

Major hit against fraud and money laundering

[ES](#)

30 January 2019

✘ Yesterday, a joint action led by Germany (the Public Prosecutor's Office (PPO) Cologne and Police Cologne) and Italy (PPO Bolzano, with the support of *Guardia di Finanza Brunico*) resulted in the dismantling of an organised crime group (OCG) involved in large-scale financial fraud and money laundering across Europe. Cooperation in Spain was provided by PPOs in Pontevedra, Ourense and Majorca, with the support of *Guardia Civil*, and by PPO Madrid with the support of *Policía Nacional*, under the general coordination of the GPO Unit for International Cooperation, as well as by the competent investigative courts in the mentioned cities, when necessary.

Various European Investigation Orders (EIOs), freezing orders and European Arrest Warrants (EAWs) were issued and executed prior to (including extensive financial investigations) and during the action day. Based on EAWs issued by PPO Cologne, two suspects were arrested in Spain; another two suspects were arrested in Germany.

Eurojust contributed substantially to the overall success of the action day by setting up a joint investigation team (JIT) between Germany and Italy, providing financial support to the JIT, and facilitating communication with the Spanish national authorities through two coordination meetings and a coordination centre. The coordination centre allowed the national authorities to immediately identify arising needs for cooperation. Eurojust provided legal assistance, including support in drafting, issuing and executing new measures, to complete the operation and prevent the suspects from keeping their ill-gotten gains.

✘ During the simultaneous operations, numerous private residences and business premises were searched in Germany (Ratingen, Düsseldorf, Mönchengladbach, Munich and Münster), Spain (Pontevedra, Ourense, Madrid and Majorca) and Switzerland. The majority of the measures were executed in Spain, in which the proceeds of several bank accounts were seized, as well as other assets, such as luxury cars and jewelry. Several bank accounts were frozen in Switzerland and Portugal. At the same time, bank accounts were seized and bank safes were searched in Germany. During the searches in all States involved, the authorities managed to secure large quantities of evidence, e.g. paper and digital documents.

The investigations into 14 OCG members were initiated four years ago. The OCG members are suspected of being involved in a scam of fraudulent investments. They had been collecting money from victims to allegedly make profitable investments on their behalf; however, they used the money for their own profit. More than 60 investors in various States have been victimised by the

OCG; the total damage amounts to approximately € 12 million. Some of the OCG members are suspected of having also caused financial damages to investors in Italy, using the same *modus operandi*. A separate investigation was therefore launched in Italy in the interest of the Italian victims.

One of the persons arrested in Germany was released for health reasons. The other three remain in custody in Germany and Spain; the two arrested in Spain are awaiting a decision on their surrender.

Photos © Shutterstock; *Guardia di Finanza Brunico* (IT)

[Trans-European transport network – Coreper approves mandate for talks on Brexit-related adaptation](#)

Today, the Council's Permanent Representatives Committee (Coreper) approved a mandate which will enable the presidency to start negotiations with the European Parliament on a proposal to **ensure new maritime connections between Ireland and the other EU countries** on the North Sea-Mediterranean core network corridor of the **Trans-European transport network (TEN-T)** in the event that the United Kingdom leaves the EU under a 'no deal' scenario. The reformulation of the corridor will ensure continuity for ongoing and future infrastructure investments and provide legal clarity and certainty for infrastructure planning.

The proposal adapts the 2013 **Connecting Europe Facility (CEF)** regulation, which provides funding for key projects in the transport, telecommunications and energy sectors. After 2020, the CEF regulation will be replaced by CEF 2.0, on which negotiations have just begun between the Council and the European Parliament.

The **Council mandate** amends the Commission proposal in particular regarding the selection of ports to ensure the EU27 link to Ireland in the North Sea-Mediterranean core network corridor. The mandate also specifically mentions investments for security and border checks purposes among investments that would be eligible for support in the remaining programming cycle of the CEF.

The draft amending regulation will enter into force 20 days after publication. It will become applicable the day after the 2013 CEF regulation ceases to apply to the UK.

Negotiations with the European Parliament on the final text are set to start this evening.

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Securing evidence across EU borders

29 January 2019

✘ The European Investigation Order (EIO) is proving its value as a practical tool for speeding up cross border criminal investigations in Europe. Judicial practitioners, however, stress the need for guidance and support, since the EIO requires a sound knowledge of national criminal law systems, quick access to the right contacts and a pragmatic and flexible approach. These are key conclusions in a new [report on the EIO](#) in practice, presented by Eurojust, the EU's Judicial Cooperation Unit. The report is based on input from judicial experts from EU Member States, EU institutions and academia.

On 19-20 September 2018, prosecutors, investigators and judicial experts from across the European Union gathered at Eurojust premises in The Hague to analyse and discuss the experiences on the ground of the first period of application of this new instrument. Eurojust presented those findings in an outcome report published in December 2018. A vast majority of the participants very much welcomed the EIO regime as they see it as a step forward in the area of cross-border evidence-gathering. Practitioners also agreed on the importance of an overall pragmatic and flexible approach. They acknowledged the need to interpret national law in light of EU law and particularly in line with the principles of mutual recognition and mutual trust, but also underlined the challenge of constantly searching for legally sound and practically feasible solutions between different national legal systems. Experts, therefore, welcomed the important bridge-making role of Eurojust, which has been actively assisting, advising and coordinating the national authorities in drafting, transmitting, recognising, and executing EIOs. The participants also underlined Eurojust's unique coordinating role in complex multilateral cases.

Background

The Directive on the European Investigation Order is a stand-alone legal instrument for evidence gathering that applies to all EU Member States, with the exception of Denmark and Ireland. It established a clear process for cooperation between judicial authorities in different Member States for gathering and preserving evidence, carrying out searches, hearings and financial checks, intercepting communications and transferring detainees. It replaced for the Member States bound by it the use of Letters of Request by introducing a standard request form and setting strict deadlines, limiting the reasons for refusing requests and protecting fundamental rights of the defendant. Whilst Member States were required to have their national implementation law in place by 22 May 2017, it is only since 15 September 2018 that the instrument has been fully operational in the Member States bound by it.

More information:

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More information:

Property regimes for international couples in Europe: new rules apply in 18 Member States as of today

The regulations establish clear rules in cases of divorce or death and bring an end to parallel and possibly conflicting proceedings in various Member States, for instance on property or bank accounts. In short, it will bring more legal clarity for international couples.

First Vice-President **Timmermans** said: *“The entry into application of these regulations is good news for the growing number of international couples in Europe. This is about giving certainty to thousands of European couples about what happens to their property if they divorce or one of them dies. I am confident that these regulations will help many European couples manage such difficult times.”*

Vera **Jourová**, EU Justice Commissioner said: *“These new rules will make it easier and cheaper to divide joint assets and provide some relief to people in difficult circumstances. More than 16 million international couples will benefit from clear procedures in case of divorce or death of a partner. They will be able to save around €350 million each year in legal costs. I encourage the remaining Member States to join the enhanced cooperation for the sake of all international couples across the EU.”*

As it was not possible to reach unanimity among all Member States, the rules will apply in 18 Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Finland, France, Germany, Greece, Italy, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Spain and Sweden.

The new regulations will:

- clarify which national court is competent to help couples manage their property or distribute it between them in case of divorce, separation or death;
- clarify which national law prevails in case the rules of several countries could potentially apply;
- facilitate the recognition and enforcement of a judgment given in one Member State on property matters in another Member State.

The 18 Member States that joined the enhanced cooperation make up 70% of the EU population and represent the majority of international couples who live in the European Union. Those Member States adopted the Regulations in June 2016 under enhanced cooperation. The remaining Member States can join both Regulations any time.

The non-participating Member States will continue applying their national law (including their rules on private international law) to cross-border situations relating to matrimonial property regimes and the property consequences of registered partnerships.

Background

Enhanced cooperation allows a group of at least nine Member States to adopt measures if all 28 Member States fail to reach agreement. Other EU countries keep the right to join the enhanced cooperation when they want ([Article 331 TFEU](#)).

On 16 March 2011, the Commission adopted two proposals for regulations dealing with the property regimes of international couples: one for married couples and the other for registered partnerships. These were intended to complement the framework of EU instruments for judicial cooperation in the area of family law. The proposals had to be adopted by unanimity in the Council. In December 2015, the Council concluded that it was not possible to reach unanimity among the 28 Member States.

17 Member States requested the Commission for enhanced cooperation between them in the area of the property regimes of international couples, including both marriages and registered partnerships. Cyprus joined the enhanced cooperation at a later stage. In March 2016, the Commission tabled again the two proposals taking on board the political agreement reached in Council. On 24 June 2016 the Council adopted both Regulations.

For More information

[Factsheet: EU regulations on the property regimes of international couples](#)

[EU Regulations on the property regimes for international couples, covering both marriages and registered partnerships](#)

[Council Decision \(EU\) 2016/954 of 9 June 2016 authorising enhanced cooperation](#) in the area of jurisdiction, applicable law and the recognition and enforcement of decisions on the property regimes of international couples, covering both matters of matrimonial property regimes and the property consequences of registered partnerships

[Council Regulation \(EU\) 2016/1103 of 24 June 2016](#) implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regime

[Council Regulation \(EU\) 2016/1104 of 24 June 2016](#) implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships

More information on [family law](#)