

AGRASC - Agency for the Recovery and
Management of Seized and Confiscated
Assets

Annual Report

for 2012

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Presentation of the annual report of the Agency for the Recovery and Management of Seized and Confiscated Assets (AGRASC)



The second annual report of the activity of the AGRASC, drafted in compliance with the Act of July 9th 2010, perfectly reflects the positive and substantial progress which this young Agency has made over the past year.

The setting up of the AGRASC met such a major need that it is not surprising that requests for assistance from courts of law have risen markedly over the second year of its operations and that one of the main challenges has been to adapt the growth of the Agency to respond to expectations in the field.

The Director General of the Agency, Elisabeth PELSEZ and the Secretary General, Hervé BRABANT have most judiciously recruited the additional staff required to enable the Agency to perform all the tasks entrusted to it.

The reputation of the Agency throughout France has continued to grow in 2012. The figures reflecting the activity of the Agency both as regards the number of matters registered in the database, the number of assets and the optimization of assets managed serve in themselves to demonstrate the remarkable efficiency with which it undertakes its missions.

The setting up of numerous partnerships with the National Judicial Customs Service (SNDJ), the Ministry of the Interior, the signing of protocols with Notaries, Auctioneers, the training given not only by the Training School for the Judiciary (ENM) but also the National Training School for Court Clerks, Training Institutions for the Police and Gendarmerie have contributed to vest the Agency with the status of indispensable intermediary in the ongoing and ever more effective combat to deprive criminals of their assets.

One example in particular illustrates the inventiveness and reality of the added value contributed by the Agency, namely the sale of the gold seized in French Guyana, handled by the Agency and which, under a well-thought out public procurement contract, made it possible not only to ensure the self-financing of the Agency and even to repay the money advanced by the Ministry of Justice, but also to contribute some 2.6 million euros to the general budget of the State.

The international dimension of the Agency has also gone from strength to strength during 2012 with the hosting of numerous foreign delegations, participation in numerous seminars organized by the MILDT (Interministerial Mission for the Fight against Drugs and Drug Addiction) or meetings organized by European and International Mutual Assistance networks in this field.

The meticulousness, pragmatism and dynamism with which the members of the AGRASC team go about their tasks guarantee the success of Agency. This exemplary illustration of coherent, visible and effective inter-ministerial cooperation has moreover won public recognition since at the end of 2012 the AGRASC was awarded the "Victory of Public Bodies" in the field of organization, a quite exceptional achievement for a body in only the second year of its operation.

Jean-Marie HUET

Chief Public Prosecutor at the Court of Appeal of Aix-en-Provence

President of the Board of Administration of AGRASC

Introduction



2011 was a decisive year for the Agency for the Recovery and Management of Seized and Confiscated Assets (AGRASC). It was necessary to consolidate the foundations required to enable it to carry out the tasks assigned to it and encourage the development of its activity. 2012 proved to be yet another pivotal year for consolidating foundations, implementing recommendations made in 2011 and opening up new fields of intervention.

The Agency has constantly worked alongside courts of law to encourage them to order more seizures and confiscations of crime-related assets while constantly innovating in their approach.

2012 saw in particular the implementation of effective partnerships with Notaries for the sale of confiscated real estate and with auctioneers for the sale of assets prior to judgment.

The development of international activity has also been one of the tangible signs of significant progress, as regards both requests for international assistance received or made to other countries and the interest shown by foreign delegations in the operation of our Agency which they wish to serve as an example for the introduction of a similar body in their own countries.

2012 witnessed especially the self-financing of the Agency, a fundamental element of our operation while ensuring our contribution to the MILDT, the general State budget and the repayment of the advances made by the Minister of Justice to enable the Agency to get its operations underway in the year of its creation.

Lastly the AGRASC team has welcomed new members, and, following recruitments, now counts 18 members of staff.

After two years in existence, the AGRASC has at its disposal exhaustive statistics thank to the monopolies assigned to it by the State. It can analyze data transmitted to it, measure trends, and draw useful conclusions to enhance its understanding of new developments in the field of organized crime or everyday criminal activity.

During the past year we have decided to focus our efforts on seizures and confiscations connected with drugs offences, the leading sector of our activity.

The amount and type of seizures carried out, the number of confiscations ordered and the choice of legal basis for such rulings are of use for achieving a more global understanding of a type of criminality which both France and its foreign partners have been confronted with over the past few years.

Other challenges await the AGRASC in 2013 : the sale of real estate, non-standard chattels prior to judgment, developing partnerships with Receivers. Spurred on by the award of the prize for organization conferred on the Agency on December 13th 2012 as part of the 'Victories of Public Bodies" all the members of our team will, I am certain, draw still further inspiration from this recognition, in the spirit of teamwork and commitment which is their hallmark, to rise to the challenges which the coming year reserves for us.

Elisabeth PELSEZ

Director General

2012 A pivotal year

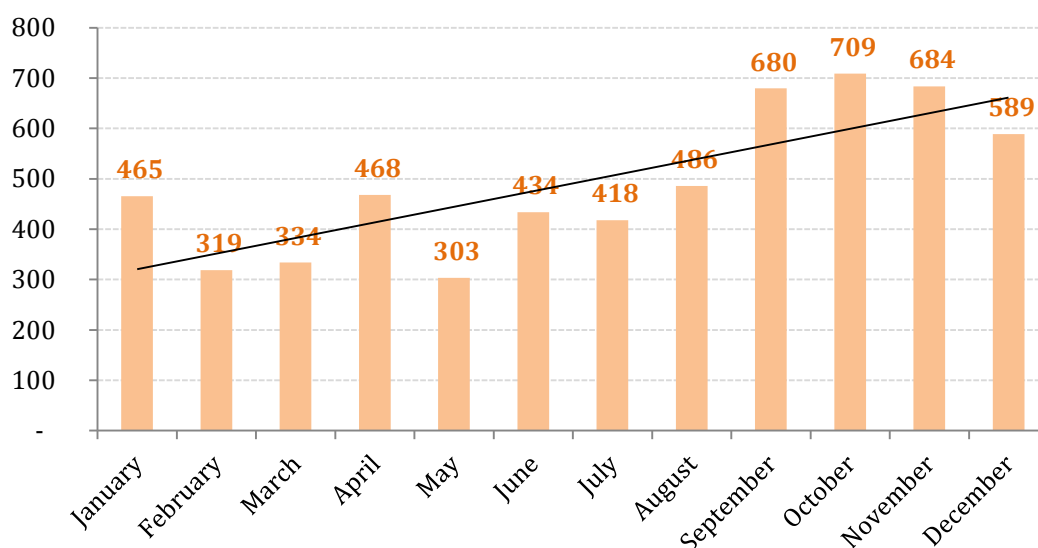
Consolidating the structure of the Agency and continuing actions commenced in 2011

Expanding the team

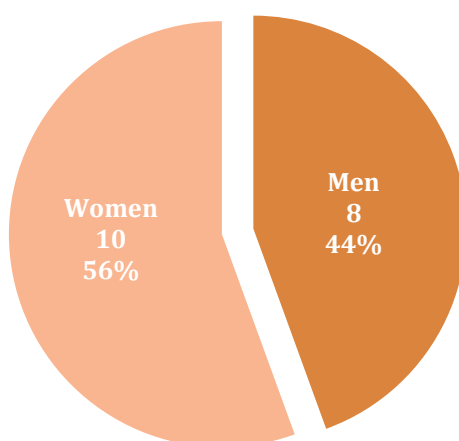


Recruiting additional staff was essential and will continue to be so in view of the ever increasing workload of the Agency. For instance more than 129 000 operations were registered on the database in 2012. As can be seen from the chart below the trend curve shows that activity more than doubled in 2012, rising from 300 operations per day on average to over 600 in December.

Daily average of operations entered on the database per month in 2012



This constant progression over the past two years, clearly anticipated by the managing team, our Supervisory Authorities and the Board of Administration of the Agency has entailed the recruiting of several agents in 2012, with staff numbers now standing at 18 (10 women/8 men).

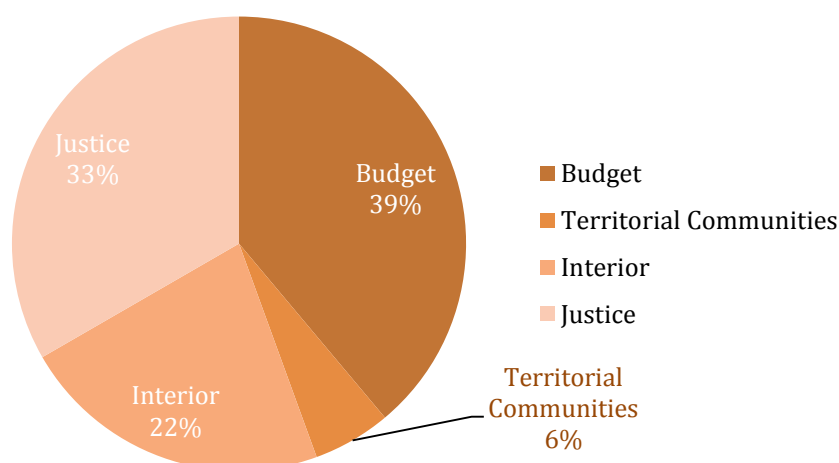


| Position held | Grade | Originating Ministry | Date of appointment |
|---------------------------------------|--|----------------------|---------------------|
| Director General | Senior Judge | Justice | Feb 4 2011 |
| Secretary General | Public Finance Administrator | Budget | Feb 4 2011 |
| Assistant | Administrative Assistant class 1 | Justice | Mar 1 2011 |
| Head of Legal Dept | Judge | Justice | Feb 4 2011 |
| Deputy Head Legal Dept | Divisional Inspector Public Finance | Budget | Apr 1 2011 |
| Legal Dept | Territorial Officer | Territorial Com | Mar 1 2011 |
| Legal Dept | Head Clerk 2 nd level | Justice | Jan 1 2012 |
| Legal Dept | Clerk 2 nd level | Justice | Sep 2 2012 |
| Legal Dept | Chief Auditor of Public Finance | Budget | Apr 1 2012 |
| Head of Operations Dept | Chief Officer Gendarmerie | Interior | Feb 1 2011 |
| Deputy Head of Operations Dept | Chief Inspector of Police | Interior | Mar 1 2011 |
| Operations Dept | Chief Warrant Officer Gendarmerie | Interior | Jan 1 2012 |
| Operations Dept | Police Officer | Interior | Oct 1 2012 |
| Operations Dept | Customs & Excise Comptroller class 1 | Budget | Nov 1 2012 |
| Head of Registration Dept | Principal Admin Agent Pub Fin class 2 | Budget | Apr 1 2011 |
| Registration Dept | Deputy Administrative Assistant class 2 | Justice | Sep 3 2012 |
| Accountant | Divisional Inspector Public Finance | Budget | Mar 1 2011 |
| Deputy Accountant | Principal Administrative Officer class 2 | Budget | Apr 16 2010 |

Thus in 2012 :

- The Legal Department saw the arrival of three agents and the Operations Department one and a half,
- The part-time secondment to the Agency of a Customs & Excise Inspector being replaced by a full-time post in November 2012,
- One agent was appointed to the Registration Department while an assistant was recruited to the Accounts Department.

Originating Ministry of AGRASC agents as of December 31st 2012



Consolidating core processes in the Agency information system

The information system has been consolidated and the measures needed to optimize data registration and traceability implemented.

A risk mapping system was proposed to the Board of Administration and validated by the latter. Various processes have been formalized to allow coverage of major risks, while significant progress has been made in formalizing the adjustment of account flows of the Agency.

To the above should be added the formalization of core processes of the Legal Department and Operations Department.

At the same time a Data Registration Department has been set up within the Agency.

Ensuring a premium level of revenue



French Guyana gold cast into 4 gold bars

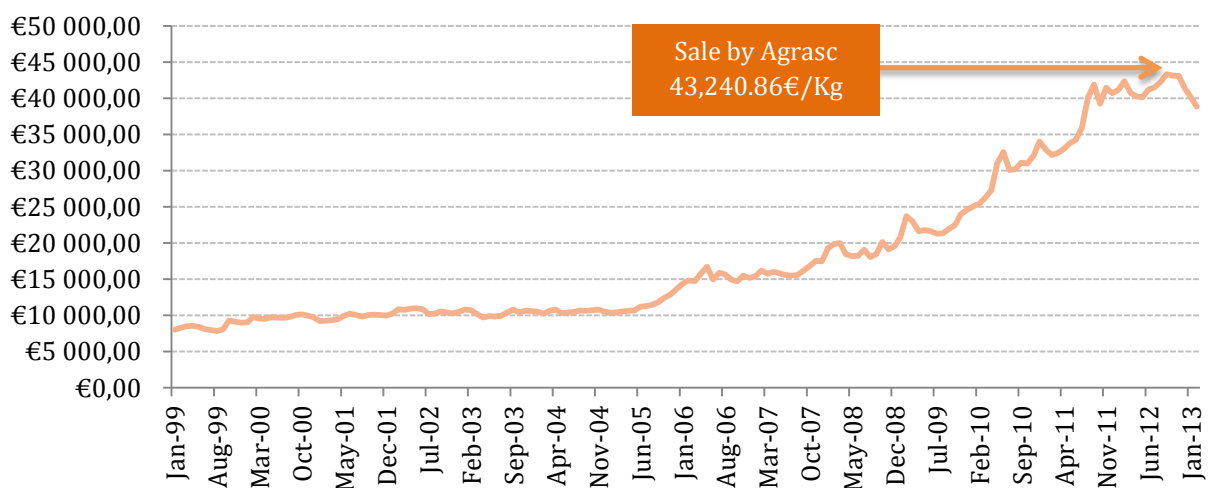
The self-financing of the Agency, recommended in the 2011 report and a priority for the Agency in 2012 has been achieved and the advance of 0.7 M€ from the Ministry of Justice repaid (0.4 M€, with the balance paid in early 2013).

The gold market in figures

1258 sealed items dealt with corresponding to 800 cases the oldest of which went back to 1993;
 16 kilos seized on average each year over the past five years;
 100 grams on average per sealed item;
 102.094 kilos of pure gold negotiated
 4 414 789.01€ in revenue of which 1 806 M€ for the AGRASC under article 706-63 3° of the Code of Criminal Procedure.

The self-financing is due in part to the exceptional operation of processing sealed items of gold amalgamated with mercury at the Court Office of the Tribunal de Grande Instance (TGI) of Cayenne (see page 16)

With an eye to profitability the Agency organized the sale of the gold on three separate occasions in November 2012, at an average price of 43,240.86€/Kg, the highest rate for 14 years.



Source : Bank of France – Price of gold-bar- 1st price-monthly average

This operation remains quite exceptional since the Agency is still in the investigation period of cases entrusted to it. The first lots of confiscations¹ should arrive starting from the second half of 2013.

¹ Average time for final judgment estimated at 2 and a half years.

A notable development for the Agency as from 2013, the basis for application of the provisions of Article 706-163 3° of the Code of Criminal Procedure has been extended to confiscated cash and bank accounts. Thus the revenue of the Agency comprises a part capped² at 1.806M€ of confiscated monies managed by the Agency and of the proceeds of sale of confiscated assets when the Agency has handled the management thereof (except in cases of direct allocation to the Drugs Fund or compensation of civil claimants).

This measure, which was recommended by the Agency in 2011 should make it easier to attain the revenue cap laid down by the Finance Act.

To this revenue deriving from confiscation of monies and assets entrusted to the Agency, should be added the interest³ paid on monies deposited on the Agency account with the CDC calculated at an annual rate of 1% and paid quarterly pursuant to Article 706-163 4° of the Code of Criminal Procedure. In 2012 the corresponding revenue amounted to 2.4 M€.

Lastly, when the Agency has recourse to France Domaine for the sale of assets entrusted to it, pursuant to the provision of Article A1113 of the Code du domaine de l'Etat, it receives a flat-rate tax which amounted to 0.135M€ in 2012.

Implementing the budget: The Agency is self-financing

Various items characterize the implementation of the budget for 2012 :

| <i>Recettes (en M€)</i> | <i>Forecast</i> | 2011 | | | 2012 | | | |
|---------------------------------------|-----------------|---------------|---------------|-------------|-----------------|---------------|---------------|-------------|
| | | <i>Actual</i> | <i>Diff</i> | <i>Rate</i> | <i>Forecast</i> | <i>Actual</i> | <i>Diff.</i> | <i>Rate</i> |
| 706-163 1° <i>Justice</i> | 0.700 | 0.700 | - | 100% | - | - | - | |
| <i>Budget</i> | 0.500 | 0.500 | - | 100% | - | - | - | |
| 706-163 3° <i>Confiscations</i> | 0.100 | 0.050 | -0.050 | 50% | 1.806 | 1.806 | - | 100% |
| 706-163 4° <i>Interest on Account</i> | 0.250 | 0.476 | 0.226 | 190% | 2.000 | 2.374 | 0.374 | 119% |
| <i>Domanial tax</i> | | | | | | 0.135 | 0.135 | |
| <i>Database</i> | 0.020 | 0.020 | | | | | | |
| Total revenue (1) | 1.570 | 1.746 | | | 3.806 | 4.315 | 0.509 | 113% |
| Expenditure | | | | | | | | |
| <i>Operating costs</i> | 0.615 | 0.539 | -0.077 | 88% | 1.323 | 1.033 | -0.290 | 78% |
| <i>Staff</i> | 0.671 | 0.608 | -0.063 | 91% | 1.364 | 1.296 | -0.068 | 95% |
| Total expenditure (2) | 1.286 | 1.147 | -0.139 | 89% | 2.687 | 2.329 | -0.358 | 87% |
| Result (1) - (2) | 0.284 | 0.600 | 0.316 | 211% | 1.119 | 1.986 | 0.867 | 178% |

- The Agency has been self-financing in 2012 : revenue of 4.3M€ for expenditure of 2.3M€
- The working capital is 1.9M€, slightly higher than the cap fixed by the Finance Act 2012. A substantial working capital is a necessity if the Agency is to be able to handle the management of exceptional assets of which the cost may rapidly exceed several hundred thousand euros (ships, private plane, ...)

² Section 46-1 of Act n° 2011-1977 of December 28th 2011, Finance Act for 2012

³ Government order of June 26th 2012 fixing the remuneration rate of the accounts opened with the Caisse des Dépôts et des Consignations in the name of the Agrasc.

Ongoing training



One of the main tasks of the Agency is to assist and advise courts of law as to the procedures best suited to seizures of assets.

The training offered by the Agency has proved to be essential.

In line with actions undertaken in 2011 members of the Agency have visited courts with a view to heightening awareness of all Judges and Prosecutors, heads of Court Offices, Investigators and Customs & Excise Officers of local branches of the Service National de Douane Judiciaire (SNDJ). Visits have thus been made to Courts of Appeal of Aix-en-Provence, Douai, Lyon, Orléans, Angers, Rouen and Paris. Others are planned starting from the first half of 2013 to Besançon, Colmar, Bordeaux, Rennes, Bastia, Toulouse, Versailles and Saint Denis de la reunion (the latter by video-conference).

During these visits the Agency has strongly advised the introduction of a property reference register in order to encourage courts to order confiscations, a measure recommended in its report for 2011. The Court of Appeal of Paris, under the impetus of its Chief Judge and Chief Prosecutor has recommended the setting up of such a system in an internal memo. The Agency has forwarded this memo to several Courts of Appeal which have requested such information and would like to see all courts adopt such a measure.

Numerous other training sessions have taken place.

Always with a view to increasing the number of confiscations and making courts even more aware of the importance of this issue, the Agency has participated, as it promised to do in the report for 2011, in all sessions organized by the National Training School for the Judiciary (ENM) for changes of post of trial judges. To further extend its influence, it has also targeted more systematically new audiences.



The GIR (Steering Committee of Regional Intervention Groups) of the Greater Paris region were thus invited to a special meeting and the Agency participated in two pilot meetings of the GIR (Nord-Pas-de-Calais and Essonne) and the annual seminar of the (BNEE) National Economic Investigations Bureau. The National Administration School (ENA) the INHES , the PIAC Platform for the identification of crime-related assets have not hesitated to turn to the Agency for assistance.

Lastly the Criminal Chamber of the Cour de cassation hosted a meeting to allow the AGRASC to describe its activity and the main legal problems with which it is confronted.

The Agency has also, under its partnership agreement with Notaries, also contributed on several occasions to training sessions.

Ongoing partnerships

2012 saw the entering into of numerous partnerships, in particular with Notaries to organize the sale of real estate and Auctioneers for the sale of chattels prior to judgment.

Partnership with Notaries



On January 4th 2012 a protocol was signed with the High Council of Notaries (Conseil supérieur du notariat CSN) for the purpose of entrusting Notaries with the sale of confiscated real estate.

Two sets of specifications corresponding to two types of sale were drafted by the AGRASC and the CSN.

The CSN launched a call for applications from those Notaries interested in participating and received almost 1000 responses. The AGRASC thus has a country-wide network of Notaries at its disposal and thus can mandate a Notary to proceed with the sale of real estate situated in his locality.

The Higher Council of Notaries has sought to associate the AGRASC closely with the development of its INTRANET. The Agency has thus access to computerized data retracing the stages of a sale and enabling it to follow its unfolding.

At the present time 40 confiscated pieces of real estate have been entrusted to Notaries for the sale thereof. The first sale took place on January 23rd 2013 with three others planned for March 2013.

Partnership with Court accredited Auctioneers for sales prior to judgment

During 2012 the AGRASC wished to diversify its partners, as authorized by the law, and entered into discussions with court accredited auctioneers, signing a protocol on March 21st 2012 (see page 14 for an analysis of this protocol).

TGI of Paris



It appeared obvious to both the AGRASC and the head judges of the leading French trial court that the manner of their cooperation should be clearly set out in a protocol in order to ensure smooth and efficacious cooperation between the two bodies. This protocol provides for the transmission to the AGRASC of court decisions which have become final and which are required to allow for the allocation of confiscated monies to the Drug fund managed by the MILDT (Interministerial

Mission for the Fight against Drugs and Drug Addiction) or the general State budget (BGE).

This protocol has been put on line on the AGRASC Internet site and is intended to serve as a template for other courts wishing to use it as a basis for their own agreements with the Agency.

Service France Domaine

In the framework of its task of carrying out confiscations, provided for by Article 707-1 of the Code of Criminal Procedure, the Agency, working in partnership with Notaries, has worked closely with France Domaine. The Director General of Public Finance, after consultation with the AGRASC has circulated a memo indicating the manner of implementation of the AGRASC/Domaine partnership for the sale of real estate.

The development of the activity of the Legal Department and Operations Department during 2012

The Legal Department



The Legal Department is in charge of dealing with cash and bank accounts (restitutions, compensation of victims and confiscations), sales prior to judgment and public contracts entered into by the Agency. The Legal Department also accompanies the Operations Department in giving assistance to members of the Judiciary and Investigators and in dealing with requests for international mutual legal assistance in criminal matters.

Under the authority of Judge Stephen Almaseanu, this Department comprises 5 members of staff (see appended organizational structure chart)

Cash

More than 53 million euros were received by the Agency in 2012 (as compared with 68 million in 2011, this fall being due mainly to more “off loading” by courts in 2011, the year of the setting up of the Agency). Both difficulties pointed out in 2011 still remain although steps are being taken to resolve them.



The first difficulty concerns the substantial stock of cash still sitting in court accounts and not transferred to the Agency for want of identification and connection with ongoing or terminated proceedings. Section 44 of the Finance Act for 2013 provided for a provision enabling the Agency to solve this difficulty. The Constitutional Council in its decision n° 2012-262 of

December 29th 2012 invalidated this provision. Another solution will therefore have to be found to remedy the immobilization of more than 150 million euros held in court accounts.

The second difficulty stems from the processing of very small amounts. Those of less than 100€ represent 23% of monies registered in the Agency database but only 0.25% of monies received.

At the request of the AGRASC and following its recommendation of 2011 a working group composed of the Directorate of Criminal Matters and Pardons (DACG), the National Directorate of the Gendarmerie nationale (DGGN) and that of the Police (DGPN) met in 2012 to remedy this situation. The findings of this working group are in the process of finalization.

Entering into an agreement with a bank under the “Guinchard” Act

Section 58 of Act n° 2011-1862 of December 13th 2011, known as the “Guinchard” Act pertaining to the allocation of litigation and the simplification of certain legal proceedings completes Articles 56 and 97 of the Criminal Code by providing that the Public Prosecutor (investigation phase) or the Examining Magistrate (opening of a preliminary criminal investigation) may henceforth authorize the deposit of cash, gold bars, negotiable instruments or securities into an account opened by the Agency with a banking institution.

To implement these provisions the AGRASC will enter into a public procurement contract to select a bank or network of banks with which it will open an account making it possible to deposit cash in euros and foreign currencies. The drafting of this contract, assisted by the comments of the Director of Legal Services (DSJ) of the Ministry of Justice, and the Director of Legal Affairs (DAJ) of the Ministry of Finance is at the finalization stage and the agreement will be signed in 2013.

Bank accounts

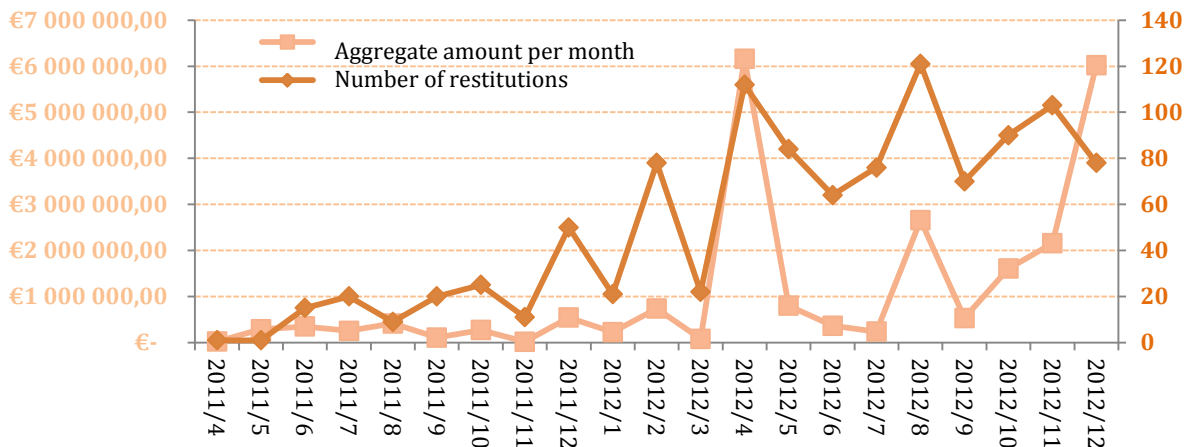
In 2012 the Agency received more than 245 million euros corresponding to 1,602 registrations of seized bank accounts (compared with 945 amounting to 34 million in 2011, i.e an increase in amount of more than 700%) The AGRASC still receives few orders of continued retention or release issued by Freedom and Detention Judges (JLD) after seizures carried out by CID Police officers under Article 706-154 paragraph 1 of the Code of Criminal Procedure. This situation gives rise to adjustment difficulties which penalize the Agency in carrying out its tasks.

Restitutions

Restitutions of cash and bank accounts in 2012 amounted to more than 21.5 million euros (i.e ten times more than in 2011). In addition to this marked increase in workload represented by those restitutions which the Agency has carried out (919 compared with 152 in 2011) it still encounters difficulties in making restitutions when courts have transferred amounts but failed to supply the Agency with the requisite corresponding information.

| 2011 | | | 2012 | | |
|--------------|------------------------|-----------------------------------|--------------|------------------------|-----------------------------------|
| Year/ month | Number of restitutions | Aggregate amount per month in € M | Year/ month | Number of restitutions | Aggregate amount per month in € M |
| | | | 2012/1 | 21 | 0,23 |
| | | | 2012/2 | 78 | 0,74 |
| | | | 2012/3 | 22 | 0,08 |
| 2011/4 | 1 | 0,02 | 2012/4 | 112 | 6,16 |
| 2011/5 | 1 | 0,29 | 2012/5 | 84 | 0,80 |
| 2011/6 | 15 | 0,35 | 2012/6 | 64 | 0,36 |
| 2011/7 | 20 | 0,26 | 2012/7 | 76 | 0,24 |
| 2011/8 | 9 | 0,41 | 2012/8 | 121 | 2,66 |
| 2011/9 | 20 | 0,11 | 2012/9 | 70 | 0,53 |
| 2011/10 | 25 | 0,27 | 2012/10 | 90 | 1,61 |
| 2011/11 | 11 | 0,02 | 2012/11 | 103 | 2,16 |
| 2011/12 | 50 | 0,54 | 2012/12 | 78 | 6,02 |
| Total | 152 | 2,26 | Total | 919 | 21,58 |

Progress of restitutions in number and amount per month



It should be noted that 2012 saw the full implementation of the agreement signed between the AGRASC and all public creditors on July 21st 2011 pursuant to Article 706-161 4° of the Code of Criminal Procedure enabling the Agency, before making restitutions, to inform public creditors so that the latter may enter opposition or proceed to third party notification regarding monies held by the Agency.

This provision, which is part of the general framework of the fight against tax and social fraud was implemented 131 times by the AGRASC in 2012 and made it possible to seize 212,800 euros held by the Agency (22 third party notifications and oppositions).

Management mandates: processing and selling the French Guyana gold.



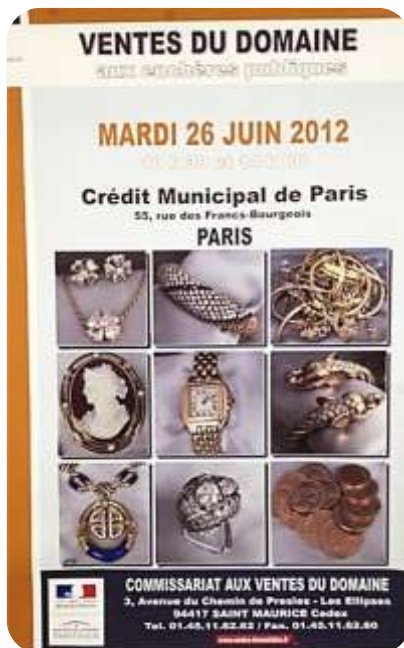
In June 2011 the AGRASC was asked to intervene by the Public Prosecutor at the TGI of Cayenne concerning sealed amalgamated gold items which had accumulated since 1993 in the framework of operations against illegal gold mining. The two previous years the Cayenne court had undertaken major identification and classification of 1,248 sealed items, weighing some 150 kilos overall, but had no solution for processing these mercurised items.

After obtaining the authorization of its two Supervisory Ministries, the AGRASC, under a management mandate issued by the judicial authority, drafted a public procurement contract to select a contracting party able to analyse this amalgamated gold, sort the sealed items, de-pollute them, melt them down into gold bars, refine them, define the number of carats, and sell them.

This public procurement contract of a particularly complex nature due to its technicity and the geographical distance of the sealed items, was signed in September 2012. It resulted in November 2012 in the sale of 102 kilos of pure gold (see page 10 for the results of this exceptional sale).

Sale of chattels prior to judgment (Articles 41-5 and 99-2 of the Code of Criminal Procedure)

In 2012 the AGRASC sold 1,330 chattels, amounting overall to more than 1.7 million euros. The breakdown of these sales shows the complementarity of the networks used by the Agency



- The Domaines auctioneers sold just under 560 chattels, through 80 sales, for an aggregate of 1.27 million euros. Overall 198 chattels (i.e 35% of chattels sold by the Domaines) were sold for an amount greater than or equal to 1000 euros.

- The court accredited auctioneers sold around 770 chattels in some 20 sales for a total amount of 430,000euros, with 32 chattels sold for an amount greater than or equal to 1000 euros.

This complementarity is also self-evident if one looks at the proceeds of the sales. For instance, among the ten chattels sold at the highest price, five were sold by the Domaines, in particular a semi-trailer sold for 60 000 euros by the auctioneer in Toulouse and five others by court accredited auctioneers, in particular a Porsche Panamera sold for 50,000 euros.

Vehicles confiscated and handed over to the AGRASC under Article L 325-1-1 of the Highway Code.

Since the amending of Article L 325-1-1 of the Highway Code by the Act of March 14th 2011, the Agency has received more than 800 confiscated vehicles., the vast majority of which were devoid of sufficient market value to warrant their being put up for sale and the payment by the purchaser, as provided for by statute, of the cost of immobilization of said vehicle.

The AGRASC has thus had to find an external supplier of services for the destruction of such vehicles in compliance with environmental standards. This agreement was signed in June 2012.

Programming Act n° 2012-409 of March 27th 2012 pertaining to the enforcement of penalties has restored in Article L 325-1-1 of the Highway Code the jurisdiction of the Domaines in such matters.

The Operations Department



The Operations department is particularly in charge of real estate (seizures, confiscations, sales), businesses and certain specialized seizures (receivables on the sale of real estate, seizure of shares, seizure of aircraft). The Operations Department also participates with the Legal Department in providing real time assistance to Judges and Investigators and in matters of international judicial assistance in criminal matters.

Under the authority of Romain STIFFEL, Chief Officer in the Gendarmerie, this Department comprises four members of staff (cf appended organizational chart)

Real time assistance for courts in matters of seizure and confiscation of real estate

320 seizures of criminal assets in the form of real estate were ordered in 2012 compared to 202 in 2011. This increase of 58% over a year bears witness to the greater ease of use of this measure of seizure of criminal assets in the form of real estate, a measure which traditionally gives cause for concern in view of its relatively complex nature.

The task of the Operations Department consists in providing technical and practical assistance to members of the Judiciary who have requested advice for the carrying out of seizures and confiscation of real estate.

Once the relevant decision is handed down the Operations Department performs all the tasks required for publication of the relevant documents.

This publication stage, which renders the seizure or confiscation fully effective, derives from the monopolies instituted by statute in favour of the AGRASC (Article 706-151 of the Code of Criminal Procedure for seizures and 707-1 for confiscations). In practical terms this stage consists in formally recording, on behalf of Prosecutors, Examining Magistrates or Trial courts, all seizures and confiscation of real estate ordered in 2012.

Each case file contains specific record sheets (publication forms, records of registration of documents, applications for entry in the Land Register of Alsace-Moselle) filed with Land and Mortgage Registries. In view of the highly demanding rules governing the publication of conveyances and mortgages, when failure to comply results in refusal to publish, model forms for seizure of criminal assets in the form real estate were rapidly put on line on the Agency website in 2011 in order to facilitate publication thereof. In 2012 compliance with these formalities has greatly improved thanks to general use of appropriate model forms together, in many cases, with prior consultation of the Operations Department for its opinion on technical and procedural issues before proceeding to enforce decisions. It is an undisputed fact that these good practices have made it possible to markedly reduce the irregularities which led to refusals to publish and also to consolidate criminal procedure. Although the AGRASC still receives refusals to publish, often due to the substantial amount of cases handled, the experience acquired by the Operations Department and its close collaboration with the services in charge of registering land conveyances and mortgages have made it possible to simplify regularisation procedures and comply with the same within a far shorter timeframe.



In order to extend good practices to the confiscation stage a template of a judgment ordering confiscation of real estate has been drafted by the Operations Dept and put on the Agency website during 2012 in order to extend this type of assistance to Trial courts. Numerous Tribunal Correctionnels and Appeal courts have contacted the Agency to obtain this technical assistance provided for by Article 706-161 of the Code of Criminal Procedure.

Lastly, in addition to questions dealing with seizures and confiscations of criminal assets in the form of real estate, the Operations Department still received requests in 2102 concerning provisional holding measures implemented under the previous statutory provisions pursuant to Article 706-103 of the Code of Criminal Procedure (civil enforcement procedures such as releases or extensions of temporary court-ordered mortgages). Given the limited effectiveness of these measures, which should logically disappear from the field of criminal law, courts have been made specifically aware of the need to convert such mortgages into criminal asset seizures through recourse to the provisions of Articles 484-1 and 373-1 of the Code of Criminal Procedure which make it possible to order immediate seizure of property at the time judgment is delivered.

Sale of confiscated real estate

The Operations Department is also in charge of enforcing penalties of confiscation of real estate on behalf of the Public Prosecutor's Office. This task consists in firstly taking effective possession of the real estate involved and secondly proceeding to take all formal steps making it possible to sell such real estate.

The Department has handled 40 case files in such matters. In 2012 only 11 new case files were sent by Prosecutors, which confirms the recurring difficulty encountered by the AGRASC in obtaining final judgments from courts of law. Although the number of files transmitted still remains low, in view of the lack of awareness of the powers vested in the AGRASC to deal with all confiscations of real estate in France, it is also explained by the very small number of confiscations of real estate ordered by courts of law.



For each sale the Agency has given a mandate to a Notary chosen from those on the list of volunteers. The first sales of real estate took place in at the beginning of 2013 and as such it is too soon for the Agency to draw any conclusions in these regard.

The fact nevertheless remains that most files present problems:

- Many pieces of real estate are occupied by persons without any lawful title, often by the person convicted or one of his relatives, requiring the Agency to order the surrendering up of said real estate on pain of incurring penalties for failure to deliver up confiscated property.
- Other pieces of real estate are encumbered by prior mortgages or by outstanding unpaid co-ownership charges.
- Other more practical problems are encountered, such as the presence of chattels on the premises or legal difficulties due to the holding of property in joint ownership.

More generally speaking, it should also be pointed out that real estate may be in a poor condition due to the length of proceedings and lack of maintenance. Sometimes certain convicted offenders do not hesitate to destroy their property once the confiscation has been ordered, despite the fact that such behaviour will render them liable to further prosecution.

Assistance to courts for the sale of businesses

The Operations Department has also assisted those judges who have requested its help in order to seize businesses under Articles 706-153 and 706-157 of the Code of Criminal Procedure.

Unlike in cases of real estate seizures, the Agency does not have any monopoly as to publication of seizures of businesses. However, in view of the numerous requests made by courts of law, the Operations Department has developed specialized competence in such matters in order to supply judges ordering such seizures with technical and legal assistance.

The method of registering such seizures in the Register of liens and charges has in practice given rise to numerous difficulties due mainly to the fact that such a measure is not compatible with such a register and many creditors confused such registration with a court ordered lien on the business whereas this registration was a criminal asset seizure, the effects of which are quite different.

In 2012 to remedy these problems the AGRASC entered into a partnership with the National Council of Clerks in Commercial Courts (CNGTC) in order to draft in collaboration a template of a court order for a criminal asset seizure of businesses in order to facilitate publication of the latter. This document has been placed in the Agency Intranet website.

The Registration Department



This Department is in charge of entering in the database all data transmitted by courts of law, amounting to some 1000 cases a month, often in many varied forms and of checking the quality thereof.

It has comprised one full-time member of staff since March 2012 and two full time members of staff since September of the same year.

In 2012 the activity of this Department was confined to cash and bank accounts which represented the major part of information transmitted to the Agency (more than 21 000 assets). It has introduced a quality control procedure for internal registration of data and facilitated accounting adjustment with the Legal Department and the Accounts Department.

With the Court offices of 160 courts it has taken a proactive approach to obtaining necessary documents not accompanying the initial transmission. In March and July 2012 the Head of the Legal Department sent out follow-up reminders to those TGI which had not made any payment or sent any document to the AGRASC.

Lastly this Department ensures a follow-up with TGI to obtain final decisions in cases which have been tried (listing sent by TGI each semester).

Developing the international activity of the Agency



This is one sector in which the Agency recorded a quite exceptional upsurge in 2012.

The Agency first welcomed numerous foreign delegations from Jordan, Indonesia, Vietnam, Croatia, Egypt, Morocco, Brazil, Peru, Colombia and Quebec. In the framework of seminars organised by the MILDT in Spain, Peru, Senegal and Brazil, the activity of the Agency, the new possibilities of seizures offered by the

Act of July 9th 2010 were presented by Agency staff. For many of our foreign partners, the desire to introduce a similar structure on the lines of the Agency constitutes a new policy focus in the fight against crime.

Peru has set up an Agency and Brazil will follow suit in a few months' time. Lastly Sweden should shortly, after an upcoming working meeting in Paris, set up an agency to manage seized assets.

The AGRASC has actively participated in two international cooperation networks of which it is a member alongside PIAC (the Platform for the identification of crime-related assets).



Within the European ARO4 platform, the Agency has in particular participated in a working group dealing with reuse of confiscated assets. The work done on behalf of the European Commission has highlighted the great variety of approaches of States in this field. In Italy for instance confiscated assets are given to local territorial communities, while in Great Britain they are given to the law enforcement bodies to enable them to step up the fight against criminal activity. It would no doubt be

useful to look into such options in France with the various Ministries involved (Justice, Interior and Budget).

Within the CARIN network, where France is a member of the steering committee, numerous recommendations have been made by the AGRASC and the PIAC.

During the General Assembly in November 2012 held in Budapest, the operation of the AGRASC was presented as part of a general examination of the introduction of structures to manage seized and confiscated assets.

It has been decided that once a year Agencies will come together to identify those practices best suited to ensuring optimal management of assets entrusted to them. In 2013 value-based confiscation will be on the agenda of the next General Assembly to be held in Dublin in May.

The AGRASC is also taking part in a "Transcrime" research project piloted by the Catholic University of Milan.

Along with six other countries (Italy, Netherlands, Finland, Ireland, Spain and Great Britain) France will contribute to the work of this group on the basis of statistics concerning confiscations of assets and the infiltration of the legal economy by investments coming from crime-related activities.

⁴ *Asset recovery offices*

During 2010 the European Commission presented a draft Directive on freezing and confiscation of proceeds of crime in the European Union.

This draft is currently under discussion and was the subject of an orientation vote by the Justice and Home Affairs Committee in December 2012 and was examined by the LIBE Commission of the European Parliament.

This draft Directive is intended to facilitate confiscation and recovery by the State of the profits of major trans-border organised crime. It includes provisions concerning the management of seized assets which correspond exactly to the activity of the Agency. It also requires Member States to collect statistics in order to give an account of their activity in matters of seizure and

The development of the international activity of the Agency has led to an increase in the number of incoming requests from abroad and of outgoing requests addressed to foreign authorities.

The Agency since its inception has received 45 requests for mutual assistance 31 of which concern real estate to be seized or confiscated. Most requests have come from countries in the European Union.

The AGRASC has also played a part in a first sharing agreement between France and Luxemburg by obtaining the repatriation of one half of monies confiscated.

Accounting standards

The Accounts Department



In charge mainly of managing the AGRASC account opened with the CDC which receives transfers subsequent upon the seizure of cash, bank accounts or the proceeds of the sale of property (8 000 transfers received), the Agency Accountant supervises restitution files, payments made to the Drug fund, and the general State budget (BGE) and also deals with rejections of transfers made or requested by Department Directors of Public Finance (DDFiP), courts of law or banks.

It receives, monitors and handles oppositions from public creditors intended to obtain monies which the Agency returns. It strives to expedite all payments as quickly as possible.

| Type of transaction | Incoming | Outgoing |
|---|------------------------|----------------|
| <i>Balance as of 01/01/2012</i> | <i>105 087 445.85€</i> | |
| Incoming 2012 | 251 296 405.37€ | |
| Counterfeit banknotes | | 1 620.00€ |
| Rejection of transfers | | 2 711 111.20€ |
| Restitutions | | 21 886 187.11€ |
| Transfers to public creditors | | 212 797.28€ |
| Transfers to civil claimants | | 43 995.00€ |
| Transfers to MILDT | | 895 847.72€ |
| Transfers to the State | | 2 928 731.01€ |
| Transfers to Agency budget (2012 budget) | | 1 806 600.00€ |
| Transfers to Agency budget (2011 budget (disbursements in 2012) | | 75 127.60€ |
| Interest paid to Agency budget | | 1 821 795.84€ |
| Total | 356 383 851.22€ | 32 383 212.76€ |
| <i>Account balance as of 31/12/12</i> | <i>324 000 638.46€</i> | |

Accounting standards

The accounts of the AGRASC are kept in accordance with Public Accounting standards common to all Administrative Public Establishments (Codifying Instruction M9-1)

These accounts are both an information conduit and a management tool and especially a monitoring tool. It is on this basis that the AGRASC introduced in 2012 a series of internal accounting controls:

Controls of monies transferred:

- Controls of withdrawals from CDC account : restitutions, payments to public creditors, payments to the general State budget and to the “Drugs” fund;
- On the basis of a query system in the databank, analysis and rectification by the Legal Department or the Accounts Department of registration discrepancies.

These controls will be developed, systemised and formalised in 2013.

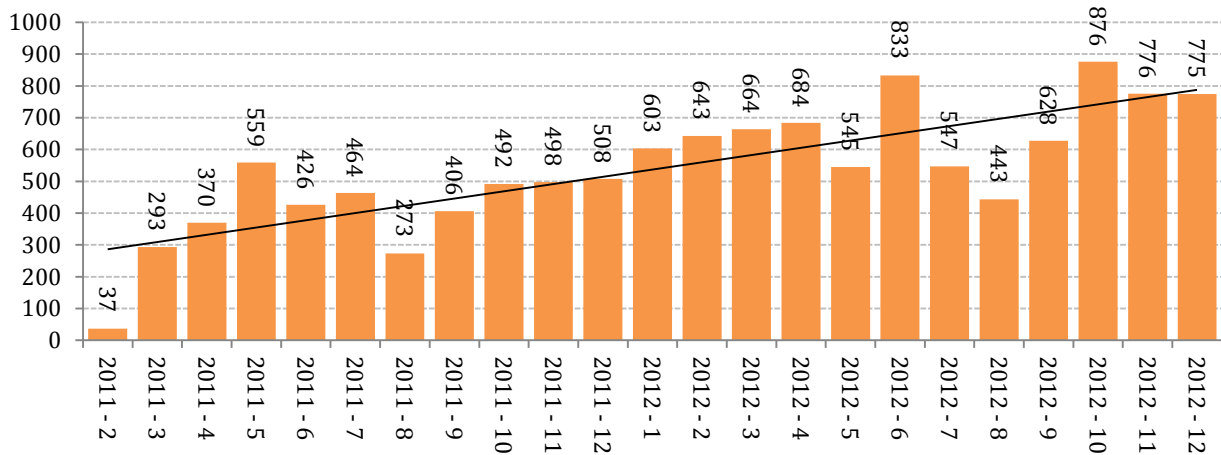
Adjustment of the CDC account



Since the opening of the CDC account, it has registered a steady flow of operations, rising from an average of 300 per month to 800 at the present time.

This rise in the volume of operations automatically entails an increase in the workload of the Accounting Department in charge of following-up and adjusting this account in a context which has not yet stabilised, having witnessed constant expansion over the past two years.

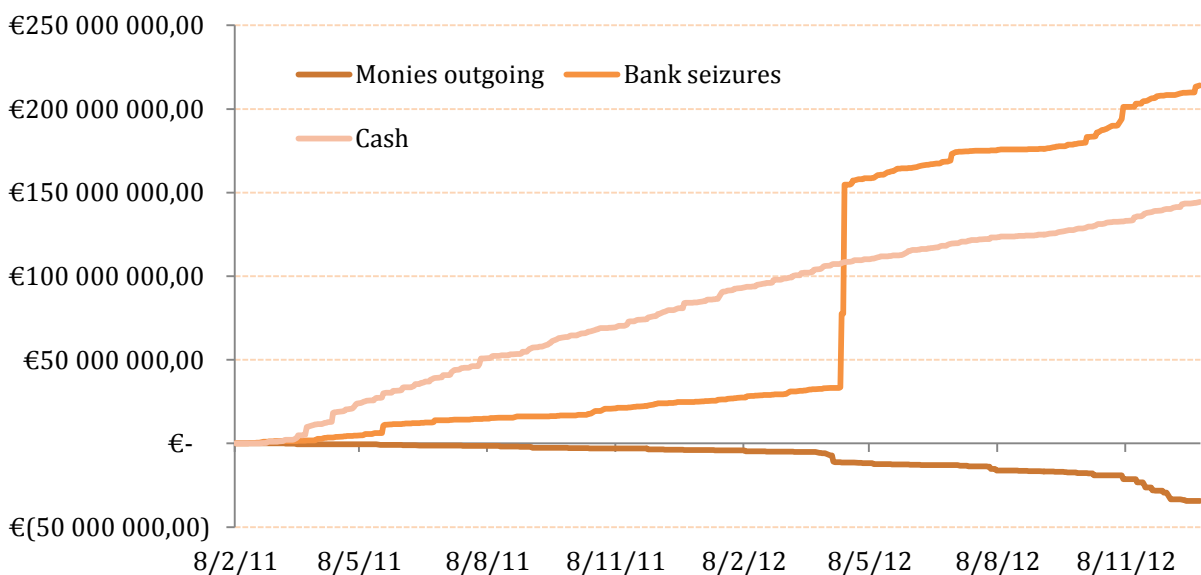
Number of operations on the account per month of activity



Position of the CDC account as of 31/12/2012

| | Amount in currency | Amount in euros |
|--------------|--------------------|------------------------|
| Euros | | 323 272 176.32€ |
| USD | \$ 875 918.78 | 685 659.77€ |
| GBP | £ 33 610.00 | 42 802.37€ |
| Total | | 324 000 638.46€ |

As of December 31st 2012 the balance of the account was 324 000 638.46 €.



In 2011, 11,129 operations were registered at the adjustment level and 19,582 in 2012, i.e a rise of 76% in the volume of operations entered in the accounts. This adjustment makes it possible ensure perfect traceability between seized assets and the connected financial flows.

The adjustment rate as of December 31st 2012 is close to 91% (90.94%) which is an improvement on the 2011 figures as of December 31st 2011 (85.10%)

Prospects for 2013

Recruitments



Continuing to recruit staff is a priority for 2013 in view of the ever increasing workload and in particularly the rise in restitutions. 3 agents will be recruited to consolidate the Legal Department, the Accounts Department and the secretariat of the Agency in April and September. A fourth agent, in charge of monitoring management expenses and the activity of Court offices will complete the team in September.

Public contracts

The main public procurement contracts in 2013 will concern the Agency data system and the processing of precious metals in the pursuit of the experience acquired in dealing with the amalgamated gold stocks in French Guyana.

Access to Cassiopée

The Agency has been fully aware throughout 2012 of the extent to which consultation access to Cassiopée (the software application in criminal matters with which French courts are equipped), had it been able to access this site, would have simplified and expedited the performance of its various tasks, whether as regards data registration or traceability of cases up until judgment.

Despite repeated requests to the Ministry of Justice and systematic raising of the issue during different Board meetings, the Agency's request for access has still not been granted. The Agency therefore renews this request, underlining the benefits it would reap from such access, in particular as regards more rapidly increasing the general budget of the State or the Drugs fund managed by the MILDT, thank to the obtaining of indispensable information for the transfer of funds.

E-Codex

Desirous of playing a part in upcoming projects, the Agency has agreed to participate, at the request of the Secretariat general of the Ministry of Justice, together with the Office of Criminal Matters and Pardons, in the European project E-Codex.

This project is designed to enhance dematerialised cross-border secure communications between the various actors of the judicial world.

It is based on the ability of the Member States of the European Union to propose interoperable solutions for the exchange of documents under European technical standards in order to facilitate the access of citizens of the Union to justice and strengthen cross-border exchanges between courts of law. Fourteen Member States, including France, are participating in this project under the overall management by Germany. In addition to exchanges in the civil field, the criminal field will cover the European arrest warrant, secure exchanges between courts of law, financial penalties, in particular in the case of offences against the Highway Code.

Secure exchanges between courts of law should make it possible in cases of seizures and confiscations to ensure risk-free transmission of documents, instruments, orders and judgments between judges.

Professionalise the sale of non-standard assets, develop expertise



During 2012 the Agency was entrusted with a certain number of non-standard assets, luxury vehicles designed to be sold prior to judgment.

The Agency rapidly realised the need to set up a specific operating method designed to deal with such sales in the future.

The priority is to intervene upstream as much as possible once a judge wishes to proceed with a sale prior to judgment. Exploratory meetings were thus held with experts in such matters in order to ensure optimal treatment of such sales.

These good practices may be put to good use in other cases which will soon be entrusted to the Agency.

Prospects : new partnership with Receivers

In a certain number of cases, Prosecutors have questioned the Agency as to the possibility of organising the continuation of the business of companies likely to be the subject of a criminal asset seizure and for which it would be necessary to appoint a Receiver to replace those in charge who are prosecuted and thus no longer able to perform their duties.

The Agency has thus contacted the President of the National Council of Receivers and will report on progress its work at the national congress in June 2013.

Statutory reforms

While carrying out the task of giving assistance, guidance and advice to judges in the field of decision-making, the Agency has been in a position to realise the extent to which certain statutory advances have contributed to enhancing possibilities of seizures and confiscations and have been shown to be decisive weapons in the fight against crime.

The Agency therefore repeats the recommendations made in its previous report and which have not as yet been put on a statutory footing :

- Introduce a further penalty of confiscation of property in the event of money laundering by a legal entity
- Give Courts of Appeal the possibility of seizing and confiscating property when a case is heard, thus extending to these courts the measures available to criminal courts (Tribunaux correctionnels and Cours d'assises) under Articles 484-1 and 373-1 of the Code of Criminal Procedure
- Look closely at the question of keeping the provisional holding measures provided for in Article 706-103 and 706-166 of the Code of Criminal Procedure insofar as value based confiscation is henceforth provided for in general terms in paragraph 9 of Article 131-21 of the Criminal Code.

Other statutory measures may be contemplated :

Indispensable updating of Article 694-10 and following of the Code of Criminal Procedure

The Act of July 9th 2010 has in particular codified the provisions of the Acts of November 14th 1990 and May 13th 1996 on the enforcement in France of seizure decisions handed down by foreign courts. These provisions are now found in Articles 694-10 to 694-13 of the Code of Criminal Procedure in section 3 “ Mutual assistance for the seizure of the proceeds of a criminal offence for the purpose of subsequent confiscation thereof” of Title X of mutual international judicial assistance. The wording of these provision, which has not been updated in a coherent fashion to take account of developments in both domestic and international law, poses problems for those professional bodies called upon to enforce seizure decisions handed down by foreign courts.

These currently applicable provisions concern not only requests from countries outside the European Union but also from judicial authorities of EU Member States which have not transposed the Framework decision of July 22nd 2003.

The main difficulties encountered are found in Articles 694-10 and 694-12 of the Code of Criminal Procedure.

Article 694-10 of the Code of Criminal Procedure provides *“in the absence of any International Convention to the contrary, Articles 694-11 to 694-13 shall apply to requests for mutual judicial assistance coming from competent foreign authorities for the seizure, for the purpose of the subsequent confiscation thereof, of chattels and real estate of whatsoever kind which appear to be the direct or indirect proceeds of the criminal offence together with any assets of which the value corresponds to the proceeds of said offence”*.

This provision thus restricts the carrying out of seizures at the request of foreign authorities to those seizures of the proceeds of the offence and to value based seizures, thus excluding both the seizure of the instrument or object of the offence and extended seizures.

This restriction, which may obviously be lifted by recourse to an international convention providing otherwise, is today quite unwarranted in French law since under the latter extended seizures, including those of the object or instrument of the offence may be carried out without difficulty. It is thus indispensable to remove this restriction in order to make it possible in France to comply with such requests from foreign authorities which should, under our domestic law, be able to be executed on French territory.

Article 694-12 of the Code of Criminal Procedure presents three difficulties. It provides that: *“The implementation on French territory of provisional holding measures pursuant to a request made by the foreign judicial authority under an international Convention is ordered, with the cost thereof advanced by the Treasury and in the manner set forth herein, by the Investigating Magistrate at the request of the Public Prosecutor once the owner of said assets cannot fail to be aware of the origin or fraudulent use thereof”.*

The first difficulty encountered is of a purely formal nature: the provisions refers to the implementation of “provisional holding measures” whereas it should refer to “seizures” in accordance with the title of section 3 and the terms employed in the other articles of this section. In French domestic law provisional holding measures are not criminal asset seizures: they are provided for by Articles 706-103 and 706-166 of the Code of Criminal Procedure and, since the Act of July 9th 2010 are no longer designed to make it possible to subsequently proceed to confiscate the property involved. Article 694-10 and following deal in effect with criminal asset seizures requested by a foreign authority and not provisional holding measures. This terminological error should thus be rectified.

The second difficulty has often been pointed out to the AGRASC: the requirement that the Investigating Magistrate who orders a seizure must rule “at the request of the Public Prosecutor”. This requirement would seem hardly justified when the request from the foreign authority has been made directly to the Investigating Magistrate. It would seem advisable, based on the example of domestic law provisions on seizures, to provide that the Investigating Magistrate may order a seizure either at the request of the Public Prosecutor or consultation with the latter.

The final difficulty stems from the ultimate restriction laid down by these provisions: a seizure is only possible *“once the owner of said assets cannot fail to be aware of the origin or fraudulent use thereof”*. This restriction on seizures is no longer found in international provisions, nor in domestic law as regards the confiscation of proceeds (see paragraph 3 of Article 131-21 of the Criminal Code) and is not justified by value based seizure (this type of seizure is seizure by property of equivalent value : this is assuming that the owner is the person prosecuted and the property is not of fraudulent origin) . In the present state of the law, this restriction would, if applied, prevent the satisfaction of the majority of foreign requests. It is only if our recommendation above that Article 694-10 be revised to extend the types of possible seizures is followed that protection of bona fide third parties would be understandable, as in domestic law.

In order to cooperate efficiently with foreign authorities requesting seizures of assets on French territory, French courts are under a duty, under Article 55 of the Constitution, to depart from the provisions in question and directly apply international Conventions which require our country to carry out seizures in a far wider manner than that provided for in domestic law. Updating of our domestic provisions in order to have them conform to our international obligations would render French law more intelligible and ensure greater legal certainty.

Adding of the concept of free disposal for value based confiscations under Article 131-21 paragraph 9 of the Criminal Code

The Act of March 27th 2012 on the enforcement of penalties has amended Article 131-12 of the Criminal Code to facilitate value based confiscation, i.e confiscation of assets of equivalent value. This is a confiscation of assets owned by the convicted offender unconnected with the offence but which correspond by their value to the profit which the offender obtained from the commission of the offence.

In the previous wording, value based confiscation existed but under more restrictive conditions which ran counter to international Conventions signed by France. This simplification thus made it possible to correct certain inconsistencies.

This same statute contains another eagerly awaited modification, firstly in the same Article 131-21 paragraphs 5 and 6 (confiscation of property of unjustified origin and general confiscation of property) and also in numerous other statutory provisions providing for the additional penalty of confiscation. This is the principle of free disposal.

These modifications henceforth make it possible to confiscate not only assets owned by the convicted offender but also assets “of which he has the free disposal, subject to the rights of the bona fide owner” This modification has thus made it possible to limit the various ruses consisting in putting assets in the name of a third party to escape any seizure or confiscation (in the name of the family, minors, nominees or legal entities)

However although the concept of free disposal had been added to paragraphs 5 and 6 of Article 131-21 of the Code of Criminal Procedure, it was already to be found in paragraph 2 (instrument used to commit the offence) and was never intended to concern paragraph 3 since the proceeds of the offence can always be seized regardless of the person in possession thereof, as confirmed by a decision of the Cour de Cassation of September 4th 2012, it is strange that it does not appear in paragraph 9 concerning value based confiscation.

Some examples :

Recourse to value based confiscation is more particularly encountered in high-level cases of fraud and obtaining property by deception since substantial profit has been generated in such offences and the profile established by the offender markedly reduces the chances of recovering the proceeds of the crime. If at the same time the offender owns assets of sufficient value, they may be confiscated on a value basis. However if the offender has taken the precaution of shielding his assets behind nominees or legal entities, as often happens, value based confiscation cannot be carried out since it may not concern assets of which he has free disposal , but solely assets of which he is the owner, since this concept does not appear in paragraph 9 referred to above.

If one compares this provision with that providing for general confiscation of property (paragraph 6) which also concerns assets unconnected with the offence, it is incomprehensible that the concept of free disposal is found in the general confiscation provisions but not in those pertaining to value based confiscation.

Lastly it should be recalled that in all cases where the concept of free disposal is applied, this is always subject to the rights of a bona fide owner.

It would therefore be advisable that the concept of free disposal, with the normal qualifications, be inserted into the provisions of paragraph 9 of Article 131-21 of the Criminal Code.

Setting up of a “Register of criminal asset seizures” in the Court Offices of Commercial Courts

Among the practical difficulties mentioned by the Operations Department as regards registration of criminal asset seizures of businesses in the Register of liens and charges kept by each Commercial Court Office, the AGRASC and the National Council of Commercial Court Clerks have recommended the setting up of a new register.

The nature and legal treatment of the registration of criminal asset seizures are not of the same order of those concerning liens and charges.

Firstly, registering a criminal asset seizure does not require any pre-existing debt, unlike the cases of liens or charges.

Secondly, criminal asset seizures take a business out of circulation and suspend or prohibit any civil enforcement procedure. This is not the case with liens and charges.

Lastly, a criminal asset seizure is not of limited effect in time nor does it need renewal unlike liens and charges.

All the above differences have an impact on the informing of third parties, starting with creditors. It is thus recommended that an independent, more comprehensible Register be set up to record registrations of criminal asset seizures of businesses together with similar seizures of company shares (the latter being absent from all publication under the current system). This Register could be called “Register of criminal asset seizures”.

At the same time the relevant provision of the Criminal Code should make it possible for the entry of criminal asset seizures of businesses on the company registration certificate in the Company and Trade Register.

The need to ensure consistency of statutory provisions designed to punish contempt of court with the new system created by the Act of July 9th 2010

As stated by the Operations Department, the AGRASC finds itself confronted with difficulties when performing its task of selling confiscated real estate.

Deliberate continued occupancy of such real estate by the convicted offender or a member of his/her family makes it difficult to deal with the property and slows down the proceedings undertaken by the Notary by not allowing access to the property.

A refusal to cooperate on the part of the convicted offender, or even his/her fierce opposition to such a measure undermines the authority of criminal justice. The Agency has thus looked closely at the statutory provisions available to it for vacating real estate and allowing the actual transferring of possession of such real estate in order for the penalty to be enforced.

Various provisions of the Criminal Code punish contempt of court by providing in particular for the destruction, diverting or refusal to surrender up of property of which confiscation has been ordered.

The destruction or diverting of confiscated assets, together with the refusal of the person notified of the decision ordering him/her to surrender the assets, are provided for by Articles 434-41 para.2 and 3 of the Criminal Code, which renders the offender liable to a term of 2 years' imprisonment and a fine of 30 000€.

Certain terms employed or articles referred to have been found to create difficulties:

- The description of the assets confiscated uses old wording (“the thing, ”the object”) which is inadequate when read in the light of the new principles laid down by the Act of July 9th 2010 designed to facilitate seizure and confiscation of criminal assets. Use is thus constantly made in particular in Article 131-2 of the Criminal Code, of the distinction between chattels and real estate, divided or undivided, and in Title XXIX of the Code of Criminal Procedure of the traditional distinction between tangible and intangible property;
- The reference to Article 131-10 of the Criminal Code seems insufficient in that this Article concerns solely natural persons. The twofold reference normally made in Article 131-21 and 131-39 of this same Code should be introduced into this provision;

The lack of any reference to the executing authority in the form of the AGRASC, unlike the case of more recent provisions such as Article 707-1 of the Code of Criminal Procedure, requires updating.

Such modifications would thus seem necessary to clarify the basis on which the AGRASC is to rely in order to perform the difficult tasks of penalty enforcement which the Public Prosecutor has entrusted it with, in particular when convicted offenders or third parties attempt to thwart those in charge of enforcing decisions of courts of law.

A breakdown of drugs cases

After two years of operations, data recorded by the AGRASC, in particular as regards seizures, makes it possible, even if the figures are recent, to undertake an analysis of offences under drugs legislation. (ILS)

The prevalence of drug related offences in the database explains this breakdown. The monopolies vested in the Agency in four fields (centralised management of monies seized, seizures and confiscations of real estate, sales prior to judgment) enables the latter to have at its disposal an exhaustive breakdown of this type of seizure.

Drug related offences represent more than one offence out of two (24 264 offences i.e 55.34% of recorded offences) and out of the 10 most frequently encountered offences registered on the database, 6 concern drug-related offences and are ranked first out of 396 offences recorded on the database.

Type and weighting of drug-related offences (2011-2012)

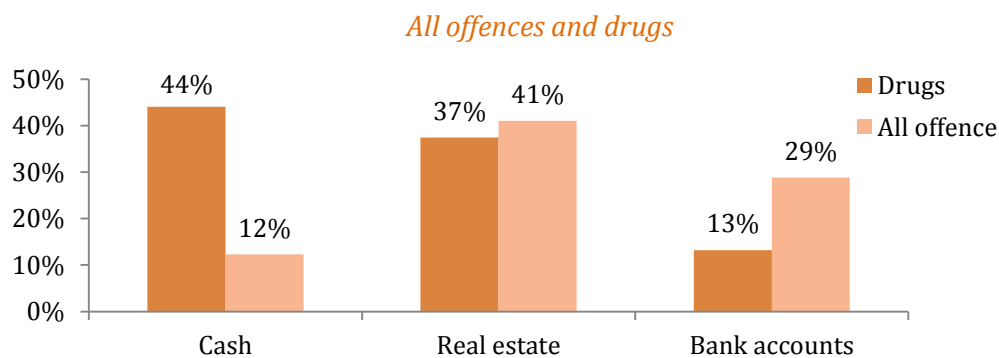
| Type of offence | Number | Rates |
|-------------------------------------|---------------|--------|
| Drugs | 24 264 | 55.34% |
| Theft | 5 902 | 13.46% |
| Obtaining property by deception | 2 623 | 5.98% |
| Money laundering | 641 | 1.46% |
| Illegal Labour | 621 | 1.42% |
| Procuring | 534 | 1.22% |
| Betting and Gaming | 252 | 0.57% |
| Forgery | 193 | 0.44% |
| Illegal immigrants | 192 | 0.44% |
| Tax evasion | 102 | 0.23% |
| Non justification of wealth | 96 | 0.22% |
| Taking unfair advantage of weakness | 78 | 0.18% |
| Corruption | 50 | 0.11% |
| Terrorism | 41 | 0.09% |
| Counterfeit money | 27 | 0.06% |
| Extortion | 23 | 0.05% |
| Misappropriation of Public Funds | 13 | 0.03% |
| Environment | 2 | 0.00% |
| Others | 8 189 | 18.68% |
| | 43 843 | |

The 10 most common offences on the database (396 types of offences registered)

| Offence | Number | Type |
|---|--------|-------|
| Unauthorised possession of narcotic drugs | 5540 | Drugs |
| Unlawful use of narcotic drugs | 4006 | Drugs |
| Drug trafficking | 3548 | Drugs |
| Unauthorised dealing in drugs | 3374 | Drugs |
| Unauthorised transport of drugs | 3233 | Drugs |
| Unauthorised acquisition of drugs | 2298 | Drugs |
| Obtaining property by deception | 1190 | Drugs |
| Theft | 1010 | Theft |
| Receiving stolen goods | 640 | Theft |
| Aggravated Theft | 595 | Theft |

| Type of assets ⁵ | Amount of assets seized Millions of € | | | Number of assets seized | | |
|---|--|----------------|-------|-------------------------|---------------|-------|
| | Out | Stock | % | Out | Stock | % |
| Cash | 2.096 | 47.506 | 44.04 | 944 | 16 341 | 88.94 |
| Real Estate | 1.175 | 40.383 | 37.43 | 4 | 132 | 0.72 |
| Bank accounts | 0.727 | 14.225 | 13.19 | 55 | 765 | 4.16 |
| Life insurance | | 4.600 | 4.26 | | 16 | 0.09 |
| Receivables (payment into CDC account) | | 0.673 | 0.62 | | 6 | 0.03 |
| Vehicles | | 0.283 | 0.26 | | 555 | 3.02 |
| Boats | | 0.060 | 0.06 | | 6 | 0.03 |
| Computer/Video/Household appliances/Telephone | | 0.040 | 0.04 | | 265 | 1.44 |
| Clothing/Leather goods | | 0.037 | 0.03 | | 72 | 0.39 |
| Foreign currency | | 0.020 | 0.02 | | 4 | 0.02 |
| Jewelry/Watches | | 0.013 | 0.01 | | 87 | 0.47 |
| Technical tools | | 0.011 | 0.01 | | 18 | 0.10 |
| Gold/Precious metals | | 0.010 | 0.01 | | 1 | 0.01 |
| Chattels | | 0.008 | 0.01 | | 52 | 0.28 |
| Miscellaneous assets | | 0.006 | 0.01 | | 37 | 0.20 |
| Stock (tyres, mattress, carpets) | | 0.002 | 0.00 | | 15 | 0.08 |
| Wine/Spirits | | 0.000 | 0.00 | | 1 | 0.01 |
| | 3.997 | 107.875 | | 1003 | 18 373 | |

Total percentage weighting of main assets seized



Other figures are worthy of mention: 18 373 assets were seized in drugs cases out of a total of more than 38 000 assets. Cash amounts to more than 89% of assets seized, real estate less than 1% and bank accounts 4%. The volume of the amounts of cash seized (44% of amounts for drugs cases as opposed to 12% on average) shows that investigations into assets held in the fight against drugs should be diversified and extended to cover a greater range of assets of all kinds. This finding has been corroborated by the data in the following chart which shows that although 48% of assets seized and handed to the Agency involved drug offences, the total number of seizures only amounts to 11% of the overall value of the portfolio of assets managed by the AGRASC.

Weighting of drug-related offences in the portfolio of managed assets

| | Amount of seizures in M€ | Number of seizures |
|------------------------------|--------------------------|--------------------|
| All offences | 979.77 | 38 294 |
| Drug-related offences | 107.88 | 18 373 |
| % | 11% | 48% |

⁵ Position as of March 1st 2013 : position of assets handled as of March 1st 2012 in the previous activity report serves as a baseline for an analysis of year on year increase.

Conclusion

It is quite apparent that the momentum generated during 2011, showing that many judges had availed themselves of the new possibilities of seizure offered by the Act of July 9th 2010, has been maintained. The rise in seizures, in particular, of criminal asset real estate seizures bears witness to this.

Thanks to the numerous requests for assistance addressed to the Agency by courts of law, it has developed numerous good practices which it will strive to make available to judges by creating new tools.

As was the case in 2011, we have ascertained the need to stress the importance of confiscation orders handed down by courts of law.

Even if actions undertaken during the previous months (circulation of the property reference index, training of judges focusing on this issue, putting online of frameworks including in real estate matters elements indispensable for carrying out confiscations) has indisputably borne fruit, this does not hide the fact that efforts should be continued and stepped up.

There is substantial room for improvement which warrants thought as to the development of the very concept of the penalty of confiscation. While today this is an additional penalty in the Criminal Code, it is clear that for many convicted offenders it is seen as the main penalty, best suited to targeting crime and its main purpose, namely to make money.

Although the main penalty, even when it may be a term of several years' imprisonment, seems to be seen as an acceptable occupational hazard by many offenders, confiscation is often appealed against and has given rise to numerous artifices designed to thwart the enforcement of measures which directly jeopardise the assets of offenders.

In order to take this consideration into account and counter this type of crime for profit, would it not be advisable to upgrade the penalty of confiscation to a major penalty, the handing down of which could replace payment of fines which are often difficult to collect ?

2012 in figures

20 043 cases corresponding to 38,294 assets seized i.e an average of almost two assets per case (1.9)

These assets are valued overall at 773 million euros for 2012, i.e a rise of 374% compared with 2011 (207 M€), representing a stock of almost one billion euros (980 M€)

More than 300 000 euros in cash seized each day

320 criminal asset seizures of real estate, i.e 1 per day, 40 sales of real estate currently underway

1 330 assets sold prior to judgment amounting to 1.7 million euros

3 million euros paid to the State

0.9 million euros paid into the Inter-ministerial mission on fighting drugs and drug addiction

0.2 million euros paid to the Directorate General of Public Finance (DGFIP) and Social Security bodies

Restitution of more than 21 million euros

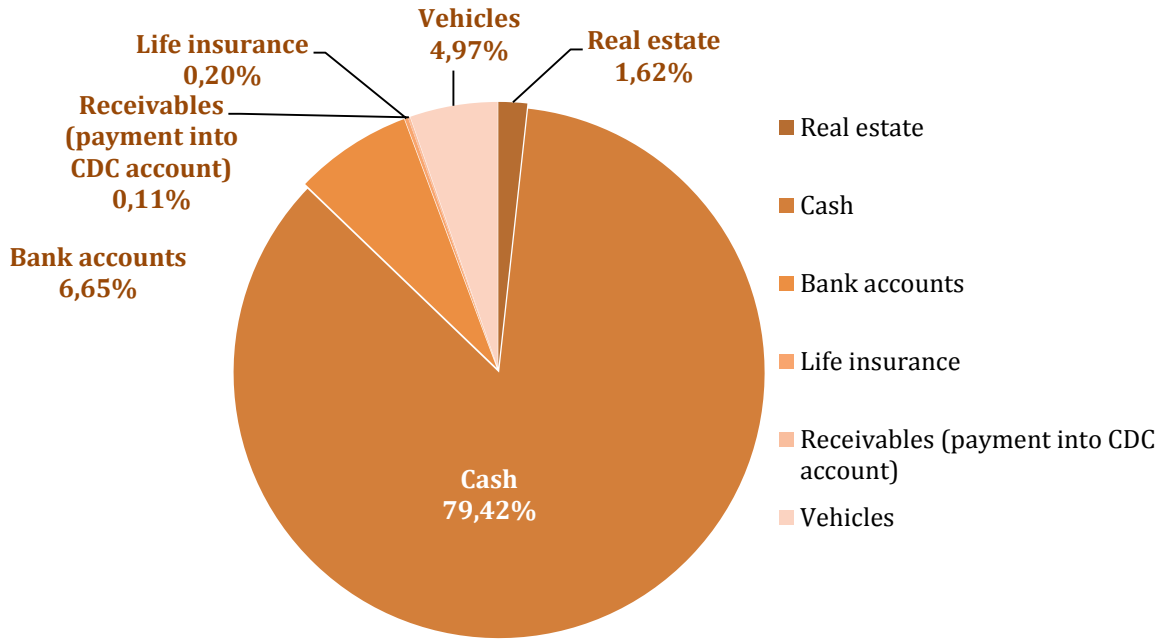
18 agents

Valuation Chart of stock of managed assets⁶

| | Stock 2011 | | | | Stock 2012 | | | | Variation | | | |
|--|------------|--------|--------|--------|------------|--------|---------------|--------|-----------|--------|--------|--------|
| | Nb | Rate | Amount | Rate | Nb | Rate | Amount | Rate | Nb | Rate | Amount | Rate |
| Real estate | 225 | 1,68% | 97,16 | 46,99% | 621 | 1,62% | 402,38 | 41,07% | 396 | 1,59% | 305,22 | 39,48% |
| Cash | 10 753 | 80,52% | 68,31 | 33,04% | 30 414 | 79,42% | 121,57 | 12,41% | 19 661 | 78,83% | 53,26 | 6,89% |
| Bank accounts | 945 | 7,08% | 34,48 | 16,68% | 2 547 | 6,65% | 280,14 | 28,59% | 1 602 | 6,42% | 245,66 | 31,78% |
| Life insurance | 18 | 0,13% | 2,20 | 1,06% | 75 | 0,20% | 108,95 | 11,12% | 57 | 0,23% | 106,75 | 13,81% |
| Receivables (payment into CDC account) | 11 | 0,08% | 2,16 | 1,04% | 43 | 0,11% | 62,17 | 6,35% | 32 | 0,13% | 60,01 | 7,76% |
| Vehicles | 714 | 5,35% | 0,93 | 0,45% | 1 902 | 4,97% | 1,17 | 0,12% | 1 188 | 4,76% | 0,24 | 0,03% |
| Boats | 3 | 0,02% | 0,60 | 0,29% | 20 | 0,05% | 0,39 | 0,04% | 17 | 0,07% | - 0,21 | -0,03% |
| Receivables (not paid into CDC account) | 1 | 0,01% | 0,37 | 0,18% | 1 | 0,00% | 0,37 | 0,04% | - | 0,00% | - | 0,00% |
| Businesses | 1 | 0,01% | 0,25 | 0,12% | 1 | 0,00% | 0,25 | 0,03% | - | 0,00% | - | 0,00% |
| Hifi / Video / Electrical appliances / Telephones | 235 | 1,76% | 0,12 | 0,06% | 861 | 2,25% | 0,13 | 0,01% | 626 | 2,51% | 0,01 | 0,00% |
| Jewelery / Watches | 78 | 0,58% | 0,08 | 0,04% | 200 | 0,52% | 0,03 | 0,00% | 122 | 0,49% | - 0,05 | -0,01% |
| Clothing / Leather goods | 53 | 0,40% | 0,03 | 0,02% | 273 | 0,71% | 0,07 | 0,01% | 220 | 0,88% | 0,03 | 0,00% |
| Technical tools | 136 | 1,02% | 0,03 | 0,01% | 391 | 1,02% | 0,03 | 0,00% | 255 | 1,02% | 0,00 | 0,00% |
| Miscellaneous | 181 | 1,36% | 0,04 | 0,02% | 945 | 1,02% | 2,14 | 0,22% | 764 | 3,06% | 2,09 | 0,27% |
| | 13 354 | | 206,75 | | 38 294 | | 979,77 | | 24 940 | | 773,02 | |

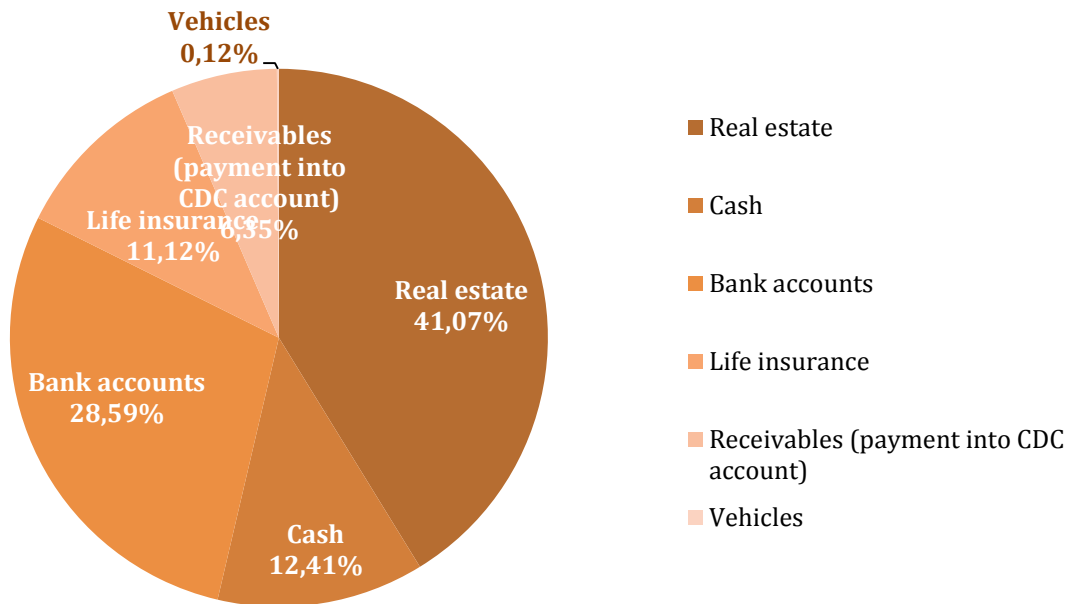
⁶ Position as of March 1st 2013: position of assets handled as of March 1st 2012 in the previous activity report serves as a baseline for an analysis of year on year increase.

Breakdown by type of main assets registered



Cash and bank accounts amount to the same proportion as real estate, i.e 41% of assets seized :

Breakdown by type of assets seized in amounts



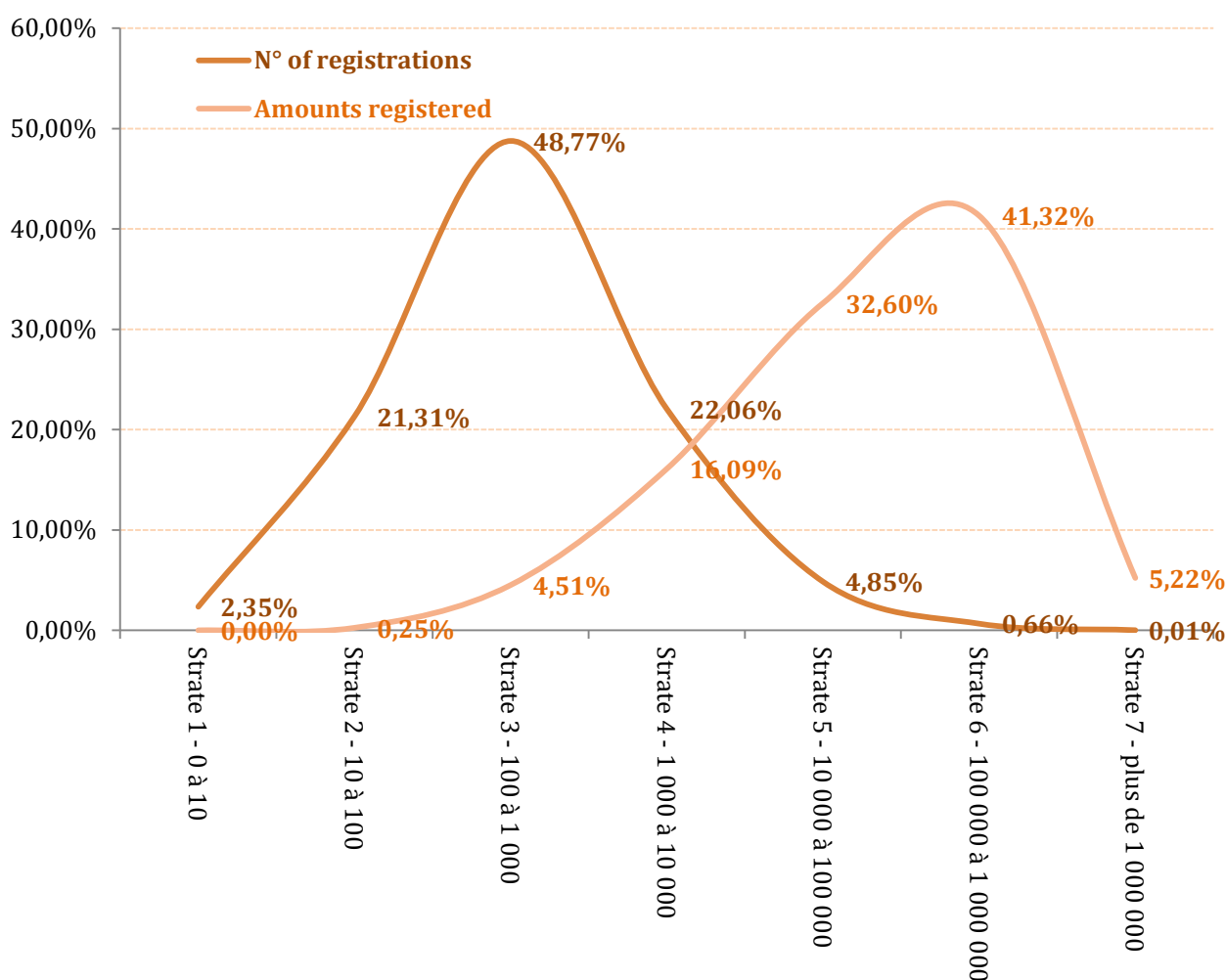
Although the final total amount wise is not the most substantial, cash amounts to more than 80% of assets seized, which automatically entails greater management constraints for the Legal Department and the Accounts Department in charge in fine of finalising financial flows (adjustment, restitution, appropriations)

Cash seizures registered by the Agency broken down into segments

| Segments in euros | N° registrations per segment | % / total | Agreggate amount | % / total |
|---|------------------------------|-----------|-------------------------|-----------|
| Segment 1 - 0 to 10 | 714 | 2.35% | 2 884.12€ | 0.00% |
| Segment 2 - 10 to 100 | 6 480 | 21.31% | 298 623.02€ | 0.25% |
| Segment 3 - 100 to 1000 | 14 832 | 48.77% | 5 488 158.15€ | 4.51% |
| Segment 4- 1000 to 10000 | 6 709 | 22.06% | 19 563 955.82€ | 16.09% |
| Segment 5 - 10 000 to 100 000 | 1 474 | 4.85% | 39 628 705.76€ | 32.60% |
| Segment 6 - 100 000 to 1 000 000 | 201 | 0.66% | 50 234 869 .97€ | 41.32% |
| Segment 7 - more than 1 000 000 | 4 | 0.01% | 6 350 245.96€ | 5.22% |
| | 30 414 | | € 121 567 442.80 | |

An analysis of the aggregate activity shows that the processing of managing small amounts of cash still constitutes a major constraint for the Agency.

Curve showing cash registrations per segment



Ranking of Départements/regions on the basis of the amount of cash seizures and real estate seizures registered.

(Agreggate data 2011 and 2012)

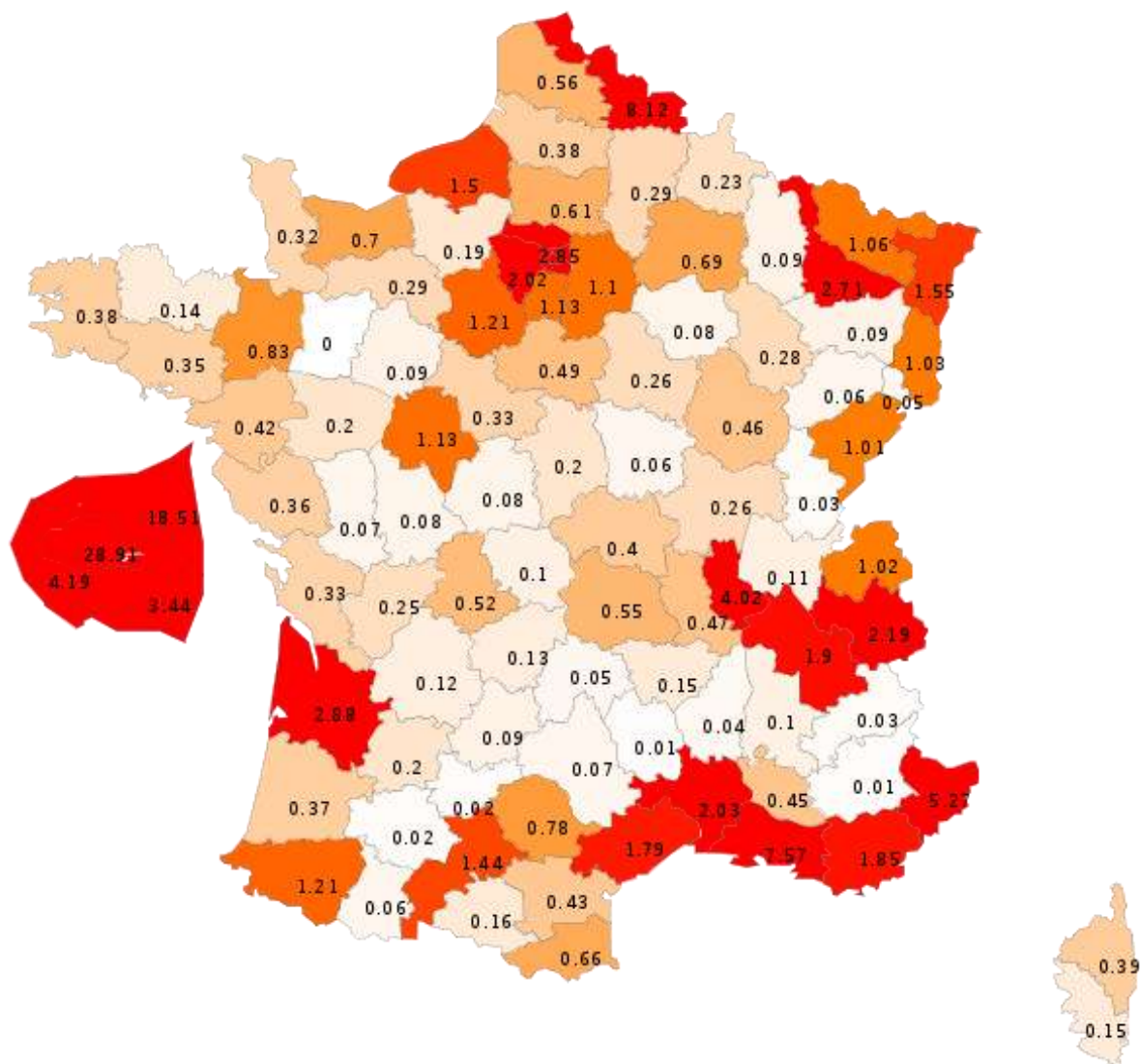
| | Département | Région | Cash seizures registered in M€ | Ranking in M€ | N° of real estate seizures registered | Ranking in n° of registrations | Total ranking |
|----|----------------------|----------------------------|--------------------------------|---------------|---------------------------------------|--------------------------------|---------------|
| 75 | Paris | Île-de-France | 29,52 | 1 | 28 | 3 | 1 |
| 93 | Seine-Saint-Denis | Île-de-France | 18,93 | 2 | 33 | 2 | 2 |
| 59 | Nord | Nord-Pas-de-Calais | 8,79 | 3 | 42 | 1 | 3 |
| 69 | Rhône | Rhône-Alpes | 4,07 | 7 | 14 | 6 | 4 |
| 13 | Bouches-du-Rhône | Provence-Alpes-Côte d'Azur | 7,68 | 4 | 9 | 11 | 5 |
| 95 | Val-d'Oise | Île-de-France | 2,85 | 10 | 15 | 5 | 6 |
| 6 | Alpes-Maritimes | Provence-Alpes-Côte d'Azur | 5,68 | 5 | 9 | 11 | 7 |
| 92 | Hauts-de-Seine | Île-de-France | 4,34 | 6 | 10 | 10 | 8 |
| 94 | Val-de-Marne | Île-de-France | 3,51 | 8 | 11 | 9 | 9 |
| 78 | Yvelines | Île-de-France | 2,07 | 13 | 13 | 7 | 10 |
| 33 | Gironde | Aquitaine | 2,88 | 9 | 7 | 12 | 11 |
| 38 | Isère | Rhône-Alpes | 1,95 | 15 | 14 | 6 | 12 |
| 83 | Var | Provence-Alpes-Côte d'Azur | 1,89 | 16 | 11 | 9 | 13 |
| 54 | Meurthe-et-Moselle | Lorraine | 2,79 | 11 | 3 | 16 | 14 |
| 73 | Savoie | Rhône-Alpes | 2,19 | 12 | 2 | 17 | 15 |
| 91 | Essonne | Île-de-France | 1,16 | 23 | 14 | 6 | 16 |
| 67 | Bas-Rhin | Alsace | 1,58 | 18 | 7 | 12 | 17 |
| 57 | Moselle | Lorraine | 1,07 | 26 | 17 | 4 | 18 |
| 77 | Seine-et-Marne | Île-de-France | 1,11 | 25 | 14 | 6 | 19 |
| 30 | Gard | Languedoc-Roussillon | 2,04 | 14 | 1 | 18 | 20 |
| 76 | Seine-Maritime | Haute-Normandie | 1,51 | 19 | 6 | 13 | 21 |
| 34 | Hérault | Languedoc-Roussillon | 1,80 | 17 | 3 | 16 | 22 |
| 31 | Haute-Garonne | Midi-Pyrénées | 1,46 | 20 | 4 | 15 | 23 |
| 35 | Ille-et-Vilaine | Bretagne | 0,85 | 30 | 12 | 8 | 24 |
| 28 | Eure-et-Loir | Centre | 1,22 | 21 | 1 | 18 | 25 |
| 64 | Pyrénées-Atlantiques | Aquitaine | 1,21 | 22 | 2 | 17 | 26 |
| 81 | Tarn | Midi-Pyrénées | 0,80 | 31 | 12 | 8 | 27 |
| 74 | Haute-Savoie | Rhône-Alpes | 1,02 | 28 | 6 | 13 | 28 |
| 37 | Indre-et-Loire | Centre | 1,15 | 24 | 0 | 19 | 29 |
| 62 | Pas-de-Calais | Nord-Pas-de-Calais | 0,57 | 36 | 13 | 7 | 30 |
| 25 | Doubs | Franche-Comté | 1,01 | 29 | 3 | 16 | 31 |
| 68 | Haut-Rhin | Alsace | 1,03 | 27 | 0 | 19 | 32 |
| 42 | Loire | Rhône-Alpes | 0,47 | 40 | 12 | 8 | 33 |
| 14 | Calvados | Basse-Normandie | 0,71 | 32 | 2 | 17 | 34 |
| 51 | Marne | Champagne-Ardenne | 0,69 | 34 | 4 | 15 | 35 |
| 66 | Pyrénées-Orientales | Languedoc-Roussillon | 0,69 | 33 | 2 | 17 | 36 |
| 60 | Oise | Picardie | 0,66 | 35 | 3 | 16 | 37 |
| 87 | Haute-Vienne | Limousin | 0,52 | 38 | 5 | 14 | 38 |
| 21 | Côte-d'Or | Bourgogne | 0,46 | 41 | 9 | 11 | 39 |
| 63 | Puy-de-Dôme | Auvergne | 0,55 | 37 | 1 | 18 | 40 |
| 45 | Loiret | Centre | 0,50 | 39 | 3 | 16 | 41 |

| | Département | Région | Cash seizures registered in M€ | Ranking in M€ | N° of real estate seizures registered | Ranking in n° of registrations | Total ranking |
|----|-------------------|----------------------------|--------------------------------|---------------|---------------------------------------|--------------------------------|---------------|
| 44 | Loire-Atlantique | Pays de la Loire | 0,42 | 44 | 5 | 14 | 42 |
| 29 | Finistère | Bretagne | 0,41 | 45 | 6 | 13 | 43 |
| 84 | Vaucluse | Provence-Alpes-Côte d'Azur | 0,45 | 42 | 0 | 19 | 44 |
| 11 | Aude | Languedoc-Roussillon | 0,45 | 43 | 1 | 18 | 45 |
| 3 | Allier | Auvergne | 0,40 | 46 | 1 | 18 | 46 |
| 17 | Charente-Maritime | Poitou-Charentes | 0,40 | 47 | 2 | 17 | 47 |
| 2B | Haute-Corse | Corse | 0,39 | 48 | 2 | 17 | 48 |
| 80 | Somme | Picardie | 0,39 | 49 | 2 | 17 | 49 |
| 40 | Landes | Aquitaine | 0,37 | 51 | 3 | 16 | 50 |
| 56 | Morbihan | Bretagne | 0,35 | 52 | 4 | 15 | 51 |
| 85 | Vendée | Pays de la Loire | 0,37 | 50 | 1 | 18 | 52 |
| 50 | Manche | Basse-Normandie | 0,32 | 54 | 3 | 16 | 53 |
| 41 | Loir-et-Cher | Centre | 0,34 | 53 | 1 | 18 | 54 |
| 52 | Haute-Marne | Champagne-Ardenne | 0,28 | 57 | 3 | 16 | 55 |
| 61 | Orne | Basse-Normandie | 0,29 | 55 | 0 | 19 | 56 |
| 2 | Aisne | Picardie | 0,29 | 56 | 0 | 19 | 57 |
| 8 | Ardennes | Champagne-Ardenne | 0,23 | 61 | 5 | 14 | 58 |
| 71 | Saône-et-Loire | Bourgogne | 0,26 | 58 | 1 | 18 | 59 |
| 27 | Eure | Haute-Normandie | 0,19 | 65 | 7 | 12 | 60 |
| 24 | Dordogne | Aquitaine | 0,15 | 69 | 12 | 8 | 61 |
| 89 | Yonne | Bourgogne | 0,26 | 59 | 0 | 19 | 62 |
| 16 | Charente | Poitou-Charentes | 0,25 | 60 | 0 | 19 | 63 |
| 18 | Cher | Centre | 0,23 | 62 | 1 | 18 | 64 |
| 47 | Lot-et-Garonne | Aquitaine | 0,20 | 64 | 3 | 16 | 65 |
| 49 | Maine-et-Loire | Pays de la Loire | 0,21 | 63 | 0 | 19 | 66 |
| 23 | Creuse | Limousin | 0,10 | 74 | 12 | 8 | 67 |
| 43 | Haute-Loire | Auvergne | 0,15 | 67 | 2 | 17 | 68 |
| 9 | Ariège | Midi-Pyrénées | 0,16 | 66 | 0 | 19 | 69 |
| 2A | Corse-du-Sud | Corse | 0,15 | 68 | 1 | 18 | 70 |
| 1 | Ain | Rhône-Alpes | 0,11 | 72 | 4 | 15 | 71 |
| 22 | Côtes-d'Armor | Bretagne | 0,14 | 70 | 1 | 18 | 72 |
| 19 | Corrèze | Limousin | 0,13 | 71 | 0 | 19 | 73 |
| 26 | Drôme | Rhône-Alpes | 0,11 | 73 | 0 | 19 | 74 |
| 46 | Lot | Midi-Pyrénées | 0,09 | 76 | 2 | 17 | 75 |
| 88 | Vosges | Lorraine | 0,09 | 78 | 4 | 15 | 76 |
| 86 | Vienne | Poitou-Charentes | 0,08 | 81 | 7 | 12 | 77 |
| 72 | Sarthe | Pays de la Loire | 0,10 | 75 | 0 | 19 | 78 |
| 55 | Meuse | Lorraine | 0,09 | 77 | 0 | 19 | 79 |
| 10 | Aube | Champagne-Ardenne | 0,08 | 79 | 0 | 19 | 80 |
| 36 | Indre | Centre | 0,08 | 80 | 0 | 19 | 81 |
| 79 | Deux-Sèvres | Poitou-Charentes | 0,07 | 83 | 3 | 16 | 82 |
| 65 | Hautes-Pyrénées | Midi-Pyrénées | 0,06 | 85 | 5 | 14 | 83 |
| 12 | Aveyron | Midi-Pyrénées | 0,08 | 82 | 0 | 19 | 84 |

| | Département | Région | Cash seizures registered in M€ | Ranking in M€ | N° of real estate seizures registered | Ranking in n° of registrations | Total ranking |
|----|-------------------------|----------------------------|--------------------------------|---------------|---------------------------------------|--------------------------------|---------------|
| 32 | Gers | Midi-Pyrénées | 0,07 | 84 | 1 | 18 | 85 |
| 82 | Tarn-et-Garonne | Midi-Pyrénées | 0,02 | 93 | 10 | 10 | 86 |
| 70 | Haute-Saône | Franche-Comté | 0,06 | 86 | 0 | 19 | 87 |
| 58 | Nièvre | Bourgogne | 0,06 | 87 | 0 | 19 | 88 |
| 90 | Territoire de Belfort | Franche-Comté | 0,05 | 88 | 0 | 19 | 89 |
| 7 | Ardèche | Rhône-Alpes | 0,04 | 90 | 2 | 17 | 90 |
| 39 | Jura | Franche-Comté | 0,03 | 91 | 3 | 16 | 91 |
| 15 | Cantal | Auvergne | 0,05 | 89 | 0 | 19 | 92 |
| 5 | Hautes-Alpes | Provence-Alpes-Côte d'Azur | 0,03 | 92 | 1 | 18 | 93 |
| 4 | Alpes-de-Haute-Provence | Provence-Alpes-Côte d'Azur | 0,01 | 94 | 2 | 17 | 94 |
| 48 | Lozère | Languedoc-Roussillon | 0,01 | 95 | 0 | 19 | 95 |
| 53 | Mayenne | Pays de la Loire | 0,00 | 96 | 0 | 19 | 96 |

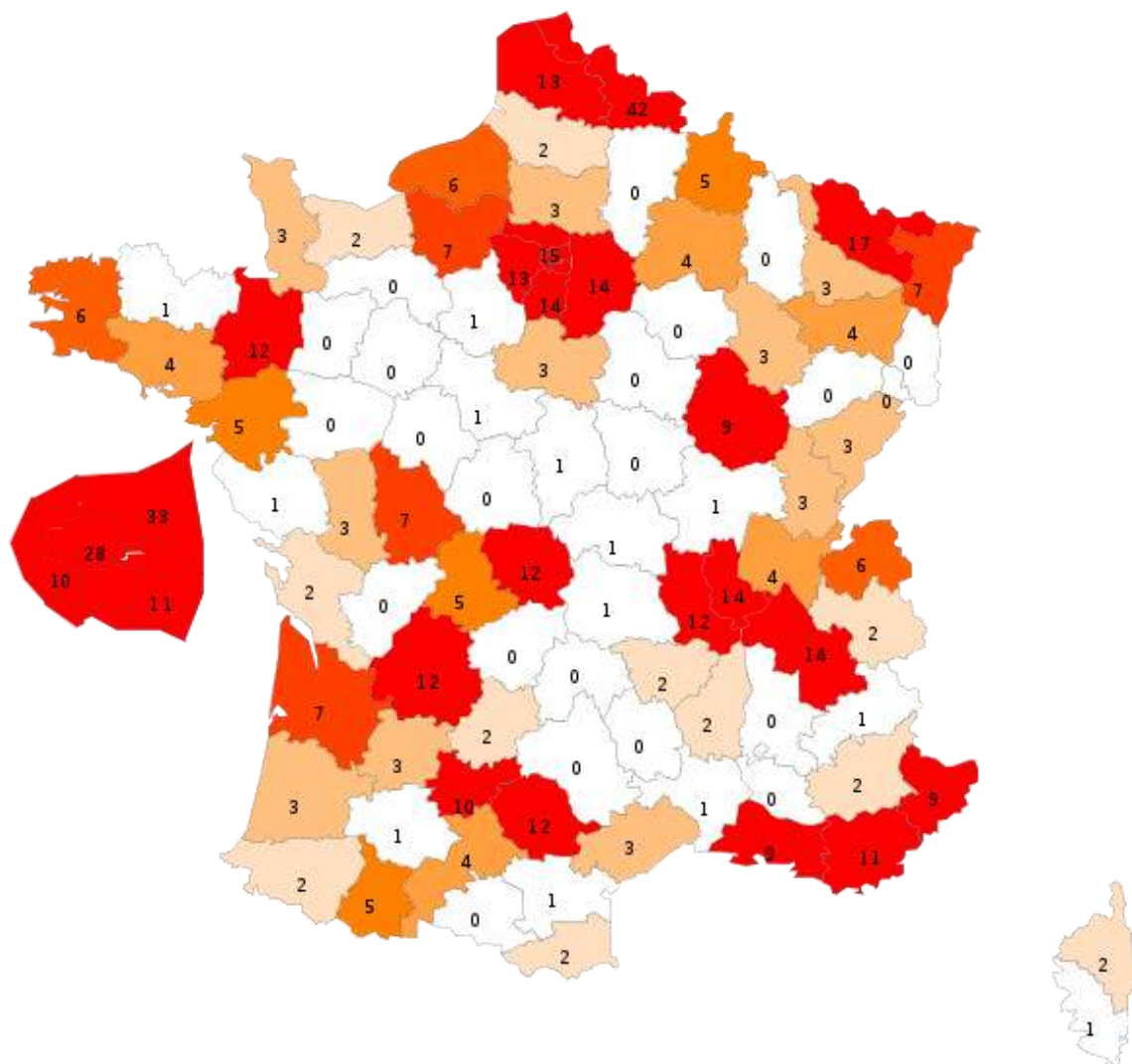
Cash seizures registered by Département since the setting up of the Agency

In millions of euros, source CDC account 31/12/12



Real estate seizures registered since the setting up of the Agency

(Source Operations Department as of 31/12/12)



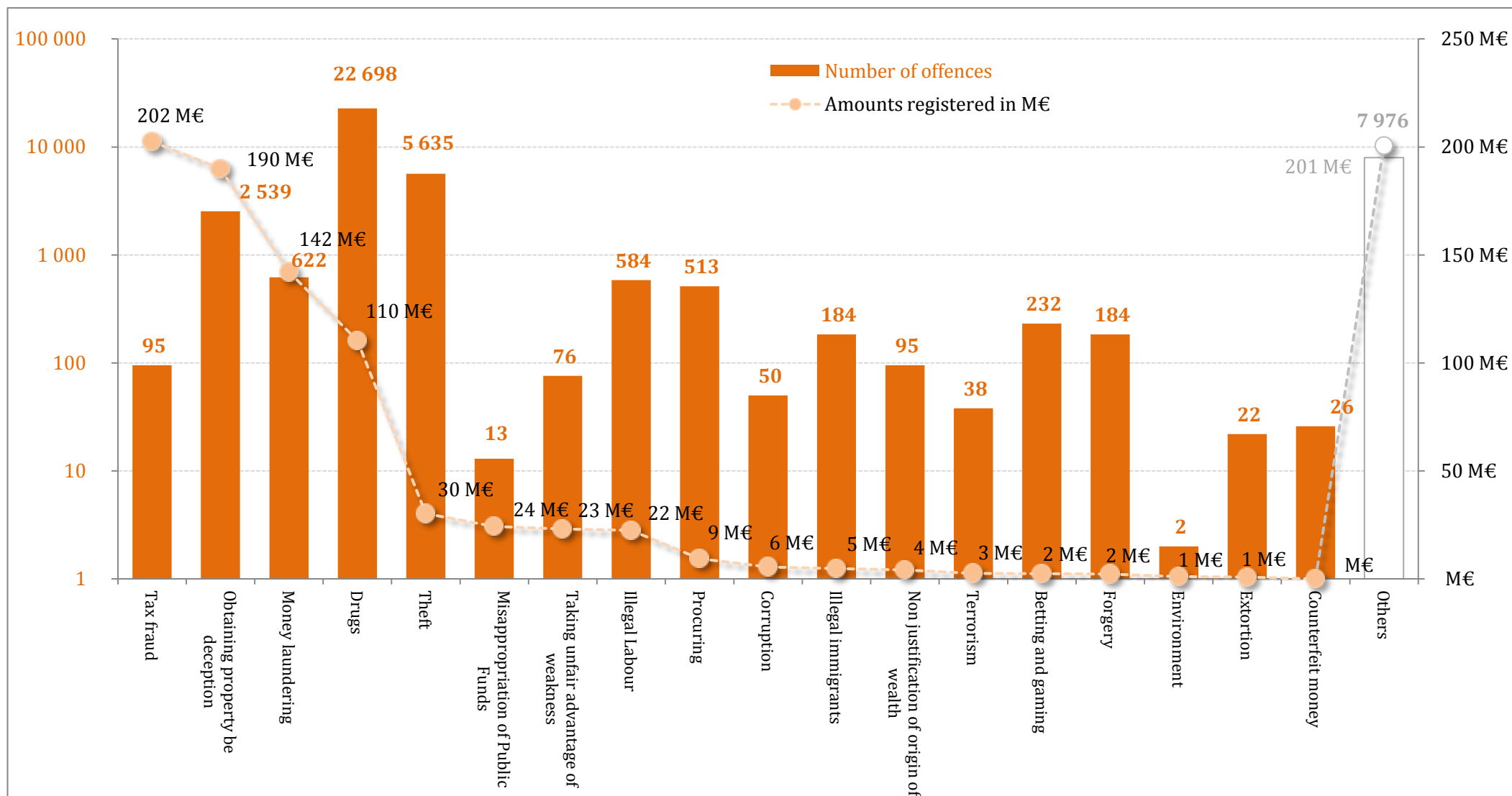
Situation in French Overseas Départements

| | Cash seizures registered in M€ | N° of real estate seizures registered |
|---------------------------|-----------------------------------|--|
| Guadeloupe | 1,513 | 8 |
| Guyane | 0,041 | - |
| Martinique | 0,572 | 7 |
| Réunion | 0,192 | 4 |
| Mayotte | 0,091 | - |
| Polynésie | 0,897 | - |
| Nouvelle Calédonie | 0,002 | - |

| Région | Cash seizures registered in M€ | N° of real estate seizures registered | Ranking |
|----------------------------|--------------------------------|---------------------------------------|---------|
| Île-de-France | 63,49 | 138 | 1 |
| Nord-Pas-de-Calais | 9,35 | 55 | 2 |
| Rhône-Alpes | 9,96 | 54 | 3 |
| Provence-Alpes-Côte d'Azur | 15,74 | 32 | 4 |
| Midi-Pyrénées | 2,74 | 34 | 5 |
| Aquitaine | 4,82 | 27 | 6 |
| Lorraine | 4,03 | 24 | 7 |
| Bretagne | 1,75 | 23 | 8 |
| Limousin | 0,74 | 17 | 9 |
| Haute-Normandie | 1,70 | 13 | 10 |
| Champagne-Ardenne | 1,28 | 12 | 11 |
| Poitou-Charentes | 0,81 | 12 | 12 |
| Languedoc-Roussillon | 4,99 | 7 | 13 |
| Bourgogne | 1,05 | 10 | 14 |
| Alsace | 2,61 | 7 | 15 |
| Centre | 3,51 | 6 | 16 |
| Franche-Comté | 1,15 | 6 | 17 |
| Pays de la Loire | 1,10 | 6 | 18 |
| Picardie | 1,34 | 5 | 19 |
| Basse-Normandie | 1,33 | 5 | 20 |
| Auvergne | 1,16 | 4 | 21 |
| Corse | 0,54 | 3 | 22 |

Real estate seizures registered since the setting up of the Agency

(Source Operations Department as of 31/12/12)



Organization chart of the AGRASC - Agency for the Recovery and Management of Seized and Confiscated Assets



Elisabeth PELSEZ
Director General
Judge



Hervé BRABANT
Secretary General
Public Finance
Administrator



Mona GROGNET
Assistant

Legal Department

The Legal Department is in charge of dealing with cash and bank accounts (restitutions, compensation of victims and confiscations), sales prior to judgment and the entering into of public procurement contracts in the name of the Agency. The Legal Department also accompanies the Operations Department in giving assistance to members of the Judiciary and Investigators and in dealing with requests for international mutual legal assistance in criminal matters.



Stephen ALMASEANU
Head of the Legal Department
Judge



Rémi SAPPIA
Deputy Head of the Legal Department
Divisional Inspector of Public Finance



Béatrice LE GARS
Head Clerk



Sandrine JEANNIN
Lawyer, Territorial Officer



Muriel JAFFART
Auditor of Public Finance



Isabelle MAUGAT
Clerk

Operations Department

The Operations is in charge of real estate (seizures, confiscations, sales), businesses and certain specialised seizures (receivables from sales of real estate, seizures of shares, seizures of aircraft....) It also provides, together with the Legal Department, real time assistance for Judges and Investigators, and assists in complying with requests for international mutual assistance in criminal matters.



Romain STIFFEL
Head of the Operations Department
Chief officer in the Gendarmerie



Alexandra FELZINES
Deputy Head,
Chief Inspector of Police



Jean-Michel BOUILLON
Warrant Officer in the Gendarmerie



Francis MARDONAO
Police Sergeant



Cécile PAPON
Customs & Excise
Comptroller

Registration Department

The Registration Department is in charge of recording in the database all data transmitted by courts of law and carrying out first level controls.



Christelle NAKACHE
Head of the Registration Department
Principal Administrative
Agent Public Finance



Etienne GRUEAU
Deputy Legal Assistant

Accounts Department

The Agency as a Public Establishment is governed by the rules of public accounting. It thus has its own Accountant.



Yves TOUBOLIC
Accountant
Divisional Inspector Public Finance



Cécile ROUSSEAU
Deputy Accountant
Principal Administrative
Agent Public Finance



Crédits photos : AGRASC- Caroline MONTAGNE / Ministère de la justice

Agence de gestion et de recouvrement des avoirs saisis et confisqués (AGRASC) ©

Mars - 2013