

TIE - Tackling Illegal Economy

RECOMMENDATIONS

Background

The recommendations below have been developed in Brussels through the exchange of partners' main findings throughout the first year activity of the project "Tackling Illegal Economies - TIE".

In particular, the outcomes of the following activities have been showcased, discussed and summarized in order to produce the final recommendations:

5 seminars:

- London (UK), 27-28 September 2013
- Berlin (Germany), 6-7 February 2014
- Stara Zagora (Bulgaria), 4-5 June 2014
- Paris (France), 9-10 July 2014
- Brussels, Belgium, 8-9 October 2014

3 researches:

- Multidisciplinary research on the international law framework, to identify the best solutions available for confiscation and recovery.
- Independent journalists' investigation on cases of criminal infiltrations in licit economy aimed to draw scenarios where the solutions can be verified.
- Financial investigation on real world study cases.

Recommendations

Strategic cooperation

- To promote better coordination and sharing information among countries: to develop mandatory public registries on beneficial ownership for companies & trusts in all EU member states through the anti-money laundering law. The EU should fight against tax havens by legislating on the collection, publication and distribution of data on ownership and enjoyment of assets, as well as on its clarity and accessibility

- Public procurement tenders at local, regional, national and European levels should include citizens and independent experts in auditing. A “Naming and Shaming” database tracking wrongdoings in tenders should be initiated
- To encourage transnational multi-stakeholder cooperation in tackling illegal economies (institutions, CSOs, academics, journalists, trade unions, etc.)
- Mutual coordination among local, national and European authorities should be improved so as to give an adequate response to transnational organised crime

Civil society

- Further support projects/programmes raising civil society’s awareness on organised crime matters

Prevention and confiscation

- The prevention should be based on analysing the typology of the organised crime & pull in-push out factors
- Confiscation should be based upon the principles of effectiveness, transparency, accountability, publicity & equity
- The EU should establish a European Confiscation Fund and promote the social re-use of criminal assets, in order to better tackle transnational organised criminal activities
- Promote different methodologies for confiscation, e.g. equivalent confiscation & preventive confiscation

Prosecutions and responses

- Tax harmonisation across Europe should be encouraged
- To identify the individuals who carry managerial responsibilities for financial transactions and make them liable for prosecution
- The authorities should focus on prosecuting criminal assets (illegally acquired) combining their efforts and approaches in civil law along with criminal pursuit of the suspects



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- To develop a European public prosecutor office that could overrule localised political interference in investigations
- To improve whistleblowers protection & external informants
- To include EU public financial institutions into the definition of obliged entities under anti-money laundering legislation
- To identify liability and related sanctions for beneficial owners of obliged entities failing in their due diligence



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