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## Emission News 12-2016

Practical Information for Emission Trading

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### Marco Mouly on the Run, some Highlights from the Life of the Last Great CO2 Tax Fraudster – French Power Problems

**Marco Mouly, the „Chief Logistics Specialist“ of the biggest turnover tax fraud carousel Europe ever saw caused a damage of more than 1,700,000,000 Euro together with his accomplices. While his “colleagues” Jaroslaw Klapucki, the co-founder of the Polish Consus Group, and Arnaud Mimran, a French broker, poker player and bon vivant, were sentenced to 7 respectively 8 years of arrest by a Paris court on 7th July 2016, Mouly escaped from the French justice.**

**Emissionshändler.com® allows some inside views how and why it could happen that such a damage occurred, what persons and institutions could have contributed directly and indirectly to it and what kind of partially mortal risks the participants of such a tax carousel took. A special focus will be set on the chief logistics specialist's character of the gang.**

**Moreover Emissionshändler.com® will once again report in its [Emission News 12-2016](#) about the power cuts in France becoming more and more concrete. The power cuts result in an increased fossil power production above all in Spain, which could push up the EUA price again.**

#### **Mouly explains himself in Court**

The process that started in May 2016 against Marco Mouly and 4 other accomplices produced Mouly as the journalists' darling because he seems to differ

considerably from the image of a presumable economic criminal. Besides he is able to gain some sympathy points in the course of the process, this by means of his “points of view” about the meaning of life and about rules and laws.

His [redacted] let him gain laughter from the viewers. So the presiding judge asked him for example if Mr Herzog is still his attorney. Mouly negated with the substantiation that this attorney became too greedy. A well-found reason for journalists to present Mouly the next day in the newspapers at least as pitiable or even as a victim of a profit addictive shark of a lawyer.

Little by little the court sessions indicate how Mouly was “blundered” into this story and what is his opinion about it is.

The chief judge often listens doubtfully when Mouly tries to explain him in the witness stand that the deal with emissions certificates is comparable with the fairy tale [redacted] as his property turned out to develop unexpectedly and inexplicably well. Many people he knew who entered this kind of business were gaining enormous sums of money. As he nearly completely ran out of money again in 2008, he was determined to participate in this business.

So a youth friend of his named Samy Souied (nickname “racecourse gangster”) came to him and asked him to open some bank accounts for him in



Cyprus, Hong Kong, and Tunis in order to transfer the money from the tax fraud rip off to these accounts. As a return service Samy promised him to forget one million Euro

That is how this transaction started and Mouly jumped on the carousel with emissions certificates which then more and more expanded.

Instead, Mouly was considered to be the moving spirit from the very beginning.

In this context it is worth mentioning that the alleged leading role of his youth friend Samy described by Mouly in this process was finished abruptly as Samy had been killed in Paris under mysterious circumstances in 2010.

### **Tax Evasion from Emissions Certificates finances a Luxury Life**

Previously to the process and in the frame of preliminary investigations, deputies of the French customs authorities explored Mouly's income situation.

The customs' "snoopers" as they were called by Mouly, determined a *high standard of life*, which is in no context with his official income of 6,000 Euro per month.

It went in the files among others that Mouly could dispose of two luxury apartments, 17 fur coats, 3 cars, 8 luxury watches and at least 47 bags of luxury brands.

When it was alleged during the interrogations that all this *CO2 deals*, he replied that he has been married for 30 years, which makes a result of one or two bags per year. Not all this would go beyond the scope. Besides, all bags are fakes and are almost worth nothing.

When the process got down to business where Mouly was supposed to explain for example the 7 million Euro found on Swiss bank accounts, he justified the money by handsome profits from weekly poker games with prominent people and business partners. These games were supposed having taken place in an apartment in the Avenue Montaigne in Paris.

He also gained further sums of money with insider deals he made on behalf of *a former business partner of Dominique Strauss-Kahn*, whose role remained unclear in this

process-committed suicide in Tel-Aviv by the end of 2014 through jumping down from a tower. According to Mouly's statements, Thierry Leyne always told him what kind of

and used to book 30 % commission for himself after the deal.

At the end the prosecutor's office values almost all stories Mouly told *proved* and as a trial to evade responsibility. Furthermore in the prosecutor's opinion Mouly has no melancholic character and is not tortured by existential doubts but on the contrary is a party man being "always in a good mood".

Mouly counters the prosecutor's reproach - which by the way is laid down with the same words in the arraignment – that the accusation was looking for a scapegoat and that it was him who had been forced to play this part.

#### **Infobox**

#### **Childhood and Youth of Mardoché „Marco“ Mouly**

*Mardoché "Marco" Mouly was born in 1965 in Tunis and is the second of 8 children of a Jewish family.*

*When he is 5 years old, he moves with his mother and siblings to his father in France who is working in the capital of Paris. The family huddles together in a two-room-apartment in Belleville, a north-eastern district of Paris. Already at the age of 12 he leaves school as a sort of difficult child, being unaware of reading or writing.*

*His method to handle this deficiency, however, proves a certain creativity as he uses to stick a bigger plaster on his fingers if for example a signature under a contract is required. Now and then he simulates an injury of his hand, causing other persons to give their own signature for him.*

*When one day he realised that his mother induced his grandfather to lend her 2 Francs for the butcher, the boy was stroke by a key experience. His mother hardly brings back any meat but almost just bones instead. He swore himself that his life would never be overshadowed by such a lack of money. His youth was over at this moment and he started life as a man.*

#### **Between the End of the trail and the proclamation of a sentence**

From the end of the process mid-June 2016 until 7<sup>th</sup> July 2016, the day of proclamation of sentence, Marco Mouly moves freely in the country without a passport – this document had been taken away from him a long time ago, of course. Most of this time he spend in Paris or at the French Riviera.



At that time, he was afflicted by (reasonable) doubts about the degree of penalty the court would charge him with.

... had been committed by white-collar criminals ever.

Within this period he obviously also felt the need to explain on one hand in detail the injustice he had to face and to name on the other hand those authorities and politicians who, in his opinion, are guilty, too. For this reason, he started a series of interviews he gave to some journalists of his choice.

These interviews as well as other sources express many subjects, which reveal a detailed view on Marco Mouly.

One of his attorneys, ... says for example that Mouly is not, as it seems, a lusty theatrical liar who likes to exaggerate often and with pleasure. No, he is like that, it is his own character. Until now, however, it was a well-kept secret that this character also includes fears. It is known through the ... that Mouly took Lexomil, a pill with the active ingredient Bromazepam every morning before the start of the legal proceeding. Bromazepam is a tranquillizer, which is characterized by its anxiety-reducing effect. Physicians prescribe it for the treatment of urgent anxiety states.

It seems appropriate in this context that Mouly changed his phone number five times (believe it or not) within the three weeks before proclamation of sentence. It was consequently always difficult to contact him for new interviews.

In the course of one of the interviews having been arranged by acquaintance he started to tell about his childhood and youth. This happened typically on the delivery parking area of a restaurant, which belonged to ... He placed a table on the parking area in order to avoid any disturbance (whoever or whatever this could be).

### **An Interview in the Beauty Salon**

The contact with Mouly stopped again beginning of June 2016, he was no longer available.

Another friend of his (also a gastronome) sent him a message. Mouly thereupon contacted him and a

meeting took place in a beauty salon in the Marais district, which is the Jewish quarter in Paris.

In ... a tanned face and a white linen shirt Mouly looks like a holidaymaker from the French Riviera who has lost his way between all the other men in bathrobes.

He talks about a film about his life and that he found a producer for such a project. It is his firm desire

Mouly tells about the past weeks. He was stuck with threats but the police refused to react on his complaints. It is clear that the miraculous multiplication of money by means of turnover tax fraud also has its dark sides. Fraudsters acting in the CO2 branch are exposed to extraordinary high pressure, the rip off and threatening between the persons concerned is a usual business practice. This is proven by several violent deaths still unsolved. The death of his youth friend and partner in crime Samy Souied is one of them.

Moreover a strong smell of corruption is hanging ... according to Mouly's opinion. He is convinced that during the whole time of turnover tax fraud many persons all over the world were paid with bribe money, among those were even police officers, politicians, and other criminals.

As only two weeks are left until proclamation of sentence, Mouly is afraid of being arrested as also his thirteen months of provisional detention left their signs. He talks about threats and strokes he had to bear in prison, also systematic beatings under the assistance of a prison guard.

Finally he also suffers from the motorcycle accident of his daughter as this adversity in his opinion was no coincidence. ... he returns to his complaint that he as a negligible fraudster is just a tiny wheel in the big clockwork which is powered by much higher forces.

### **“Creativity” and Boldness were the Company of Marco Mouly's Life**

Hardly 13 years old, he enters a textile shop and declares to the salesman that his father who is waiting outside nearby the car sent him to order 10,000 t-shirts.



The salesman offers him a price of 2.50 Francs per piece. Marco leaves the shop and waits for the first old man who passes by. He pretends to talk with him.

When he enters the shop again he purports that his father agrees with a price of 1.50 Francs. The salesman thereupon accepts the deal and they started to pack the boxes. Marco disposed of only 1,000 Francs but succeeded to confuse the salesmen again by means of various sleights of hands. After all he left the shop with the complete bunch of goods.

Soon his whole family takes profit from his tricks. They move to Saint Tropez. Soon he is even in the position to pay for his siblings' studies. But neither is he anxious to spend money and distributes enormous sums of money among the people in nightclubs, for clothing, and, above all, with card games. Already at this time his philosophy was that God would not have given birth to him in order to lead a sad life.

Such a life philosophy in combination with activities mentioned above lead Marco into prison already at the age of 18 years. Afterwards he tried to work in various branches and was active in manufacture, gastronomy, and real estate. But he confessed that his problem was always his inability to keep a survey on his expenses, that is why he had to gain more money than he spent. Consequently he never could gain ground for a longer time in normal professions.

When he settled down in telecommunication, an aspiring branch at that time, he was able to gain larger sums of money for the first time. But he made this money because already then he pulled his profit from tax fraud when selling telephones.

His problems with the French justice reoccurred.

Already at that time he might have told the judge that he as an opportunist was simply just taking profit from the law's weak points and considers himself not really as a criminal individual.

Such a development in Mouly's career inevitably would one day culminate in a climax, as it was the case with the turnover tax fraud amounting to a damage of 1.7 billion Euro.

When Mouly was sitting in a court hearing for an ongoing proceeding being held against him in the year 2012, a constable brought the arrest warrant of another examining magistrate into the courtroom in order to enforce it against Mouly. This coincidence can be considered as an intermediate high.

Mouly reacted quickly before he was identified by the constable and purloined the robe of his own lawyer. Then he deceives the constable by a phone call on his mobile phone while pretending to talk to his wife and informing her that he as a lawyer now first of all will defend Mr Mouly and pick up the kids from school afterwards.

In the opinion of Mouly this "incident" drew the anger of the prosecutor's office on him which supposedly is also the reason why he has to bear such a persistent persecution.

### **An Interview in Saint Tropez**

At the age of 51 Marco Mouly, the married man and father of three children is considered as one of the "century's masterminds of rip off" as he expresses his position.

Since the "best businessman in the world" as he calls himself uses to stay more and more often at the French Riviera, he feels carefully supervised. When he leaves a fashion shop, policemen go there afterwards.

One of his next interview appointments on 3<sup>rd</sup> July 2016 in Saint Tropez also seemed to take place in the same way as he remarks three policemen after a restaurant visit. These policemen were discussing with the pilot of his helicopter which was ready to fly him back to his hotel in Cannes.

It was just a routine check of the pilot. The officers were completely unaware that they came close to the presumably biggest commercial fraudster of France whose passport had been collected a longer time ago due to risk of absconding.

After the policemen had left the nerves lie kind of bare. A new appointment

The picture here of Marco Mouly, unfortunately only visible for paid subscribers of emission letter



### A Boat Tour nearby Cannes

On the occasion of the new meeting in Cannes the next day Mouly is no longer in the mood to make [redacted]. He rather prefers spending his last hours as a free man together with his relatives in a noble restaurant where he is a regular customer. He books a boat for later for lunch at the beach of Ramatuelle not far away from Saint Tropez.

On the way back problems with [redacted] show up. They force Mouly to ask for the help of another boat owner who will tow him to the port of Saint Tropez. In a hotel he asks for a helicopter which will fly him and his interview partners safely and quickly back to Cannes.

Arriving at Cannes airfield, he takes a car and drives along the Promenade de la Croisette. Suddenly he orders his driver [redacted] and disappears. The interview planned for this day [redacted].

**The picture of Marco Mouly and the Casino Barrière Le Croisette, unfortunately only visible for paid subscribers of emission letter**

### Mouly reports about the Mess at BlueNext and within the Emissions Trading System

The next day an interview does take place at 9 o'clock in the breakfast room of a hotel in Cannes. Mouly seems to be much more strained than the day before. But only two days are left until his proclamation of sentence in Paris. He has no illusions about the result of the tribunal counselling and plans already to prepare the appeal with his lawyers.

His lawyers are Messrs. [redacted]. They say that the absence of Mouly in another process against other gang members who fled already to Israel lead to the fact that justice is now focussed on him to play the key role. They claim that Mouly just had a secondary role.

Finally, so Mouly says, a real investigation becomes necessary. Again he points out that [redacted] but knows everything about all persons concerned.

He furthermore draws the attention to the fact that high-levelled persons created the conditions for the gigantic tax fraud and even took profit out of it.

[redacted] Mouly answers that all information about the case are carefully locked in a safe and will be taken out by him when the time has come.

According to the official meaning the French audit court determined an unbelievable lack of control on the opening of CO2 register accounts, as well as on the purchase and sales transactions at the French BlueNext stock exchange, a participation of the French finance organisation Caisse des Dépôts.

According to Mouly's statements, the erratic appearance of "pseudo managers" being hardly 18 years old and catapulting themselves at the top of a society with 20 or 30 million Euro in their bank account is a consequence of this control misery.

Many of these, so Mouly, used wrong and invented names by which [redacted].

Names of cities or districts experienced a special popularity as for example Saint-Raphaël or La Bocca. A complete mess of control happened, everybody did what he wanted, no one cared for rules and laws. Neither experienced the certificate numbers for emission rights introduced at that time already any continuous control by the spot exchange BlueNext. As Mouly reported, profit was taken from this omission by selling the same certificates several times. An unprecedented money printing machine which was only possible because the controls were out of order or the BlueNext software for number monitoring did "coincidentally" not work.

When the turnover [redacted] reached a peak after several years which, as a consequence, lead to the abolition of [redacted] on emissions certificates by French law, gang members were informed about it already 3 weeks before. According to Mouly an unprecedented invitation to go for it once again in order to draw off as much money as possible from the billion jar.

If only parts of Mouly's statements are supposed to find acceptance, some surprises might indeed happen which may take place in the [redacted].

The requirement is of course that Marco Mouly presents proofs and reveals what kind of "more important participants concerned" may be involved in the largest turnover tax fraud in France.



### **At the proclamation of the sentence Marco Mouly has disappeared**

Two days after his last interview and punctually on the day of sentencing on 7<sup>th</sup> July 2016 Marco Mouly disappears.

Jaroslav Klapucki, a Polish broker and co-founder of the Consus Enterprise Group, Arnaud Mimran, a bon vivant with a doubtful reputation, and Marco Mouly were charged with 7 and 8 years of prison for the biggest turnover tax fraud in French history by far creating a damage of 1.7 billion Euro.

Still in the morning of the sentencing Mouly presented a falsified attest which he let deliver to the court. That is why he failed to hear that the presiding judge designated him as the chief logistics specialist of the gang.

Still on the evening before the sentencing Mouly was supposed to say in a Cafe of the 17<sup>th</sup> Paris district nearby the Arc de Triomphe that he

at the process but was not intending to go to prison.

### **Marco's Holiday Greeting From Abroad**

One day after the judgement Mouly sends first holiday greeting from abroad to France. These greetings include the comments to the judgement which he considers as too hard and unacceptable.

Days later when the justice still asks how he could leave France without a passport it was found out that Marco Mouly simply broke away by means of a rented yacht over the sea to Israel. The French authorities hardly expected such an action.

### **Had Marco Mouly the Intention to Visit his Money in Switzerland?**

Hardly 4 months later, however, Mouly's journey found an end. Last week he was arrested in Geneva in Switzerland. It is not yet known if he disposes bank accounts over there which he intended to access on 15.11.2016.

He probably just intended himself to in order to be close to his attorneys until his appeal proceedings which are planned for 18.04.2017. The attorneys, by the way, announced on the same day a statement with the content that if a "logistics specialist" obtains such high punishments like 8 years of prison, a logical consequence would be the evasion of it by escape.

### **System collapses and power cuts may happen more often in France in the coming winter**

As Emissionshändler.com® reported in its last News 11-2016, extensive security checks are taking place in the French nuclear power plants' park since summer 2016. As a consequence unplanned inspections and longer repair times of nuclear reactors will happen.

The French electricity transport network RTE announced on 8<sup>th</sup> November its intention to realize further verification measures in the winter 2016/2017.

Above all a deduction of the current intensity is planned which means the deactivation of power intensive operating plants. Neither will RTE of electricity disruptions.

This could happen especially in December and January because the demand for electricity is at its highest in France in these months.

EDF announced already that 5 further reactors of the French nuclear power plants' park will be disconnected from the network probably until January. All in all 13 reactors will then be taken off the power supply in the coming winter. Reason for this disconnection are extensive inspections of their steam generators. Their components are suspected to contain too much carbon which can mean a danger for the

EDF corrected the production forecast for 2016 already to 9% downwards in comparison with 2015. This is the first time since the development of the French nuclear power plants' park that the electricity production reaches such a low level.

In order to compensate these production, France may be compelled to import more electricity. This happens normally in France by means of a higher commissioning of the coal- and oil-fired power plants but the biggest part of these fossil power plants was switched off definitely within the last years. Regarding the few hydroelectric power stations the situation is poorly better

The few remaining sustainable power sources don't allow a sufficiently good production forecast as their situation is too insecure in winter.



EDF plans already now to exhaust the new underground High-Voltage Direct Current (HVDC) between France and Spain at its limits in order to import the urgently needed electricity from the south. The increased import was already tested in a critical situation on 8.11.2016 when France imported up to 8,600 MW. The power lines France is sharing with its neighbour states can supply up to 12,200 MW of electricity as long as the neighbour states can afford

RTE declares that preparations are on the way in 21 energy-intensive industry locations to realize deactivations in the morning between 8h and 13h and in the evening between 18h and 20h. If such an action turns out to be insufficient, EDF could take a further measure and reduce the total electrical tension in France for 5%.

In the opinion of the European emissions trade, the market could only take profit from the above-mentioned measures as the start-up of Spanish fossil power plants will be followed by an increased need for emission certificates. The reason for this is the Spanish energy production: 39,9% are achieved by coal-fired power stations, 15% by oil-fired power stations, and 20,1% by power plants being operated by natural gas.

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Kind emission regards

Michael Kroehnert



Responsible for content:

**Emissionshändler.com®**

GEMB mbH, Helmholtzstraße 2-9, 10587 Berlin

HRB 101917 Amtsgericht Berlin Charlottenburg

USt-ID-Nr. DE 249072517

Phone: +49 (0)30-398872110, Fax: +49 (0)30-398872129

Web: [www.emissionshaendler.com](http://www.emissionshaendler.com) Mail: [info@emissionshaendler.com](mailto:info@emissionshaendler.com)

In cooperation with ETS Verification, the verification body for aircraft operators

**ETS Verification GmbH**

Guido Harling,

Altstadtparkplatz 3, D-49545 Tecklenburg

Phone: +49 5482 5099 866

Web: [www.ETSVerification.com](http://www.ETSVerification.com)

Mail: [Guido.Harling@ETSVerification.com](mailto:Guido.Harling@ETSVerification.com)

