





# Police

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**Köln**

**25<sup>th</sup> February 2008**

**Harmonising the fight  
against fraud and  
corruption in Europe**

**Together we are stronger?  
... Are we stronger?**

**Speaker: Johan Denolf**

# Together we are stronger? ... Are we stronger?

Fraud ... Who and why?

Establishing and optimizing operational co-operation in anti-corruption investigations – the Belgian anti-corruption unit

Belgian Federal Police and OLAF

Fight against corruption in Belgium: are we really that successful?

# Together we are stronger? ... Are we stronger?

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# Corruption ...



What is the issue?

This definitely is the issue ...



# How honest are people?

**10 %**  
Very honest



**80 %**  
People as honest as the  
system allows them to be...



**10 %**  
Very dishonest

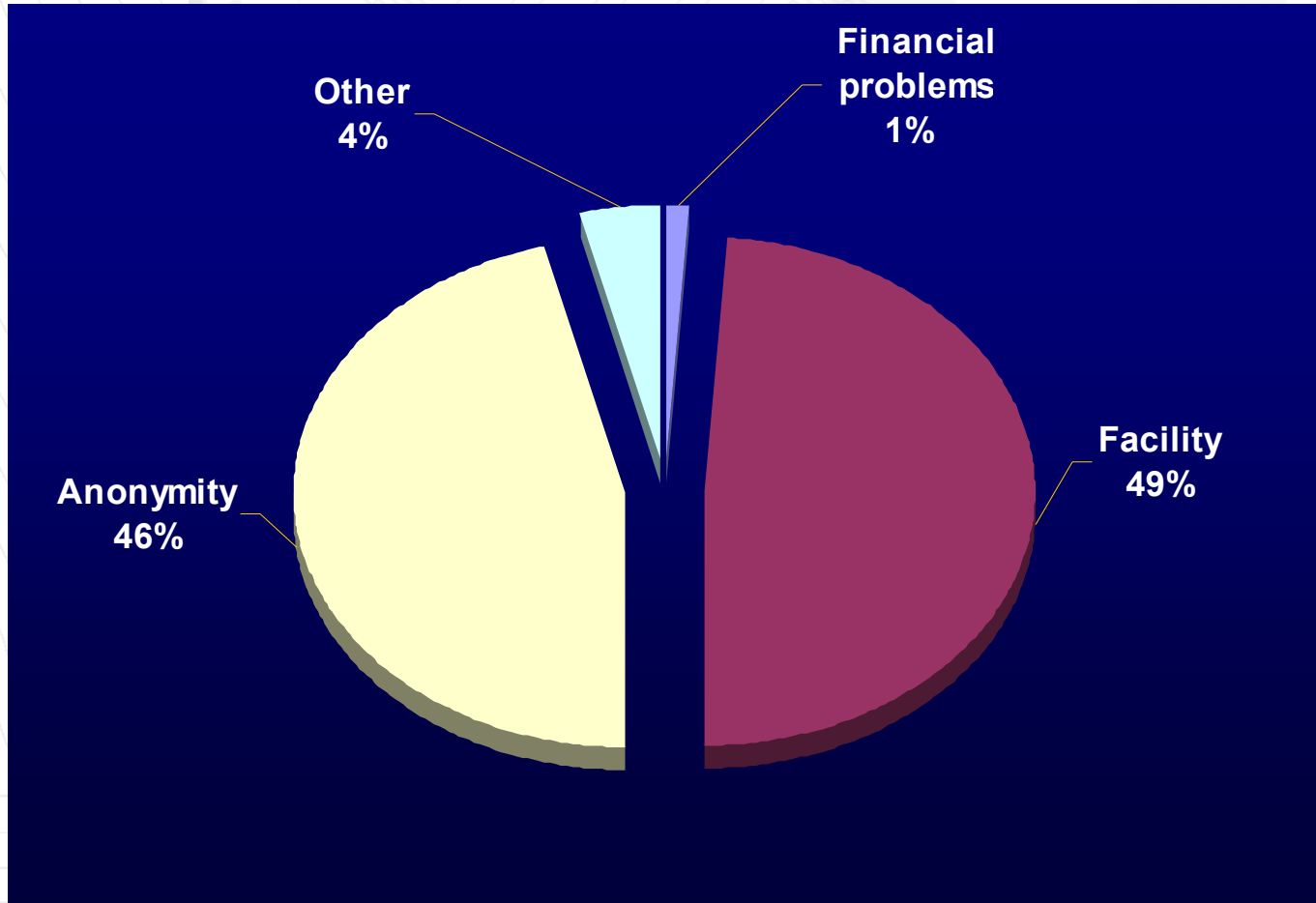


So ...

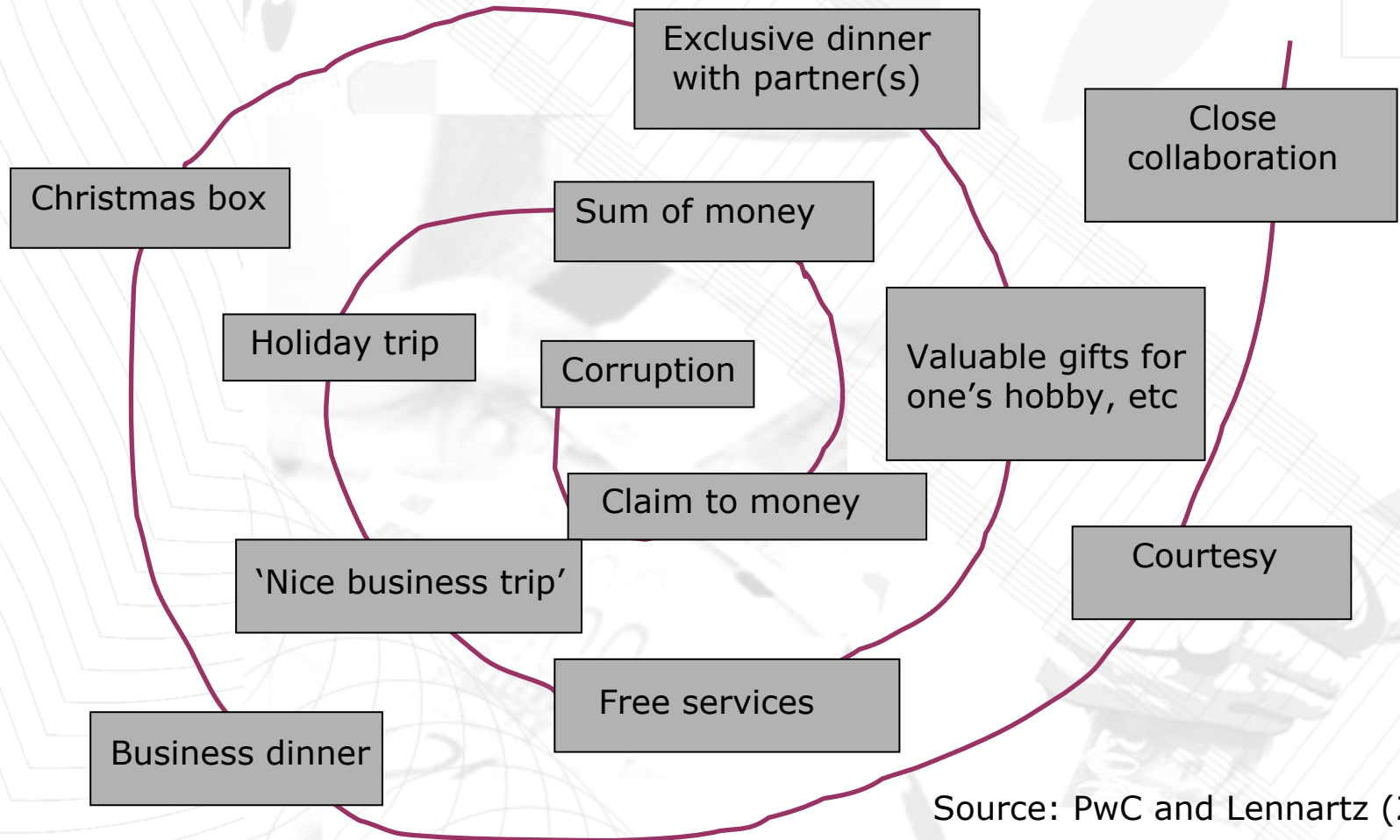
Almost  
everybody  
can commit  
fraud!!!



# Why do people commit fraud?



# The temptation may be strong!



Source: PwC and Lennartz (2000)

# In the public sector, ...

## „Fraude in Charleroi ongezien"

Bedrijfsrevisor Delvaux, die de audit in Charleroi leidde, omschrijft het gesjoemel als „ongezien"

## Ambtenaren lichten Vlaamse overheid op voor 3 miljoen euro

Twee topambtenaren hebben de Vlaamse overheid voor 3 miljoen euro opgelicht. Dat heeft een onderzoek van het Antwerpse parket uitgewezen. De ambtenaren hadden een holding met drie bedrijven opgericht en misbruikten hun vertrouwensfunctie om zelf overheidscontracten binnen te halen.



## Chef Defensie reageert op marinefraude

Trends.be | door Hans Brockmans n | 01 februari 2007

## Gouverneur tikt stad op vingers

Toewijzing imagocampagne aan Slangen onzorgvuldig verlo...

23-10-2007, 16:39:58

## 'Schepen Stevens nam geld aan'

... in the private sector ...



**Gunsten en kortingen hielden winst Ahold  
overeind**

Recordaantal meldingen private omkoping

21-8-2007



**JCDecaux**  
*showcasing the world*

**JCDecaux reageert op beschuldiging van corruptie (19/03/2007)**

# ... and at European level



## « Un Belge corrompu pour Tchernobyl.

La triche portait sur 2,5 pc de marchés importants. »

[La Libre Belgique – 07/11/2006]

## « Juteux délit d'initié pour des céréaliers.

Une enquête révèle une manipulation à échelle européenne sur le prix des céréales. »

[La Libre Belgique – 17/10/2003]

## « Plus de 10 ans de fraude. »

[7sur7 – 28/03/2007]

## « Des millions d'euros détournés. »

[La Meuse – 29/03/2007]



## « Scandale financier à la Commission européenne.

Trois Italiens, dont un fonctionnaire de la Commission, sont détenus à Bruxelles.

L'affaire a des ramifications en France.

[Le Figaro – 29/03/2007]

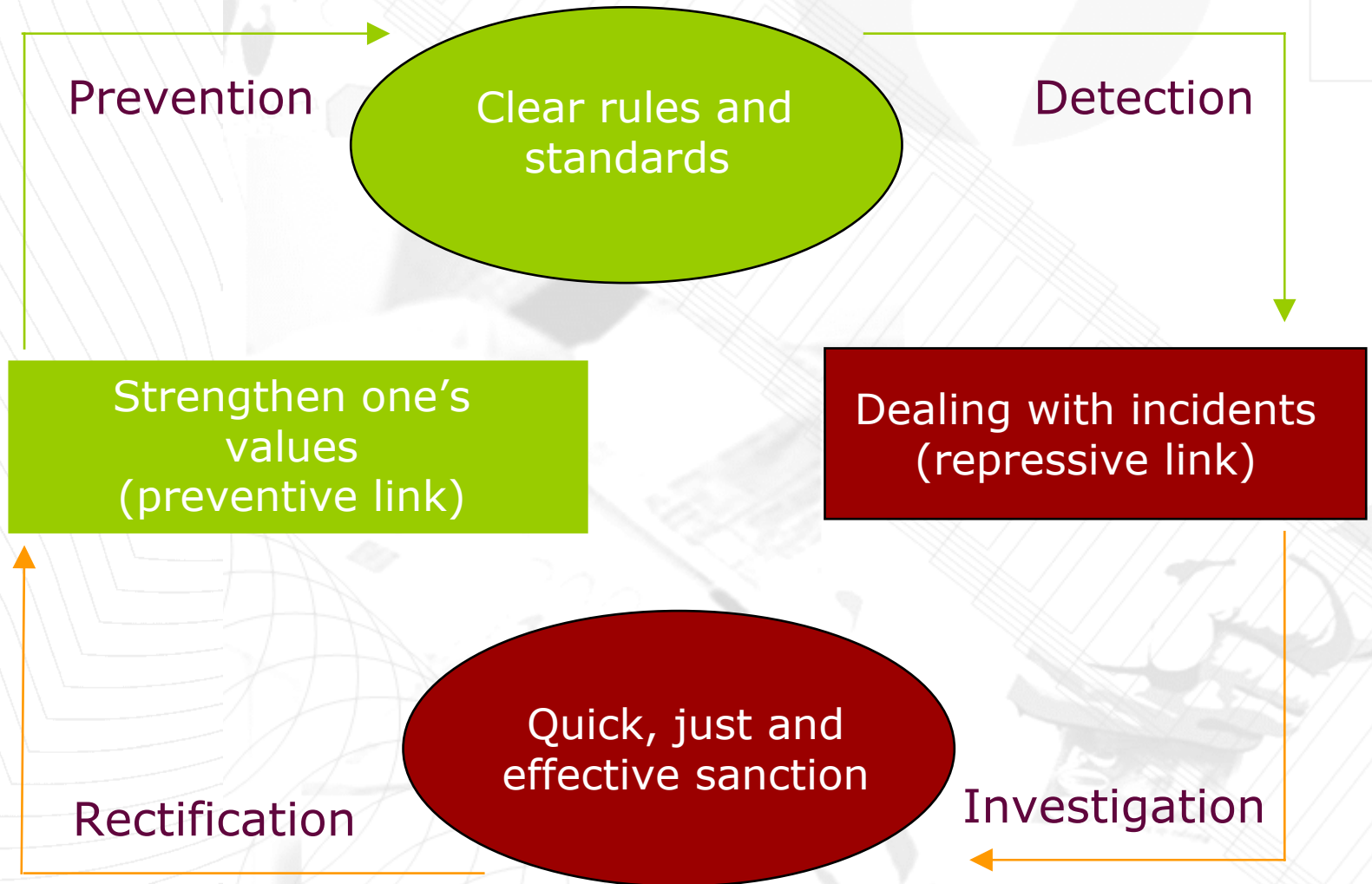
## « 30 fonctionnaires européens perquisitionnés pour corruption. »

[Trends – 28/03/2007]

« Une firme finlandaise de construction s'était vue réclamer un pot-de-vin de 345.000 euros »

[La Libre Belgique – 29/03/2007]

# Between one's sense of values and possible incidents



# Preventive link: control measures

## Prevention

- Establish clear **procedures**
  - Delegation of competence and levels of authorization (also embedded in IT)
  - Split prohibition (authorization threshold)
  - Obligation to document oneself (e.g. choice of suppliers)
  - Impose standards
  - Qualitative and quantitative receipt (goods and services)
  - Inventory of stock and capital goods
  - Separation of duties ...
- **Job rotation** purchasers
- Make sure that **duties** are **separated** enough
- Include audit clauses
- ...

## Detection

- **Process analyses aimed at the risks**
- Proactive verification of **relevant files**
  - File of suppliers
  - File of payments
- Systematic screening of **conflicts of interest**
- Setting up **complaints and registration systems**
  - Extra duties
  - Interests in the private sector
- Making **arrangements for whistle-blowers**
- ...

# Preventive link: integrity instruments

- Create a favourable **climate to report** irregularities
- Implement a *practicable* **code of behaviour** and/or a **suppliers' charter**
- Establish **positions involving confidentiality**
- **Screen** the integrity of new employees
- Organize **dilemma exercises**
- Integrate integrity aspects in **work consultations** and **performance interviews**
- ...

# Repressive link

## Investigation

- Scenario reactive investigations
- Reduce/assess the damage

## Rectification

- Inform about incident and settlement
- Discourage recidivism
- Recover suffered losses



# Repressive link: how to co-operate?

- Create a climate of good **co-operation** between the private sector and law enforcement agencies
- **Arrangements** between private and public partners about who does what
- **Mutual trust!!!**
- Clear, mutual, correct and complete **communication** until the end
- **Involve** the private sector in the final settlement of the dispute by the public sector



A supplier may be a partner of your organization ...  
but also your worst nightmare!

Keep relations professional and successful by carrying  
out proactive audits regularly!

# Together we are stronger? ... Are we stronger?

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Fight against corruption in Belgium: are we  
really that successful?

**Directorate  
economic and financial crime  
in the  
Belgian Federal Police**

# The Belgian Integrated Police

Law dd 07-12-1998  
**INTEGRATED POLICE**  
**ORGANIZED AT 2 LEVELS**

**PARLIAMENT**

**GOVERNMENT**

**Federal Police**

**1**

**+/- 12,600**

**« Specialized »**

**Local Police**

**196**

**+/- 30,700**

**« Not specialized »**

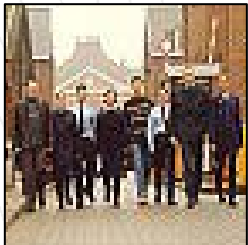
# The Belgian Federal Police

**CG**  
**commissioner**  
**general**

**DGA**  
**administrative**  
**police**

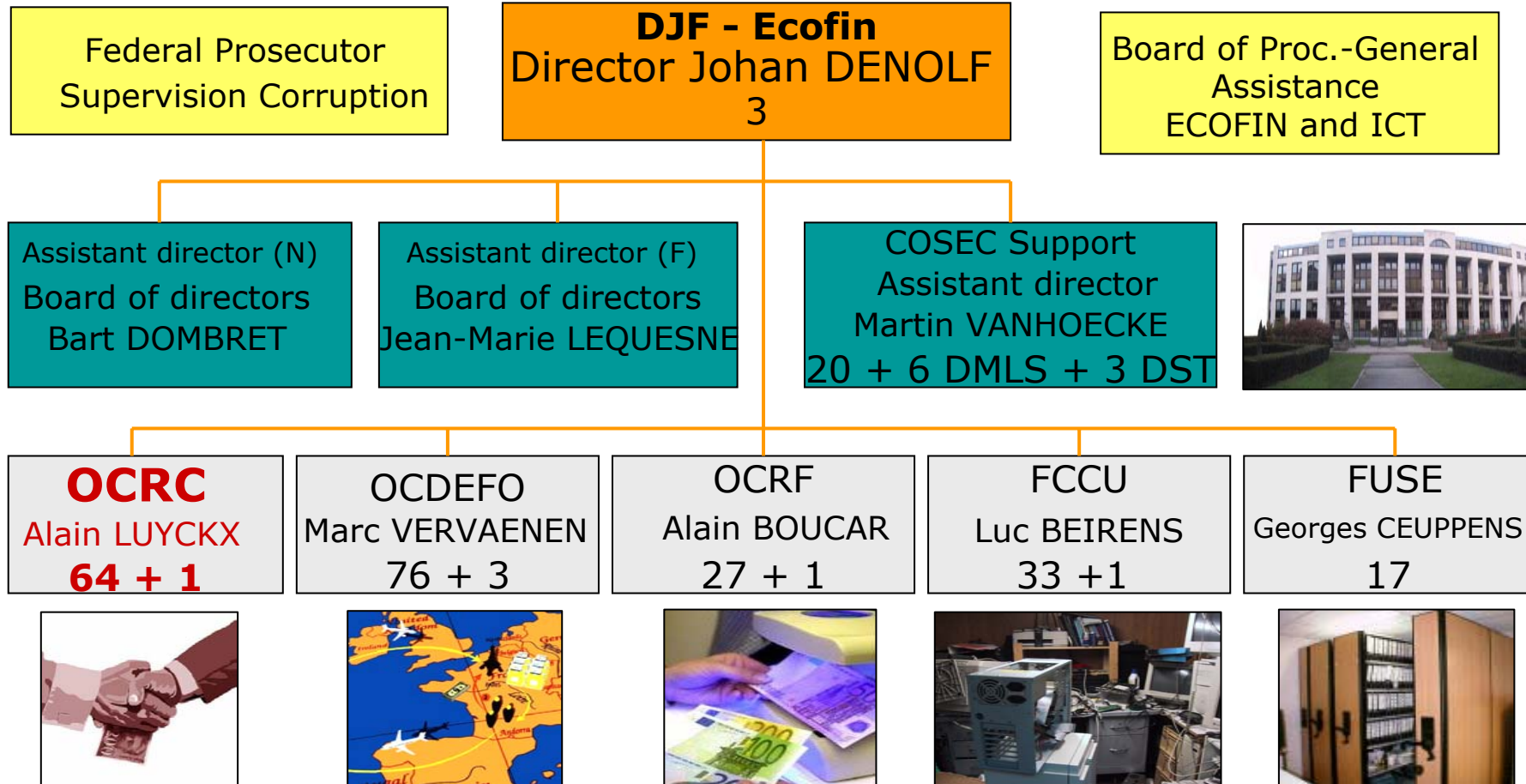
**DGJ**  
**judicial**  
**police**

**DGS**  
**operational**  
**support**



# DJF – ECOFIN -- 250 collaborators

## Directorate economic and financial crime





# Directorate economic and financial crime

## MISSION STATEMENT

**Helping to control and fight socially disruptive phenomena in the field of serious and organized financial and economic crime, corruption, ICT crime and forgery,**

**by developing and providing:**

- conceptual, operational and technical support**
- information, expertise and co-ordination**
- highly specialized *CID police capacity***

# **C**entral **O**ffice **A**gainst **C**orruption **(OCRC / CDBC)**

**64 + 1 collaborators**

# How does it tackle corruption?

- Operational unit functioning as a District Judicial Service
- The oldest anti-corruption unit in the modern world!
  - It goes back to 1910! = High Supervisory Committee controlling the Belgian administration. Centenary in 2010!!!
  - In 1919: Belgian judicial police – 4 collaborators from ...
- Very specialized:
  - High-level experts!
  - Collaborators' level of education: 70 % univ. or master
  - Many specializations, e.g. law, civil and constructional engineers, criminology, political sciences, medicine, ...
- Working all over the country and far abroad
  - Conducting their own inquiries or in support
- Privileged partner of OLAF

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**ONLY AN ABSTRACT OF OUR  
EXPERIENCE IN FIGHTING  
CORRUPTION TOGETHER WITH  
OLAF**



# ESTABLISHING CO-OPERATION BETWEEN OLAF AND THE NATIONAL POLICE SERVICES



# INDIVIDUAL OBJECTIVES?

## OLAF

➔ **PROTECTION OF  
THE FINANCIAL  
INTERESTS OF THE EU**

➔ **CO-OPERATION  
+ ALL MS**

➔ **STRENGTHENING  
THE CRIMINAL LAW  
DIMENSION**

## POLICE

➔ **CONTRIBUTING TO  
THE PROTECTION OF  
NATIONAL PUBLIC  
FINANCIAL INTERESTS**

➔ **IMPLEMENTATION OF  
NATIONAL POLICY**

➔ **APPLYING NATIONAL  
CRIMINAL LAW**

# COMMON OBJECTIVES?

**TO CONTRIBUTE TO AN ANTI-FRAUD POLICY THROUGH AN INTEGRATED APPROACH IN ALL MEMBER STATES**

**INDIVIDUAL OBJECTIVES**

**+ COMMON OBJECTIVE**

**=> CLOSE CO-OPERATION**

# INDIVIDUAL COMPETENCES

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graph TD; A[INDIVIDUAL COMPETENCES] --> B[OLAF]; A --> C[POLICE]
```

## OLAF

➔ **FRAUD IN GENERAL**

➔ **INDEPENDENT**

➔ **EU INSTITUTIONS**

## POLICE

➔ **DIFFERENT APPROACHES IN CRIMINAL MATTERS**

➔ **UNDER THE CONTROL OF MAGISTRATES**

➔ **NATIONAL TERRITORY**

# INDIVIDUAL METHODS

**OLAF**



**POLICE**

👉 **ADMINISTRATIVE PREVENTIVE ANALYSES OF FILES**

<> **SEIZURE OF SUSPICIOUS FILES**

👉 **SEARCH IN EU OFFICE (DISCREET)**

<> **HOUSE SEARCHES EVERYWHERE**

👉 **OFFICE PHONE REGISTER (ACCESS TO PUBLIC No INFO)**

<> **WIRETAPPING (ALSO SECRET No, MOBILE**

# INDIVIDUAL METHODS

**OLAF**



**POLICE**



**RELATIVE OBLIGATION FOR EU OFFICIALS TO  
CO-OPERATE AS WITNESSES**

**<> RIGHT TO REMAIN SILENT**



**INTERNAL EU ADMINISTRATIVE DATA BANK**

**<> MULTIPLE DATA BANKS**



**ACCESS TO ALL EU SITES WORLDWIDE**

**<> INTERNATIONAL ROGATORY LETTERS**



**TRANSNATIONAL RISK ANALYSIS**

**<> MULTIDISCIPLINARY STRATEGIC ANALYSIS**

# COMMON TECHNIQUES

➔ **DUE TO THE ORIGIN OF  
THE MEMBERS OF OLAF  
(LAW ENFORCEMENT)**

**E.G.: ANALYSIS METHODS, INTERVIEWS,  
INQUIRIES, OPERATIONAL FILE  
MANAGEMENT, PREPARATION OF  
OPERATIONS, SPECIAL TECHNIQUES, ...**

# BELGIAN POINT OF VIEW

## EUROPEAN DIMENSION OF OUR WORK:

- **OBLIGATION TO CO-OPERATE (ART. 280)**  
<> OPPORTUNITY TO PROSECUTE
- **BRUSSELS = CAPITAL OF EUROPE**
- **LEGAL INTERNATIONAL COMPETENCE**
- **PROXIMITY OF OLAF**
- **OLAF'S KNOWLEDGE OF THE BELGIAN SYSTEM**
- **NO EUROPEAN PENAL COURT OR PROSECUTOR**
- **BELGIAN FEDERAL PROSECUTOR FOR CO-ORD**

# FORMS OF COLLABORATION

- **EXCHANGE OF OPERATIONAL INFORMATION**
- **SHARING STRATEGIC / RISK ANALYSES**
- **INTERVIEWING OLAF AS A WITNESS/EXPERT**
- **PREPARATION OF ROGATORY COMMISSIONS**
- **PREVIOUS VERIFICATION OF INFORMATION**
- **HELPING TO FIND THE WAY THROUGH EC ...**
- **OFFERING ASSISTANCE IN HOUSE SEARCHES**
- **EXAMINATION OF SEIZED DOCUMENTS**
- **ADVICE**
- **TRAINING**

# DIFFICULTIES

**SECRECY OF CRIMINAL INVESTIGATIONS**

**COMPLEXITY AND DURATION OF  
INVESTIGATIONS**

**(EVIDENCE, MONEY, STATUS OF SUSPECTS)**

**DIPLOMATIC IMMUNITY**

**DIFFERENCES IN EU PROCEDURES (TENDERS)**

**BORDERS FOR THE POLICE**

**27+1 DIFFERENT CULTURES AND LEGAL SYSTEMS**

**CAPACITY OF THE MS POLICE FORCES**

**(NEW MISSIONS)**

# OPTIMIZING CO-OPERATION BETWEEN OLAF AND THE MS POLICE SERVICES

- ✓ **TECHNICAL ASSISTANCE**
- ✓ **SUPPORT OF EUROJUST**
- ✓ **INVOLVING MS EARLY** IN ADM INVESTIGATIONS
- ✓ **JOINT INVESTIGATION TEAM**
- ✓ **CO-ORDINATION WITH EUROPOL**
- ✓ **EUROPEAN PROSECUTOR'S OFFICE**
- ✓ **EXPERTISE FROM THE EUROPEAN COURT OF  
AUDITORS**

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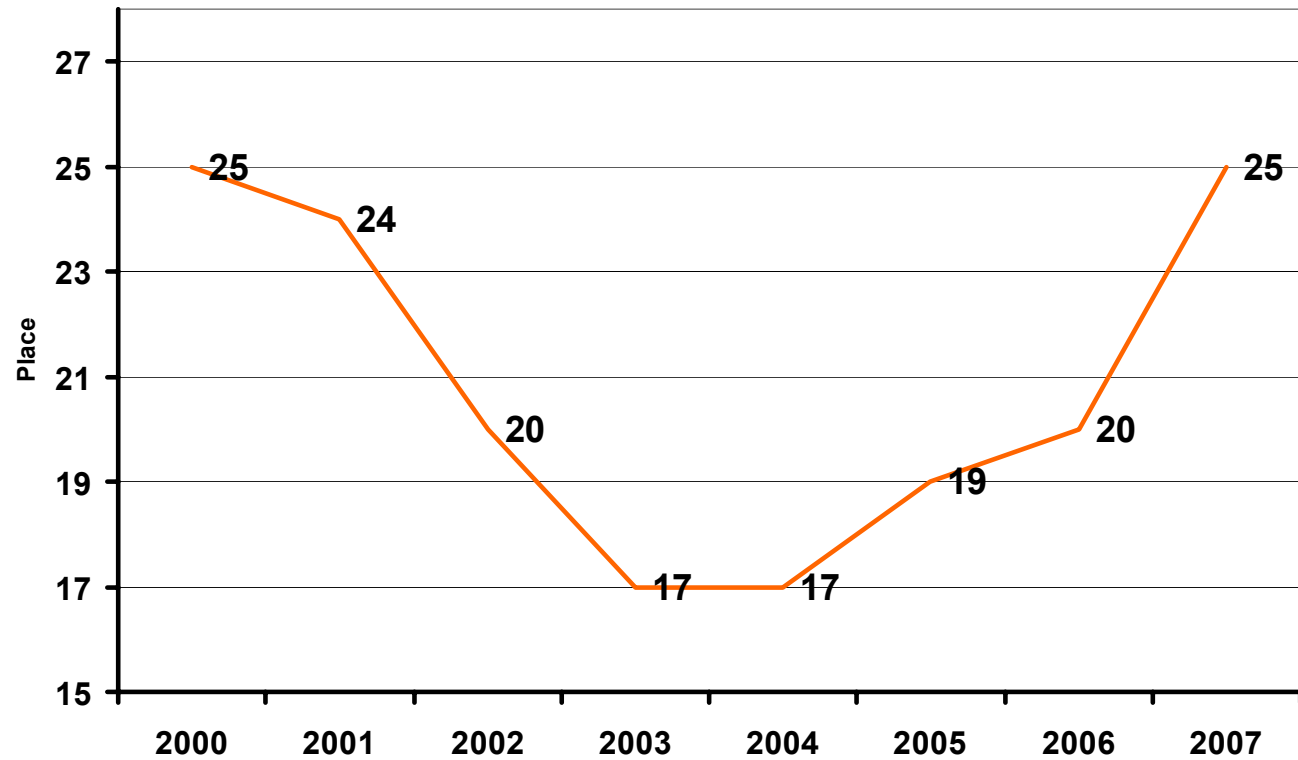
WHAT MATTERS MOST  
IS HOW YOU SEE YOURSELF.



# But ...

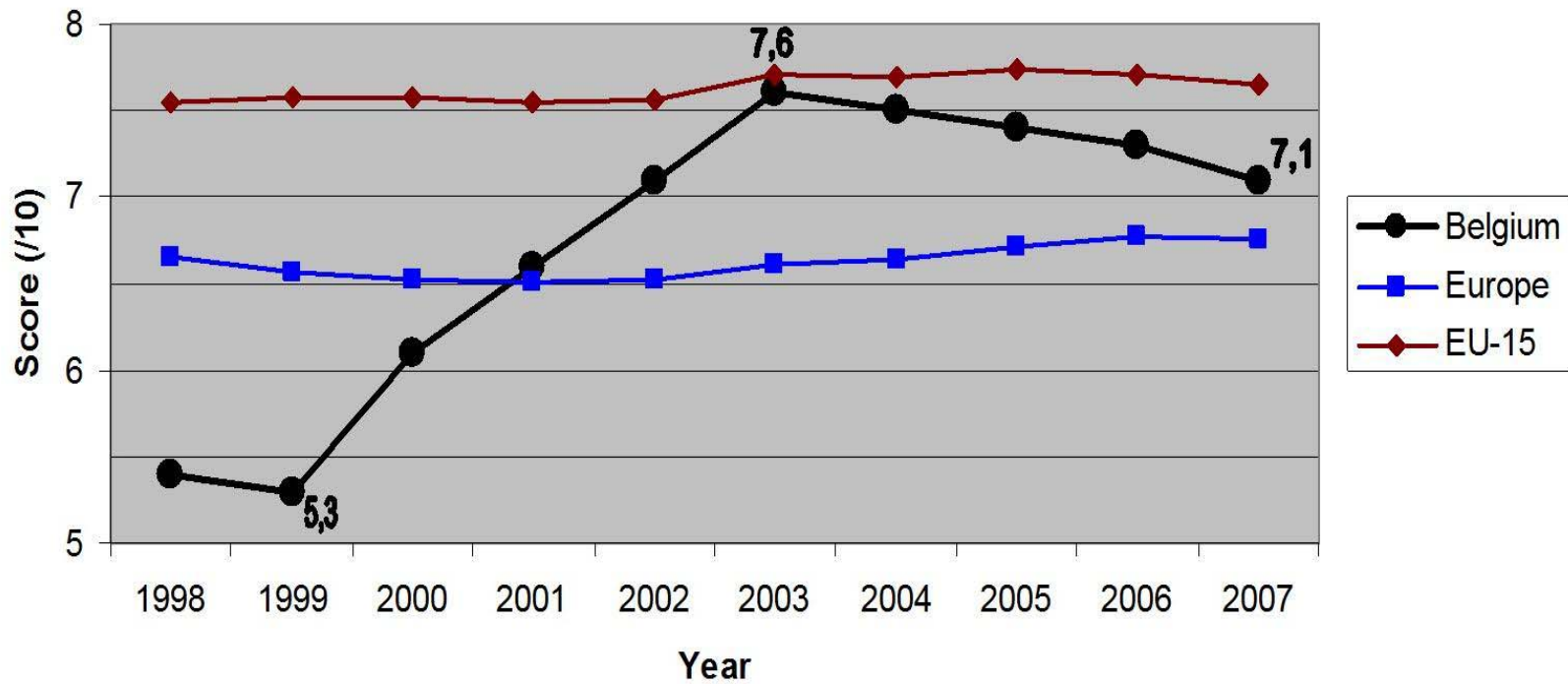
ACI ranking of Belgium

2000	25
2001	24
2002	20
2003	17
2004	17
2005	19
2006	20
2007	25



Or ...

### Evolution of the Corruption Perceptions Index (1998-2007)



(Source : Transparency International, 1998-2007)

**And now?**

**What the hell went  
wrong?**

# Definitely ...



So ...

Did Belgium become more corrupt over the years?

Or ...

Was law enforcement just more successful in the fight against corruption creating the visible effect?

# Conclusion

Law enforcement must invest in the fight against corruption

This will show in the press and in the anti-corruption perception index

Consequence: your country will and must temporarily go down in the ACI!

But: this can only be temporary

Or: something is really wrong ...

However, it is most certain that ...

**IF EVERYTHING SEEMS TO BE  
GOING WELL ...**

**... YOU OBVIOUSLY DO NOT  
KNOW WHAT THE HELL IS  
GOING ON!**



**Thank you!**

# Questions?



# Contact

## FEDERAL JUDICIAL POLICE

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economic and financial crime

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[www.fedpol.be](http://www.fedpol.be) – publications – annual reports

