

EU POLICIES AGAINST CORRUPTION AND TAX CRIME

Intitulé du cours / *Course title*

Discipline <i>Academic field</i>	Droit
Enseignant <i>Teacher</i>	Alexandre Met-Domestici
Contact <i>E-mail address</i>	Alexandre.met-domestici@sciencespo-aix.fr
Niveau de formation <i>Academic level</i>	4th year + International Students
Volume horaire <i>Hours</i>	20h
Langue <i>Language</i>	English

Description du cours / *Course outline*

The course aims at providing students with an analysis of the European legal framework of the fight against corruption, money laundering and tax crime. Teaching focuses on specific topics such as the role of legal professionals in the fight against money laundering or the risk-based approach to this fight. Several major reforms are analyzed, such as the creation of the European Public Prosecutor's Office and the forthcoming creation of a European Anti-Money Laundering Authority.

Objectifs pédagogiques du cours / *Course objectives*

Providing students with an overview of the fight against corruption at the EU level. Focusing on the Framework Decision on Corruption in the Private Sector, the Commission's Anti-Corruption Report, and the fight against corruption in the EU's Neighborhood Policy, as well as the enlargement of the EU. Focusing on the Protection of the EU's financial interests, the role of OLAF (the EU's Anti-Fraud Office) and the creation of the EPPO (the European Public Prosecutor's Office).

Providing students with an overview of the fight against money laundering at the global and EU levels. Focusing on the main issues raised by the implementation of the EU AML directives. Analyzing the 3rd, 4th and 5th EU AML directives. Analyzing the forthcoming AML Regulation, 6th AML Directive and Regulation establishing an AML Authority.

Compétences acquises / *Learning outcomes*

General knowledge and understanding of global and EU anti-corruption and AML legislation. Understanding of the main challenges arising from the implementation of this legal framework. Understanding the challenges of cooperation and harmonization at the European level.

Plan de cours par séance / *Course content for each session*

Session 1 - Introduction – Historical and Theoretical Framework

Session 2 - General Aspects of the Fight against Corruption at the EU Level

Session 3 - Main Shortcomings of the Protection of the EU's Financial Interests – the Link Between OLAF and National Authorities

Session 4 - Main Shortcomings of the Fight against Corruption in the EU – Compliance with Procedural Fundamental Rights

Session 5 - The Creation of a European Public Prosecutor's Office – Cooperation Between OLAF and the EPPO

Session 6 - The Fight against Money Laundering - Predicate Offences and Obligated Entities

Session 7 - The Case of Lawyers – the Compliance of the Duty to Report with the Right to a Fair Trial

Session 8 - The Risk-Based Approach – the Levels of Customer Due Diligence and the Case of Politically Exposed Persons

Session 9 - Cooperation in the Fight against Money Laundering

Session 10 - The current Reform Process – The Commission's Anti-Money Laundering Action Plan and subsequent Proposals

Références bibliographiques / *Bibliography*

- https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12176-Money-laundering-terrorism-financing-action-plan_en
- https://finance.ec.europa.eu/publications/anti-money-laundering-and-counterering-financing-terrorism-legislative-package_en
- Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex:32018L0843>
- Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32019L1153>

- FATF, International Standards on Combatting Money Laundering and the Financing of Terrorism and Proliferation, the Recommendations, Paris, 15 February 2012, <http://www.fatf-gafi.org/topics/fatfrecommendations/documents/internationalstandardscombatingmoneylaundryingandthefinancingofterrorismproliferation-thefatfrecommendations.html>.
- ECJ, Grand Chamber, case C-305/05, *Ordre des barreaux francophones et germanophones, Ordre français des avocats du barreau de Bruxelles, Ordre des barreaux flamands, Ordre néerlandais des avocats du barreau de Bruxelles v. Conseil des Ministres*, 26 June 2007.
- ECtHR, case n° 12323/11, *Michaud vs. France*, 6th December 2012
- Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the Prevention of the Use of the Financial System for the Purpose of Money Laundering or Terrorist Financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, OJ L 141, 5 June 2015
- <https://eur-lex.europa.eu/EN/legal-content/summary/the-establishment-of-the-european-public-prosecutor-s-office.html>
- Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017R1939>
- https://anti-fraud.ec.europa.eu/policy/policies-prevent-and-deter-fraud/olaf-regulation_en
- Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R2223>

Mini CV de l'enseignant / Mini CV of the teacher

since February 2008 : **Associate Professor -Maître de Conférences-**, Sciences-Po, Aix-en-Provence, France.

- Lectures in **Public Law, Institutional and Substantive EU Law, EU Anti-Money Laundering Law, Anti-Corruption Law, EU business Law-**, EU Politics, Theories of European Integration, External Relations of the EU.

. since September 2019: **Fellow Researcher, CEFRES**, Prague, Czech Republic

. since September 2010: **Jean Monnet Professor:**

- since September 2014: **Jean Monnet Chair** on "The EU's Role in the Fight against Economic Crime".

- 2010 – 2013: European **Module** on « The EU's Role in the Fight against Corruption and Money Laundering ».

. January 2008 – July 2015: **International Program Advisor**, Institute of Political Science -in charge of outgoing students-, **Erasmus Coordinator**.

. October 1999 - December 2007: **Assistant Professor**, Faculty of Law and Sciences-Po, Aix-en-Provence. Lectures in **Public Law -Administrative and Constitutional Law-**, **European Law** and seminars in **Public Law, Administrative Law, EC Substantive Law** and **Tax Law**.

. other teaching activities:

- since May 2011: **Visiting Professor, Mykolas Romeris University, Vilnius, Lithuania.** Lectures about **the Eastern Partnership**, within the “European Identity” Module.

- since May 2010: **Visiting Professor** at the Institute of Political Sciences, **Charles University, Prague, Czech Republic** -EU Institutional Law, EU Politics, EU Anti-Money Laundering and Anti-Corruption Law-.

- July 2002: Lecture in EC substantive law at the **Ecole Nationale de la Magistrature** -the French Postgraduate School for Judges-

RESEARCH

Ph.D

. November 2004: Ph. D. thesis on “European Community Competition Law and the General Interest”, *summa cum laude*.

Articles

- EU Anti-Corruption and Anti-Money Laundering Law

. February 2019: “Strengthening the Fight against Money Laundering and Terrorism Financing: an Opportunity to Increase Cooperation at the European Level?”, in “Libertés, (l)égalité, humanité”, a Tribute to President Jean Spreutels, Bruylant, Brussels, 2019, p. 943.

. January 2018: “The Decentralized Structure of the EPPO from the Commission's proposal to the Final Act ”, EUCRIM, Max Planck Institute for Foreign and International Criminal Law, n°3/2017, p. 143.

. January 2017: “The Fight against Money Laundering in the EU: The Framework Set by the Fourth Directive and its Proposed Enhancements’, EUCRIM, Max Planck Institute for Foreign and International Criminal Law, n° 4/2016, p. 170.

. July 2016: « Ensuring Integrity in Public Procurement », conference proceedings, 12th International Symposium on Public Management, Institute for Public Management and Economic Development, French Ministry of Finance, 2016, Paris, p. 43.

. March 2016: « The EPPO at the European Level: Institutional Layout and consequences on the Link with the National Level », in « The European Public Prosecutor’s Office and National Authorities », Ed. Celina Nowack, Coll Giustizia Penale Europea, Wolters Kluwer, CEDAM, 2016, p. 35.

. April 2015: « The legal framework of Anti-Money Laundering in the EU », Revue de l’Union européenne, n° 587, April 2015, p. 217.

. November 2013: « The Reform of the Fight against Money Laundering in the EU », EUCRIM, Max Planck Institute for Foreign and International Criminal Law, n° 3/2013, p 89.

. February 2012: « The Reform of the EU's Anti-Corruption Mechanism », EUCRIM, Max Planck Institute for Foreign and International Criminal Law, n° 1/2012, p 25.

- EU Public Law

. February 2009: « National Parliaments' Control over the Compliance of EU Acts with the Subsidiarity Principle », Review of the Common Market and the European Union, n°525, February 2009, p 88.

. February 2008: « Completing the Liberalization of Postal Services. – Universal Service at the time of Free Competition- », Review of the Common Market and the European Union, n° 515, February 2008, p 114.

. October 2006: « State Aids, Public Service and EC Law – Analyzing the Validity of Public Service Compensations », Actualité Juridique Droit Administratif n° 34 / 2006, p 1881.

. April 2002 : case law commentary : ECJ 19 February 2002, *J.C.J. Wouters... c/ Algemene Raad van de Nederlandse van Advocaten*, aff. C-309/99, online journal « Droit 21.com ».

February 2002: « The « Complaint » Procedure in EC Law », Revue de la Recherche Juridique n°1 – 2002, p 465.

. December 2001: case law commentary ECJ 13 March 2001, *Preussen Elektra AG*, aff. C-379/98 and ECJ 17 May 2001, *TNT Traco SpA*, aff. C-340/99, online journal « Droit 21.com ».

. May 2001: « Postal Services in the EC between furthering Liberalization and preserving the General Interest », Review of the Common Market and the European Union, n° 448, May 2001, p 327.

- Public Law

. December 2007: « Legal Certainty : the Recent Acknowledgement of an Ancient Requirement – Analyzing the French Conseil d'Etat's Admission of the Legal Certainty Principle », Revue de la Recherche juridique, n°4 / 2007, p 1873.

. May 2006: « The French Administrative Appeal Judge's Control over the First Judges' Rulings», Actualité Juridique Droit Administratif, n° 16/2006, p 858.

. May 2005: « Limiting the effects in time of the French administrative judge's rulings annulling administrative decisions -*excès de pouvoir*- », Revue de la Recherche Juridique n° 2 / 2005, p 821.

CONFERENCES

. April 2015: « The EPPO at the European Level: Institutional Layout and consequences on the Link with the National Level », presentation within the conference « Interactions between the European Public Prosecutor's Office and National Authorities », organized by OLAF and the European Law Research Association, Supreme Court, Warsaw, Poland.

. June 2013: « Ensuring Integrity in Public Procurement », Introductory Speech of a roundtable, 12th International Symposium on Public Management, Institute for Public Management and Economic Development, French Ministry of Finance, Paris.

. July 2012: « Developments over the last 12 years of the fight against corruption and

organised crime in the private sector within the European Union »,

Keynote speech of the conference « Preventing Fraud, Corruption and Bribery committed by and through Legal Entities », Asser Institute and PISM, 13 July 2013, Warsaw, Poland.

. June 2012: « Preventing Terrorism at the EU Level », Conference « The EU and the Fight against terrorism », Faculty of Law and Political Science, Aix-Marseille University, Aix-en-Provence, France.

. April 2009: « The Lisbon Treaty: a new Start for the Reform Process of the European Union? », Institute of Political Science, Charles University, Prague, Czech Republic.

. February 2009: « National Parliaments and the Lisbon Treaty », Mouvement Européen, Aix-en-Provence, France.

. October 2008: « EC Law and National Law -The Decentralized Implementation of EC Law- », ERA (Academy of European Law), Trier, Germany

