



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 November 2012

16695/12

**COPEN 260
DROIPEN 173
EJN 87
EUROJUST 106**

NOTE

from: Eurojust
to: Working Party on Cooperation in Criminal Matters (COPEN)
Subject: Seminar on “Confiscation and Organised Crime: procedures and perspectives
in international judicial cooperation”
Palermo, 21-22 May 2012
- Summary Report

Delegations will find in Annex the Summary Report on the Seminar on “Confiscation and Organised Crime: procedures and perspectives in international judicial cooperation” which was held in Palermo, 21-22 May 2012.

EXECUTIVE SUMMARY:

The Seminar discussed the use of confiscation in the fight against organised crime, with special focus on international judicial cooperation. The inspiration for the seminar was the commemoration of the 20th anniversary of the assassination by the Mafia of Giovanni Falcone, his spouse and his police escort, on 23 May 1992. From the outset, discussions highlighted the crucial importance of Judge Falcone's new approach to the fight against the Mafia, viz. deprive criminals of their profits in order to weaken organised crime, to stop the financing of new crimes and to protect the legitimate economy.

Expert practitioners from different Member States exchanged information on their national systems and experiences with mutual legal assistance in the field of confiscation: how is it possible to overcome obstacles arising from different freezing and confiscation regimes and procedures and different languages?

A number of case examples were provided. Discussions focused on legal tools and practical ways to facilitate the execution of foreign confiscation orders. Throughout the seminar, the important role played by Eurojust in supporting judicial cooperation, including cross-border execution of freezing and confiscation orders, was emphasized.

Participants also exchanged their views and experiences in relation to the applicable international conventions and EU instruments of mutual recognition. It was generally agreed that those instruments are in general underutilised or poorly implemented or not appropriate to all cases. In addition, the presence or the lack of a system for non-conviction-based confiscation is a major obstacle to cross-border cooperation between Member States. Furthermore, despite good practices and major efforts in all Member States, proceeds recovered from crime in the European Union remain modest compared to the estimated revenues of organised criminal groups. Finally, the seminar discussed new perspectives in this area. Participants were presented with the recent proposal of the European Commission for a new Directive on the freezing and confiscation of proceeds of crime in the European Union. Future developments of Eurojust in the light of Articles 85 and 86 of the Treaty on the Functioning of the European Union were also considered, with some interventions highlighting the importance of the proposal to set up a European Public Prosecutor's Office from Eurojust.

Note: Most speakers provided written contributions. All these contributions have been translated into English and can be found in attachment to this Report.

On 23 May, most delegates attended the official 20th Anniversary Event organised in the bunker-courtthouse where the Maxi Trial against the Sicilian Mafia took place. This ceremony was held in the presence of the highest Italian authorities. The President of the Republic of Italy made specific reference to Eurojust and underlined the importance of the support provided by Eurojust to national judicial authorities in their fight against organised crime.

First Day (21 May 2012)

1. Welcome addresses

Ms Maria Falcone, the sister of Judge Falcone and *President of the Giovanni and Francesca Falcone Foundation*, recalled that Giovanni Falcone and his closest colleague in the Antimafia pool of magistrates, Paolo Borsellino, who was also assassinated by the Mafia a few weeks after Mr Falcone, have been pioneers in the fight against the Mafia. Their approach was two-fold: on the one hand, tackling the Mafia as a complex type of organised crime with multiple connections outside Sicily, not only in the rest of Italy but also in many other European countries and overseas; on the other hand, investigating and stopping the economic and financial activities of the Mafia, including money laundering. Thanks to new investigation techniques, hundreds of Mafiosi were prosecuted and heavily sentenced in the Maxi Trial that eventually took place in Palermo, from February 1986 to December 1987.

Mr Vincenzo Oliveri, *President of the Court of Appeal of Palermo*, said that international judicial cooperation is an indispensable tool in the fight against organised crime. Eurojust plays a pivotal role in this field. With criminal assets being easily hidden and laundered all over the world, financial investigations have become increasingly difficult and therefore require effective tools of international judicial cooperation, such as Eurojust.

Ms Michèle Coninx, President of Eurojust, said that Judge Falcone's work has been a turning point in the fight against organised crime. Eurojust's mission follows the path of Judge Falcone's ideas: coordinating investigations and prosecutions, advising on appropriate means to combat crime and impound the proceeds of crime, contributing to remove obstacles to judicial cooperation, are key priorities for Eurojust. *Ms Coninx* highlighted the importance of the topics to be debated in the seminar and stressed how timely it was since only two months before the European Commission had brought out a proposal for a new Directive on the freezing and confiscation of proceeds of crime in the European Union. Eurojust is already looking into this new proposal, and will take an active part in the discussions.

Mr Francesco Lo Voi, Eurojust National Member for Italy, thanked the Falcone Foundation, the speakers and the whole College of Eurojust for their decisive support to the organisation of the seminar. *Mr Lo Voi* read to the audience messages conveyed by the Presidents of both Chambers of the national Italian Parliament. These messages welcomed Eurojust and stressed the fact that fighting organised crime by promoting international judicial cooperation and attacking the profits of crime are overwhelming priorities for Italy and shared goals in the European Union.

2. Presentations (Mr. Lo Voi chaired the first session)

2.1. Mr Luigi Berlinguer, Member of the European Parliament stressed the fact that Judge Falcone and the other magistrates of the Antimafia pool have very early advocated international cooperation in the fight against organised crime. This approach is still fundamental today in order to face the increasing challenges posed by global criminal activities. The Lisbon Treaty provides the basis for the creation of a common area of European criminal justice, and this is an historical achievement. However, profound differences still exist between national legal systems and traditions, and a large number of EU legal instruments are still only partially implemented, or have not been implemented at all. In response to growing popular discontent and skepticism, both aggravated by the ongoing economic and financial crisis, it is indispensable to demonstrate the concrete added value brought in by the European Union. Judicial authorities have an essential role to play in this context, by promoting the development of a common European judicial culture. To this end, the judiciary should be provided with appropriate training and professional development, and linguistic barriers should be overcome. Good practices in the Member States, such as the Dutch 'Eurinfra'-project,

which has resulted in the appointment of resident experts on EU law in all national courts, could be considered. The importance of judicial professional development is also highlighted in a resolution of the European Parliament on organised crime in the European Union¹. Another major initiative of the European Parliament is the creation, in March 2012, of a committee specifically devoted to the problems of organised crime, corruption and money laundering.

Depriving criminals of their profits has become an overwhelming priority: the revenues of the Mafias are huge, while the confiscation rate is still very modest². To make progress, there is a need for further approximation of rules and procedures. In this context, the recent proposal for a new Directive on the freezing and confiscation of proceeds of crime in the European Union is extremely significant and promising. *Mr Berlinguer* concluded by emphasising the importance of Eurojust and its steady development over its first ten years of existence. The establishment of a European Public Prosecutor's Office from Eurojust is another important step forward in the fight against organised crime.

2.2. *Mr Filippo Spiezia, Deputy National Antimafia Prosecutor, Italy*, wished to recall the contribution provided by Mr Pio La Torre, a member of the Italian Parliament who was killed by the Mafia in 1982 after initiating a law that introduced in the Italian legal system the crime “promoting and participating in a mafia-type association” and a preventive system of seizure and confiscation for assets in possession of persons belonging to mafia-type organisations. Expert analysis shows that money laundering activities have become extremely easy and fast, with criminals being able to channel money anonymously on a massive international scale. In addition, a myriad of corporate service providers can be found on the Internet: creating a shell company, registering a fake business name or connecting to some international tax haven are nowadays an extremely easy matter. Furthermore, due to the ongoing serious financial and economic crisis, it has become easier for criminal organisations to penetrate licit markets. To confront these problems and effectively attack criminal wealth, a coordinated approach should be developed at the international level, by means of appropriate legal instruments.

¹ European Parliament Resolution of 25 October 2011 (2010/23095(INI)).

² On a global level, according to United Nations estimates, the total amount of criminal profits in 2009 was approximately USD 2.1 trillion, or 3.6 of global GDP in that year.

However, the existing EU legal instruments on confiscation have been poorly implemented or have not yet been implemented at all. Because of this patchy and unbalanced situation, as also experienced in Eurojust cases, these instruments are largely underutilised and requests for confiscation are dealt with under the general framework of mutual legal assistance. Therefore, tracing and confiscation of criminal assets beyond the national borders still prove to be difficult, to the point that, in some cases, national courts prefer to order extended confiscation, leaving untouched criminal assets located abroad. As a result of the current problems, there is still a critical disproportion between limited confiscated amounts and huge profits from crime.

The new proposal for a new Directive on freezing and confiscation is a step in the right direction since it provides a more coherent approach and a common playing field. The new anti-corruption policy proposed by the European Commission in June 2011 is also welcomed, since it calls for a comprehensive anti-corruption policy pointing at the broader links between corruption and organised crime. Finally, *Mr Spiezia* recalled that ongoing proposals at EU level seek to reduce retention times for data originating from phone communications to only six months: if adopted, those measures could seriously harm the efficiency of criminal investigations. Eurojust should look into this matter and voice the needs of national judicial authorities at EU level.

2.3. *Alun Milford, Crown Prosecution Service, London, United Kingdom* gave a detailed overview of the UK legal system, describing in particular the provisions laid down in the Proceeds of Crime Act of 2002. Steady increase in the amounts of recovered assets is a tangible positive outcome of the new system. The UK confiscation framework encompasses confiscation orders against convicted individuals (restraint orders) and civil recovery of proceeds of crime when prosecution is not possible or in case of acquittal. Those two systems are distinct and work in tandem. Restraint orders are made against a person: they prevent a suspect/defendant from dissipating assets pending the making or enforcement of a confiscation order. Once the defendant is convicted, confiscation can be ordered. Criminal confiscation is a sanction, and is based on the principle of compensation: the court must determine the amount of the offender's benefit and the recoverable amount; the confiscation order is made in that sum. The drawback of this system is that the offender only has to establish, on the balance of probabilities, that he does not have the means to pay such an order. In such a case, the confiscation order is made in a sum equivalent to his means. The civil recovery process is a powerful tool, since it makes it possible to take possession of property obtained from crime, even if there has been no criminal conviction in the case. The evidence required in these cases is the civil burden of proof: the onus is on the offender to contradict the assumption that his property is derived from the profits of crime. Assets can be recovered also when fraudulently registered in the name of another person.

The UK is able to provide a wide range of legal assistance, namely: identifying and tracing assets; protecting assets in the UK from dissipation by means of restraint orders; enforcing external orders against assets in the UK. However, specific conditions must be satisfied, even in spite of mutual recognition requirements. Assistance can also be offered in relation to civil recovery proceedings, by enforcing civil recovery orders against assets held in the UK. Much more problematic is the execution of UK civil recovery orders overseas since criminal treaties do not cover these civil actions, and it proves difficult for judicial authorities in civil law countries to recognise the orders and grant in response criminal freezing or confiscation orders.

2.4. Mr Gaetano Insolera, Professor in Criminal Law, Training School for Legal Professions “E. Redenti”, Bologna, gave a critical contribution to the debate, by tackling human rights concerns in the use of preventive confiscation of assets in possession of persons suspected of belonging to a mafia-type organisation. One difficulty lies in the fact that, based on the current definition of organised crime according to Italian law, one can also be suspected on the basis of individual behaviour, i.e., not necessarily based on a pattern of a collective behaviour. Furthermore, the concept of suspicion of crime is slippery: it is difficult to categorise and to interpret.

In addition, new legal tools have been developed in Italy to allow preventive confiscation of property which can circumstantially be proved to be associated with or intended for use in criminal activities and whose possession is not compatible with the person’s lawful resources. It is important to underline that such measures can be taken regardless of the presumed threat posed by the person. The above system of preventive confiscation - i.e. confiscation not preceded by the imposition of a criminal penalty – is not only designed to prevent the commission of serious offences but also to protect the functioning of the licit economic and financial markets, by removing illicit assets and preventing money laundering activities. However, it remains necessary to strike a balance between compelling security needs and fundamental rights (e.g. the right to peaceful enjoyment of property or the right to a fair trial).

Second Day (22 May 2012)

3. Presentations (Mr. Spiezia chaired the morning session)

3.1. *Mr J.G.A. (Jeroen) Hennekam, Legal advisor international affairs, Criminal Assets Deprivation Bureau Public Prosecution Service, The Netherlands*, gave an overview of the Dutch confiscation procedure and of the functioning of the Criminal Assets Deprivation Bureau. The Dutch system encompasses two different schemes: the “ordinary” confiscation, which is a penal sanction and can only be based on a conviction, and the deprivation procedure, which is a type of precautionary seizure of the value to be confiscated. A criminal financial investigation can only be initiated when there is a suspicion of a criminal offence resulting in a significant illegally obtained advantage. International assistance can be provided in the following fields: gathering of evidence; precautionary seizure of valuable goods; execution of confiscation orders; transfer of proceedings. However, legal assistance in relation to non-conviction-based confiscation orders is more difficult. For instance, to obtain the requested evidence (e.g. bank records), the requesting authorities need to prove that there is concrete suspicion of criminal offence. *Mr Hennekam* described a case in which an Italian court had requested the Dutch authorities to execute a precautionary seizure of € 400.000. An appeal was made against the requested seizure. The competent Court in The Netherlands considered that, in the light of Dutch national law, the Italian precautionary seizure can only be considered as an administrative preventive measure to secure public security, with no connection with a criminal case. In the case at stake, however, the Court concluded that a legal basis for the execution of the requested seizure could be found in the Convention on laundering, search, seizure and confiscation of the proceeds of crime (1990) and in the implementing provisions of Dutch criminal law, on the basis of which it is possible to impound illegally obtained assets on the basis of suspicion of money laundering. This case – for which Eurojust’s assistance has been requested - is currently outstanding, since it remains unclear whether assets seized on this basis could be subsequently be transferred to the Italian authorities.

3.2. *Prof. Francesca Ruggieri, Professor in Criminal procedure and Criminal law, University of Insubria –Faculty of Law, Como, Italy*, focused on the impact of linguistic differences on the principle of mutual recognition, with specific reference to confiscation. The new proposed Directive of freezing and confiscation aims at providing common definitions, in order to encourage approximation of national freezing and confiscation regimes, foster mutual trust and enhance cross-border cooperation. However, mutual recognition of confiscation orders implies that external orders

can be easily recognised and executed in another Member State, under the assumption that these judicial “products” are essentially the same in each country. However, linguistic differences pose serious difficulties, because key concepts have different meanings in the different national legal systems. For instance, considerable differences exist in the legal meaning of the English “confiscation”, the Italian “confisca” or the French “confiscation”. What common approach can there be in this situation? The implementation of the mutual recognition principle is practically at stake. However, the Lisbon Treaty paves the way towards the setup of common rules and the creation of a single area of justice in the European Union: new “vertical” competences for Eurojust (Article 85) and a European Public Prosecutor’s Office established from Eurojust (Article 86) exerting supranational competences on the basis of its own set of substantial and procedural rules, may provide decisive solutions to the current problems.

3.3. Mr Elie Victor Renard, Head of Department, Ministry of Justice, France: under French law, confiscation is an additional penalty and can therefore be based on a verdict of guilt only. Ordinary confiscation applies to direct or indirect product of the offence, items defined as dangerous or noxious by statute, items defined by the incriminating statute or items used for the commission of the offence. Extended confiscation is also possible. Additionally, in relation to organised crime and other serious offences, confiscation orders can extend to all assets belonging to the condemned person, i.e., also including assets not related to the offence (global confiscation). Although non-conviction-based confiscation as such is not foreseen in French law, specific provisions allow for confiscation of assets owned by persons others than the offender. In addition, the relatives maintaining regular and direct contacts with the offender may be deprived of their belongings, if they are unable to justify a licit origin of their property (reverse burden of the proof). Furthermore, recent new criminal law provisions (2010) allow for pre-trial asset seizures aiming at securing possible further confiscation. For certain types of assets (e.g. multiple property), specific procedures have been established. In addition, courts have been granted the possibility to seize assets (if seizure has not been ordered during the investigation). A specialised State agency (the AGRASC/ARMSCA- Agency for the Recovery and Management of Seized and Confiscated Assets) has been created to improve the seizure, management and subsequent confiscation and sale of crime-related assets. This new system has already led to concrete results: in 2011 only, more than 200 million euro were confiscated. Value confiscation (equivalent value confiscation) has been permitted by law since 1992. In recent years, the scope of this type of confiscation has been broadened and certain restrictions lifted.

With regard to mutual legal assistance, foreign confiscation orders, including equivalent confiscation, may be enforced providing that specific conditions are met. Reciprocity is required as a precondition in the absence of any applicable international legal instrument. In addition, the execution of confiscation orders can be denied (partially or totally) on the basis of specific grounds. Although French law does not provide for non-conviction-based confiscation, the Court of Cassation has enforced foreign non-conviction-based confiscation orders to the extent that, based on the evidence, confiscation would have been possible under French law in similar circumstances.

3.4. *Mr Luis Rodríguez Sol, Anticorruption Prosecution Office, Spain*: the Spanish code of proceedings provides for the creation of an Asset Recovery Office. This Office will be entrusted with finding, keeping, managing and liquidating criminal assets (e.g. proceedings, goods, instrumentalities and gains derived from criminal activities), and will function as specialised judicial police unit (thereby executing orders issued by judicial authorities). The contact point for foreign requests for asset searching is the Intelligence Centre Against Organised Crime, which dispatches the requests either to the judicial police (Policía Nacional or Guardia Civil) for execution. To illustrate the extent and the volume of legal assistance provided to other countries in this field, key statistical figures were provided. In total, in 2010 only, assets found amounted to more than 25 million euro. However, the access to financial information, notably bank account information, remains a major challenge. In Spain, information on bank accounts is currently retrievable from a centralised database, managed by the Tax Agency. A second database, including information on financial ownership in relation to money laundering and terrorism financing is to be created in the near future. Legal assistance to freezing and confiscation orders, including non-conviction-based confiscation orders, is provided pursuant to the applicable EU and international legal instruments. One practical difficulty lies with the fact that the execution of the orders is made under the jurisdiction of the competent territorial investigating judge: therefore, depending on the actual location of the assets, the execution of freezing or confiscation orders may require coordination among several investigating judges. In conclusion, *Mr Luis Rodríguez Sol* explained how problems related to the disposal of confiscated property were solved in a concrete case with Italy: in this case, the related provisions of the Council Framework decision 2006/783/JA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders were applied by analogy.

3.5. *Mr Gioacchino Natoli, President of the Court in Marsala, Italy*, described the specific features of the modern Mafia. The most challenging difficulties encountered by investigating and prosecuting authorities lie with the fact that the Mafia not only continues to exert tight control over the territory for racketeering purposes but has also become a wide business enterprise. The Mafia penetrates into the economic sector in many ways— at least four different types of Mafia enterprise can be identified. Furthermore, the Mafia is engaged in very complex and sophisticated money laundering activities.

Total worldwide revenues of the organised crime are huge. According to a study published by the International Monetary Fund in 2010, the total annual revenues of organised crime are estimated at \$500 billion, i.e., is around 2% of world DGP. The profits made by the Italian four major criminal organisations (Mafia, 'Ndrangheta, Camorra and Sacra Corona Unita) represent a large portion of the total revenues: only in 1997, they were estimated at €108 billion, with 50% of revenues resulting from illicit drug trafficking. In conclusion, Mr Natoli commented on human rights concerns in relation to preventive confiscation. In particular he reminded that the European Court of Human Rights had rendered several decisions upholding the application of non-conviction-based and extended confiscation in particular cases.

3.6. *Gen. Stefano Screpanti, Provincial Head of Guardia di Finanza, Palermo*, gave a detailed overview of the activities carried out by the Guardia di Finanza, specially focussing on financial investigations and specific techniques used to trace down criminal assets, with the view to supporting seizure and confiscation and to unveiling money laundering activities. Financial investigations are conducted by means of a wide network of specialised national data bases, including databases established for tax collection purposes. Appropriate software and devices allow the Guardia di Finanza to analyse large amount of data and information, to make complete “screening” of the economic and financial situation of given individuals, and to detect cross-links between individuals over large groups of persons. A special software application can also produce automatic “warnings” each time it detects assets disproportionate to the known income sources of an individual. In conclusion, *Mr Screpanti* provided examples of concrete investigations that led to the confiscation of large amounts of monies and other assets.

3.7. *Lt. Col. Piccinelli, Head of Operations Department, Carabinieri, Palermo, Italy*, described several cases in which investigations were successfully conducted against leading figures of the Mafia. These investigations aimed not only at arresting criminals but also at attacking the profits of their crimes. Some cases had a trans-national dimension and involved complex money laundering activities, in particular the practice of using shell companies to launder illicit profits. LT Col. Piccinelli highlighted that the re-use of confiscated assets for social purposes is essential because it can engender a positive attitude in the public opinion and has a high symbolic value for local communities preyed on by the Mafia, in that it helps building trust between public authorities and civil society.

Mr Spiezia , at the end of the morning session, remarked that, in its resolution on “Organised Crime in the European Union”, the European Parliament emphasises the importance of re-using confiscated criminal assets for social purposes and also suggests that common standards be developed across the EU so as to achieve a more coherent European-wide approach in using confiscated assets for civil society and in particular for social purposes.

(The afternoon session was chaired by Mr. Lo Voi)

3.8. *Mr Giuseppe Santalucia, Counsellor at the Supreme Court of Cassation, Italy*: one main task of the Supreme Court of Cassation (hereinafter “Supreme Court”) is to provide a uniform and homogeneous interpretation of the law not only in the light of domestic constitutional law but also in accordance with rules of general international law and international agreements and other legal instruments (e.g. EU framework decisions). As a result, the Supreme Court plays a fundamental role in harmonising national law with EU and international standards. In the field of confiscation, the Supreme Court has in its case law aimed at increasing the effectiveness of confiscation measures by expanding the interpretation of national law, so as to cover new international concepts and provisions.

For example, the Supreme Court concluded in a case that confiscation could also be extended to the proceeds of crime, in accordance with the applicable provision of the Council Framework Decision 2002/212/JHA, where national rules of law limited confiscation only to the assets used or intended for use for the commission of an offence. In other cases, the Supreme Court expanded national standards of ‘traditional’ confiscation by concluding that confiscation could cover not only profits directly resulting from the crime but also proceeds indirectly derived or realised as a result of crime, in accordance with international rules of law. At the same time, the Supreme Court seeks to strike a balance between efficiency of confiscation measures and protection of rights. For instance, with regard to confiscation of a property that is disproportionate to the lawful income of the convicted person, the Supreme Court held that the gross confiscation would be in breach of the right to property, and that only the net value of disproportionate assets could be confiscated. Furthermore, the assessment of the value of disproportionate assets strictly looks at the time of the purchase, which is way to preserve the right of defense. With regard to preventive confiscation, *Mr Santalucia* reminded the audience that the European Court on Human Rights has rendered several decisions upholding their application in particular cases. Finally, the right to defense is now better safeguarded because, in accordance with recent national provisions, confiscation is only possible if the court is convinced that the property in question has been derived from a criminal activity.

3.9. Ms Mari Hämäläinen, National Expert, General Secretariat of the Council of the European Union focused on the EU perspective. After a brief overview of the existing legal instruments pertaining to freezing and confiscation, she pointed at the findings of the 5th Round of mutual evaluations on economic and financial crime. It appears, in particular, that the available EU tools related to freezing and confiscation are not frequently used and have not all been transposed into national law. In any event, in many Member States, judicial authorities are actually more willing to use traditional instruments of mutual legal assistance. Cross-border asset recovery is also weakened by the fact that only a few Member States have set up specific Asset Management Offices. Another major divider between Member States is the presence or the lack of a system for non-conviction-based confiscation. Finally, for various reasons, there is in practice little incentive for police and judicial authorities to fully embrace asset recovery. Preliminary recommendations to the Member States include the following: available international and EU instruments should be implemented; asset tracing, seizure and confiscation should be systematically integrated into criminal investigations and also become indicators of judiciary and law enforcement’s performance and efficiency; financial profiling, seizure and sequestration should be conducted at the earliest possible stage of the procedure; non-conviction-based confiscation of illicit proceeds should be considered by Member States, as well as full recognition of foreign non-conviction-based confiscation requests.

The recent proposal of the European Commission for a new directive on freezing and confiscation of proceeds of crime in the European Union aims at enhancing mutual recognition through approximation of specific concepts such as extended, non-conviction-based and third-party confiscation. *Ms Mari Hämäläinen* went on to describe the rationale, the objectives and the main novelties introduced by this proposal, which will be one of the priorities of the Cypriot EU Presidency and the European Parliament will start discussing very soon.

3.10. *Mr Lorenzo Salazar, Director of Criminal Justice Department, Minister of Justice, Italy* stressed that organised crime had become a major threat for all Member States. This is why, since the adoption of the Amsterdam Treaty, the European Union has been striving to build a single area of freedom, security and justice. Important steps towards the achievement of this goal were: a common EU definition of “organised crime” and the setting up of Eurojust, which was created as a coordinating judicial unit, based also on the example of the Italian Antimafia Direction created by Judge Falcone. The Italian government supports possible further developments of Eurojust in accordance with Articles 85 and 86 of the TFEU and considers the new proposal of the European Commission for a Directive on freezing and confiscation as a positive step forward increased harmonisation and easier mutual recognition of respective measures across the EU. An effective instrument is needed to deprive criminals of their profits, prevent new crimes and protect the licit economy, notably in the current context of economic crisis and heavy unemployment. Another important initiative is the setting up of a new Committee in the European Parliament, specifically devoted to organised crime, corruption and money laundering. The Council of Europe has also been providing a very important contribution. *Mr Salazar* mentioned in particular the Convention on laundering, search, seizure and confiscation of the proceeds of crime (1990) and the project of a new expert group on trans-border organised crime (to start in 2013).

In conclusion, *Mr Salazar* wished to remember, once again, the work of Judges Falcone and Borsellino, whose beliefs and example materialise in the EU instruments and tools against organised crime.

Mr Francesco Lo Voi concluded the Seminar emphasising the need to develop a common strategy against organised crime in Europe, since criminals spread far beyond borders. He expressed his satisfaction for the in-depth discussion about a “hot” issue, in which a lot of work has still to be done. The Seminar discussed new tools for attacking the proceeds of crime, solutions to overcome obstacles to judicial cooperation, and the role of Eurojust. Thanks to appropriate tools, Judge Falcone’s ideas live on and are concretely implemented.
