



Bundeskriminalamt

**2013 ANNUAL REPORT**  
**Financial Intelligence Unit (FIU)**  
**GERMANY**

# 2013 ANNUAL REPORT FIU GERMANY

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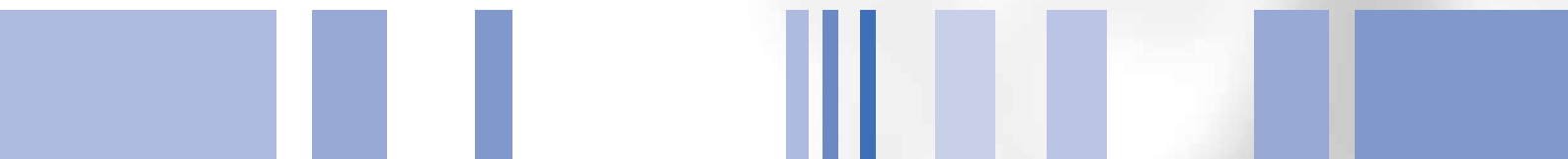
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## 1 Introductory Remarks

In 2013 as well, the breathtaking developments on the global financial markets were again manifested in numerous incidents, trends and the resulting media coverage. In this context, it was noticed that an increasing number of reports was filed in respect of cases involving suspected illegal behaviour of the “global players” on the financial market.

Headlines such as *“Banks under suspicion: States look into manipulations on the gold market”*, *“Manipulations of interest rates: Banks have to pay a fine of 1.7 billion euros”* or *“Banks under suspicion: the Federal Financial Supervisory Authority (BaFin) investigates manipulations of currency exchange rates”* are indicators suggesting that the partly turbulent development of this sector is also accompanied by criminal behaviour of the financial market players and, thus, poses constantly changing challenges to the legislative, the judicial and of course also the executive branches of every country.

Constantly new (further) developments can also be seen in the technical field, such as high-frequency trading on the stock exchanges, the creation of new, individual currencies on the Internet and generally the enormous increase of data volumes that have to be processed in the financial sector.

It is a complex task to monitor all these phenomena – also with regard to an effective suppression of money laundering and terrorist financing – to recognise essential developments and to work out adequate and adjusted prevention and suppression strategies in compliance with the legal and especially data protection-related framework conditions and international standards. This places high demands on all institutions dealing with this field of crime.

In order to handle this challenging task, the *Financial Intelligence Unit – FIU Germany* would like to make its contribution also in future and wishes to thank all its different co-operation partners for their support in 2013.

*Dr. Michael Dewald*  
Head of FIU Deutschland



## 2 Number of reports filed<sup>1</sup>

The reporting behaviour in 2013 was characterised by the highest increase rate (33%) of suspicious transaction reports filed pursuant to the Money Laundering Act (MLA) since the FIU was established.

A detailed insight into the case figures from different angles of vision is given below. A summary of the essential analysis results on the reporting behaviour is given at 2.4.

<sup>1</sup> The case figures mentioned in this report and the tables and graphs published in chapters 2, 3 and 4 are based on data provided to the FIU Germany due to its original jurisdiction. Only when drawing up graph 10 ("Results of processing by the clearing offices of the Land criminal police offices") and graph 11 ("Connections to types of crime identified by the clearing offices in cases forwarded to other investigative agencies") has use been made of the data recorded by the clearing offices of the Land criminal police offices, which are competent for the police analysis of suspicious transaction reports (STRs).

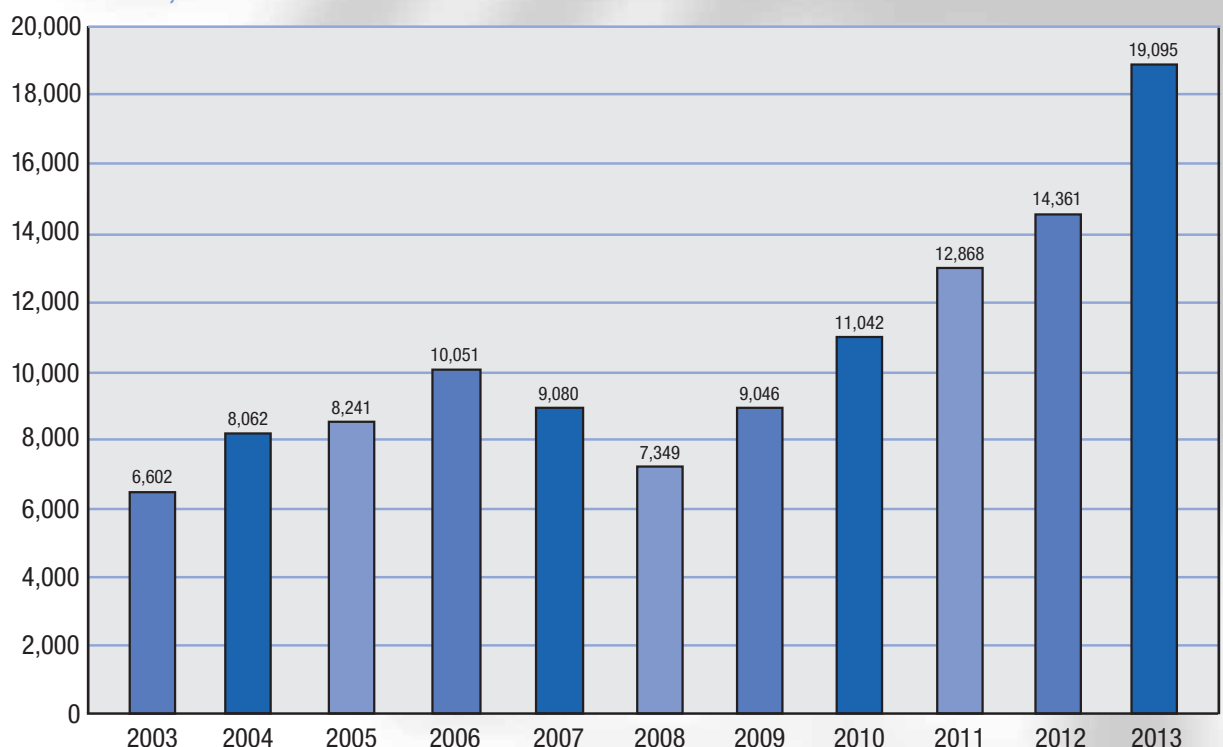
### 2.1 Suspicious transaction reports filed pursuant to the Money Laundering Act (MLA) and the Fiscal Code

#### 2.1.1 Suspicious transaction reports filed pursuant to the Money Laundering Act

In 2013, the FIU received a total of 19,095 (2012: 14,361) suspicious transaction reports filed pursuant to the Money Laundering Act (Sections 11, 14 of the MLA). This corresponds to an increase of 4,734 suspicious transaction reports (approx. 33%). This increase has been the largest so far identified in the past eleven years and marks the peak since the FIU was set up in 2002.

Graph 1 shows the development of the suspicious transaction reports filed pursuant to the MLA (without follow-up reports) from 2003 to 2013.

**Graph 1: Development of the number of suspicious transaction reports filed pursuant to the Money Laundering Act, 2003–2013**



In addition to the above-mentioned initial reports, 1,621 follow-up reports were recorded and analysed by the FIU in the year under review (2012: 1,135). Also the number of follow-up reports increased considerably (+43%). Thus, the total number of reports received in 2013 increased to 20,716.

Most of the suspicious transaction reports are still filed by the credit institutions (16,686, approx. 87%). The savings banks sector makes up the biggest proportion of suspicious transaction reports and, besides the credit banks, can record the second biggest increase. In the year under review, the savings banks sector filed a total of 6,200 STRs (+ 29%, 2012: 4,801). The other credit institutions even achieved an increase rate of 62% altogether, with 1,827 STRs filed in 2013 compared to 1,127 filed in the previous year.

When looking at the financial sector as a whole (which means credit institutions, insurance companies, financial services institutions, financial enterprises) and the authorities covered by Sections 14 and 16 of the MLA (supervisory authorities, the authorities responsible for the oversight of the cross-border traffic and those responsible for monitoring the stock, foreign exchange and financial derivatives markets), more than 99% of all suspicious transaction reports are filed by this sector.

The number of reports filed by persons commercially trading in goods is still very low. In 2013, 100 (2012: 73) suspicious transaction reports were filed. The awareness raising measures taken by the competent Land supervisory authorities apparently do not (yet) influence the reporting behaviour significantly.

The awareness raising measures also seem to have only little effect on the reporting behaviour of the real estate brokers. Only 14 suspicious transaction reports were filed in the year under review (2012: 2).

Individuals in independent occupations<sup>2</sup> filed 12 suspicious transaction reports in the year under review (2012: 20). According to the parties covered by the Act (parties required to report), the very little number of reports filed results from the special protection of the client relationship.

The so-called non-financial sector, which means all parties covered by the Act pursuant to Section 2 (1) nos. 7–12 of the MLA, contributed only little to the overall increase in suspicious transaction reports. These much “stronger” occupational groups in terms of numbers – compared to the financial sector – filed only 163 (2012: 128) suspicious transaction reports in 2013, which means only 0.9% of the total number of reports filed. The number of reports filed by the non-financial sector is too small compared to the large number of parties covered by the Act and its economic significance. This phenomenon has been observed for many years already.

<sup>2</sup> Legal advisors pursuant to Section 2 (1) nos. 7-9 of the MLA

The following table shows the distribution of the suspicious transaction reports across the different reporting parties.

**Table 1: Number of reports filed pursuant to the Money Laundering Act by reporting party**

		2013	2012
Credit institutions	Credit banks	5,451	3,662
	Saving banks (Sparkassen and Landesbanken)	6,200	4,801
	Credit unions and co-operatives	3,194	2,697
	Deutsche Bundesbank and main branches	14	21
	Other	1,827	1,127
	<b>Total</b>	<b>16,686</b>	<b>12,308</b>
Insurance companies		125	105
Financial services providers		1,463	1,292
Financial enterprises		293	172
Authorities (Sec. 14 and 16 of the MLA)		332	325
	<b>Total</b>	<b>2,213</b>	<b>1,894</b>
Parties required to report (Sec. 2(1) no 7–12 of the MLA)	Lawyers	10	17
	Legal advisors (chamber)	0	0
	Patent attorneys	1	0
	Notaries	1	3
	Debt-collection companies, asset managers	0	4
	Auditors	1	3
	Certified accountants	0	0
	Tax consultants	3	2
	Agents in tax matters	0	0
	Trustees, service providers for companies	1	2
	Real estate agents	14	2
	Casinos	32	22
	Operators and brokers of online gambling	0	0
	Persons who deal in goods	100	73
<b>Total</b>	<b>163</b>	<b>128</b>	
Other reports filed pursuant to the Money Laundering Act		33	31
<b>Total</b>		<b>19,095</b>	<b>14,361</b>

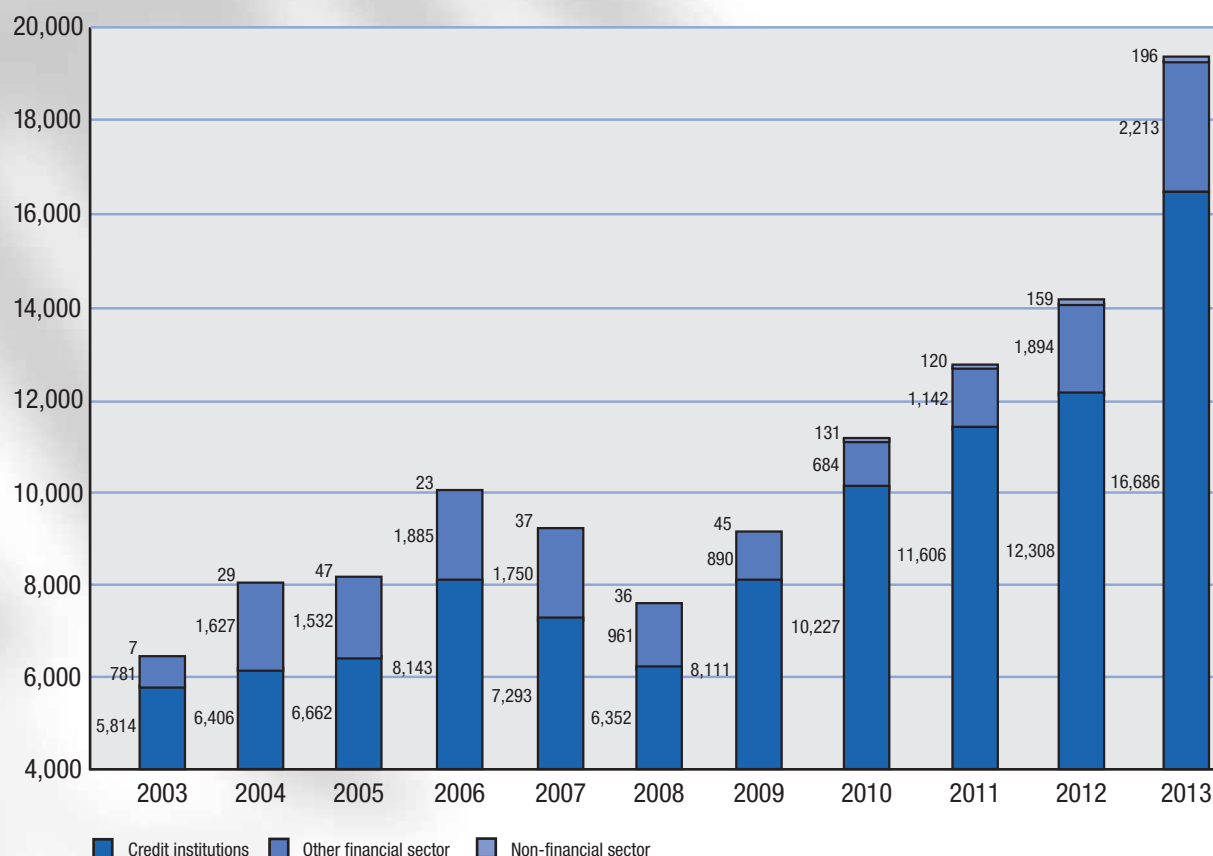
### Distribution of suspicious transaction reports by reporting party, 2003–2013

The long-term evaluation, just like in the year under review, reflects the particular significance of the credit institutions, the insurance companies, the financial enterprises and the financial services institutions, on the one hand, and the considerable under-representation of the other parties covered by the Act, on the other hand. Their percentage of the total amount of reports filed is still below 1%.

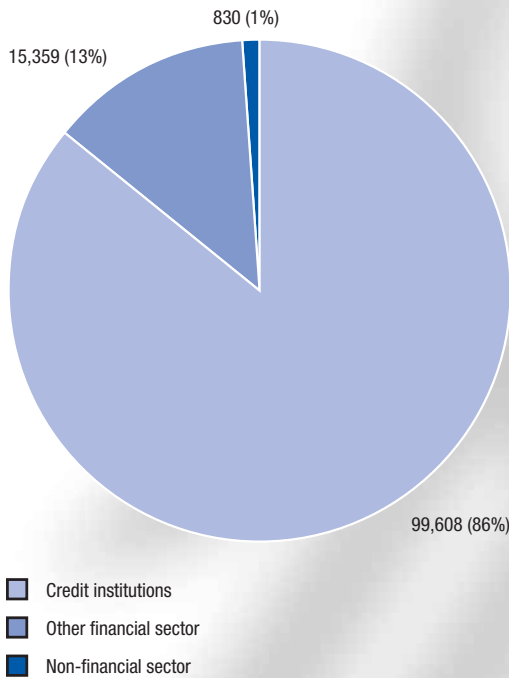
The following graph shows the number of suspicious transaction reports by groups of reporting parties, *credit institutions, other groups of the financial sector and the non-financial sector*, filed over the past eleven years.

The uneven distribution becomes even more apparent when looking at the total amount of suspicious transaction reports filed by the above-mentioned groups of reporting parties over the past eleven years (see graph 3). 115,797 STRs were filed in total during the past eleven years. Only 830 of these reports (1%) were filed by the non-financial sector.

Graph 2: Number of reports filed pursuant to the Money Laundering Act by reporting party (2003–2013)



**Graph 3: Total amount of reports filed pursuant to the Money Laundering Act by groups of reporting parties, 2003–2013**



**2.1.2 Special aspects of the statistical development of the suspicious transaction reports**

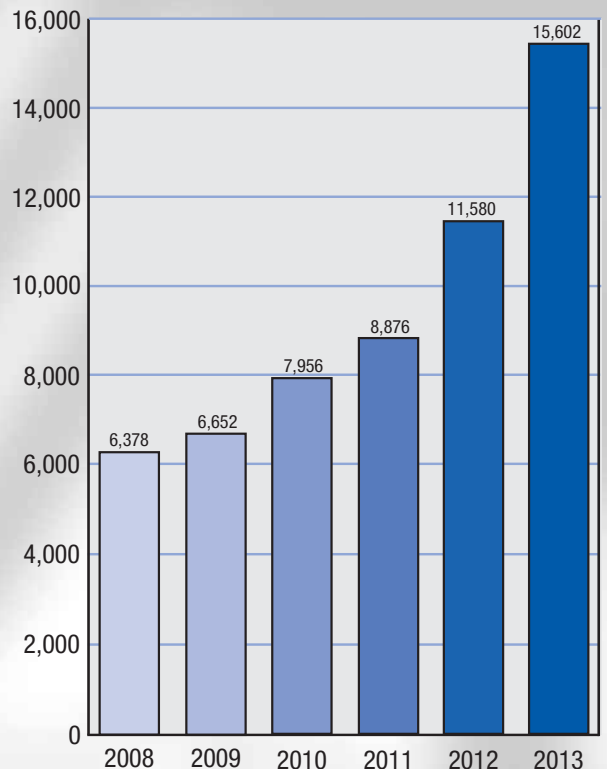
**Share of the “financial agents” phenomenon in the total number of STRs filed**

This year, too, the “financial agents” phenomenon made up a large share in the number of STRs filed (approx. 18%) and was the most frequent typology recorded. In the previous year, the share in the STRs filed was 19%. When looking at the absolute number of suspicious transaction reports linked to the “financial agents” typology, an increase of approx. 26% was recorded in the year under review. This will be described in depth under “financial agents” in chapter 4.

**Number of suspicious transaction reports without the “financial agents” phenomenon**

In the year under review, a total of 3,493 STRs were filed for financial agent and/or phishing activities. When subtracting these reports from the total number of STRs filed, the result is 15,602 STRs. In the previous year, this figure was 11,580. This results in an increase of approx. 35% this year and, thus, roughly corresponds to the increase of the absolute number. This shows that the increase in the total number of cases is not caused by the “financial agents” typology alone. The increase in the number of STRs without the “financial agents” phenomenon is again much higher than the numbers recorded in previous years, as can be seen from the following graph 4.

**Graph 4: Suspicious transaction reports filed pursuant to Section 11 of the MLA without the financial agents phenomenon**



### Specifying the threshold of suspicion

Within the framework of the amendment of the law in December 2011, the threshold of suspicion was specified and the German term *Verdachtsanzeige* was changed to *Verdachtsmeldung* (both “suspicious transaction report” in English). During the year under review, an increasing number of reports with a lower degree of suspicion and/or low quality (see also 4.1) was recorded. This is due to an increased awareness of the parties required to report with regard to the threshold of suspicion. It can also be seen that the reporting channel established for suspicious transaction reports is increasingly often used also for criminal complaints filed for fraud, for example (computer fraud etc.).

### Additional reporting obligation regarding violations of disclosure duties pursuant to Section 11 (1) MLA

Also in 2011, an additional reporting obligation was introduced for cases in which the contracting partner of a reporting party does not fulfil his or her disclosure duties in respect of the beneficial owner of a transaction. In this context, 211 suspicious transaction reports were filed in the year under review (2012: 86). These cases have more than doubled. A possible cause for this increase could be the increased awareness with regard to this reporting obligation.

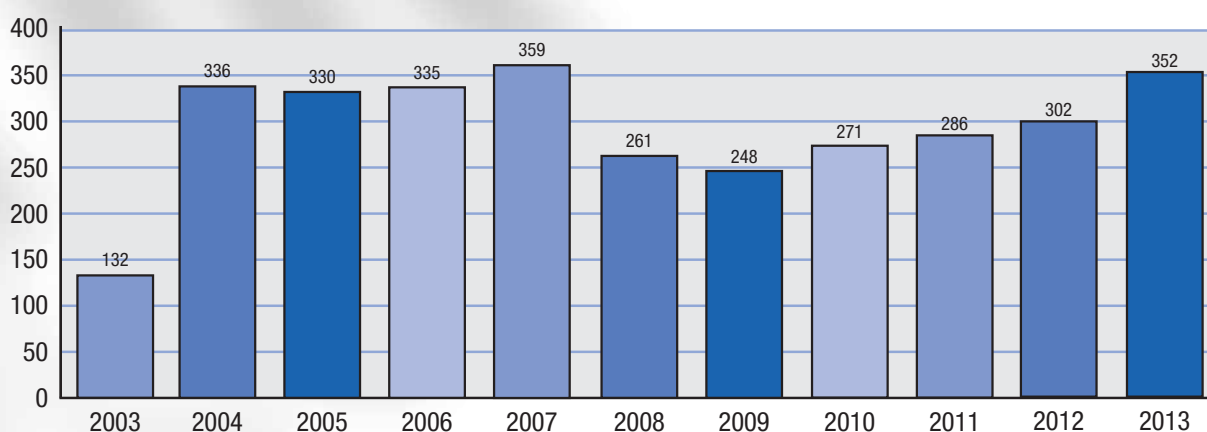
### 2.1.3 Reports filed by the tax authorities pursuant to Section 31 b of the Fiscal Code

Apart from the suspicious transaction reports filed pursuant to the MLA, the FIU also receives reports filed by the tax authorities pursuant to Section 31 b of the Fiscal Code.

Section 31 b of the Fiscal Code (extract): „(...) *The revenue authorities shall notify the Bundeskriminalamt (...) and the competent law enforcement authority (...) about transactions (...) if facts exist to indicate that the assets are the object of crime under Section 261 of the Penal Code or are linked to the financing of terrorism.(...)“*

In the year under review, 352 (2012: 302) reports were filed pursuant to Section 31 b of the Fiscal Code. This corresponds to an increase of 17% compared to the previous year. It is the highest increase over the last five years. However, the peak recorded in 2007 with 359 reports has not been reached again as yet.

Graph 5: Suspicious transaction reports filed pursuant to Section 31 b of the Fiscal Code



## 2.1.4 Number and nationality of persons reported

During the period under review, 34,502 persons (2012: 26,601) of 143 various nationalities were mentioned in the suspicious transaction reports filed pursuant to the Money Laundering Act and in the reports filed pursuant to Section 31 b of the Fiscal Code and were recorded by the FIU. This is an increase of 30% and thus continues the upward trend recorded in the previous year (see also graph 6).

Information on the nationality of the persons was given for 20,802 (60%) of the persons reported. Compared to the previous year, an increase of 35% of the known nationalities was recorded. 12,577 of the 20,802 persons whose nationality is known were German nationals (61%).

Table 2 lists the nationalities most frequently recorded. Among the (non-German) nationalities mentioned most frequently are 943 Turkish (2012: 786), 581 Russian (2012: 478) and 519 Romanian nationals (2012: 371).

The following table contains changes compared to the previous year. The United Kingdom and France are no longer listed and Greece (rank 11) and Latvia (rank 12) were included instead.

Table 2: Nationality of the persons reported

Nationality	2013	2012
Total number of all persons	34,502	26,601
Total number of nationalities	20,802	15,378
Germany	12,577	8,908
Turkey	943	786
Russian Federation	581	478
Rumania	519	371
Poland	414	370
Bulgaria	372	267
Italy	347	238
The Netherlands	285	247
China	276	174
Syria, Arab Republic of	219	138
Greece	203	124
Latvia	176	119
Iran, Islamic Republic of	165	143
Other	3,725	3,015
unclear / unknown	13,700	11,223

### Development of suspicious transaction reports with known/unknown nationalities, 2003–2013

During the year under review, the constant increase in the total number of all persons mentioned in the STRs continued (see the following graph).

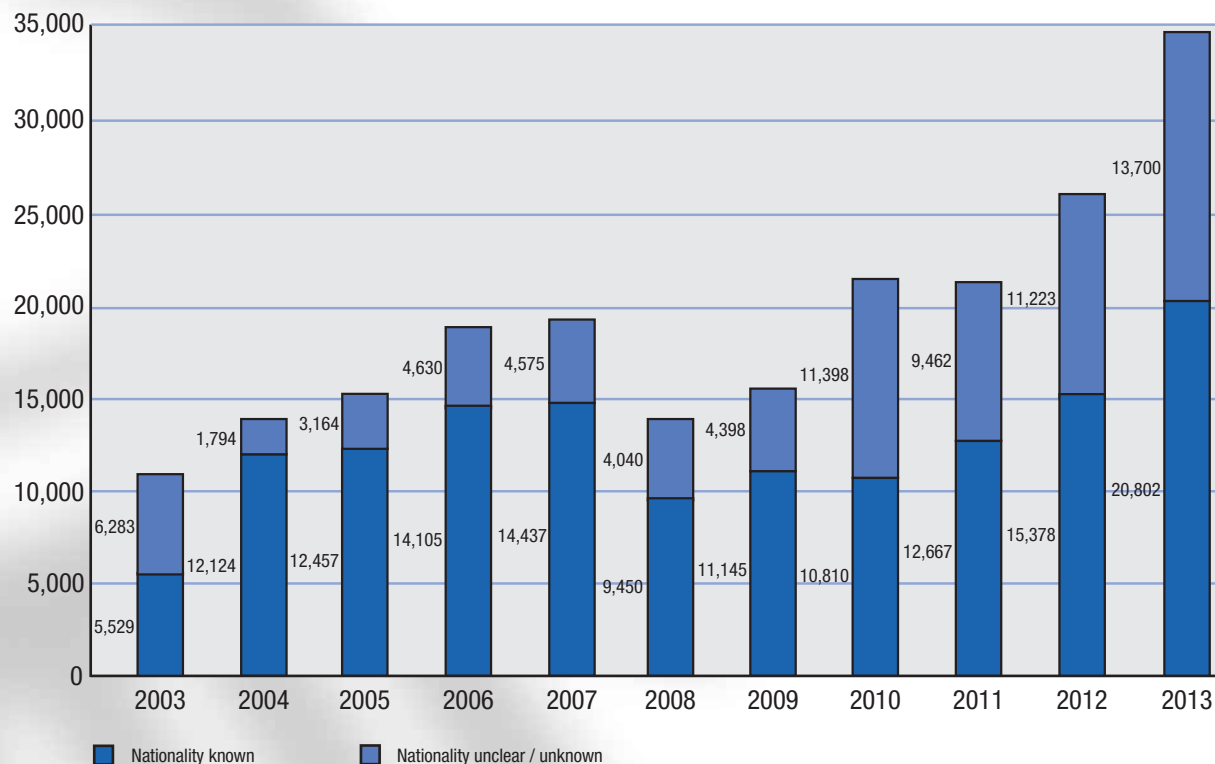
The percentage of persons with unclear/unknown nationality in relation to the total number of all persons amounts to 40% and slightly decreased compared to the previous year (42%).

The following graph 7 shows the ratio between German nationals and persons with other nationalities.

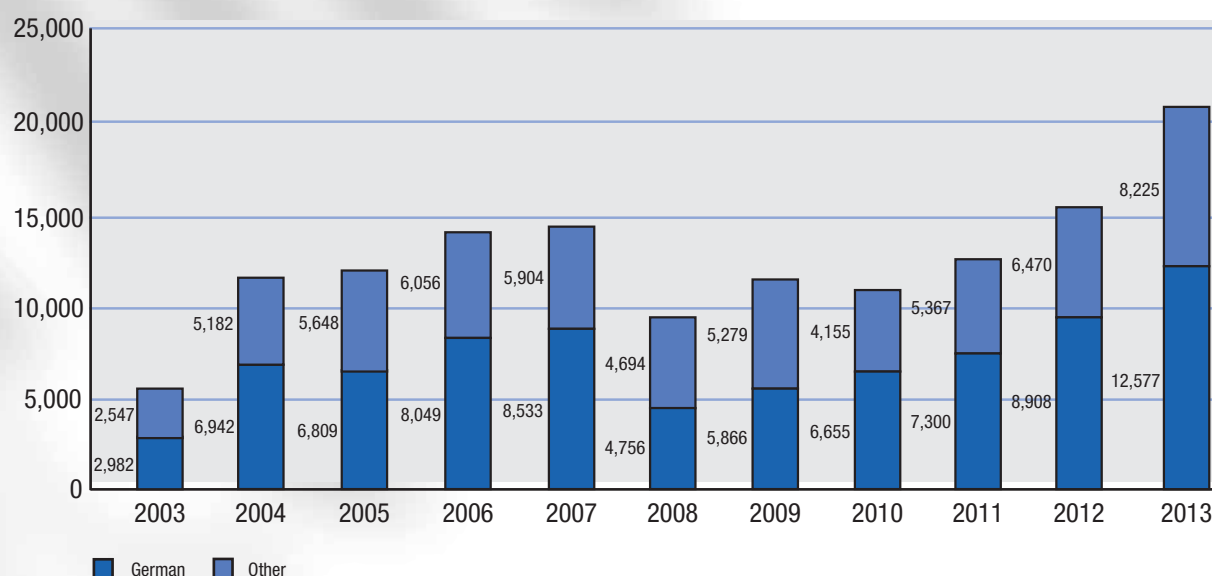
Compared to the previous years, the number of German nationals mentioned in STRs has increased considerably. The number increased from 8,908 to 12,577 persons.



**Graph 6: Total number of persons with known/unknown nationality (2003–2013)**



**Graph 7: Number of persons reported with German/other nationality (2003–2013)**



## 2.1.5 Corporate headquarters

A total of 11,224 companies from 109 nations were recorded in the suspicious transaction reports analysed. In the previous year, this number was 5,789 only and has nearly doubled now.

For 5,629 companies, the headquarters were mentioned, i. e. for approx. 50%. In the previous year, this value was approx. 64%.

3,484 companies in total (62%) had their headquarters in Germany which is the same percentage as in the previous year.

As can be seen from the following table *Headquarters of the companies reported*, the Netherlands with 77 companies (2012: 26) have now joined the list. The number of Russian companies has nearly doubled. Also the number of companies with headquarters in Switzerland has significantly increased by approx. 75%.

### Development of suspicious transaction reports with known/unknown corporate headquarters, 2003–2013

Looking back on the previous years, the number of companies reported has steadily increased. The most significant increase was recorded this year. This is believed to be mainly due to the considerable increase of suspicious transaction reports filed.

The number of *known* corporate headquarters has constantly increased over the last three years.

It is particularly striking that the share of unknown/unclear corporate headquarters has increased considerably during the year under review and is now almost half of all companies reported.

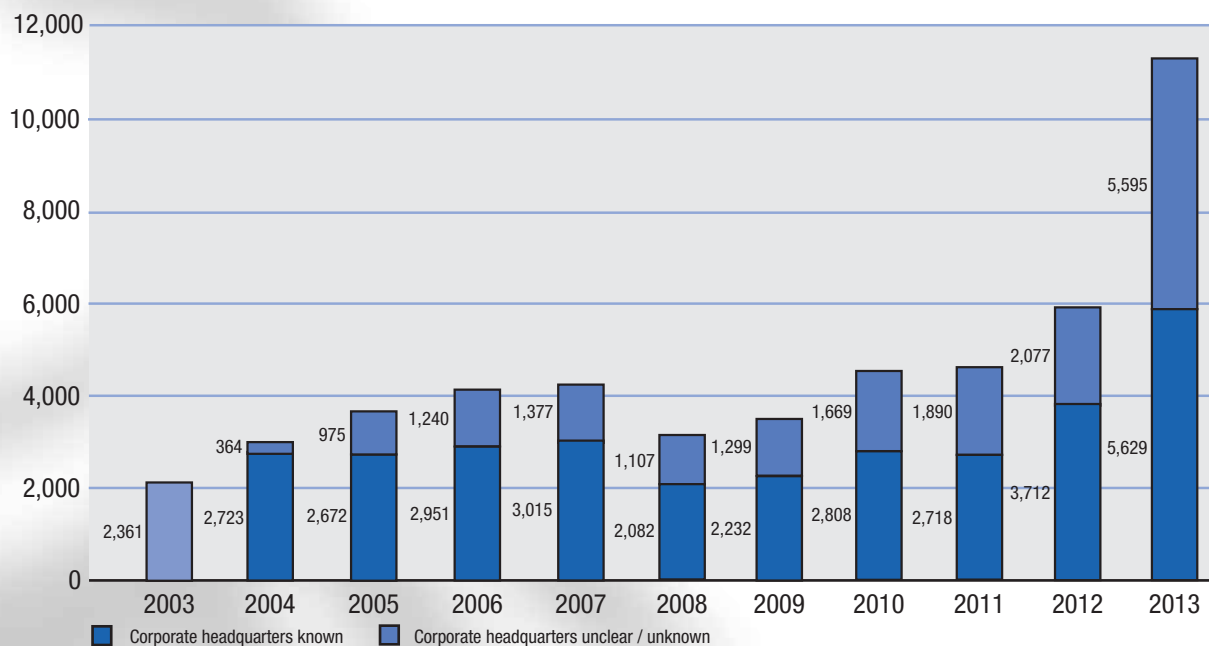
Table 3: Headquarters of the companies reported

Corporate headquarters	2013	2012
Total number of all companies	11,224	5,789
Total number of all headquarters	5,629	3,712
Germany	3,484	2,334
Switzerland	197	113
Russische Föderation	135	71
British Virgin Islands	124	90
Cyprus	123	130
United Kingdom	113	134
USA	80	39
Netherlands	77	26
China	76	65
United Arab Emirates	58	43
Other	1,162	667
unclear	5,595	2,077

In the year under review – like in previous years – the reports mainly referred to German companies. In 2013, the reports related to 3,484 German companies (= approx. 61% of the known corporate headquarters) and to 2,145 foreign companies, as can be seen from the following graph 9.

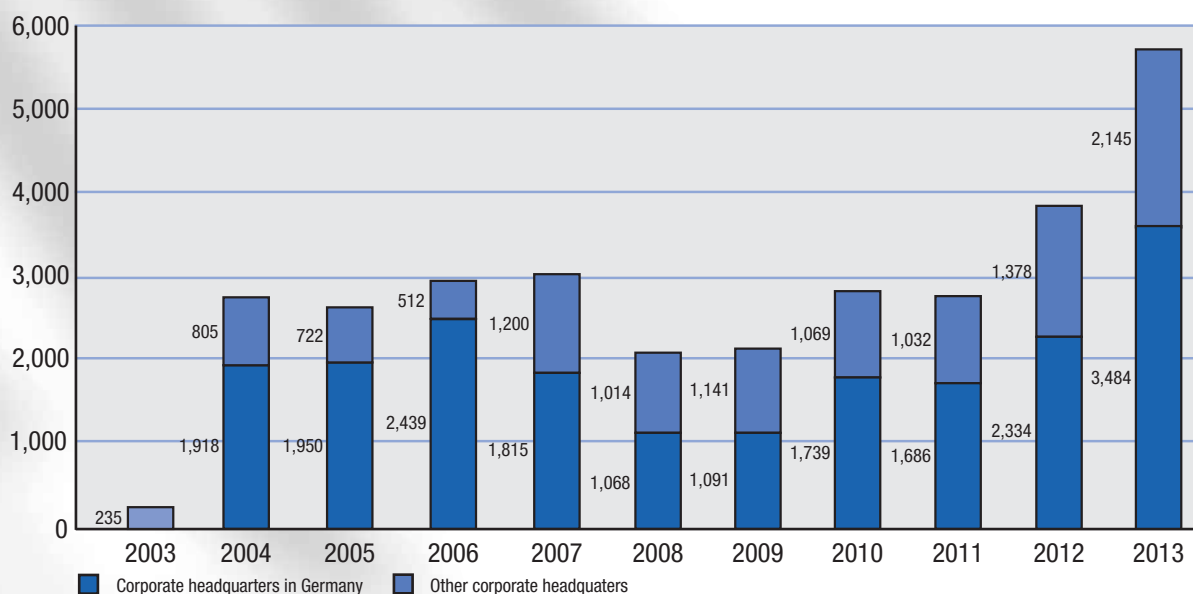
The number of foreign companies has increased considerably compared to the previous year's figure (by approx. 56%). Also the number of German companies has increased considerably – by 49% – compared to the previous year's figure.

**Graph 8: Number of companies with known/unknown corporate headquarters (2003–2013)**



*Note: For the year 2003 no differentiation was made between known and unknown/unclear corporate headquarters.*

**Graph 9: Number of companies with German and non-German corporate headquarters (2003–2013)**



*Note: For the year 2003 only information on companies with a foreign legal status is available. The number of German companies is unknown.*



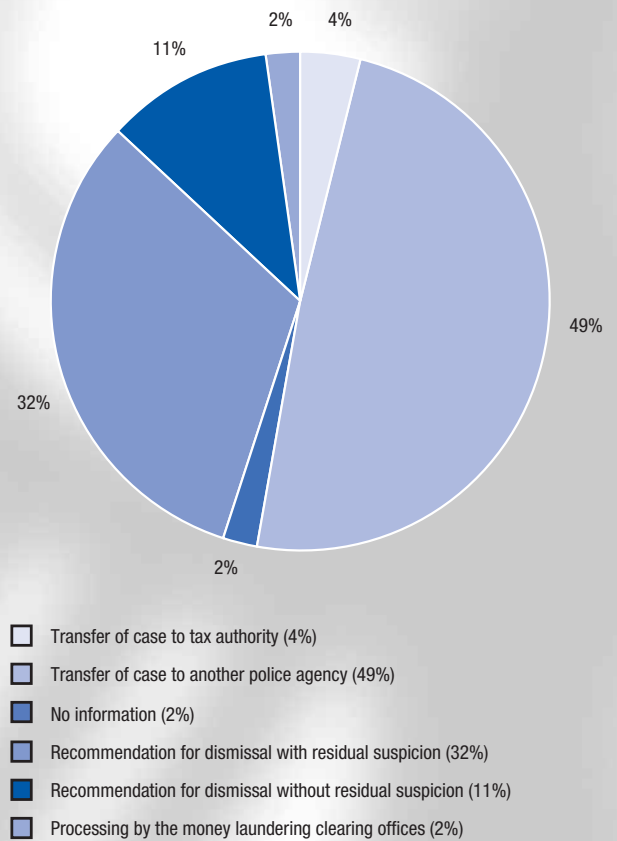
## 2.2 Results of the investigations

### 2.2.1 Status of report processing at the close of the reporting year

In 2013, the central specialised offices dealing with financial investigations in the German federal states (Länder) completed a total of 10,118 clearing cases which resulted from suspicious transaction reports filed in 2012 and in 2013<sup>3</sup>. After final analysis by the clearing offices, 4% of the suspicious transaction reports were transferred to the financial authorities. Approx. 2% were kept by the clearing offices for further handling. For 11% of the cases it was suggested that they be discontinued without residual suspicion. For 32% of the cases it was suggested that they be discontinued with residual suspicion. The largest part of the cases completed in 2013 (49%) was transferred to another specialised police office.

**These figures cannot be compared to the previous year's figures because in 2012 also the share of clearing procedures not yet completed was mentioned and compared to the other results of case handling. For 2013, only the results of the clearing procedures were obtained and compared.**

Graph 10: Results of processing by the money laundering clearing offices of the Land criminal police offices



<sup>3</sup> The figures shown are based on the data provided by the specialised offices dealing with financial investigations in the Länder.

### 2.2.2 Connections to types of crime revealed in cases transferred to other specialised offices

Upon completion of the clearing procedure, connections to the types of crime described below were identified. The cases were forwarded to the relevant specialised office.

This year, connections to *fraud* as type of crime were established in 30% of the cases (2012: 33%).

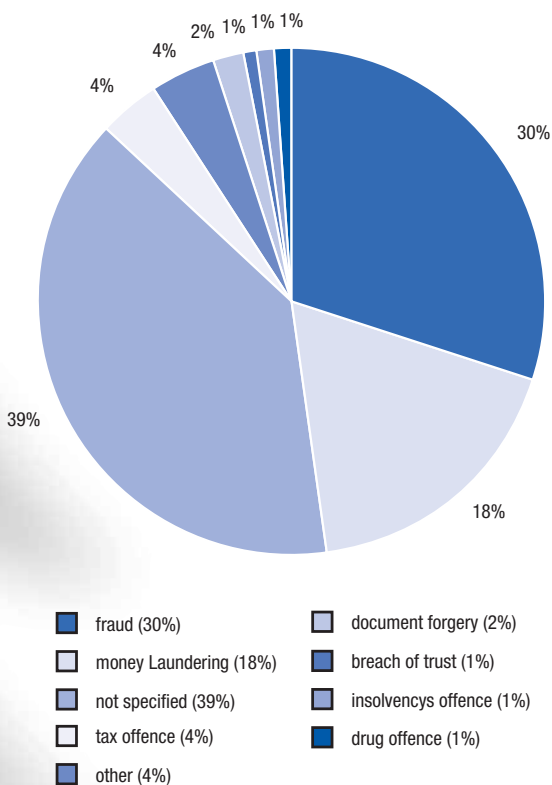
Especially the cases relating to the *financial agents* typology contribute to this because an underlying offence of fraud has to be assumed here.

*Money laundering* is the second most common offence in which more or less specific connections to the cases reported can be established. Here, the percentage of the total number of reports is 18% (2012: 16%).

The other types of crime to which connections have been established can be seen from the following graph and roughly correspond to the previous year's figures.

The percentage of the total number of cases in which no connection to a type of crime has been indicated is 39% (2012: 37%) and does not represent a change compared to the previous year.

Graph 11: Connections to types of crime identified by clearing offices in cases transferred to other investigative agencies



### 2.2.3 Seizures

In the 2013 reporting year, assets totalling approx. 30.2 million EUR were seized in the context of financial investigations independent of specific proceedings. Cancellations of seizures in 2013 involved assets amounting to approx. 1.8 million EUR. The seizures indicated in table 4 refer only to *financial inves-*

*tigations independent of specific proceedings*, i.e., they result directly or indirectly from information the law enforcement authorities obtained from suspicious transaction reports filed pursuant to the Money Laundering Act.

**Table 4: Seizures within the framework of financial investigations independent of specific proceedings, 2013**

Measures	Types of assets	Value of assets seized (in Euro)		Value of cancellations (in Euro)	
		Investigations from the year under review	Investigations from the previous years	Investigations from the year under review	Investigations from the previous years
Seizure pursuant to Section 111b (1) of the Criminal Procedure Code <i>Forfeiture/confiscation</i>	Cash	887,849	40,000	571,054	183,000
	Movable property	101	0	0	0
	Claires / titles	19,787,624	112,091	6,515	206,161
	Immovable property	90,000	0	0	0
Sum of the four categories		20,765,574	152,091	577,569	389,161
Seizure pursuant to Section 111b (2) of the Criminal Procedure Code <i>Forfeiture/confiscation of equivalent value</i>	Cash	0	0	0	0
	Movable property	0	0	0	0
	Claires / titles	295,022	0	0	0
	Immovable property	0	0	0	0
Sum of the four categories		295,022	0	0	0
Seizure pursuant to Section 111b (5) of the Criminal Procedure Code <i>Recovery assistance</i>	Cash	41,517	2,700	0	0
	Movable property	69,771	0	0	0
	Claires / titles	6,497,452	854,506	897,138	0
	Immovable property	1,579,000	0	0	0
Sum of the four categories		8,187,740	857,206	897,138	0
Total amount of seizures / cancellations		29,248,336	1,009,297	1,474,707	389,161
		30,257,633		1,863,868	

Because it often turns out in practice that the relevant orders and rulings include several objectives and because no final determination about whether seized items will be subject to forfeiture, extended forfeiture or confiscation is made until judgment is pronounced, the information provided about the seizures is limited to the respective provisions of the Criminal Procedure Code.

### 2.3 Reports filed pursuant to the Iran Embargo Regulation

In 2013, the FIU received a total of 35 reports filed pursuant to the Iran Embargo Regulation<sup>4</sup> which, after an internal analysis by the FIU, were forwarded either to Deutsche Bundesbank or to the Customs Criminal Investigation Office for further handling. This is a decrease by four reports compared to 39 reports in the previous year.

### 2.4 Summary of report volume

- This year, the largest rise in the number of suspicious transaction reports filed in the past eleven years has been recorded. The increase, compared to the previous year, by 4,734 reports means an increase of approx. 33%.
- The credit institutions with 4,378 STRs account for the largest part of this increase.

- Also the follow-up reports reach a peak and are outstanding with an increase rate of 43%.
- The quality of the suspicious transaction reports has decreased (see also the results of the follow-up responses forwarded pursuant to Section 11 (8) of the MLA under no. 3 below as well as no. 4.1 *Case analysis*).
- Like in previous years, 99% of all suspicious transaction reports were filed by the financial sector and only just under 1% were filed by the non-financial sector from which a considerably higher reporting behaviour could have been expected because of its strong representation in terms of numbers.
- With regard to the STRs filed by the non-financial sector, only a very slight increase has been recorded. The reporting behaviour is still on an extremely low level.
- The number of suspicious transaction reports filed by legal advisors has declined and is still at a very low absolute level.
- In contrast to the previous year's trend, a significant increase (26%) has again been recorded with regard to the most frequently observed "financial agents" typology. The number of suspicious transaction reports not linked to the "financial agents" phenomenon has experienced the largest rise over the past years (35%).
- The reports filed for violations of the duties of disclosure have more than doubled at a low absolute level.
- Reports filed pursuant to Section 31 of the Fiscal Code have increased markedly and almost reached their 2007 peak.

<sup>4</sup> Council Regulation (EU) No. 267/2012 of 23 March 2012 on restrictive measures against Iran and repealing Regulation (EU) No. 961/2010



### 3 Follow-up responses by public prosecutors' offices pursuant to Section 11 (8) of the Money Laundering Act

Pursuant to Section 11 (8) of the Money Laundering Act, the competent public prosecutor's office shall inform the Bundeskriminalamt – Financial Intelligence Unit – of the commencement of public prosecution and the outcome of proceedings in criminal cases in which a report was filed pursuant to Section 11 (1) or Section 14 MLA, and in other criminal cases relating to an offence pursuant to Section 261 of the German Penal Code or in which suspected offences within the meaning of Section 1 (2) MLA were investigated. Such notification shall be effected by sending a copy of the indictment, the decision to dismiss the case, setting out the reasons for such decision, or the verdict. The

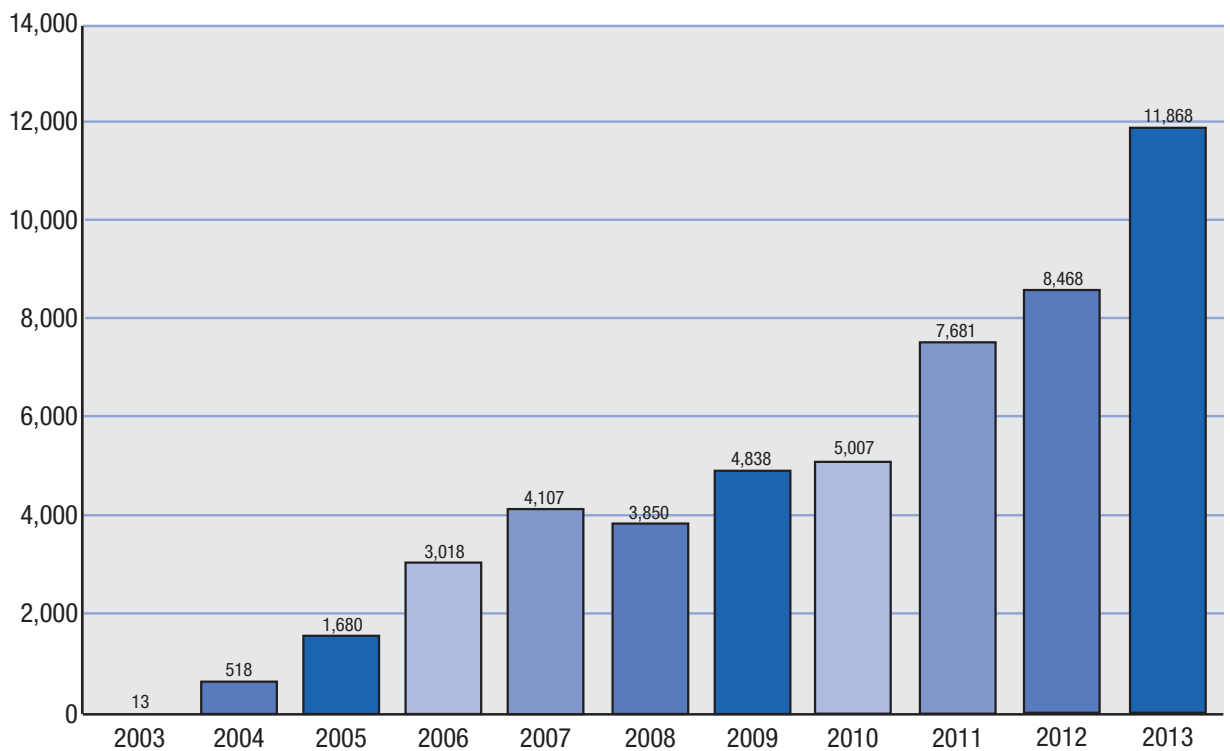
following evaluation results are based on the follow-up responses received at the FIU in the reporting year.

#### 3.1 Statistical analysis

In the 2013 reporting year, a total of 11,868 follow-up responses by public prosecutors' offices pursuant to Section 11 (8) MLA were recorded and analysed. Whereas, in 2012, the number of follow-up responses increased by 10%, this increase was approx. 40% (3,400 follow-up responses) in 2013.

The response reporting practice of the prosecutors' offices has developed as follows since 2003:

Graph 12: Development of the number of follow-up responses, 2003–2013





### 3.2 Assessment of content

#### 3.2.1 Judgments, penalty orders, indictments and other follow-up reports

Only 374 of the 11,868 follow-up responses referred to judgments, penalty orders or indictments. This corresponds to nearly 3%. Consequently, compared to the previous year, 46 reports less (approx. 11%) came from this group.

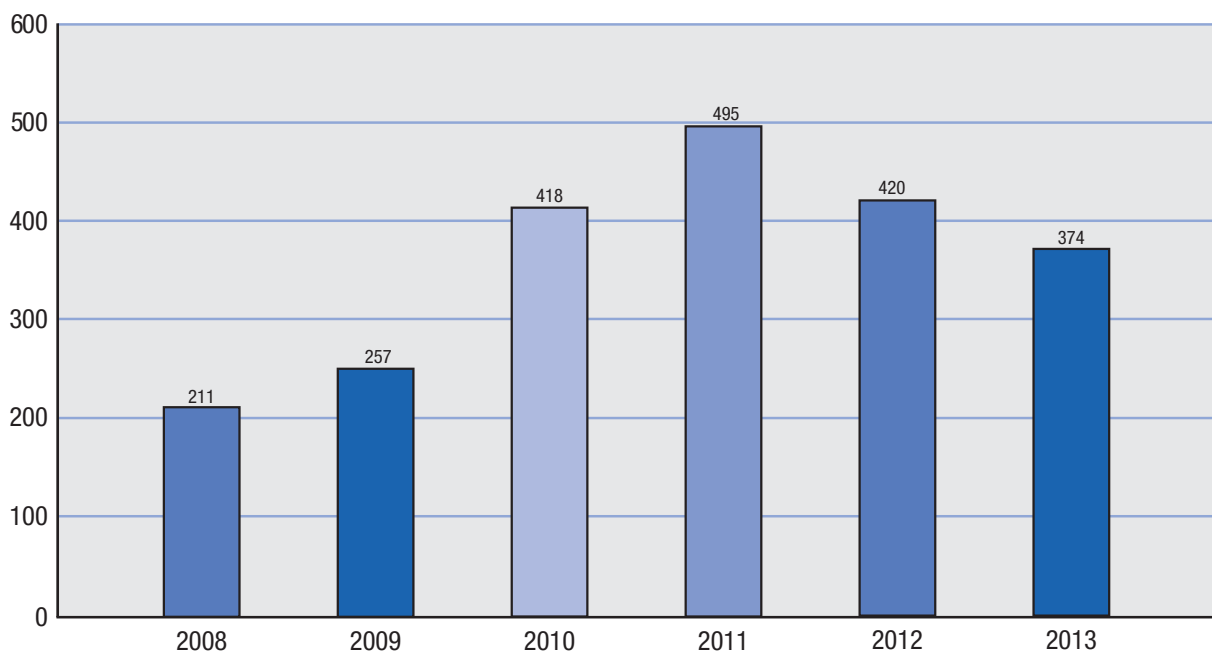
Another 97 follow-up responses were reports submitted pursuant to the Directive on Reporting in Criminal Cases (MiStra) and applications for penalty orders which are listed in the following table under “other follow-up responses”.

**Table 5: Overview of judgements, penalty orders, indictments, other follow-up responses, 2008–2013**

Year	Judgements	Penalty Orders	Indictments	Other	Total
2008	31	138	42	–	211
2009	32	143	82	–	257
2010	60	262	96	79	497
2011	58	342	95	91	586
2012	46	286	88	85	505
2013	62	228	84	97	471

On the whole, it can be stated that, although the total number of follow-up responses has been on the rise since 2008, the number of judgements, penalty orders and indictments has decreased since 2011.

**Graph 13: Development of the total number of judgements, penalty orders, indictments, 2008–2013**



The following comments on typologies and methods of money laundering exclusively refer to corresponding fact-based legal findings in judgements and penalty orders. Upon consideration of the 290 penalty orders and judgements forwarded, it is noted that, in 192 cases (66%), so-called financial agents were sentenced for money laundering preceded by an offence of (computer) fraud. Besides this, convictions of so-called *goods agents* were established in a total of 28 cases (10%) in 2013. They take over the same function as a financial agent, with the only difference that they do not pass on money but goods which they had received from fraudsters beforehand. To date, no follow-up responses relating to cases of suspected terrorist financing have been received in any of the years under review.

**Table 6: Predicate offences of money laundering and other offences to which the court orders refer**

Predicate offence	Number	in %
Fraud	246	77.9
of these, computer fraud	161	
Document forgery	30	9.5
Bankruptcy	4	1.3
Handling stolen goods	3	1.0
Violation of the Payment Service Supervisory Act	3	1.0
Drug crime	2	0.6
Robbery	2	0.6
Misappropriation	2	0.6
Market manipulation	2	0.6
Theft	1	0.3
Not indicated	21	6.6
<b>Total</b>	<b>316</b>	<b>100</b>

(Multiple listings per case possible)

### 3.2.2 Dismissal orders

Of the 11,868 follow-up responses received in total at the FIU from the public prosecutors' offices, nearly 91% (10,771) were dismissal orders.

Apart from the dismissal orders, a total of 626 transfer notifications were received which are not covered by the reporting obligation to the FIU.

Beyond the prosecutorial reasons for dismissal, these follow-up responses only seldom contained explanatory information or information of typological relevance. In addition, these follow-up responses frequently did not allow any conclusions to be drawn as to whether the proceedings, which were dismissed for the charge of money laundering, were continued for an underlying offence.

The large number of dismissals is an indication that the threshold of suspicion for filing a report is very low and the suspicion of an offence – compared to the large number of reports – can be verified in a few cases only.

### 3.3 Conclusion

In the year under review, an increase in the number of follow-up responses by nearly 40% was established. However, the rise in the number of follow-up responses is exclusively due to the increase in dismissal orders and transfer notifications which do not contain any information relevant to assessment. There was even a further decrease in the number of judgements, penalty orders and indictments, i. e. that information that is relevant to assessment. In order to be able to make reliable statements in the future, it is indispensable to receive more high-quality follow-up responses suitable for typological evaluation.

As in the previous years, most of the judgements reported by public prosecutors' offices were passed for money laundering in the context of an activity as financial agent, the predicate offence being (computer) fraud.

#### 4 Analysis of suspicious transaction reports

In a so-called “clearing procedure”, the individual suspicious transaction reports are checked as to whether there are grounds to justify an initial suspicion of an offence under Section 261 of the Penal Code, an underlying offence under Section 261 of the Penal Code or any other criminal offence. The analysis results obtained in this connection are summarised in a report which is then passed on to the relevant law enforcement agency (specialised office or public prosecutor's office).

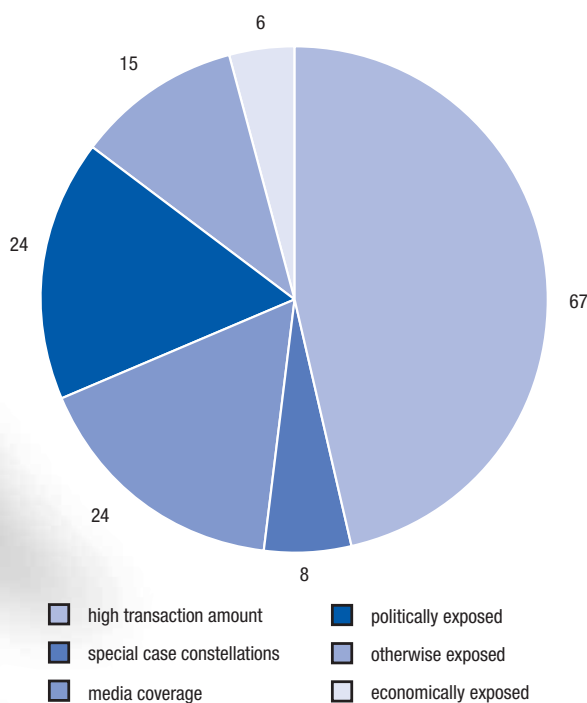
In addition, all suspicious transaction reports filed in Germany pursuant to the MLA and the reports filed by the fiscal authorities pursuant to Section 31 b of the Fiscal Code are monitored in order to detect new typologies and methods of money laundering and terrorist financing at an early stage and provide the relevant information to the parties covered by the Act in an adequate way. This monitoring also aims at identifying new and observing known trends of this phenomenon/type of crime, carrying out special analyses and initiating and assisting investigative proceedings.

##### 4.1 Case analysis

Of the 19,095 suspicious transaction reports filed pursuant to the Money Laundering Act and the 352 reports filed pursuant to Section 31 b of the Fiscal Code, 144 cases in total were classified as *noteworthy cases* by the FIU. The significance of these cases refers to the amount of the transactions reported (over 3 million EUR), the persons involved (politically, economically or otherwise exposed persons), other significant case-specific features (special modus operandi or other exceptional aspects) or to the high level of public interest (media coverage). The distribution of these 144 cases in 2013 is as follows:

- 67 cases involving transaction amounts of over 3 million EUR each
- 24 cases involving politically exposed persons

Graph 14: Monitoring of suspicious transaction reports - Noteworthy cases



- 15 cases involving otherwise exposed persons
- 6 cases involving economically exposed persons
- 8 special case constellations
- 24 cases involving a high level of public interest (media coverage)

Compared to the previous year, the number of *noteworthy cases* went down from 177 to 144 cases in the reporting year, i. e. by 33 cases. Compared to their proportion in relation to the total number of suspicious transaction reports in 2012, the proportion of noteworthy cases declined and makes up only 0.75% of all suspicious transaction reports in the year under review (2012: 1.2%).



As in the previous year, the reports filed for large transaction amounts make up the biggest proportion, however, a decrease has again been recorded in the number of cases. In 2013, only 67 such cases (2012: 101 cases) were reported.

Compared to the figures for the previous year, the increase in the reported cases involving a high level of public interest (media coverage) is noteworthy. In the year under review, 24 cases of media relevance were recorded, whereas in the previous year only 14 cases had been recorded. Thus, compared to 2011 (12 cases) and 2010 (9 cases), the upward trend in this field continues.

By contrast, the number of cases involving special case constellations declined compared to the previous year. In 2013, only 8 such cases (2012: 17 cases) were reported. In the year under review, there is a slight decrease in the number of cases involving politically (-3) and economically (-4) exposed persons, in contrast to an increase in the number of suspicious transaction reports involving otherwise exposed persons (15 in 2013, 8 in 2012).

## 4.2 Trends and typologies

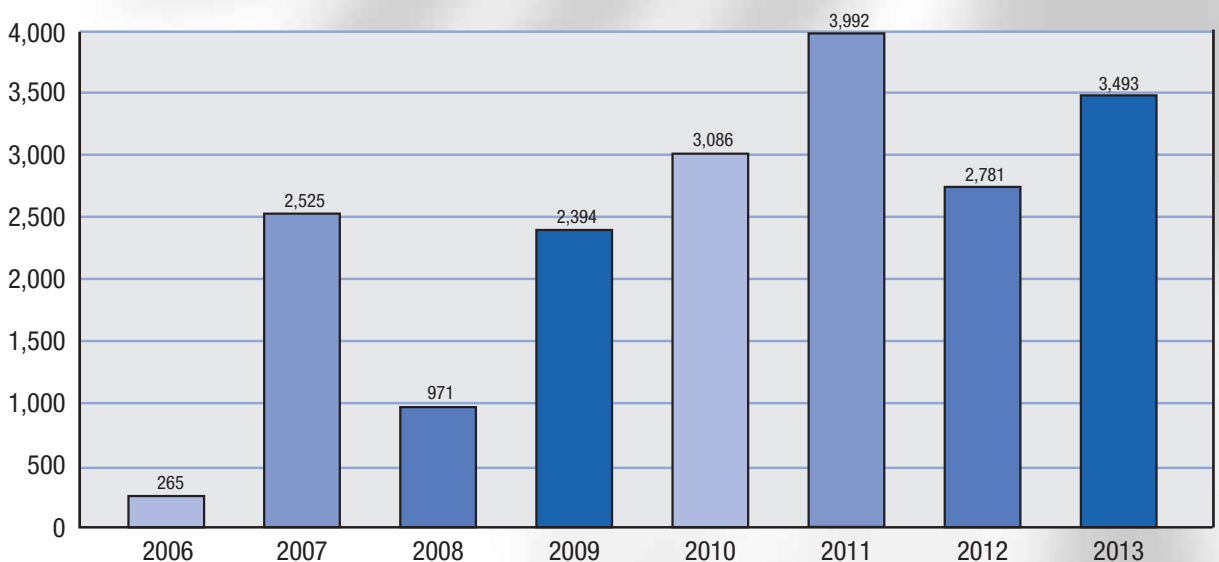
When analysing suspicious transaction reports, new trends and typologies that are relevant to analysis or investigation in the field of money laundering or terrorist financing are monitored more intensively if indicators in this respect are revealed. In particular, indicators can result from an unusual frequency of similar grounds for suspicion or similar case-specific details.

### 4.2.1 Financial Agents

In 2013, 3,493 STRs were filed in connection with the “financial agents” phenomenon. Thus, the number of reports increased again by approx. 26% with 3,493 STRs filed in 2013 after a decreasing trend (-30%) in 2012.

The following table reflects the development of the number of reports filed in connection with financial agents since 2006.

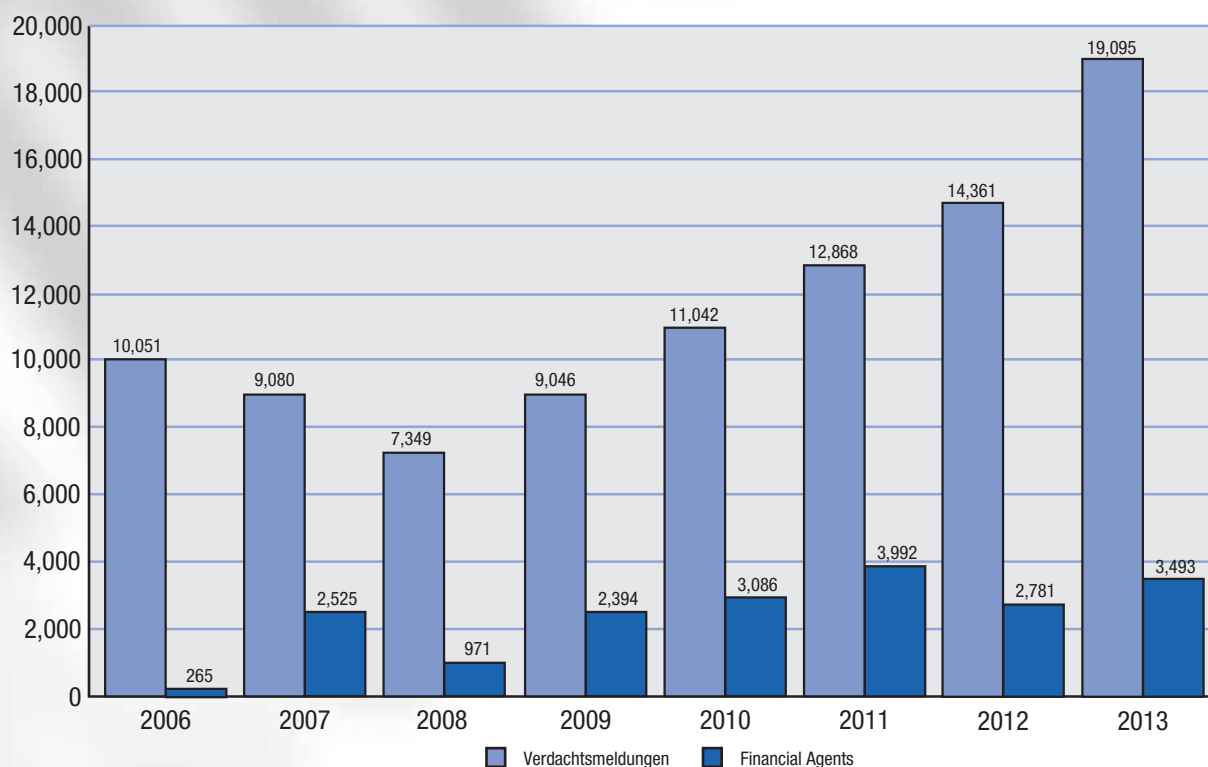
Graph 15: Number of STRs filed in connection with the “financial agents” phenomenon 2006–2013



The following graph shows the development of the relation between all suspicious transaction reports filed pursuant to the MLA and reports with links to financial agent activities. While the absolute number of suspicious transaction reports relating to the “financial agents” phenomenon increased sharply compared to the previous year, the percentage of STRs involving Financial Agents in relation to the total number of all suspicious transaction reports filed remained almost at the same level with approx. 18% compared to the previous year (19%). A slightly declining trend has been recorded concerning the percentage of STRs filed for this phenomenon in relation to the total number of all suspicious transaction reports filed.

Despite awareness raising in this field, the perpetrator groups apparently succeed in recruiting financial agents by using new methods, such as professional job offers. When designing such job offers, the perpetrators attempt to prevent critical analysis by the potential financial agents through numerous variations.

**Graph 16: Number of reports involving “financial agents” compared to the total number of STRs, 2006–2013**



#### 4.2.2 Electronic payment systems

The FIU has been monitoring the trends in the field of electronic payment systems since 2008. It has been established that these payment systems appear on the national and international market in constantly varying forms. A generally valid legal definition as to whether the individual systems are to be classified as electronic payment systems is not yet available.

In this context, the FIU considers the definition published in 2010 by the project group on "Electronic Payment Systems", jointly run by the Federation and the Länder, as very target-oriented and has used its criteria – in 2013 for the first time in a very strict interpretation – for the assessment of relevant case-specific details.

Internet-based payment systems are very common and are used more and more frequently in e-commerce. These payment methods are offered by the traders (so-called points of acceptance) and accepted by the customers as means of payment, which can also be attributed to the easy, anonymous handling of these payment possibilities. Especially this high degree of anonymity probably is an incentive for perpetrators to make use of these payment systems when committing criminal acts.

Electronic payment systems are characterised by the fact that transactions are transferred directly from the payer to the payee without making use of "regular" accounts and that the regulated interfaces in the traditional financial system (e. g. banks) are circumvented. Contrary to conventional payment systems (transfers, direct debiting, cash on delivery, credit cards, etc.) in the case of electronic payment systems where encryption techniques and Internet-based transmission channels are used, a tracking of the transaction back to the actors is difficult or impossible. From the FIU's point of view, the following decisive risk criteria for money laundering can be defined in summary:

- online-based
- bypassing the regulations of the traditional financial system (no identification, no paper trail)
- directly from the payer to the payee without the use of accounts

Applying these criteria, the FIU identified a total of 49 suspicious transaction reports in 2013 in which links to the "electronic payment systems" were established.

In absolute terms, the number of STRs referring to this phenomenon is still very low. In our opinion, the small number of reports might result from the following factors:

- Operation of payment systems independent of accounts parallel to the traditional financial system and the related high anonymity.
- Persistently little knowledge about reporting obligations on the part of the "agents" of these payment systems operating within the area of application of the MLA.
- Lack of jurisdiction of German authorities for providers operating abroad outside the area of application of the German MLA.
- The transaction amounts are often limited so that there are no or only rare suspicious circumstances suggesting "large scale" money laundering.

#### 4.2.3 VAT missing trader fraud

The parties covered by the Act filed 37 suspicious transaction reports with links to VAT missing trader fraud in Germany in 2013. Compared to the previous year (22), this is again a slight increase of the absolute case figures.

In relation to the total number of suspicious transaction reports filed in 2013, the number of STRs linked to this trend can be regarded as very low.

#### 4.2.4 Fraud to the detriment of senior citizens

In Germany 101 suspicious transaction reports filed in 2013 referred to fraud to the detriment of senior citizens. Compared to the previous year (76), this is an increase of approx. 33%. The FIU assumes that there is a very high volume of unreported and unrecorded crime here so that no exact statements can be provided about the different modi operandi. Due to the high threat potential posed to senior citizens in Germany, the Bundeskriminalamt set up the "Call Center Betrug" [call center fraud] project group in 2013 which deals with this specific phenomenon. Besides targeted analysis, awareness raising measures attracting public interest are considered very important in order to be able to warn potential victims and other persons and institutions involved as early as possible against such fraudulent activities and protect them before damage is caused.

#### 4.2.5 Violation of the duty of disclosure

In 2013, 211 cases were reported where suspicion had arisen that the contracting partners had not complied with their disclosure obligations when arranging a business relationship or a transaction. This is the case when the contracting partner fails to disclose to the party covered by the Act whether he/she wants to establish, continue or carry out the business relationship or transaction on behalf of a beneficial owner or, in his/her disclosure, fails to prove the beneficial owner's identity to the party covered by the Act.

This trend was first considered in the 2012 reporting year due to an amendment of the law in December 2011. 86 cases were recorded in 2012, so that the total number of reports more than doubled in 2013.

#### 4.3 "Operational Analysis of Suspicious Transaction Reports" project

In 2013, with a view to increasing its operational activities, the FIU carried out a pilot project jointly with the clearing office of a Land criminal police office, aiming primarily at an intensified analysis of the individual suspicious transaction reports filed for money laundering.

In particular in the explicit handling of certain suspicious transaction reports received by the FIU Germany, procedures have been developed with which the FIU wanted to support selected clearing cases in the Länder by sending enquiries abroad at its own initiative and thus contribute to an overall improvement of the national suppression of money laundering.

Furthermore, the idea of the project was also to increase the intensity of the use of special communication channels exclusively available to the FIU within the FIU network, which facilitate a quick and easy direct information exchange with foreign partner offices.

The analysis covered a period of three months and a total of 1,018 suspicious transaction reports were filtered out on the basis of certain selection criteria and were checked as to whether suitable for an FIU enquiry abroad.

The criteria applied for this selection were to ensure that there is neither a tactical conflict with regard to the investigations nor that the case is handled in parallel to the clearing procedure at the Land Criminal Police Office. A pre-selection was also made with regard to the suitability of the case-specific facts to be checked and the probability of availability of the information to be queried abroad. Other criteria were an assessment of the information range of the foreign FIU and the added value of an FIU enquiry compared to the traditional police information channels. In addition,



the actual sending of an FIU enquiry abroad still had to be approved by the clearing office of the Land criminal police office so that possible objections from the competent police officer's perspective were not left unconsidered.

On the whole, the project objectives have not been achieved to the desired extent. The considerable efforts necessary to pre-check the relevant facts of the case were ultimately out of proportion to the benefits that could be achieved for the clearing procedure or investigation conducted at the "pilot" Land criminal police office. Increasing the intensity of the use of the corresponding FIU communication platforms alone did ultimately not justify the necessary extra effort. For this reason, the project will not be continued at the FIU Germany.

#### 4.4 Supplementing suspicious transaction reports

The FIU focuses its analysis of suspicious transaction reports not on strategic aspects alone but also evaluates the reports with regard to their operational added value. The aim is to support the operational part of the FIU or a different specialised section of the Bundeskriminalamt (BKA) in their analysis and investigative work with information gained from the facts of the case described in the suspicious transaction reports and which, according to an initial assessment, has an added value for the reference cases identified. When information is disclosed, particular attention is paid to compliance with the existing restrictions on the use of this information.

The following operational results have been generated from the suspicious transaction reports sent to the FIU in the year under review:

- A total of 458 suspicious transaction reports contained matches regarding persons and/or organisations that were relevant in the framework of the international FIU information exchange. These suspicious transaction reports were passed on to the operational sector of the FIU for detailed analysis. In the previous year, matches had been found in 320 STRs. Thus, this is an increase of approx. 43% in 2013.
- 33 STRs were passed on to the relevant specialised sections at the BKA because of identified links of persons or organisations to other investigations. Compared to the previous year's figures, the number of cases reported increased. In 2012, 19 STRs were passed on so the increase rate in 2013 was approx. 74%.
- In the year under review, a total of 310 STRs were identified in which possible links to politically motivated crime could not be ruled out. They were handed over to the specialised sections at the BKA.



#### 4.5 Assessment of the analysis results

As already mentioned in the 2012 Annual Report, the facts of the case described in the suspicious transaction reports showed no increase in terms of quality in the year under review either. In many reports, the predicate offences are often the triggering factor for filing a suspicious transaction report, whereas mostly no information is provided on the actual money laundering activities. Furthermore, no profound analysis is possible for an increasing number of suspicious transaction reports for lack of a qualitative description of the facts of the case. New modi operandi cannot be recognised although the total number of suspicious transaction reports has increased.

The FIU also takes the view that, especially with regard to the groups of the "legal advisors" and "persons trading in goods", there is presumably a large number of unreported/unrecorded cases due to the small number of STRs filed so that no representative analysis was possible. In our opinion, this so-called non-financial sector is definitely in a position to recognise and report money laundering activities. Unfortunately, the FIU recorded only a very limited number of STRs filed by these groups in spite of the high potential of the non-financial sector. Consequently, no new modi operandi could be recognised in this field.



## 5 National co-operation

### 5.1 Public relations work

The core area of public relations work includes the regular information supply to the parties required to report on typologies and methods of money laundering and terrorist financing.

Public relations work is also addressed to the law enforcement and judicial authorities, ministries, supervisory authorities, umbrella associations and lobbies of various professional groups, the various institutions of the media sector and providers of training courses from the most different fields.

In order to cover this large demand, the FIU uses different means of public relations work. They specifically include:

- presentations at the relevant training courses and conferences,
- the Internet website of the FIU on the BKA homepage,
- information offers on internal police Intranet pages,
- the publication of a Newsletter and
- the preparation of an FIU Annual Report.

In the year under review, at national level, the staff members of the FIU Germany held presentations at 31 training courses, conferences and on other occasions in which the FIU was introduced and its main fields of activities and work results were presented. The consistently positive feedback shows the high demand for information the addressees still have. In close consultation and co-operation with the BKA's press office, the FIU Germany handled various enquiries received from the German media in 2013.

Written statements on different topics linked to the *money laundering* phenomenon were made available to the print media and various TV and radio stations. In addition, in background talks and interviews, it was possible to impart extensive knowledge in this field to the media representatives and, as a result, also to the parties covered by the Act as well as the general public.

Another facet of the FIU's public relations work is replying to enquiries received from research institutes, private enterprises and private individuals. The large number and wide range of the enquiries received in 2013 is a clear indicator of the interest in the FIU's work and the *money laundering* issue in general.

### 5.2 Interpretive notes by the Federal Ministry of Finance (BMF)

In Germany, the Federal Ministry of Finance is in charge of the national Money Laundering Act (MLA).

In the year under review, a working group under the leadership of the BMF elaborated "Interpretive notes regarding the obligation to report suspicious transactions" for parties covered by the Act and supervisory authorities. In particular, the interpretive notes are to optimise the reporting behaviour of the parties required to report in the non-financial sector and to eliminate the different degrees of implementation (Section 11 MLA) existing between the financial institutions and the non-financial enterprises.

The nine-page paper describes the following issues and areas in detail and provides criteria assisting in the interpretation of (undefined) legal terms in the sense of the legislator:

- Prerequisites for the reporting obligation pursuant to Section 11 (1) MLA
- Recipient of the suspicious transaction report
- The internal reporting procedure
- Organisational handling of the reporting procedure
- Taking receipt of the suspicious transaction reports
- Requirements to be met by the STR

The German text of these interpretive notes regarding the obligation to report suspicious transactions (*“Auslegungshinweise zur Handhabung des Verdachtsmeldewesens”*) was published by the BMF and is available in the FIU part of the BKA homepage.

### 5.3 Guidelines for the handling of suspicious transaction reports under the MLA

The suppression of money laundering and terrorist financing is a very complex issue which – like many other areas – is subject to constantly and ever faster changing framework conditions at national and international level. This applies to legal, criminalistic-criminological and tactical issues.

At international level, the FATF plays a decisive part in determining the standards of the national legal bases in the fight against money laundering and terrorist financing. The 40 recommendations elaborated in this connection were revised and more precisely defined in February 2012. This has also a direct impact on, inter alia, the performance of the FIU's tasks and the law enforcement authorities in the field of financial investigations in Germany.

At national level, a Federation-Land-Working Group involving five German Länder and the BKA (leadership) was set up which had the following mandate:

- Develop guidelines / minimum standards for the handling of suspicious transaction reports under the MLA which standardise handling procedures and consequently save resources
- Define procedures which meet the FATF requirements.

In February 2013, the Working Group presented an agreed version of the *Guidelines for the handling of suspicious transaction reports under the MLA* which was approved by the competent bodies and is meanwhile implemented by all offices concerned.



## 6 International cooperation

### 6.1 Exchange of information with other FIUs

Besides the police information network of the Interpol Bureaux, the international exchange of information between the FIUs has become one of the essential pillars for an efficient and effective suppression of internationally organised money laundering and terrorist financing.

With regard to the international character of the above-mentioned crime phenomena, these cross-border forms of cooperation are of particular importance.

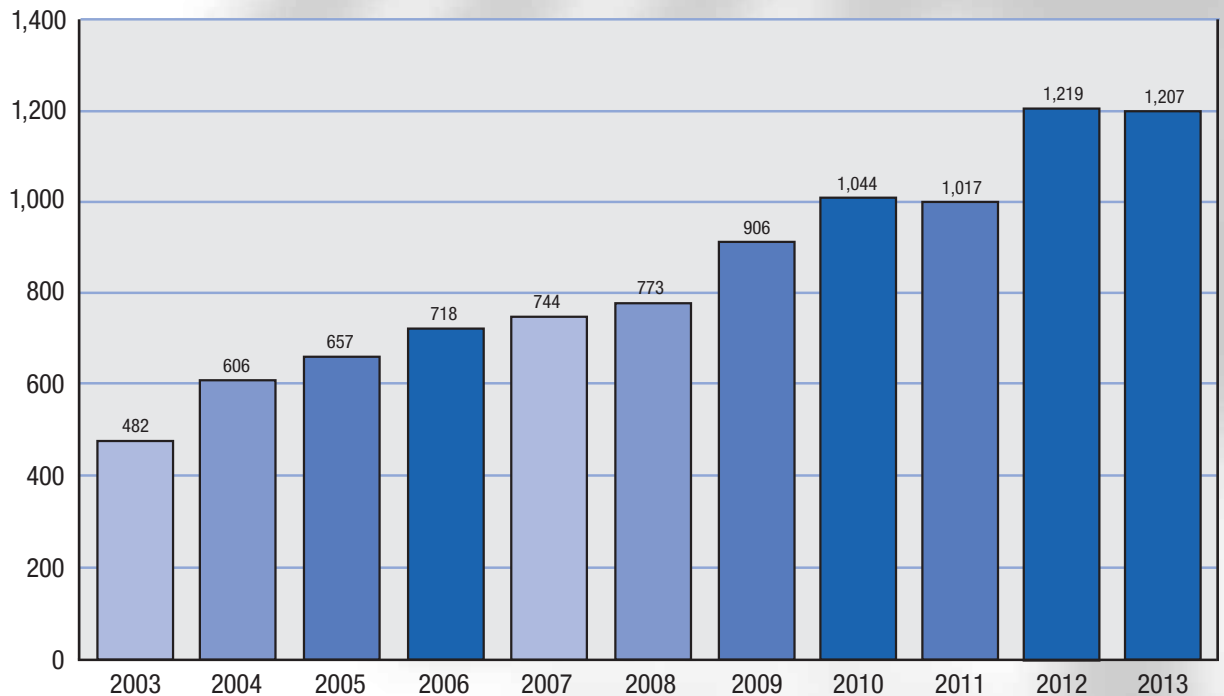
Pursuant to Section 10 (2) of the MLA, the German FIU may co-operate with the central agencies of other countries that are responsible for preventing and prosecuting money laundering and terrorist financing and is thus a partner of the 139 FIUs currently belonging to the Egmont Group.

### Case numbers of the FIU information exchange

In 2013, the FIU Germany recorded 1,207 enquiries from foreign and German authorities which were dealt with in the FIU's information network. Thus, roughly the same number of enquiries as in the previous year (1,219) was handled. This means that the worldwide co-operation of the FIU Germany has established itself at a high level.

The graphical presentation of the historical development of the case figures since 2003 illustrates quite clearly the continuous increase over the years up to the present level. All in all, the FIU Germany has handled 9,471 cases through international FIU information exchange since its foundation.

Graph 17: Development of the case numbers of the FIU information exchange, 2003–2013



### Complexity of the cases

A couple of years ago, the FIU defined criteria which represent measurable indicators of the complexity of the correspondence. The analysis of these criteria for 2013 (average numbers per case) results in almost identical values compared to the previous year:

- Number of documents: 14 (2012: 13)
- Number of natural persons: 3 (2012: 3)
- Number of legal persons: 3 (2012: 3)

Especially the number of documents per case shows that the FIU correspondence is exchanged very intensively and thus requires high personnel expenditure.

**Table 7: Senders of enquiries to the FIU Germany (Top 20)**

	2013	2012	Prev. year +/-
Germany	310	294	16
Luxembourg	101	157	-56
Switzerland	70	53	17
Belgium	61	90	-29
The Netherlands	59	31	28
Slovak Republic	51	38	13
France	34	45	-11
Italy	33	5	28
Hungary	32	17	15
Austria	29	32	-3
United Kingdom	28	31	-3
Liechtenstein	28	22	6
Russian Federation	26	21	5
USA	26	20	6
Poland	19	21	-2
Spain	17	18	-1
Czech Republic	16	7	9
Cyprus	16	16	0
Isle of Man	15	21	-6
Gibraltar	13	40	-27
Other	223	240	
Total	1,207	1,219	

### Foreign and German senders of enquiries to the FIU Germany

The Egmont Group as a global network of FIUs accepted new members in 2013. With the FIUs from *Algeria, Bangladesh, Bolivia, Burkina Faso, Vatican City State, Seychelles, Togo and Trinidad Tobago*, 139 central agencies are now listed as members.

Of these 139 members, the FIU Germany exchanged correspondence with 90 (previous year: 79) in the year under review. This is another expansion of the global co-operation basis of the FIU Germany.

In the following table, those senders of enquiries to the FIU Germany are listed with which the most cases were exchanged in 2013:

The following essential statements can be derived from this table:

- The number of enquiries received from German authorities (usually the Joint Police/Customs Financial Investigation Groups at the Land criminal police offices) and forwarded to foreign FIUs via the FIU Germany again slightly increased compared to the previous year to 310 cases now. Thus, their share in the total number of enquiries increased by nearly two percentage points to 26% now, and this increase continues the trend of an intensified use of the global FIU information network by the German law enforcement authorities.
- This year again, the list of the “Top 20” FIU partners changed only slightly with regard to the countries represented. The corresponding agencies from Italy and the Czech Republic are new on the list whereas Croatia and Guernsey are no longer represented.

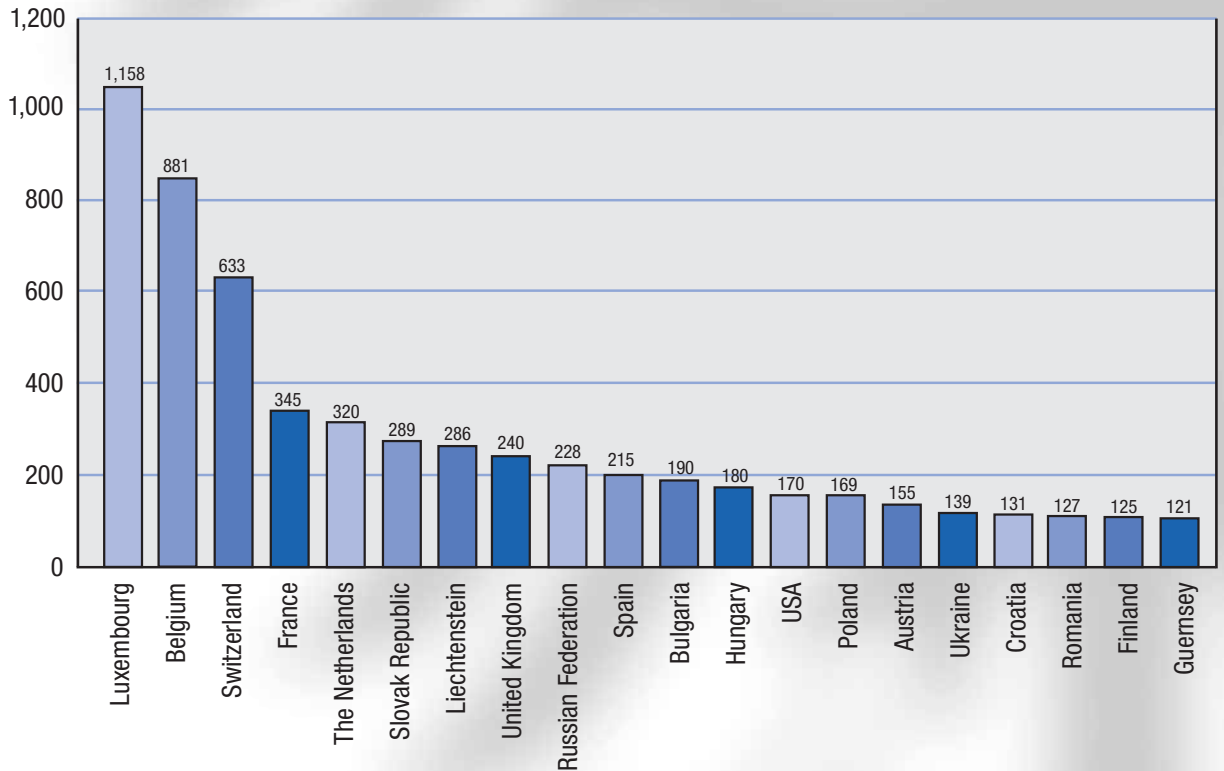
- A look at the order shows both – consistency and considerable shifts. The top group of the established cooperation partners – Luxembourg, Switzerland, Belgium and the Slovak Republic – was joined by the FIU Netherlands in the year under review. The increased number of cases handled with the FIU Hungary as well as the sharp “descent” of those handled with the FIU Gibraltar are worth mentioning.
- When considering the absolute numbers, the partly considerable decrease in the number of cases handled with the FIUs Luxembourg (-56), Belgium (-29) and Gibraltar (-27) is striking. In contrast to this, the number of cases handled especially with Switzerland

(+17), the Netherlands (+28), the Slovak Republic (+13), Italy (+28) and Hungary (+15) has increased significantly.

- On the whole, a very heterogeneous development has been observed. With regard to the criteria *financial centre or neighbouring state*, for example, neither a tendency is recognisable nor are any substantial reasons for these developments known.

The long-term consideration of the foreign FIUs with which the FIU Germany has most frequently exchanged information since its establishment, reveals the following picture:

Graph 18: Senders of enquiries to the FIU Germany / Total numbers, 2003–2013 (Top 20)



This overview differs only in a few details compared to the previous year's graph. The statements

- "The focus is on the German neighbouring countries" and
- "No extra-European FIU (apart from the USA) is represented in the Top 20"

are still valid.

The considerations with regard to the development of case figures of *individual* FIUs over the last decade (not illustrated here) revealed very different developments and can be described as "increasing" (for the Netherlands, Switzerland, the USA), "decreasing" (for Luxembourg, Bulgaria), "relatively constant" (for Liechtenstein, Spain, Poland) and "varying" (for Belgium, Hungary and Finland).

## 6.2 International events/contacts

The 2013 Egmont Committee and Working Group Meeting was hosted by the FIU Belgium from 26 to 28 January.

Besides the content-related co-operation of representatives of the German FIU in the sessions of the various management and working committees, first arrangements were made with the Egmont Secretariat with regard to the FIU Germany's role as a host of the Meeting in Berlin from 26 to 28 January 2015.

The 21st Plenary Meeting of the Egmont Group, in which also the FIU Germany participated, was held in South Africa from 30 June to 05 July 2013.

The head of the FIU Germany attended the meetings of the Egmont Executive Committee as one of the regional representatives of the European FIUs.

During the meetings of the Heads of FIU, several White Papers of the Egmont Group were adopted, inter alia. The FIU Germany was also actively involved in their revision.

In 2013 as well, representatives of the FIU Germany attended central events held in the field of *Suppression of money laundering and terrorist financing*, among them in particu-

lar the meetings of the EU-FIU platform, the FIU.Net project group (Board of Partners, user workshops) and the FATF.

In the year under review, various bilateral meetings between the FIU Germany and co-operation partners from the Netherlands, Croatia, Sri Lanka, Bulgaria and Japan as well as the EU Commission were additionally held.

## 6.3 Memorandum of Understanding

A memorandum of understanding (MoU) is an inter-agency agreement on an international level specifying, among other things, the procedures for an information exchange.

National laws in Germany enable the FIU Germany to exchange intelligence with any foreign FIU also without reference to an MoU. Consequently, the FIU Germany can co-operate with the competent central agencies in other countries pursuant to Section 10 (2) of the German Money Laundering Act<sup>5</sup>.

However, for foreign FIUs which depend on such a memorandum for international information exchange due to their national laws, an MoU is indispensable for the information exchange with their corresponding agencies throughout the world.

In 2013, the FIU Germany signed MoUs with the following partners:

- FIU Turkey on 13/03/2013
- FIU South Africa on 04/07/2013
- FIU Vatican City State on 04/12/2013.

Especially the MoU concluded with the FIU Turkey is of particular importance because cases with links to Turkey are revealed again and again and the Turkish FIU is thus an important co-operation partner for the FIU Germany.

<sup>5</sup> See No. 8 below for the wording of the Act.



Besides the MoUs concluded in 2013, the FIU Germany had already concluded such memorandums with the following five other countries between 2004 and 2012:

- FIU Poland on 20/04/2004
- FIU Russian Federation on 20/09/2005
- FIU Canada on 09/06/2006
- FIU Australia on 28/05/2008
- FIU Japan on 01/02/2012

#### **6.4 Egmont Committee and Working Group Meeting in Berlin in 2015**

Besides the FATF, the IMF, the World Bank and the UN, the Egmont Group is one of the leading international organisations concerned with the suppression of money laundering and the financing of terrorism. The Group now comprises 139 member states which are represented by the respective Financial Intelligence Units (FIUs), with a tendency towards continuous expansion.

The Federal Republic of Germany has been a member of the Egmont Group since 2003 and is represented by the FIU Germany. In June 2010, the Head of FIU Germany was elected to one of the European representatives in the Egmont Committee.

The Egmont Group organises major conferences twice a year where all bodies and working groups of Egmont meet. It is always at the beginning of the year that the so-called Committee and Working Group Meeting is held, followed by the large Plenary Meeting in the middle of the year.

The Egmont Group is structured as follows:

- Egmont Committee
- Legal Working Group
- Operational Working Group
- Outreach Working Group
- Training Working Group
- Information Technology Working Group

In these working groups, both international standards are set and FATF recommendations are discussed and commented in terms of substance.

The FIU Germany will host the annual Egmont Committee and Working Group Meeting in January 2015. This meeting, which will take place in Berlin, will probably be attended by 200–250 representatives of almost all FIUs throughout the world.

Through the membership in the Egmont Group, the BKA and the German law enforcement authorities have an important and secure access to the intelligence held by other FIUs in the field of suppression of money laundering and terrorist financing. In the past, this information network has proved to be particularly valuable – besides the IP channels – for an efficient suppression of money laundering and terrorist financing.



## 7 Financing of terrorism

### 7.1 General remarks

In the field of state security, suspicious transaction reports filed pursuant to the Money Laundering Act have proven their value as an important instrument in the police's fight against international terrorism. The intelligence gathered within the framework of the police clearing process can furnish important investigative leads. For example, it provides insights into personal relationships and other structures that might otherwise not have been gained by the law enforcement authorities.

### 7.2 Suspicious transaction reports on the "terrorist financing" phenomenon

The following table shows the proportion of suspicious transaction reports filed for suspected *terrorist financing* in relation to the total number of suspicious transaction reports filed by the reporting parties pursuant to the MLA. The number of STRs checked for state-security links has slightly dropped but remains at a rather constant level. Despite the relatively small number of hits, the analysis of all STRs with regard to their relevance to state security remains a useful instrument in the fight against the financing of terrorism.

**Table 8: Suspicious transaction reports filed for suspected "involvement in the financing of terrorism", 2006–2013**

	2006	2007	2008	2009	2010	2011	2012	2013
Total number of suspicious transaction reports (STRs) filed pursuant to the Money Laundering Act	10,051	9,080	7,349	9,046	11,042	12,868	14,361	19,095
of them, STRs checked by the BKA's State Security Division	376	384	281	415	470	685	787	716
Percentage share of the total number of STRs	3.7%	4.2%	3.8%	4.6%	4.3%	5.3%	5.5%	3.8%
Total number of STRs filed by the parties required to report for suspected "financing of terrorism" (contained in line 3)	59	90	65	98	124	194	242	208
Percentage share of the total number of STRs	0.6%	0.9%	0.9%	1.1%	1.1%	1.4%	1.7%	1.1%

*Note:*

The figures listed in the last but one line also contain those STRs in which the credit institutions had not formally ticked "terrorist financing" as ground for suspicion but had mentioned it in the case-specific details.



### Checks of STRs for possible links to terrorist financing

In addition to the standard checks of all STRs by the Land criminal police offices, a total of 716 of the 19,095 STRs were forwarded to the State Security Division of the Bundeskriminalamt in 2013 and thoroughly checked for possible links to politically motivated crime (PMC).

In 208 STRs, the suspicion of *terrorist financing* had been explicitly stated by the reporting parties.

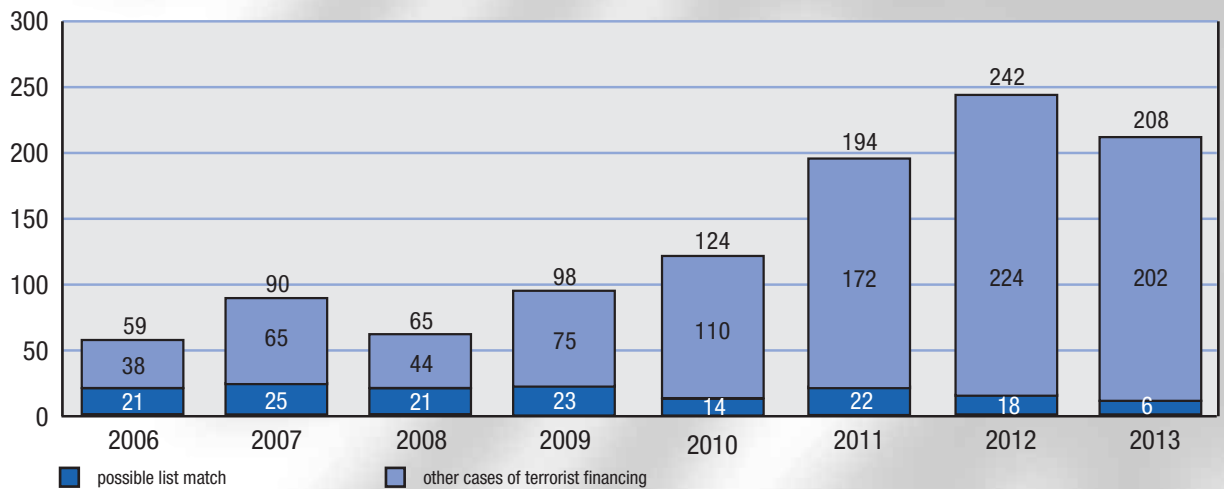
508 STRs were forwarded to the BKA's State Security Division because the suspicion of terrorist financing could initially not be ruled out. In 62 cases, PMC relevance was finally established. This corresponds to 8.7%.

### Suspicious transaction reports with possible list matches

Of the 208 STRs filed for suspected financing of terrorism, six were filed for possible matches with the Council Regulations (EC) No. 2580/2001 or No. 881/2002<sup>6</sup> (so-called *list matches*). An actual match with a listed person was found in one case. This person is listed in EC Regulation 881/2002 and was sentenced by a German higher regional court for, among other things, membership in a foreign terrorist organisation.

The problem to clearly identify suspected and listed persons without the necessary parameters, like date or place of birth, continues to exist.

Graph 19: Distribution of STRs filed for suspected "terrorist financing", 2006–2013



<sup>6</sup> The two regulations deal with person-related terrorist embargos of the EU. The lists of persons are updated constantly.

### 7.3 FIU information exchange in the field of *terrorist financing*

In the year under review, the State Security Division of the Bundeskriminalamt checked enquiries sent to the FIU Germany by foreign FIUs for possible links to PMC.

Five FIU enquiries were explicitly made for suspected terrorist financing.

In 21 cases, state-security relevance was established during the checks. This corresponds to 2.5%. All state-security-related intelligence suitable for disclosure was provided to the foreign FIUs.

### 7.4 Conclusion

Besides the STRs and the enquiries received from foreign FIUs in which the suspicion “terrorist financing” was explicitly mentioned, a possible relevance to the field of PMC was identified for 8.7% of all STRs and for 2.5% of the enquiries transmitted to the State Security Division of the Bundeskriminalamt by foreign FIUs in 2013. This shows that the checks continue to be a key element within the framework of the holistic suppression approach.

Statements on classical typologies, which are again and again requested by the parties required to report, can hardly be made in the field of terrorist financing. Although new information has been gathered in individual cases, no general suspicion criteria can be deducted from these data.



## 8 FIU Germany – Background information

### 8.1 Legal basis

The tasks and responsibilities of the FIU Germany are defined as follows in Section 10 of the Money Laundering Act:

#### **Section 10 Financial Intelligence Unit**

*(1) As central agency within the meaning of section 2 (1) of the Federal Criminal Police Office Act (Bundeskriminalamtgesetz – BKAG), the Financial Intelligence Unit (Zentralstelle für Verdachtsmeldungen) of the Federal Criminal Police Office shall support the federal and state (Länder) police forces in the prevention and prosecution of money laundering and terrorist financing. The Financial Intelligence Unit of the Federal Criminal Police Office shall:*

- 1. collect and analyse suspicious transaction reports transmitted pursuant to sections 11 and 14 and, in particular, arrange for the cross-checking of data stored by other agencies;*
- 2. notify the federal and Länder prosecution authorities without undue delay of any information concerning them and of any connections identified between criminal offences;*
- 3. keep statistics regarding the numbers and information referred to in Article 33(2) of Directive 2005/60/EC;*
- 4. publish an annual report analysing the suspicious transaction reports pursuant to no. 1; and*
- 5. regularly inform the institutions and persons subject to reporting obligations under this Act of the typologies and methods of money laundering and terrorist financing;*

*(2) The Financial Intelligence Unit of the Federal Criminal Police Office shall cooperate with the financial intelligence units of other countries responsible for the prevention and prosecution of money laundering and terrorist financing. It is the financial intelligence unit as defined in Article 2(3) of the Council Decision*

*2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information (OJ L 271, p. 4).*

*(3) To the extent necessary for the performance of its functions pursuant to subsections 1 and 2, the Financial Intelligence Unit of the Federal Criminal Police Office may collect, process and use personal data in accordance with sections 7 to 14 and sections 27 to 37 of the Federal Criminal Police Office Act. In section 7 (2) of the Federal Criminal Police Office Act, the functions listed in subsections 1 and 2 shall replace the function as financial intelligence unit pursuant to section 2 (2) no. 1 of the Federal Criminal Police Office Act. Section 14 (1) of the Federal Criminal Police Office Act shall apply subject to the proviso that transmission to other countries' financial intelligence units shall also be permissible. The Financial Intelligence Unit of the Federal Criminal Police Office may request information from the Federal Financial Supervisory Authority pursuant to section 24c (3) sentence 1 no. 2 of the Banking Act where necessary to perform its functions in accordance with subsections 1 and 2.*

*(4) The Financial Intelligence Unit of the Federal Criminal Police Office may use the data transmitted by financial intelligence units of other countries only on the terms and conditions stipulated by the financial intelligence unit transmitting the data. In transmitting data to the financial intelligence unit of another country, it may, for its part, impose restrictions and conditions on the use of the data transmitted.*

With regard to the responsibilities and powers of the Financial Intelligence Unit at the Bundeskriminalamt (called Federal Criminal Police Office in the Money Laundering Act) it is worth mentioning that also without a Memorandum of Understanding (MoU), the FIU may cooperate with the corresponding central agencies of other countries and is authorised to retrieve information from the central German account register to fulfil its central office functions.

## 8.2 Performance of tasks

As a result of the federal structure of the Federal Republic of Germany and the provisions of (especially) the Money Laundering Act, the tasks of a national FIU in Germany are performed jointly by the authorities of the German Länder and the Federation.

While the tasks of the Bundeskriminalamt as a central office for suspicious transaction reports are defined in Section 10 MLA, as stated above, the specialised units at the Land criminal police offices undertake to subject all suspicious transaction reports filed to a clearing/analysis process to consolidate or eliminate the suspicion of money laundering or terrorist financing.

This procedure on the basis of a division of tasks and agreed in the "Guidelines for the handling of suspicious transaction reports under the MLA" (see 5.3) guarantees a comprehensive and intensive handling of all suspicious transaction reports both under operational and strategic aspects. Besides supplementing relevant case information, the clearing process serves the filtering of the reports so that specialised units (at the police, customs or fiscal authorities) only receive the case details relevant for them for further handling.

A central database, which can be accessed by all analysis agencies involved, guarantees that there is no information loss.

As far as we know, the combination of computer-assisted processing with manual review and handling of every single report is practised by only very few FIUs worldwide and, for this reason, is an expression of the very high quality standard applied in the fight against money laundering and terrorist financing in Germany.

## 8.3 Staff

In the year under review, a total of about 280 people were employed by the German law enforcement authorities at federal and Land level for the (initial) handling of suspicious transaction reports under the German Money Laundering Act. This number remained basically unchanged compared to the previous year.



## 9 Summary and outlook

The key or characteristic development of the suspicious transaction reports filed in 2013 in the field of money laundering and terrorist financing can be described precisely by the core statement: Increase in the number of cases in line with an increasingly lower quality level.

Besides the record increase rate of 33% in the suspicious transaction reports compared to the previous year, which constitutes an absolute peak, the FIU also received approx. 40% more follow-up responses from the public prosecutors' offices pursuant to Section 11 (8) of the MLA.

However, the consideration of the results of the content analysis of the reports rather shows tendencies of a qualitative decline compared to the previous years.

The detailed case analysis of all suspicious transaction reports neither revealed any new developments with regard to the trends and typologies monitored nor any new modi operandi of money laundering.

Furthermore, only approx. 1% of the suspicious transaction reports are filed by the non-financial sector despite the large number of parties required to report. In this field, the FIU assumes that there is a great potential for high-quality reports.

The FIU's focus for 2013 (announced in the last annual report) to intensify the operational analysis of suspicious transaction reports, was implemented, inter alia, by a pilot project carried out with a Land criminal police office. As a result, it can be established that, with regard to content, only a few suspicious transaction reports have proved to be suitable and promising for generating an added value by an additional information exchange with foreign FIUs. Due to the unfavourable effort-benefit ratio, the pilot project was terminated in December 2013.

Despite the enormous increase (40%) of follow-up responses received from the public prosecutors' offices concerning the results of investigative proceedings conducted for suspected money laundering, the total amount of all judgments, penalty orders and indictments even decreased.

With regard to the facts and assessments presented in this annual report, it can be stated from the FIU Germany's perspective that, due to the absolute level of case figures recorded in the year under review, the reporting and handling system in this field of crime has reached a point at which new, more efficient structures should be and have to be considered.

The future challenge for all parties involved – which means those with reporting obligations pursuant to the MLA and the government agencies – will probably be to find an appropriate balance between the factors efficient handling of increasing numbers of cases, limited staff resources and recognition of all substantial, outstanding and sensitive cases, with due regard to the national and international (legal) framework conditions.

The FIU Germany is optimistic that this challenge can be successfully met jointly with all parties involved by constructive co-operation.

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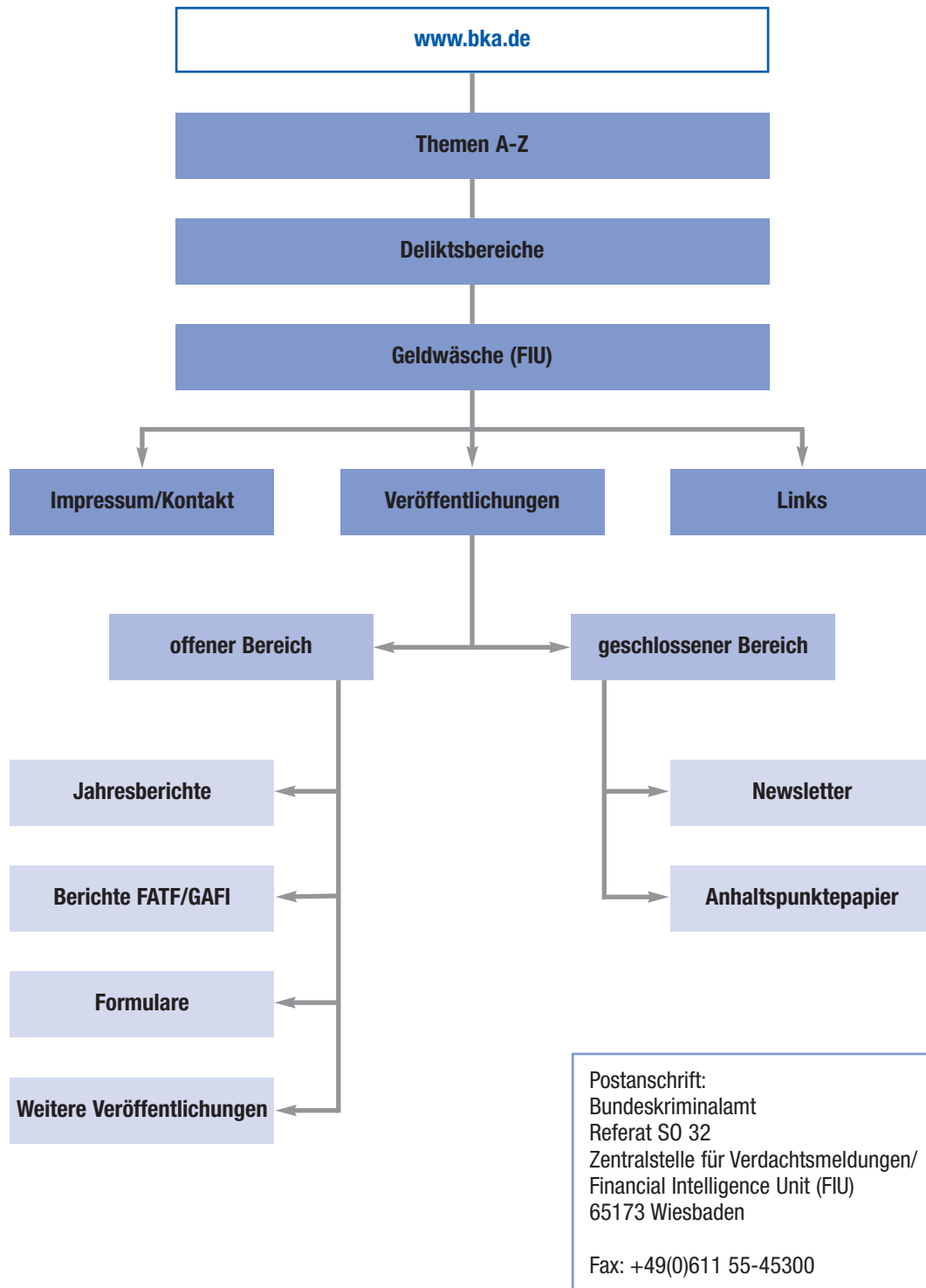
**10 Attachments**

**Appendix 1:** Internet presentation of the  
FIU Germany on the homepage of the BKA

**Appendix 2:** List of Egmont Group members



Appendix 1: Internet presentation of the FIU Germany on the homepage of the BKA



**Appendix 2: List of Egmont Group members<sup>9</sup> (Part 1)**

Country	FIU-Name	Type	Location
Afghanistan	FinTRACA	Administrative	Central Bank
Albania	DBLKPP	Administrative	Ministry of Finance
Algeria	CTRF	Administrative	Independent
Andorra	UPB	Administrative	Independent
Anguilla	MLRA	Administrative	Independent
Antigua & Barbuda	ONDCP	Administrative/Police	Independent
Argentina	UIF	Administrative	Ministry of Justice (Indep)
Armenia	FMC	Administrative	Central Bank
Aruba	MOT-Aruba	Administrative	Ministry of Finance
Aserbajdschan	FMS	Administrative	Central Bank
Australia	AUSTRAC	Administrative	Independent
Austria	A-FIU	Police	Ministry of Internal Affairs
Bahamas	FIU	Administrative	Independent
Bahrain	AMLU	Police	Anti-Economic Crimes Directorate
Bangladesh	BFIU	Administrative	Central Bank
Barbados	FIU	Administrative	Office of the Attorney General
Belarus	FIU	Administrative	
Belgium	CTIF-CFI	Administrative	Independent
Belize	FIU	Administrative/Pol/Judicial	Independent
Bermuda	BPSFIU	Police	Police
Bolivia	UIF	Administrative	Independent
Bosnia & Herzegovina	FID	Police	State Investigation and Protection Agency
Brazil	COAF	Administrative	Ministry of Finance
British Virgin Islands	FIA	Police	Financial Services Commission
Bulgaria	FIA	Administrative	Ministry of Finance
Burkina Faso	CENTIF	Administrative	Independent
Cameroon	ANIF	Administrative	Independent
Canada	FINTRAC/CANAFE	Administrative	Independent
Cayman Islands	CAYFIN	Administrative/Police	Atty General
Chile	UAF	Administrative	Independent
Colombia	UIAF	Administrative	Ministry of Finance
Cook Islands	CIFIU	Administrative	Independent
Costa Rica	UAF	Administrative	Presidential Office
Côte d'Ivoire	CENTIF-CI	Administrative	Independent
Croatia	AMLO	Administrative	Ministry of Finance
Cyprus	MO.K.A.S.	Judicial/Police	Attorney General's Office
Czech Republic	FAU-CR	Administrative	Ministry of Finance
Denmark	HVIDVASK	Judicial/Police	Public Prosecutor's Office

<sup>9</sup> See also [www.egmont.org](http://www.egmont.org). – new members in 2013 are highlighted in colour

Appendix 2: List of Egmont Group members<sup>9</sup> (Part 2)

Country	FIU-Name	Type	Location
Dominica	FIU	Police	Independent
Egypt	EMLCU	Administrative	Independent
El Salvador	UIF-El Salvador	Administrative	Attorney General's Office
Estonia	FIU	Police	Estonian National Police
Fiji	Fiji-FIU	Administrative	Independent
Finland	RAP	Police	Police
France	TRACFIN	Administrative	Ministry of Finance
Gabon	NAFI	Administrative	Ministry of Finance
Georgia	FMS	Administrative	Independent
Germany	FIU	Police	Federal Criminal Police Office
Gibraltar	GCID GFIU	Customs/Pol	Independent
Greece	Committee/Art 7	Administrative	Independent
Grenada	FIU	Police	Independent
Guatemala	IVE	Administrative	Superintendency of Banks of Guatemala
Guernsey	FIS	Customs/Pol	Indep. Service Authority
Holy See (Vatican City State)	AIF	Administrative	Independent
Honduras	UIF	Administrative	National Commission of Banks and Insurance
Hong Kong	JFIU	Customs/Pol	Police Headquarters
Hungary	HFIU	Customs/Administrative	
Iceland	RLS	Police	National Icelandic Police
India	FIU-IND	Administrative	Independent
Indonesia	PPATK (INTRAC)	Administrative	Independent
Ireland	MLIU	Police	An Garda Síógana
Isle of Man	FCU-IOM	Customs/Pol	Police
Israel	IMPA	Administrative	Ministry of Justice
Italy	UIF	Administrative	Central Bank
Japan	JAFIC	Administrative/Police	Nat'l Public Safety Commission/Nat'l Police Agency
Jersey	FCU-Jersey	Customs/Pol	Police
Jordan	AMLU	Administrative	Independent
Kasachstan	KFM	Administrative	Ministry of Finance
Korea (South)	KoFIU	Administrative	Ministry of Finance/Economy
Kyrgyz	FIS	Administrative	Independent
Latvia	KD	Administrative	Prosecutor's Office
Lebanon	SIC	Administrative	Central Bank
Liechtenstein	EFFI	Administrative	Ministry of Finance
Lithuania	MDP prie VRM	Police	Ministry of the Interior
Luxembourg	CRF	Judicial	Prosecutor's Office

<sup>9</sup> See also [www.egmont.org](http://www.egmont.org). – new members in 2013 are highlighted in colour

**Appendix 2: List of Egmont Group members<sup>9</sup> (Part 3)**

Country	FIU-Name	Type	Location
Macau SAR, Ch.	GIF	Administrative	Independent
Macedonia	MLPD	Administrative	Ministry of Finance
Malawi	FIU Malawi	Administrative	Independent
Malaysia	FIU/UPW	Administrative	Central Bank of Malaysia
Mali	CENTIF-MALI		
Malta	FIAU	Administrative	Independent
Marokko	UTRF		
Marshall Isles	DFIU	Administrative	Banking Commission
Mauritius	FIU	Administrative	Independent
Mexico	UIF	Administrative	Ministry of Finance
Moldova	SPCSB	Police	Centre Comb. Crimes & Corr.
Monaco	SICCFIN	Administrative	Ministry of Finance
Mongolia	FIU-Mongolia	Administrative	Central Bank of Mongolia
Montenegro	APML	Administrative	Independent
Netherlands	MOT	Administrative	Ministry of Justice
New Zealand	NZ Police	Police	Police
Nigeria	NFIU	Administrative	EFCC (Law Enforcement)
Niue	FIU	Administrative	Crown Law Office
Norway	ØKOKRIM	Police/Judicial	Police
Panama	UAF-Panama	Administrative	National Security Council
Paraguay	UAF-Seprelad	Administrative	Independent
Peru	UIF	Administrative	Independent
Philippines	AMCL	Administrative	Central Bank
Poland	GIIF	Administrative	Ministry of Finance
Portugal	UIF	Police	Police
Qatar	QFIU	Administrative	Central Bank
Romania	ONPCSB	Administrative	Independent
Russia	FMC	Administrative	Independent
Samoa Inseln	SFIU	Administrative	Central Bank
San Marino	FIU	Administrative	Central Bank
Saudi Arabia	SAFIU	Administrative	Independent
Senegal	CENTIF	Administrative	Independent
Serbia	FCPML	Administrative	Independent
Seychelles	FIU	Hybrid	Independent
Singapore	STRO	Police	Police
Slovakia	OFIS ÚFP	Police	Ministry of Interior
Slovenia	OMLP	Administrative	Ministry of Finance
Solomon Inseln	SIFIU	Administrative	Central Bank
South Africa	FIC	Administrative	Independent
Spain	SEPBLAC	Administrative	Central Bank

<sup>9</sup> See also [www.egmont.org](http://www.egmont.org). – new members in 2013 are highlighted in colour

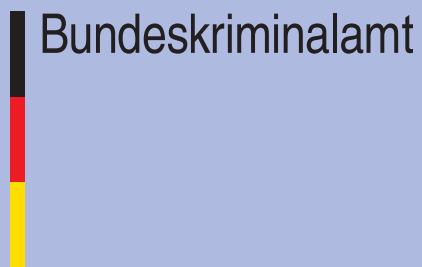
Appendix 2: List of Egmont Group members<sup>9</sup> (Part 4)

Country	FIU-Name	Type	Location
Sri Lanka	FIU-Sri Lanka	Administrative	Central Bank of Sri Lanka
St. Kitts & Nevis	FIU	Administrative	Independent
St. Lucia	FIA-St. Lucia	Adm/Pol/Jud	Police
St Vincent & the Grenadines	FIU	Administrative	Independent
Sweden	NFIS	Police	Police
Switzerland	MROS	Administrative	Federal Office of Police
Syria	CMLC	Administrative	
Taiwan	MLPC	Law Enforcement	Ministry of Justice
Tajikistan	FMD	Administrative	National Bank of Tajikistan
Thailand	AMLO	Police/Administrative	Independent
Togo	CENTIF-TG	Administrative	Independent
Trinidad and Tobago	FIUTT	Administrative	Ministry of Finance
Tunesia	CTAF	Administrative	Independent
Turkey	MSK – FCIB	Administrative	Ministry of Finance
Turks & Caicos	FCU	Adm/Pol/Pros	Police
Ukraine	SDFM	Administrative	Ministry of Finance
United Arab Emirates	AMLSCU	Administrative	Central Bank
United Kingdom	SOCA/FIU	Police	Police
United States	FinCEN	Administrative	Ministry of Finance
Uruguay	UIAF	Administrative	Central Bank
Usbekistan		Law Enforcement	General Prosecutors Office
Vanuatu	FIU	Administrative	State Law Office
Venezuela	UNIF	Administrative	Superintendancy of Bank

<sup>9</sup> See also [www.egmont.org](http://www.egmont.org). – new members in 2013 are highlighted in colour







Bundeskriminalamt

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