

# Project on Improving the Asset Recovery System in Bulgaria

International Asset Recovery  
(AR) standards

# Goals of the Workshop

Form a general picture of the asset recovery system of Bulgaria



Identify the weak links



Frame the research study



Content of other activities (e.g. trainings)



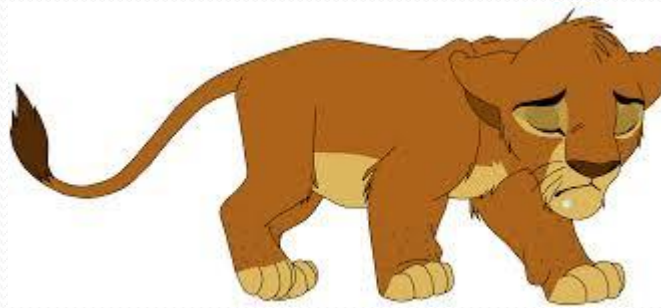
# Why start with international standards?

- Systemic approach
- “Bird’s eye” view
- They already contain good international practices
- Common denominator for any discussion



- Are there separate international standards on AR?

- NO



# Where is the place of AR?

## Anti-corruption standards:

UNCAC - United Nations Convention against Corruption (Chapter V)



ASSET RECOVERY  
STANDARDS

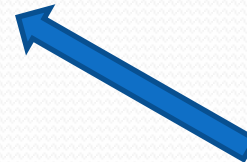


## Anti-money laundering standards:

- FATF Recommendations
- Council of Europe Convention on laundering, search, seizure and confiscation of proceeds from crime and the financing of terrorism (CETS 198)

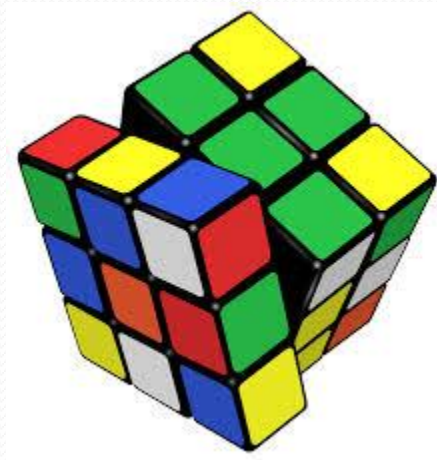
## Combating organized crime:

UNTOC – Convention against transnational organized crime



EU instruments +  
Draft asset recovery  
Directive

Lets combine...



# Main parameters of AR system

1. Legal/procedural
2. Institutional
3. Interagency
4. International

# Legal/procedural requirements

Asset recovery process



1. Special investigative means for competent authorities (UNCAC, CETS 198, FATF)
2. Mandatory parallel financial investigation for any proceeds-generating offence (FATF)
3. Provisional measures: freezing and seizure (all standards)
4. Confiscation:
  - Conviction-based (all standards)
  - Non-conviction based/extended (in different ways - FATF, EU, UNCAC, CETS 198)



# Legal/procedural requirements

+

Funds subject to confiscation:

- Proceeds and instrumentalities (including those intended for use)
- Transferred to third parties
- Indirect proceeds/any benefits derived from use of criminal funds
- Corresponding value

# Institutional framework

Asset recovery process

AUTHORITY	FUNCTION
Law enforcement (specialized units)	Case initiation; parallel financial investigation
Financial Intelligence Unit	Role in financial investigation and asset tracing
Prosecution	Investigation oversight; prosecution in court
Courts	Authorization of SIMs; confiscation
Asset management authority	Asset management at seizure and confiscation stage

# Interagency cooperation

- Bilateral and multilateral cooperation frameworks, including joint investigative teams
- FIU access to databases
- And



# International cooperation

<b>FUNCTION</b>	<b>AUTHORITY TYPE</b>	<b>MECHANISM</b>
Asset tracing	FIU	Bilateral; Egmont group
	Police	Bilateral; regional; Interpol
Provisional measures and confiscation	Central authority for MLA (GPO/MoJ)	Mostly bilateral
Return of assets	Central authority for MLA (GPO/MoJ)/AMO	Mostly bilateral

# Capacities?

- ~~Legal/procedural~~
- Institutional
- Interagency
- International

Thank you!

