

États (Allemagne, Luxembourg, Suisse, Brésil) ont déjà intégré dans leurs Constitutions des dispositions affirmant, selon des formulations variées, la nécessaire protection des animaux.

Références :

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2. Sonia Desmoulin-Canselier «Quel droit pour les animaux? Quel statut juridique pour l'animal?», *Pouvoirs*, vol. 131, no. 4, 2009, pp. 43-56.

3. David Chauvet «L'appropriation des animaux», *Droits*, vol. 72, no. 2, 2020, pp. 239-258.

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MODERN METHODS TO COUNTERING ECONOMICAL CRIMES IN UKRAINE AND EUROPEAN UNION

Economic crime, also known as financial crime, refers to illegal acts committed by an individual or a group of individuals to obtain a financial or professional advantage. The principal motive in such crimes is economic gain. [1] Economic crimes cover a wide range of offences, including swindling and fraud, money laundering, corruption, intellectual property crime and environmental crime. Criminal investigations primarily tackling some other form of crime, such as drug trafficking, terrorist activities or trafficking in human beings (THB), usually also include economic crimes, such as money laundering. [2]

For long time there was no single agency that can deal with economical crimes and responsibility for it was on many different agency. This system was very ineffective so now european countries created a new

modern system with special agency's in charge to countering economical crimes. In Ukraine this agency called Economical Safety Bureau of Ukraine (ESBU).

ESBU is an independent, effective, competent, authority that ensures the economic security of the state, enjoys the trust of society, business, and international partners. The priorities of the ESBU are:

1. Protection of the financial interests of the state;
2. Unshadowing of the national economy;
3. Protection business from unlawful encroachments;
4. Promoting investment attractiveness for international inventors. [3]

In European Union system of countering economical crimes is more complicated. First of all every country in EU have their own financial guard. They work within places they are located but they connected with many systems of partnership in EU. One of this systems is Europol with mission to support its Member States in preventing and combating all forms of serious international and organised crime, cybercrime and terrorism. Organised fraud is highlighted as one of the biggest security treat by Europol. [4] Another one is Council of Europe that address countering economic crime in framework of programme Partnership for Good Governance and aiming at:

1. supporting further improvements of the legislative and institutional framework against corruption, money laundering and economic crime, ensuring the effectiveness of its implementation.

2. implementing institutional reforms to enhance capacities of national authorities to prevent and combat corruption, money laundering and terrorism financing in line with European and international standards.

3. improving the level of effectiveness of the anti-money laundering and countering the financing of terrorism measures.

4. consolidating the capacities of dedicated structures in the field of asset recovery and parallel financial investigations.

5. strengthening the national anti-money laundering (AML), counter-terrorist financing (CTF) and counter-proliferation financing (CPF) system as well as asset recovery regime.

6. strengthening the capacities of relevant institutions in the Eastern Partnership region to effectively fight economic crime and its cross-border effects by applying international standards, building on regional good practices, and through multi-stakeholder engagement and enhanced cooperation. [5]

Also there is Eurojust – a hub where national judicial authorities work closely together to fight serious organised cross-border crime. Economic crimes often have a cross-border element: criminals move their assets to other countries to try to avoid freezing or confiscation orders. Working together to trace, freeze and confiscate assets that have been acquired by breaking the law is a strategic priority in the European Union’s fight against organised crime and a major focus of Eurojust’s casework. [6]

Ukraine as a part of European continent have close relationship with EU financial guards and cooperate within the frameworks of program European integration and “European Union External Action”. Budgetary discipline is a prerequisite, especially in Ukraine’s goal of EU membership. EUAM aims to enhance ESBU’s capacities in:

- investigating and prosecuting criminal activities targeted at misuse of international assistance or the state budget;
- the seizure of assets;
- investigating and prosecuting financial activities of organised crime.

Besides that, the Mission is ready to enhance ESBU’s analytical capacities and facilitate international cooperation with similar EU agencies. [7]

Ukrainian integration in European anti-economical crime system as ensuring national interests in the field of economic security and maintaining sustainable development of the country's economy is one of the ESBU’s main priorities in their strategy until 2027. [8]

Despite the government's of Ukraine desire to built a strong agency against economical crime and example taken from EU we still can see that Ukraine has one of the biggest level of corruption in all Europe with 36 points at CPI (Corruption Perceptions Index).[9] In Ukraine 2023 report from European commission said: “Ukraine should still enact a law raising the legislative staffing cap for the NABU and remove from the law on

corruption prevention the provisions restricting the NACP's powers to continued verification of assets that have already undergone the verification process and limiting NACP's powers to verify property acquired by declarants before joining the public service, without prejudice to the rules applying to national security during wartime.” [10]

So as a result we can see that EU system to countering economical crimes cannot take root in Ukraine. But why if Ukraine's government try to imitate European system of countering economical crimes in every possible step? Policy is the main reason. Ukraine's system of countering economical crimes, unlike this systems in most of European countries, started in very unfavourable conditions. From 2013 Ukraine has always ranked highest in term of corruption [9] and a war that's been going on in Ukraine from 2014 created almost insurmountable obstacles for young agency's like ESBU and NABU. There is no example in history of Europe when country starts such big reforms in the field of countering economical crimes during wartime.

In conclusion, methods of countering economical crimes in Ukraine and Europe not only similar but mostly identical. The main reason is attempt of Ukraine's government to copy European experience in countering economical crimes which proves by ESBU's Educational visits and main priorities in their strategy [8] and mostly Ukraine tries to copy experience of the closest countries with the most similar culture like Moldova, Latvia and Lithuania, but Ukraine has a lack of stability like this countries what creates a many problems. The main differences in Ukraine's and European's system of countering economical crimes is not about this systems but about the problems they're facing. Europe don't have modern examples of countering economical crimes in situations Ukraine in right now and that requires from Ukraine to create they own way in this field. Despite so much problems Ukraine still show a positive trend in field of countering economical crimes. Since the Revolution of Dignity and the beginning of a major reform, Ukraine has scored a total of 11 points in CPI over the past 10 years. The active work of anti-corruption and other public authorities resulted in a growth in the 2023 Corruption Perceptions Index even during the full-scale war. Ukraine complete challenge of European commission that requires to ensure anti-money laundering legislation is in

compliance with the standards of the Financial Action Task Force (FATF); adopt an overarching strategic plan for the reform of the entire law enforcement sector as part of Ukraine's security environment.

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