiscation)

5. providing exchange programmes for financial investigators

<table>
<thead>
<tr>
<th>2019 (Exchange Programme)</th>
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<tbody>
<tr>
<td><strong>Criminal finances</strong></td>
</tr>
<tr>
<td><em>Number of participants</em>: 22</td>
</tr>
<tr>
<td>Countries: France (2), Georgia (2), Latvia (3), Lithuania (4), Portugal (2), Spain (3), Sweden (2), Ukraine (4)</td>
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<table>
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<th>2018 (Exchange Programme)</th>
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<tbody>
<tr>
<td><strong>Criminal finances</strong></td>
</tr>
<tr>
<td><em>Number of participants</em>: 26</td>
</tr>
<tr>
<td>Countries: Armenia (1), Bulgaria (2), Czech Republic (1), Estonia (1), Finland (2), France (2), Georgia (2), Germany (2), Greece (1), Hungary (2), Ireland (1), Kosovo (1), Latvia (2), Lithuania (1), Moldova (1), Poland (1), Serbia (1), The Netherlands (2)</td>
</tr>
</tbody>
</table>

6. online programmes (e-learning, web applications) on (multidisciplinary) financial investigation for training and awareness

Online modules:

With regards to the Financial Investigations:
- Point 1.1 CEPOL eLearning module on *Money laundering* will be updated in 2019
- Point 1.3: CEPOL eLearning developed the online module on “*Darknet*” in 2017.
- Point 2.2: CEPOL eLearning updated the online module “*Europol*” in 2017 (in cooperation with Europol)

Online courses:

In 2019 CEPOL will develop and organise an online course on *Criminal finance, money laundering and asset recovery*
Webinars:

Financial Investigation/Europol/Eurojust

2017: tot. 11 webinars
Missing Trader Intra Community fraud related to gas & energy trade
Missing Trader Intra Community fraud including VAT carousel
Heroin and related money lauding
ATM malware
Darknet markets: the case of carding sites
AMON: International cooperation in Money Laundering investigations
Financial sources of terrorism: ECTC products, services, tools
Detection of proceeds of crime gathered or transferred by means of virtual currencies (esp. cryptocurrencies)
Joint Investigation Teams (Eurojust)
Network for investigation and prosecution of genocide, crimes against humanity and war crimes (Eurojust)
Use of Europol tools for the investigation of cases

2018: tot. 17 webinars
DarkWeb - Dark Markets
Virtual currencies - Bitcoin investigations
MTIC fraud: Abuses to customs procedures
Money laundering - Criminal enablers
CEPOL Western Balkan Financial Investigation Exchange Programme
International money laundering: Money mules cash collectors
Illicit markets – platform for eCommerce fraud
Methods of identification assets: Object of freezing orders and confiscation
Online trade in illicit goods/services - TOR, Darknet
FII - Western Balkans - Kosovo training
Excise Fraud: Illegal manufacturing of cigarettes
Excise Fraud - Financial investigation on illicit manufacturing of cigarettes and alcohol fraud related criminal analysis
New developments in non-cash fraud – ATM malware and NFC fraud
Judicial challenges and asset recovery issues in MTIC fraud
Investigation and prosecution of core international crimes within the EU (Eurojust)
Network for investigation and prosecution of genocide, crimes against humanity and war crimes (Eurojust)
Europol in French

**Foreseen 2019: tot. 24 webinars**

- Fighting terrorism and its financing
- Excise fraud - Illicit trade of tobacco
- Financial investigations in Environmental crime
- Fraud & counterfeiting of non-cash means of payment (2 webinars)
- Logical Attacks on ATM
- Darknet Investigations
- Financial investigation in excise cases
- Threats of OCGs to E-commerce in relation to MTIC fraud
- OCGs with links to the Turkish community involved in FMCG (fast movement consumer goods) market in the EU
- Money laundering – cooperation with third countries
- Financial investigation – big data analysis
- Joint investigation teams Network Secretariat (Eurojust)
- Network for investigation and prosecution of genocide, crimes against humanity and war crime (Eurojust)
- CEPOL project: WB FI (6 webinars)
- Europol in Dutch
- Europol Bureau I - General Overview on Europol
- Europol Bureau II - How to get financial support from
- Europol Bureau III - Europol 24/7 and how to approach Europol if you don’t speak English?
- Europol Bureau IV - Career opportunities at Europol. Europol as employer
Action 2: Increasing expertise on financial investigations in order to support operational cooperation

2. CEPOL is invited to provide any relevant new information on how awareness has been raised concerning the expertise function of Europol and Eurojust in training activities.

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ANNEX 3

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