



OSCE Regional Workshop on

Confiscation and Re-use of Criminal Assets on 30-31 May 2022, in Rome, Italy

Opening Session

Intervention by the President of the Italian National Anticorruption Authority, Dr. Giuseppe Busia

Distinguished speakers and participants,

Ladies and Gentlemen,

Good morning.

It gives me great pleasure to welcome all of you to this regional workshop on confiscation and reuse of criminal assets, which brings together policy makers, civil society organizations and the relevant government agencies of the beneficiary participating States.

Today's workshop, organized as part of the extra-budgetary project *“Strengthening the fight against transnational organized crime in South-Eastern Europe through improved regional cooperation in asset seizure, confiscation, management and re-use”*, also funded by the Italian ministry of foreign affairs and international cooperation, will provide us not only with essential knowledge, but also a great opportunity to share both technical and regulatory experiences.

The Italian National Anti-Corruption Authority, which I have the honor of chairing, firmly believes in international cooperation between relevant authorities in the fight against corruption and organized crime, in order to promote the exchange of information, experiences, best practices and lessons learned.

The OSCE's holistic and co-operative approach to security offers a particularly fertile ground for fostering regional dynamics of collaboration.

It is in the deep conviction of the crucial role of the OSCE that ANAC has contributed to the implementation of major OSCE extra-budgetary projects in Armenia and Albania.

As I said before, today's workshop allows us to deepen and discuss the main issues and opportunities regarding the reuse of confiscated assets.



In this regard, I would first like to point out that the rationale behind asset recovery is that organized criminal groups are generally motivated by profit.

Proceeds from crime are usually laundered into property or businesses, moved off-shore, or converted into cash, cryptocurrencies, or high-value goods, such as villas and other luxury houses, cars, yachts, artwork, jewelry and the like.

Since the ideal business model for any criminal is one that offers an optimal balance between low risk and high return, recovering the proceeds of crime and reusing them in the community makes crime less rewarding and therefore less attractive in the end.

I believe that the social reuse of confiscated assets highlighted by public restitution of property, businesses or green spaces to communities affected by organized crime can have an enormous symbolic and psychological effect. And that represent -let me underline this element- a big selling point of the Italian legislation.

The confiscation and reuse of criminal assets not only redistributes the proceeds of crime for the public good, but from a communication point of view it also undermines the image of criminal and corrupt actors as rich and untouchable.

It also proves that crime does not pay.

Asset recovery can also be an effective response to citizens' frustration at seeing criminals profiting from illicit activities and keeping their illicit earnings.

Confiscation and seizure of assets are central to international legal instruments used to combat crime, such as the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption.

At the European level, the need to strengthen the EU asset recovery regime has long been recognized by the EU institutions.

In June 2020, the Council invited the Commission to consider strengthening the legal framework on the management of frozen assets and granting asset recovery offices additional powers, for example for the urgent freezing of assets, and access to a series of public registers.

The European Parliament has also called for strengthened rules for asset recovery.



These calls complement the previous request by both co-legislators to analyze the feasibility of introducing further common rules on the confiscation of assets deriving from criminal activities, even in the absence of conviction.

Following all these calls, the European Commission adopted, a few days ago, on 25 May, a Proposal for a Directive on asset recovery and confiscation.

The proposed Directive shall strengthen the capacities of competent authorities to identify, freeze and manage assets and reinforce and extend confiscation capacities to cover all relevant criminal activities carried out by organized crime groups, thus allowing the confiscation of all relevant assets.

Lastly, the Directive shall improve cooperation between all authorities involved in asset recovery and promote a more strategic approach to asset recovery through a greater commitment by these authorities to achieve common goals in this area.

I have taken the liberty of dwelling on the proposed Directive because, although all participating States beneficiaries of this Project, namely Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia, have introduced legislation on asset recovery, I believe that it is of fundamental importance to update the existing regulatory framework, taking inspiration from the provisions of the proposed Directive.

In my opinion, the proposed Directive attaches - rightly - great importance to the concept of Cooperation.

There is now a full recognition that without this cooperative and collaborative action, the fight against organized crime and corruption is doomed to failure.

This is the reason that prompted ANAC to sign cooperation agreements with government agencies and civil society organizations operating in the field of confiscated assets.

Asset recovery is not a simple procedure.

This is why effective, efficient and transparent management of assets confiscated from criminals is essential to ensure the maximum integrity and fairness of the entire process.

In this regard, civil society can play not only a watchdog function by carrying out external monitoring and evaluation of asset management process, as many civil society organizations in Italy have done



and are still doing, but also a fundamental key active role in promoting the social destination and in concretely finding the better use of these assets for public purposes.

In conclusion, recovering the proceeds of crime and reusing them in the community makes crime less attractive, denies criminals assets that could have financed further illegal activities or used to gain power.

Conversely, social reuse helps not only build community resilience to organized crime, but also build closer partnerships between civil society and national governments.

Thank you for your attention.