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Secretariat for Multidimensional Security

**XLVII MEETING OF THE GROUP OF EXPERTS
FOR THE CONTROL OF MONEY LAUNDERING
September 24 to 25, 2019.
Bogota – Colombia**

**OEA/Ser.L/XLV.4.47
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September 24, 2019
Original: Spanish**

**PRESENTATION
ASSET MANAGEMENT IN BRAZIL**

SECRETARIA NACIONAL DE POLÍTICAS SOBRE DROGAS - SENAD



GELAVEX– Asset Management

CURRENT SITUATION OF SEIZED ASSETS

50 thousand assets awaiting final trial (res iudicata).

30 thousand assets under responsibility of SENAD awaiting destination



Legal Framework of the National Policy on Drugs

- Law nº 7.560/86 – the National Anti-Drug Fund of the National Secretariat for Policies on Drugs;
 - Law nº 9.613/98 – Anti-Money Laundering Law
 - Law nº 11.343/2006 – Law on Drugs;
-
- Provisional Measure nº 885, June 17, 2019 – means that facilitate the selling of seized goods, among other aspects.

LAW 13.840/2019 AND ANTICIPATED DISPOSITION OF ASSETS

Modification of Article 61 of Law N^o 11.343/2006

§ 1^o The judge, within **30 (thirty) days** since the communication of the **aforementioned procedure [seizure]**, will determine the disposition of **seized assets**, except for weapons, that will be gathered according to the specific law.

LEGISLATIVE MODIFICATIONS

MAIN PROGRES New tools for asset management

MP nº 885/2019

Previous situation

The value of the appraisal was a minimal value for the auction, which did not consider that the origin of the asset related to trafficking diminishes the interest of buyers on it

Lack of legal dispositions for the destruction of assets without economic value

Modification promoted by the provisional measure nº885/2019

Possibility of selling the asset in an auction for 50% of the appraisal value

Auction of movable and immovable property, independent of their value (less bureaucracy and more coverage)

Clear legal disposition for the direct selling, disablement and destruction of assets



LEGISLATIVE MODIFICATIONS

MAIN PROGRES

New tools for asset management

MP nº 885/2019

Previous situation

The assets could not be sold because first they had to pay the taxes related to them

Modification promoted by the provisional measure nº885/2019

The assets can be sold and it is not necessary to pay taxes with the sale money



LEGISLATIVE MODIFICATIONS

MAIN PROGRES

New tools for asset management

MP nº 885/2019

Previous situation

The seized foreign currencies were not converted into Brazilian Real

Modification promoted by the provisional measure nº885/2019

Establishment of a new system of conversion of these values through the banks

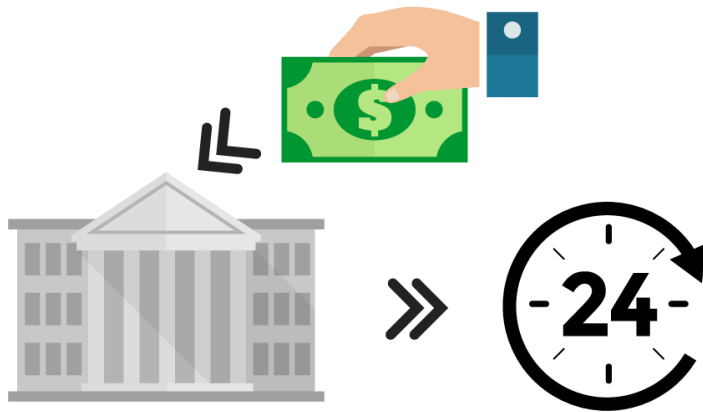


LEGISLATIVE MODIFICATIONS

MAIN PROGRES

MP nº 885/2019

New system of judicial deposit (Art. 62-A Law 11.343/2006)



Previous situation

They were only transferred to Funad after the end of the proceedings (res iudicata), which generally takes approximately 8 or more years

Modification promoted by the provisional measure nº885/2019

Now they are deposited into the Caixa Economica Federal and are collected in 24h to the National Treasury

In case of a judicial absolution, the value will be returned in 3 working days duly adjusted.

Extension of the sources of resources of Funad – performance of the application (Art. 2º Lei 7.560/1986)

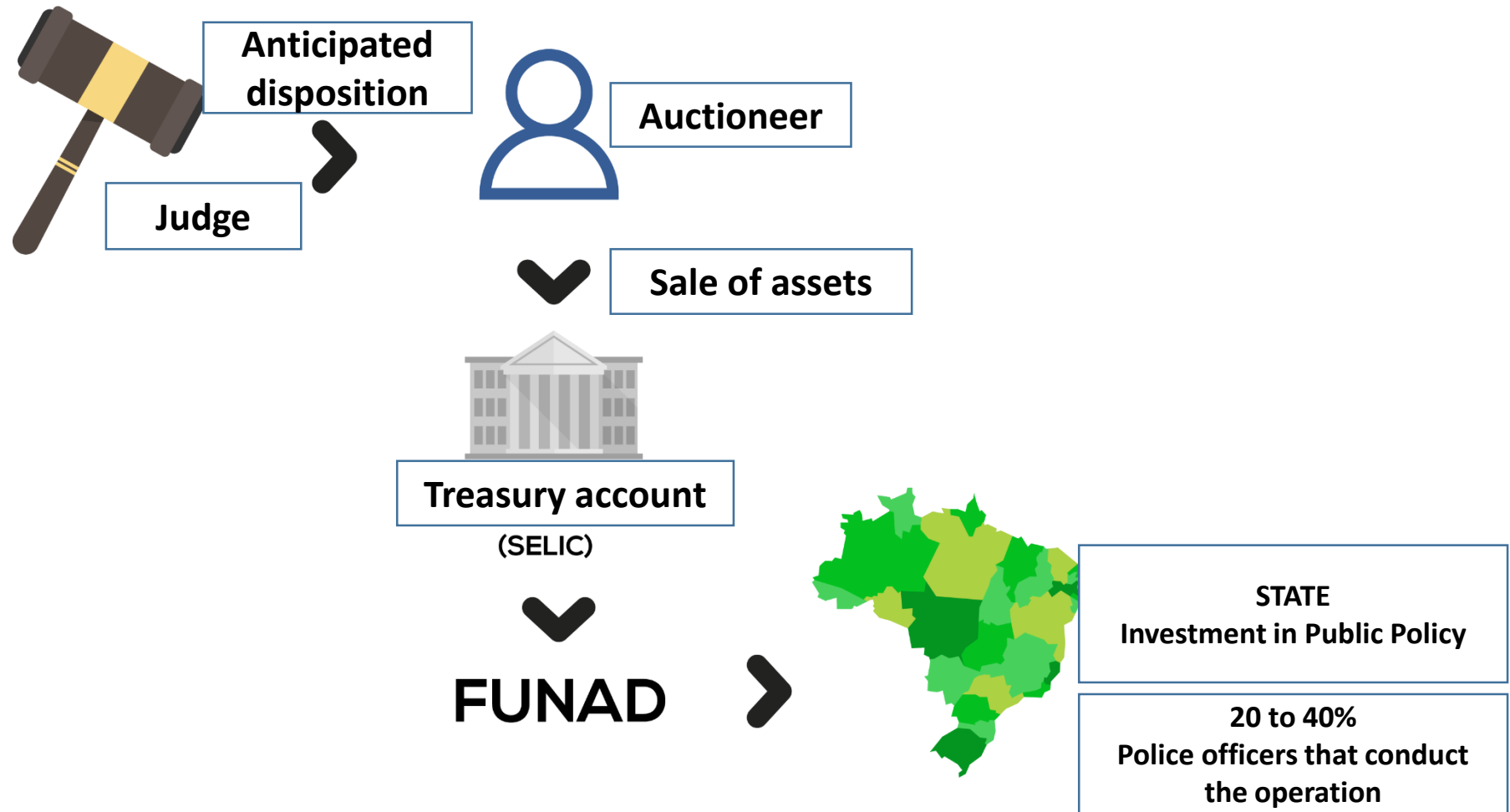
Inexistence of provisions for interests/adjustment of the investment

Inclusion of interests of the investment

LEGISLATIVE MODIFICATIONS

NEW DYNAMIC FOR THE AUCTION OF ASSETS

MP nº 885/2019



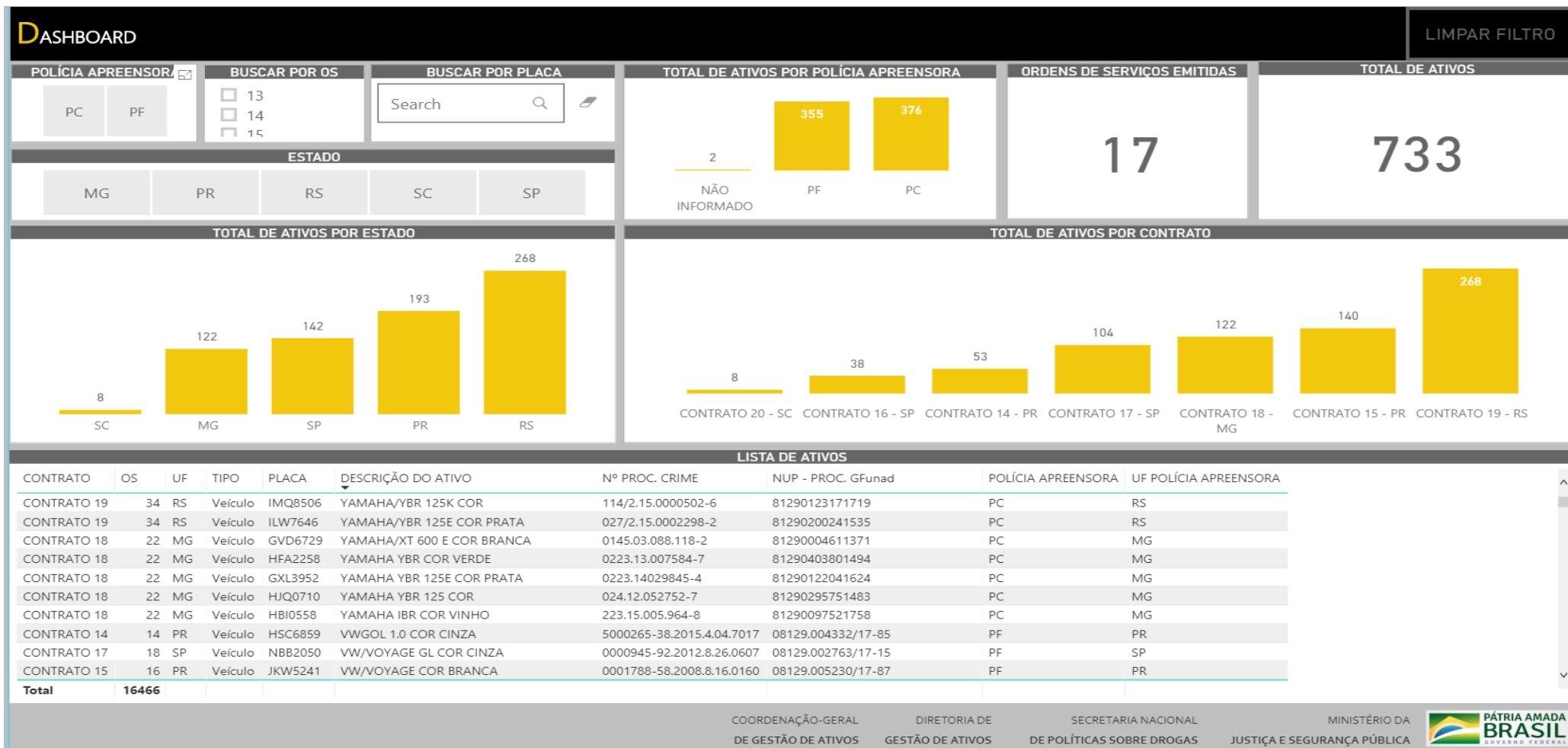
➤ NEW ROUTINE OF ASSET DISPOSITION

- Legislative modifications
- Modelling of processes and revision of procedures

ADVANCES OF DGA/SENAD 2019

CONCENTRATED EFFORTS FOR THE AUCTION OF ASSETS

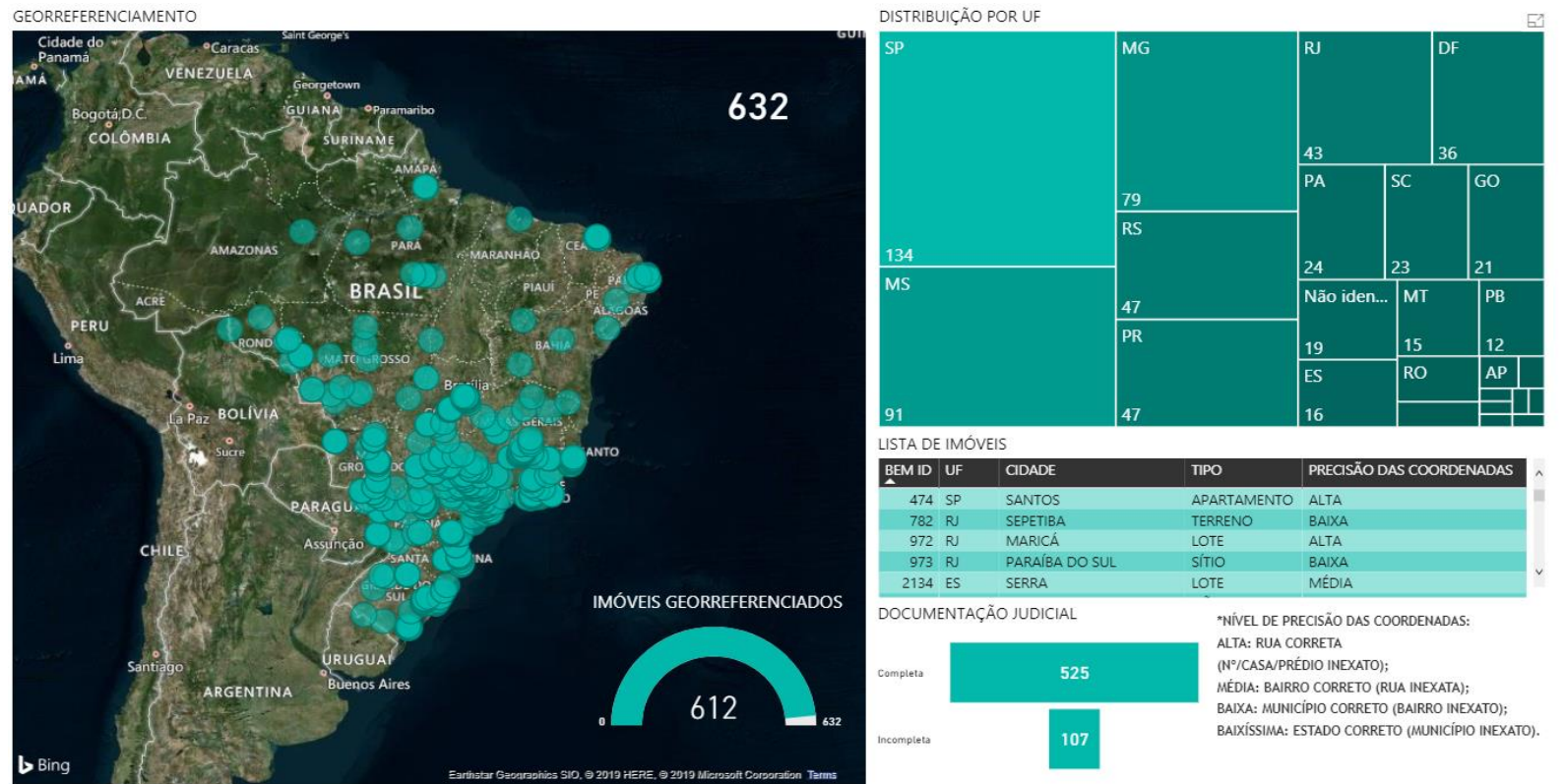
➤ PANEL FOR THE MONITORING OF THE ASSETS INTENDED FOR AUCTION



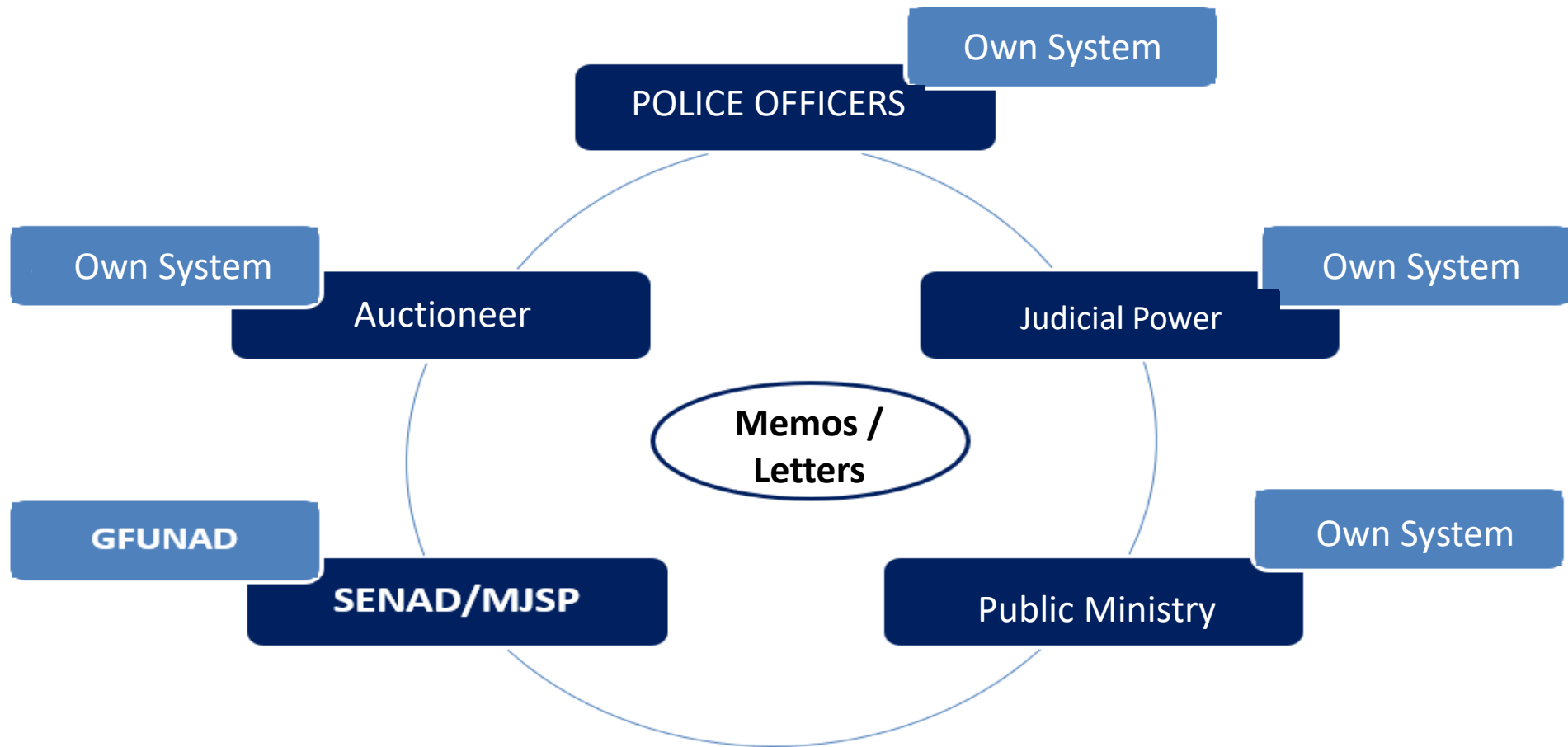
GEOREFERENCING OF IMMOVABLE PROPERTIES OF THE ANTI-DRUG NATIONAL FUND

➤ PANEL OF GEOREFERENCING OF IMMOVABLE PROPERTIES FORFEITED IN FAVOR OF FUNAD MORE TRANSPARENCY AND PUBLICITY (PANEL AVAILABLE IN THE MJSP SITE)

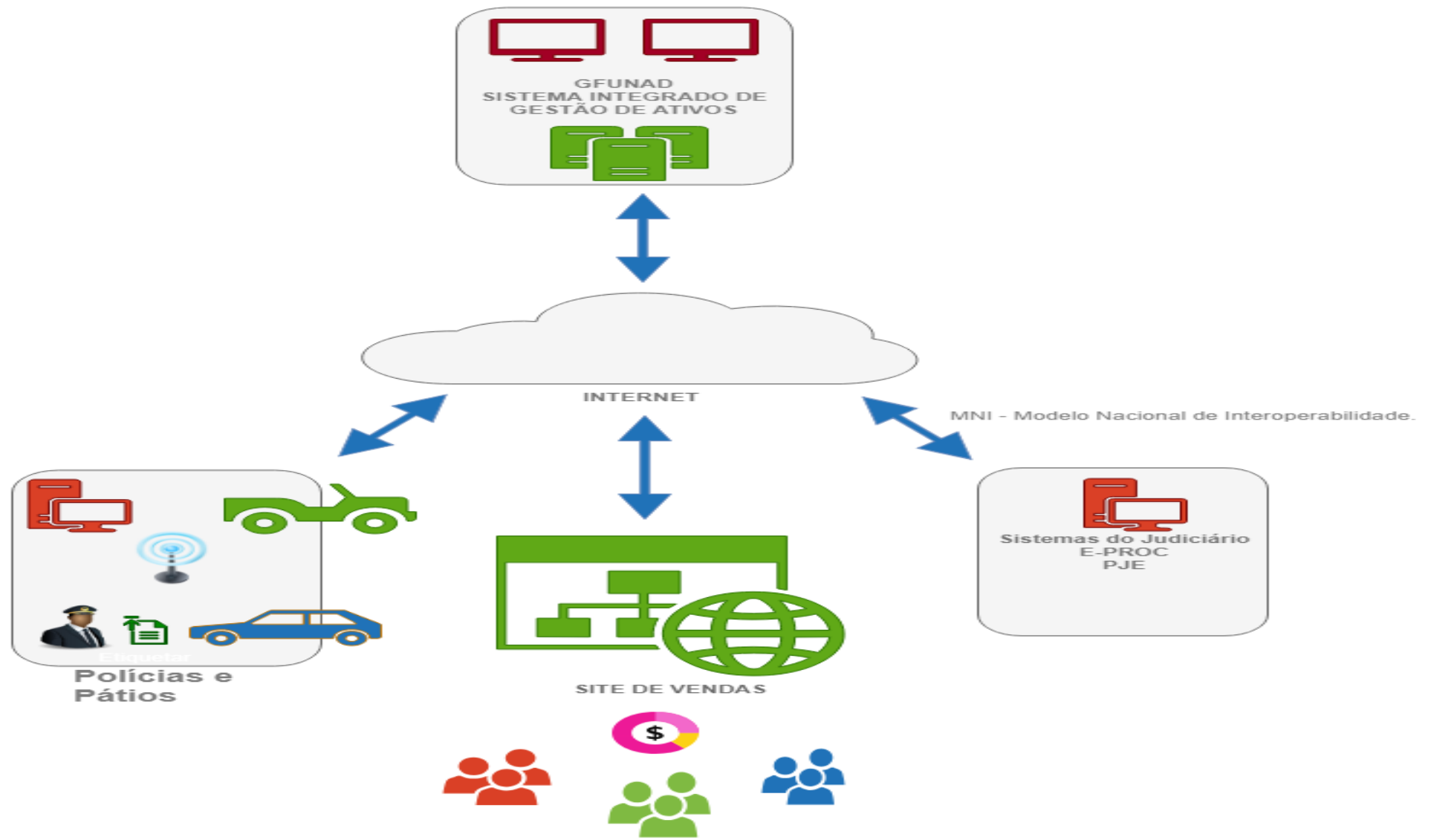
<https://app.powerbi.com/view?r=eyJrIjojOGU3OTVjM2Q0NjY5ZS00MWIxLWEzOWUtZjI2ZWQwODcwYjE4IiwidCI6ImViMDkwNDIwLWlTQ0NGMtNDNnNy05MwYyLTRI0GRhNmJmZThlMSJ9>



Communication among main actors



CREATION OF A "MARKET PLACE"



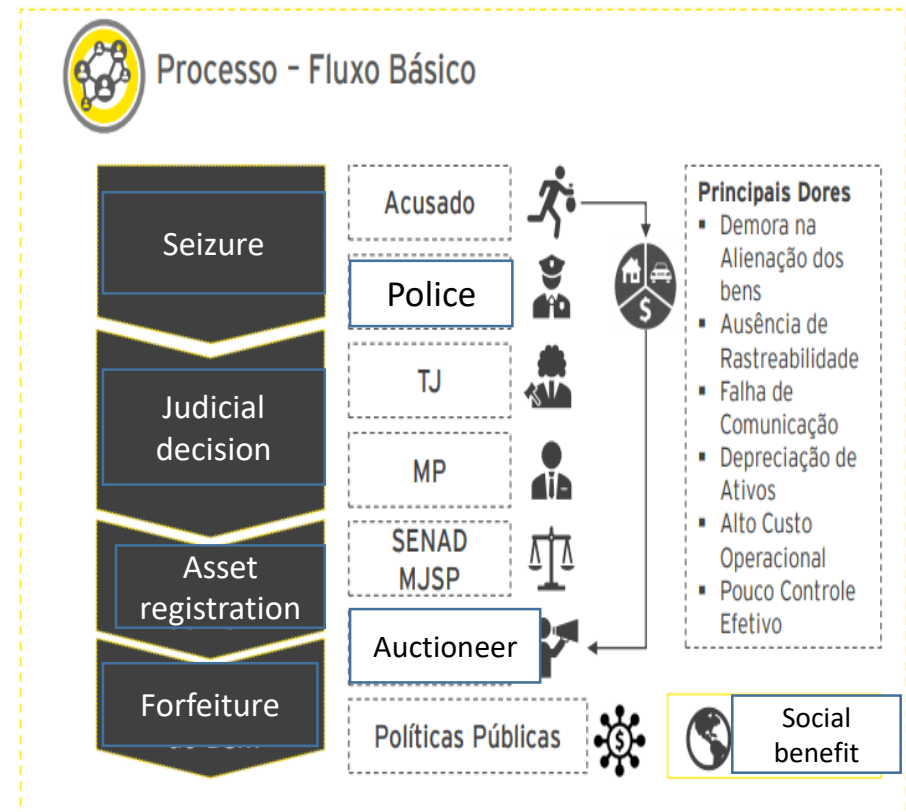
➤ NEW AGENCY FOR ASSET MANAGEMENT

- Structuring of a new institutional model for asset management in Brazil, following the best practices presented worldwide

CREATION OF THE AGENCY FOR ASSET MANAGEMENT

REDESIGN OF THE PROCESSES OF ASSET MANAGEMENT

- **HIRING UNDP CONSULTANCY FOR THE REVISION OF THE ASSET MANAGEMENT MODEL**
- **THE CONSULTANCY STARTED THE STUDIES WITH EXPECTED DEADLINE OF DECEMBER 2019**
- **CURRENT PHASE: mapping of work processes**



Thank you!

Igor Montezuma Sales Farias
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Secretaria Nacional de Políticas sobre Drogas
del Ministerio de Justicia y Seguridad Pública