

Subsidiary Legislation made under s. 49 of Mutual Legal Assistance (European Union) Act 2005 as read with section 23(g)(i) of the Interpretation and General Clauses Act.

**COOPERATION BETWEEN ASSET RECOVERY
OFFICES REGULATIONS 2014**

(LN. 2014/221)

Commencement **1.12.2014**

Amending
enactments

Relevant current
provisions

Commencement
date

Transposing:

Council Decision 2007/845/JHA

EU Legislation/International Agreements involved:

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.
2. European Asset Recovery Office.
3. Cooperation between Asset Recovery Offices.
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In exercise of the powers conferred upon him by section 49 of Mutual Legal Assistance (European Union) Act 2005 as read with section 23(g)(i) of the Interpretation and General Clauses Act and all other enabling powers, and in order to transpose Council Decision 2007/845/JHA concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime, the Minister has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Cooperation between Asset Recovery Offices Regulations 2014 and come into operation on 1 December 2014.

European Asset Recovery Office.

2.(1) There shall be located within the Royal Gibraltar Police an European Asset Recovery Office (referred to in these regulations as the Office).

(2) The purposes of the Office shall be the facilitation of the tracing and identification of proceeds of crime and other crime related property which may become the object of a freezing, seizure or confiscation order made by a competent judicial authority in the course of criminal or, as far as possible under the national law of Gibraltar, civil proceedings.

Cooperation between Asset Recovery Offices.

3. The European Asset Recovery Office shall, in accordance with the 2007 Council Decision, cooperate with other Asset Recovery Offices (within the meaning of article 1 of the 2007 Council Decision), for the purpose set out in regulation 2(2), by exchanging information and best practices, both upon request and spontaneously.

Exchange of information between Asset Recovery Offices on request.

4.(1) The Office may make a request to an Asset Recovery Office of Member State participating Council Decision 2007/845/JHA for information for the purposes set out in regulation 2(2). To that end it shall rely on the Exchange of Information and Intelligence between European Law Enforcement Authorities Regulations 2014 in respect of such requests.

(2) When filling out the form provided for under Framework Decision 2006/960/JHA, the Office shall specify the object of and the reasons for the request and the nature of the proceedings. It shall also provide details on property targeted or sought (bank accounts, real estate, cars, yachts and other high value items) and/or the natural or legal persons presumed to be

involved (e.g. names, addresses, dates and places of birth, date of registration, shareholders, headquarters). Such details shall be as precise as possible.

Spontaneous exchange of information between Asset Recovery Offices.

5.(1) The Office may, within the limits of the applicable law of Gibraltar and without a request to that effect, exchange information which it considers necessary for the execution of the tasks of another Asset Recovery Office in pursuance of purpose set out in regulation 2(2).

(2) Regulation 4 shall apply to the exchange of information under this regulation *mutatis mutandis*.

Exchange of best practices.

6. The Office shall exchange best practices concerning ways to improve the effectiveness of Member States' efforts in tracing and identifying proceeds from, and other property related to, crime which may become the object of a freezing, seizure or confiscation order by a competent judicial authority with other Asset Recovery Offices.

Relationship to existing arrangements for cooperation.

7. These regulations are without prejudice to existing arrangements for cooperation which apply to Gibraltar.