

# Money laundering in Europe

Report of work carried out by Eurostat and DG Home Affairs

Cynthia TAVARES & Geoffrey THOMAS (Eurostat)

Mickaël ROUDAUT (DG Home Affairs)

2010 edition



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## Foreword

Statistics on crime and criminal justice represent one of the newest areas of Eurostat's activities. The collection of data on this subject from the Member States began in response to the mandate issued by the European Council in the Hague Programme in 2004:

*..... the European Council welcomes the initiative of the Commission to establish European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in Member States, using national statistics and other sources of information as agreed indicators. Eurostat should be tasked with the definition of such data and its collection from the Member States<sup>1</sup>.*

In response to this challenge, Eurostat has established contact with the organisations principally responsible for crime statistics in each of the European Union Member States. These organisations have contributed substantially to the development of an international collection of crime statistics within the framework of the European Statistical System. Eurostat wishes to thank the colleagues concerned in these organisations for their co-operation in this field. The progress made to date may be followed on the Eurostat website and in successive issues of the series *Statistics in Focus*<sup>2</sup>.

It has always been evident that comparable information on 'traditional' types of crime such as theft and assault would be easier to obtain than in so-called 'new areas' such as for example cybercrime, human trafficking, fraud and corruption. For such types of offence (which are often associated with the concept 'organised crime') the absence of an international framework of methods and definitions has necessitated a far more intensive process of conceptual development. This process has been undertaken in active collaboration with the Member States and according to the strategy set out in the Action Plan adopted by the Commission to implement the Hague Programme<sup>3</sup>.

The present publication represents the first fruits of this process. The specific crime of money-laundering is among the priority areas identified in the Action Plan and data has been collected by Eurostat from the Member States in several stages, followed each time by a careful analysis of the figures received and subsequent adjustment of the methodology. The contribution to this process of the Commission's Directorate-General for Home Affairs is gratefully acknowledged.

It is recognised that the current state of the results does not entirely comply with the stringent requirements of the European Statistics Code of Practice<sup>4</sup>. Further development is planned to improve data quality in future collections. Nevertheless the political demand for this information is such that it seems opportune to make it available at this stage in the form of a Eurostat Working Paper. This implies that suitable caution should be exercised in interpreting the figures, and that the methodological notes and caveats provided should be rigorously taken into account in all subsequent analysis.

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<sup>1</sup> The Hague Programme : Strengthening Freedom, Security and Justice in the European Union, Official Journal of the European Union, C 053, 3.3.2005, page 1 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:EN:PDF>.

<sup>2</sup> See the Eurostat website <http://epp.eurostat.ec.europa.eu/portal/page/portal/crime/introduction>

<sup>3</sup> Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee – Developing a comprehensive and coherent strategy to measure crime and criminal justice: an EU Action Plan 2006-2010 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0437:EN:NOT>

<sup>4</sup> European Statistics Code of Practice [http://epp.eurostat.ec.europa.eu/portal/page/portal/quality/documents/code\\_practice.pdf](http://epp.eurostat.ec.europa.eu/portal/page/portal/quality/documents/code_practice.pdf)





**Measuring money laundering  
at a European level**

**1**

# 1. Measuring money laundering at a European level

## **The first steps towards a European ambition**

In the field of money laundering, there are significant gaps between what has been promised and what has been actually achieved; between data at a national level and comparable data across the continent.

The European Commission, in partnership with the Member States and associated countries, has set out to fill these gaps. However, more is required than a “bookkeeping style” perspective on money laundering that runs from the filing of the suspicious transaction report to criminal conviction.

An integrated perspective is required to establish a cost/benefit analysis of national and European anti-money laundering tools.

The fight against money laundering is one of the European Commission’s strategic priorities. As such, this vast and complex criminal market is being addressed from different angles across various sectors. Several of the Commission’s Directorates-General<sup>5</sup> are coordinating their policies to provide joint action that combines prevention, enforcement and financial support for Member State projects. In view of these actions, it has become apparent that there is a need to develop a better statistical knowledge of money laundering at national and European level in order to provide a more precise and more reliable diagnosis of this criminal threat.

This deeper and more evidence-based knowledge has the potential to enrich analysis of the phenomenon and thus to enable a first cost/benefit analysis of national and European anti-laundering systems. While this is the Commission’s long-term ambition, it will however take some years to implement, as the cost/benefit issue is complex and has barely begun to be explored at international level.

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<sup>5</sup> DG Internal Market “MARKT” (the main player in the fight against money laundering), Home Affairs (HOME) and Taxation and Customs Union “TAXUD”.

Exploring this *terra incognita* involves advancing methodically on the basis of current statistical information available within the Member States. For that reason this report, the first publication of statistical data on money laundering at European level, is limited to the linear monitoring of the anti-money laundering chain, from the filing of the suspicious transaction report through to criminal conviction.

However, this first step, which should form a base for drawing up a cost/benefit analysis, has run into difficulties. Nineteen years after the First Anti-Money Laundering Directive, national systems are now sophisticated enough to follow different routes. These strategic choices, the result of the principle of subsidiarity being applied, make it difficult to compare and therefore interpret current data.

Despite its limits, this publication represents a tangible result which must be warmly welcomed since the difficulties faced were great. It bears testimony to the Commission's commitment while offering a concrete basis for future work.

## 1.1 Short introduction to the fight against money laundering in a European context

Historically, European anti-money laundering policy takes a preventive focus, which involves protecting the proper functioning of the financial system from pollution by laundering schemes. The keystone of the European system remains the Third Anti-Money Laundering Directive, adopted in 2005<sup>6</sup>. The preventive approach justified the adoption of a directive, a first pillar instrument, and not a framework decision which fell under the third pillar.

This distinction is significant. It stems from the international structure of the fight against money laundering adopted within the FATF<sup>7</sup>, essentially based, given the prevailing preventive approach, on the filing of suspicious transaction reports.

Today, nineteen years after the First Anti-Money Laundering Directive was adopted, the European *corpus iuris* is extensive, clearly showing the investment made by the Commission and the Member States. The Third Anti-Money Laundering Directive sits alongside other related directives and implementing

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<sup>6</sup> Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

<sup>7</sup> The Financial Action Task Force (FATF) is an intergovernmental body which seeks to develop and promote national and international policies to combat money laundering and terrorist financing.

provisions such as the Regulation on controls of cash entering or leaving the Community<sup>8</sup>. DG Home Affairs (and its predecessor, DG Justice, Freedom and Security) has put a lot of work into cooperation between financial intelligence units<sup>9</sup> and harmonising criminal penalties for money laundering<sup>10</sup>. In addition, DG Home Affairs and DG Internal Market co-chair the EU Financial Intelligence Units Platform and DG HOME gives financial support to projects led by Member States and private partners to combat money laundering and terrorist financing. In particular, the Commission has also invested in the FIU.Net project<sup>11</sup>, a system for secure information exchange between the financial intelligence units of the Member States.

In addition to these legislative and operational activities, DG Home Affairs has launched a new initiative in collaboration with Eurostat, the Member States and associated countries. The aim is to collect statistical data on money laundering with a view to building the foundations of a (primarily statistical) structure, which in the long term should help to determine a cost/benefit analysis of national and European anti-money laundering provisions. This analysis should help to better inform, position and guide the European strategy in the adoption and revision of its *corpus iuris*.

At this stage, the focus was to compile the statistical data available and to identify obstacles to comparing data at European level.

## 1.2 Background to the first publication of European statistics on laundering

Quantitative information on the trends, rates and types of crime and on the measures used to prevent and combat different criminal markets, both in the Member States and at European Union level, is essential in order to develop an evidence-based policy against cross-border crime. This knowledge gap must be targeted in a coherent and uniform way giving priority attention to all “eurocrimes”<sup>12</sup>.

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<sup>8</sup> Regulation 1889/2005 of 26 October 2005.

<sup>9</sup> 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.

<sup>10</sup> Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime.

<sup>11</sup> See <http://www.fiu.net/>

<sup>12</sup> Article 83 paragraph 1 of the Treaty on the Functioning of the European Union spells out the list of serious crimes with a cross-border dimension for which minimum rules concerning the definition of criminal offences and sanctions could be established at EU level. They include: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

Since 2005, the Commission has identified the lack of reliable and comparable statistical data from Member States as an obstacle to the qualitative assessment of its policies.

For that reason, a 2006-2010 action plan - *Developing a comprehensive and coherent EU strategy to measure crime and criminal justice*<sup>13</sup> - was adopted on the basis of the mandate given by the Member States under the Hague Programme, which laid down the political priorities in the field of freedom, security and justice for the period 2005-2009.

Money laundering and the trafficking of human beings were identified as priority projects. The Commission subsequently set up and chaired a sub-group on financial crime, made up of representatives from the financial intelligence units, law enforcement entities and international organisations and academics. Its task was to draw up a list of indicators to measure this crime. 24 indicators were ultimately adopted (now 23, as one indicator was incorporated into another). A first collection of data took place in 2008, but publication was not possible on the basis of those results, which were incomplete and inconsistent. The Commission therefore endeavoured to draw up guidelines to facilitate the collection of comparable data (common definitions and counting units). An exhaustive list of points of contact within the Member States was also sent to Eurostat in May 2009 to improve coordination at national level. A second collection was then launched.

In October 2009, after examining the data collected by the *ad hoc* committee made up of representatives of national statistical offices, financial intelligence units, law enforcement entities, academics and the Commission, a new collection was requested from those Member States which provided partial or unreliable data. The guidelines were also reviewed and developed, taking account of comments made by the Member States. The *ad hoc* committee also agreed that 10 of the 23 indicators had the necessary potential for a publication. This was validated by the working group on crime statistics of Eurostat, which is made up of representatives of the statistical offices of the Member States, in February 2010.

This publication is the end result of pioneering work. No international organisation had ever before carried out work of this scale on money laundering. It is also the first time that a “eurocrime” is the subject of a publication of statistical data consolidated at European level. However, this is only the first step towards the real objective which the Commission has set itself: to enable a cost/benefit analysis of anti-money laundering provisions which would feed into and clarify not only political decision-making but also operational cooperation.

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<sup>13</sup> See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0437:FIN:EN:PDF>

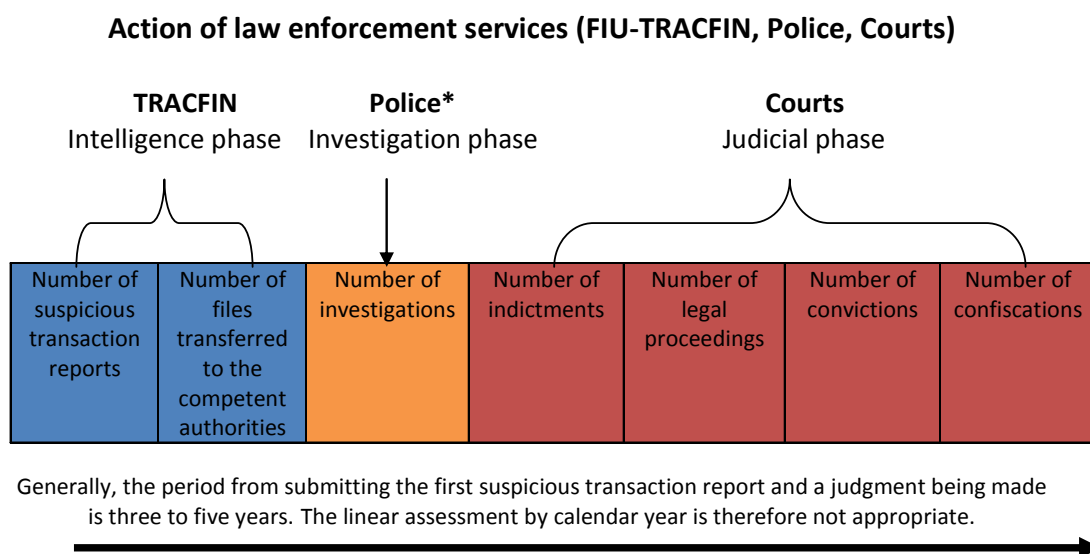
### 1.3 The purpose and outcomes of this publication: a first vital step, but with moderate results

This publication has four aims. They are:

- to clearly identify obstacles to comparing data between Member States;
- to bring clarity and transparency to a complex issue;
- to encourage Member States to improve their statistical expertise by collecting data more rigorously, in particular in the judicial phase of money laundering cases;
- to encourage Member States to develop a cost/benefit analysis of their anti-money laundering scheme.

At this stage of the development of European statistical work on money laundering, the Commission is endeavouring to obtain a linear view of the anti-money laundering chain. Ideally, this would track a suspicious transaction report from its filing to criminal conviction allowing for identifying the rates between the number of Suspicious Transaction Reports (STRs) sent, the number of investigations opened, the number of convictions and the confiscations ordered, as presented in Figure 1.

**Figure 1: Linear view of the French anti-money laundering regime**



\* For the assessment of the public prosecutor's office, OCGDF (Office Central pour la Répression de la Grande Délinquance financière - Central Office for Fighting Major Financial Crime), SNDJ (Service National de Douane Judiciaire - National Customs Judicial Service), Investigative Services of the National Gendarmerie etc.

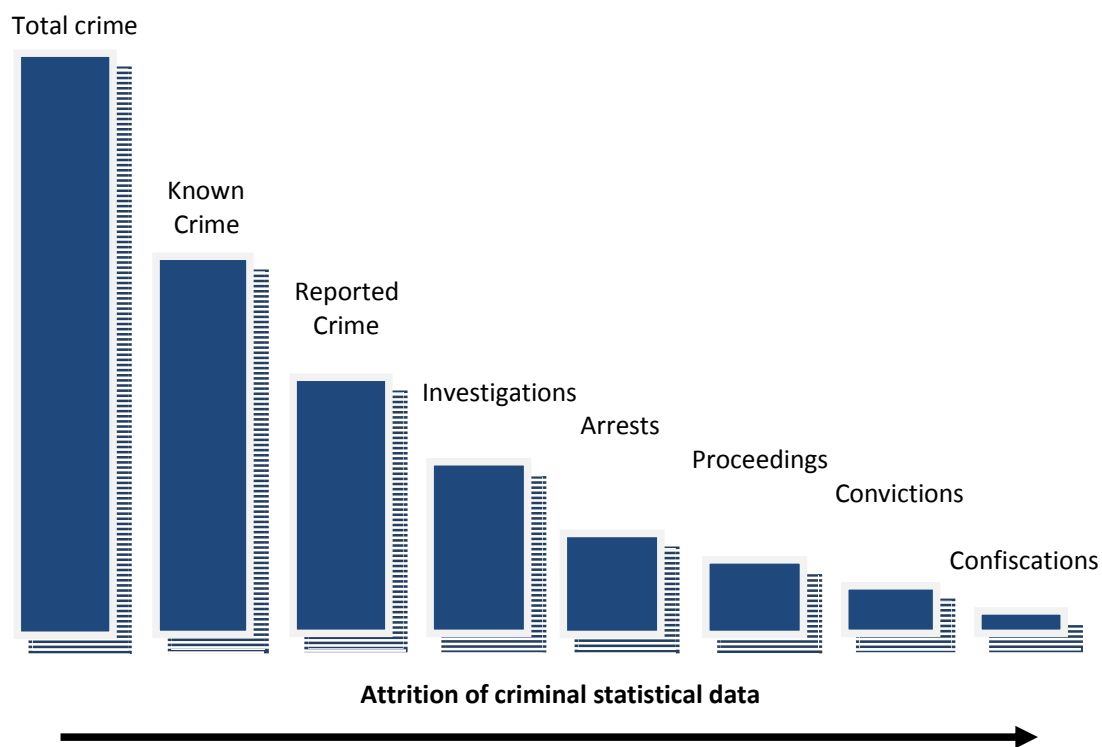
While determining such rates would offer some indication of the efficiency of the anti-money laundering regime we have to recognise their limitation. Trying to put a simple figure on how many filed suspicious transaction reports led to criminal conviction was proven challenging due to the complex and fragmented (i.e. “non-linear”) nature of the anti-money laundering chain. This is one of the conclusions of the second data collection, as presented in this report. However, comparison based on the current indicators may,

over the years, (trends) provide an indication of the performance within a Member State and in the EU as a whole.

It should also be noted that one indicator of the collection takes account of the number of investigations opened without suspicious transaction reports (without the contribution of the FIU) with the aim of trying to determine the role of the prudential regime in the fight against money laundering.

Of course, the ability to measure a criminal market will always come up against the following reality: levels of real crime are inevitably higher than those of known crime which itself is larger than reported crime. These Russian dolls become ever smaller until they reach criminal conviction and the possible confiscation of criminal assets (a legal avenue still used too little by the courts) as illustrated in the following table.

**Figure 2 : Attrition of criminal statistical data (indicative scale only)**



This diagram applies to all types of crime, from domestic violence to money laundering, counterfeiting, drugs trafficking and cyber crime. With regard to the figures for unrecorded money laundering, the difference between the real and known figures can only be approximated and indirectly estimated. The weaker the correlation, the cruder the estimate, to the extent that the very point of having an estimate is questionable, as with the International Monetary Fund estimate range of between 600 and 1 800 billion dollars laundered each year.

At this stage, whilst Article 33(1) of the Third Anti-Money Laundering Directive states that Member States must review the effectiveness of their systems to combat money laundering, Article 33(2) gives guidance on the type of statistics necessary to carry out this review<sup>14</sup>. This non-exhaustive list must be regarded as a minimum requirement. However, some Member States have encountered difficulties in providing data in a reliable way, or simply communicating that data. This is particularly true with regard to the number of persons prosecuted and the number of confiscations, which indicates a need to improve the collection and consolidation of statistical data at the national level.

Article 33(2) makes reference to the activity of law enforcement services and their relations with reporting entities (banks, casinos, notaries, lawyers etc.) whereas these statistical data should be compared with the threat of money laundering itself. A comparison of this kind would be wholly in line with the spirit of Article 33(1) of the Third Anti-Money Laundering Directive.

The table below summarises the results of two collections of data. The 23 indicators are divided into three stages in accordance with the linear approach set out in Table 1. As can be seen from the table below, the Member States collaborated better in the second collection of data, in particular thanks to an awareness raising campaign and the quality of the list of contact points drawn up by the Commission, with the support of the Member States. The indicators used for this publication are shown in blue.

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<sup>14</sup> Article 33(2): "Such statistics shall as a minimum cover the number of suspicious transaction reports made to the FIU, the follow-up given to these reports and indicate on an annual basis the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences and how much property has been frozen, seized or confiscated".



**Table :** Number of EU Member States and other countries which supplied data for the first and second data collections.

Summary of responses:		Number of countries able to provide data (grey =second collection of data)	
		EU Member States	Other countries
		Total = 27	Total = 7
<b>REPORTING/INTELLIGENCE PHASE</b>			
1.1	Number of Suspicious Transaction Reports (STRs) filed by each category of obligated entities	23/25	5/6
1.2	Number of Cash Transaction Reports (CTRs) filed by each category of obligated entities	9/10	2
1.3	Number of postponement orders adopted on reported transactions	13/16	3
1.4	Number of money laundering investigations carried out independently by law enforcement agencies (without a prior STR)	14/11	2/1
1.5	Number of declarations made in application to the EU Cash Control Regulation	14/27	2
1.6	Number of incorrect cash declarations or findings as a result of customs controls in the EU at external borders	12/27	1
1.7	Number of suspicious cash activities at the EU borders reported to the FIU (including those based on declarations and smuggling)	12/15	3/4
1.8	Number of STRs sent to law enforcement and on which further analysis was made	15/18	3/5
1.9	Number of staff dedicated full time (or full time equivalent) to money laundering in the FIU	20/20	5/6
<b>INVESTIGATION PHASE</b>			
2.1	Number of cases initiated by law enforcement agencies on the basis of STRs sent by the FIU	17/17	4
2.2	Number of staff dedicated full time (or full time equivalent) to money laundering in the FIU	10/16	0/2

	equivalent) to money laundering in law enforcement agencies		
2.3	Number of cases brought to prosecution: originating from STRs, CTRs and independent law enforcement investigation	15/19	2
<b>JUDICIAL PHASE</b>			
3.1	Number of staff dedicated full time (or full time equivalent) to money laundering in the judiciary	3/5	1
3.2	Number of persons / legal entities convicted for money laundering offences	9 (self laundering) 13 (third party)/19	3/4
3.3	Number of convictions for laundering proceeds of crimes committed abroad	6/7	0
3.4	Number of convictions for crimes other than money laundering originating from STRs	4/3	1
3.5	Number of sentences by type for money laundering offences	15/18	1/4
3.6	Number of unsuspended custodial sentences by length (as principle offence, as predicate offence)	13/15	3/4
3.7	Number of freezing procedures (based on a court order)	8/10	1
3.8	Number of confiscation procedures	12/13	1/2
3.9	Number of requests received for freezing orders from another EU Member State and the value of frozen assets	5/9	0/1
3.10	Number of requests received for confiscation orders from another EU Member State and the value of confiscated assets	7/10	0/1
3.11	Amounts recovered from assets	9/10	0

## The difficulty of interpreting data or the issue of comparability of statistics between Member States

This key question is complex for legal, operational and statistical reasons.

### I- Legal reasons

Article 5 of the Third Anti-Money Laundering Directive authorises Member States, in accordance with the principle of subsidiarity<sup>15</sup>, to lay down measures which go beyond the obligations required by the Directive<sup>16</sup>.

This allows for a degree of flexibility, as can be seen in the adoption of different concepts when implementing the Third Directive. Whilst the *Suspicious Transaction Report – STR* is the counting unit most used by Member States, some (United Kingdom, Cyprus and Finland) have preferred to use the *Suspicious Activity Report - SAR*. The Netherlands has preferred to use a different concept in the form of the *Unusual Transaction Report - UTR*.

→ *The use of different counting units, each with a different scope, inevitably compromises the comparability of data between Member States*<sup>17</sup>.

Moreover, it would be pointless to compare the absolute number of such reports without looking to correlate figures in relative terms, that is to say by comparing them with the size of the financial sector of each Member State.

### II- Operational reasons

This flexibility arising from the application of the principle of subsidiarity and the use of a directive<sup>18</sup> is again evident in the operational choices made by the Member States.

Each Member State is free to determine the approach in the fight against money laundering in a way consistent with the obligations in force. Consequently, each Member State has made different operational choices.

<sup>15</sup> Article 5(3) of the Treaty on European Union provides: "Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level".

<sup>16</sup> It provides: "The Member States may adopt or retain in force stricter provisions in the field covered by this Directive to prevent money laundering and terrorist financing".

<sup>17</sup> A grandfather who buys a car for his granddaughter paying with EUR 20 000 hidden "under the mattress" makes a transaction which is unusual but does not in itself arouse a suspicion of money laundering. This same transaction will therefore be reported in one national system and not in another, illustrating the different scopes of those systems.

<sup>18</sup> The legal basis is binding on Member States only in relation to the objectives to be achieved, with the means deemed necessary remaining at the discretion of the Member State.

→ *From these choices, very different needs and working methods often emerge. Inevitably, these anti-money laundering models act as prisms through which national statistics must be interpreted, further restricting the comparability of data.*

Accordingly, each Member State may decide, within the scope of the Third Directive, to make the reporting obligations for reporting entities (banks, casinos, notaries, etc.) subject to a different set of objective criteria (e.g. there may be an automatic reporting obligation on moving from one variable threshold of one Member State to another) and subjective criteria (where the reporting entity, after having made his own risk assessment, may decide whether or not to submit a report to the financial intelligence unit).

Of course, with regard to the objective criteria, the lower the threshold, the more reports will be made.

→ *As a result, the fact that a Member State makes a high number of reports must not necessarily be regarded as an indicator of sensitivity to money laundering and/or of the effectiveness of the prevention system.*

These subjective criteria remain, despite established guidelines, within the discretion of the reporting entities. Although they risk allegedly deterrent fines for not reporting a transaction or a suspicious or unusual activity, the number of reports filed on the basis of those subjective criteria inevitably varies as a result of the degree of sensitivity and professionalism of the economic operator in question (which varies from one economic sector and one Member State to another). This has a direct impact on the statistics.

→ *Data is therefore to be considered as a possible money laundering trace according to a perception influenced by various factors<sup>19</sup>.*

These operational differences between Member States also have ramifications in terms of investigations. Some FIUs have extensive powers which allow them to carry out real groundwork, enabling them to hand over detailed files which in fact are equivalent to investigations; obviously, putting together such files is very time consuming. Other FIUs do not have such options. They will therefore tend to submit more files but the suspicion of laundering in those files will be weaker, leaving the task of pursuing the investigation to the investigation services.

→ *FIUs which make full use of extended powers of investigation will tend to hand over fewer files to the investigation services than other FIUs. Those files will, however, contain stronger elements, thus facilitating the investigation phase. It is essential to consider this point when comparing the number of files sent to investigation services.*

<sup>19</sup> Such as guidelines provided by the FIUs, the FATF and supervisory authorities.

### III- Statistical reasons

In the context of data collection, Eurostat has found that Member States tend to aggregate, and therefore to count, their reports differently. Member States tend to classify them in files according to their relevance (by the name of the natural or legal person forming the subject matter of the report). In some Member States, all relevant reports held in one single file may be counted whereas other Member States count only the first report which led to the file being opened. However, a file may comprise several STRs, SARs and UTRs, each in turn made up of several transactions or activities (sometimes thousands) declared over many years.

→ *This has a direct impact on the comparability of data between Member States.*

This issue of comparability arises again at the investigation phase: several files sent by the FIU may form just one enquiry at investigation stage and will tend to be accounted for as such.

→ *That is why, in statistical terms, it becomes difficult to follow a report from its filing to a possible criminal conviction because the unit of account changes between the reporting phase and the investigation phase<sup>20</sup>.*

In order to address this issue, the Commission had submitted guidelines with the aim of establishing common definitions and counting units/rules in order to ensure as much comparability as possible within each of the three phases of the anti-money laundering regime. However, these guidelines have been only partly followed, limiting their potential value.

### CONCLUSION:

*The cost/benefit analysis of anti-money laundering schemes, a terra incognita to be explored as the European corpus iuris develops*

As previously mentioned, the Commission's long term aim is to draw up a cost/benefit analysis of anti-money laundering provisions. Article 33(1) of the Third Anti-Money Laundering Directive<sup>21</sup> requires Member States to review the effectiveness of their anti-money laundering provisions (i.e. how and to what degree they produce the desired effect). The Commission intends to support this effort by facilitating the sharing of thoughts and best practice on the subject.

<sup>20</sup> Furthermore, it remains difficult to determine the nature of the evidence which leads to conviction by the court. The evidence may well relate to confessions or phone tapping, in which case the file sent by the FIU and supplemented during the investigation phase will be used above all to assess the nature of the proceeds of the crime at the confiscation stage.

<sup>21</sup> Article 33(1): "Member States shall ensure that they are able to review the effectiveness of their systems to combat money laundering or terrorist financing by maintaining comprehensive statistics on matters relevant to the effectiveness of such systems."

It already gives financial support to a project led by the University of Utrecht aiming, in the next three years, to establish the cost/benefit analyses of national anti-money laundering/ financing of terrorism regimes in the 27 Member States<sup>22</sup>.

The Commission is also following the debates within the FATF.

According to a study, the Third Anti-Money Laundering Directive is seen, within the financial sector of the internal market<sup>23</sup>, as a costly directive. It requires the creation of a prudential system to monitor transactions and clientele, which is relatively onerous for the banks. Consequently, the private sector questions the effectiveness of such a system. It is here that the need for reliable statistics is acute, not only to justify a policy's relevance to private partners in the system, but in particular to improve it by adapting it to needs.

It is therefore a matter of comparing the available data with the analyses of the criminal threat in order to draw up a European and national money laundering profile. Once this profile has been created, the aim will be to identify those economic sectors which are most vulnerable to criminal penetration by means of money laundering and the consequences of such penetration (impact of money laundering) in order to better calibrate the strategic approach to both legislation and operations at European level.

Two Member States with comparable financial sectors could, on the basis of an assured cost/benefit analysis following a common methodology, establish comparisons and learn lessons which will allow them to acquire more knowledge and thus a better understanding of their own anti-money laundering model. This greater knowledge will also improve European operational cooperation.

A combined approach bringing together risk analyses (threats, vulnerabilities and impact) as well as legal analyses (are relevant laws correctly implemented and adapted to identified needs?) and economic analyses (what does the system cost reporting entities and public authorities?) would be capable of identifying anomalies more effectively. By targeting weaknesses more effectively, anti-money laundering provisions should be able to be adapted more rapidly, more effectively and with greater ease to changes in

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<sup>22</sup> University of Utrecht, "The Economic and Legal Effectiveness of Anti-Money Laundering and Combating Terrorist Financing Policy".

<sup>23</sup> See Final Report by Europe Economics, Study on the Cost of Compliance with Selected FSAP Measures, [http://ec.europa.eu/internal\\_market/finances/docs/actionplan/index/090707\\_cost\\_of\\_compliance\\_en.pdf](http://ec.europa.eu/internal_market/finances/docs/actionplan/index/090707_cost_of_compliance_en.pdf), 5 January 2009. "In order to strike a balance between depth and breadth of coverage, we have focused our work upon the following Directives: the Capital Requirements Directives (the CRDs); the Transparency Directive; the Markets in Financial Instruments Directive (MiFID); the Third Anti-Money Laundering Directive (3AMLD); the Prospectus Directive and the Financial Conglomerates Directive (together, the Selected Directives). With the exception of the 3AMLD, these measures formed important parts of the Financial Service Action Plan (FSAP)."

the criminal threat (at a fair cost for operators and public authorities), without necessarily having to reform legal instruments, which by definition is a slow and arduous process.

Although there is still a lot to do in order to establish a true cost/benefit analysis of anti-money laundering provisions, the Commission intends to continue to combat money laundering whilst remembering that "*if one does not know to which port one is sailing, no wind is favourable*"<sup>24</sup>.

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<sup>24</sup> Seneca.





**Detailed information on  
selected indicators**

**2**

## 2. Detailed information on selected indicators

Information on selected indicators for the three stages of the anti-money laundering regime (reporting/intelligence, investigation and judicial) is presented in this section.

Guidance Notes and a Glossary of Terms were provided to the Eurostat contact persons for each indicator in order to facilitate the collection of the relevant statistical data. These Guidance Notes and Glossary of Terms are reproduced here together with the data and metadata. The Eurostat contact persons provided the data for Tables 1 and 4 – 10 whilst DG Customs and Taxation Union (DG TAXUD) provided the data for Tables 2 and 3.

The Eurostat contact persons were provided with a document, “Guidelines and rationale for the second collection of data based on detailed comments on the first money laundering data collection exercise” (see Annex) and a Glossary of terms (see following pages) in order to facilitate the collection of the relevant statistical data. For each table, the Guidelines included the standard definition which countries were asked to observe in assembling the figures. If the national figures diverged from the proposed standard definition, the contact person was asked to provide an explanation. These explanations (or metadata) are included in the “Country notes” applicable to each table. Please note, however, that only a selection of the most significant metadata is reproduced for each table in this publication.

**Some tables show trends. These trends need to be carefully interpreted as they can both, bear testimony of better reporting and of an overall improvement in statistical awareness, and perhaps also provide indication of Member States legal actions against money laundering. These trends need, so as to be confirmed or denounced, to be correlated with other types of information such as threat analysis. As a result, they cannot be used and interpreted as such.**

*Users are reminded to exercise caution when using the data, to study the metadata associated with each table and to take note of the “difficulty of interpreting data or the issue of the comparability of statistics between Member States” (mentioned in Chapter 1, Measuring money laundering at a European level), as well as the comments in the following pages.*

Statistical data are available on:

**Reporting/Intelligence stage**

1. Number of Suspicious Transaction Reports (STRs) filed each category of obligated entities
2. Number of declarations made in application to the EU Cash Control Regulation
3. Number of incorrect cash declarations or findings as a result of customs controls in the EU at external borders
4. Number of suspicious cash activities at the EU borders reported to the Financial Intelligence Unit (FIU) (including those based on declarations and smuggling)
5. Number of Suspicious Transaction Reports (STRs) sent to law enforcement
6. Number of staff dedicated full time (or full time equivalent) to money laundering in the Financial Intelligence Unit (FIU)

**Investigation stage**

7. Number of cases initiated by law enforcement agencies on the basis of Suspicious Transaction Reports (STRs) sent by the Financial Intelligence Unit (FIU)
8. Number of cases brought to prosecution originating from Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs) and independent law enforcement investigation

**Judicial stage**

9. Number of persons/legal entities convicted for money-laundering offences
10. Number of sentences, by type, for money-laundering offences

## 2.1 Glossary of terms

**Cash** (for the purposes of Regulation (EC) No 1899/2005 on controls of cash entering or leaving the Community) is defined in Article 2 as:

Bearer-negotiable instruments, including monetary instruments in bearer form such as travellers cheques.

Negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery.

Incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted.

Currency, i.e. banknotes and coins that are in circulation as a medium of exchange.

**Cash transaction report** means a disclosure made to an FIU, by a party having an obligation to disclose based on a threshold established by national legislation.

**Confiscation** means a penalty or a measure, ordered by a court following proceedings in relation to a criminal offence or criminal offences resulting in the final deprivation of property (2005 Warsaw Convention of the Council of Europe on Laundering of the Proceeds from Crime and Financing of Terrorism, CETS 198).

**Directive 2005/60/EC**<sup>25</sup> of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

**Egmont Group**<sup>26</sup> is an informal network of Financial Intelligence Units (FIUs) whose goal is to facilitate international co-operation especially in relation to the sharing of information and expertise.

**Financial Action Task Force (FATF)**<sup>27</sup> is an intern-governmental policy making body whose purpose is to establish international standards, and develop and promote policies, both at national and international level, to combat money laundering and terrorist financing. In response to mounting concern over money laundering, the FATF was established by the G-7 Summit that was held in Paris in 1989. The European

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<sup>25</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:309:0015:0036:EN:PDF>

<sup>26</sup> <http://www.egmontgroup.org/>

<sup>27</sup> [http://www.fatf-gafi.org/pages/0,2987,en\\_32250379\\_32235720\\_1\\_1\\_1\\_1\\_1\\_1\\_1,00.html](http://www.fatf-gafi.org/pages/0,2987,en_32250379_32235720_1_1_1_1_1_1_1,00.html)

Commission is member of the FATF together with 15 MS. Countries that joined the European Union from 2004 onwards are represented in the **MONEYVAL**<sup>28</sup> group, which has the status of observer and since 2006 the status of associated member (allowing more countries within the MONEYVAL group to attend and participate in the FATF meeting) in the FATF.

The purpose of the FATF is the development and promotion of national and international policies to combat money laundering and terrorist financing. It works to generate the necessary political will to bring about legislative and regulatory reforms in these areas. This is done by means of the adoption and revision of a series of recommendations.

**Financial Intelligence Unit (FIU)** means the central national unit responsible for receiving (and to the extent permitted requesting), analysing and disseminating to the competent authorities, disclosures of information which concern potential money laundering, potential terrorist financing or are required by national legislation or regulation. This definition is enshrined in Article 21, paragraph 2 of the EU 3rd Anti-Money Laundering Directive.

**Freezing or Seizure** means temporarily prohibiting the transfer, destruction, conversion, disposition or movement of property *or* temporarily assuming custody or control of property on the basis of an order issued by court or other competent authority (2005 Warsaw Convention of the Council of Europe on Laundering of the Proceeds from Crime and Financing of Terrorism, CETS 198).

**Money-laundering investigation** means an investigation initiated by a disclosure by an obligated party or by intelligence gathered by investigators.

**Regulation (EC) No 1889/2005**<sup>29</sup> of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community.

**Seizure** – see Freezing.

**Self laundering** refers to "own proceeds" laundering by a person who may be the author of the offence.

**Third-party money laundering** means laundering by a person other than the author of the offence.

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<sup>28</sup> <http://www.coe.int/t/dghl/monitoring/moneyval/>

<sup>29</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:309:0009:0012:EN:PDF>

**Suspicious Activity Report (SAR)** is a disclosure made to Financial Intelligence Unit (FIU) by a professional having an obligation to disclose based on any suspicious activity of money laundering or terrorist financing. The main difference with STR is the fact that the SAR scope is broader as it may not include a transaction.

**Suspicious transaction report (STR)** is a disclosure made to a Financial Intelligence Unit (FIU) by a party having an obligation to disclose based on any type of suspicion of money laundering or terrorist financing which are required by regulations which may include unusual behaviour. Suspicious transactions are handed to the appropriate law enforcement units for investigation. The counting unit was specified as the initial STR received for each case opened by the FIU from each category of obligated entity.

**Third-party money laundering** – see Self laundering.

**Unusual transaction** is a transaction designated as such on the basis of indicators established at national level. The unusual transaction must be reported by the relevant institutions to an FIU. Unusual transactions are analysed by the FIU and, where suspicion of money laundering or terrorist financing can be established, a Suspicious Transaction Report is forwarded to the appropriate law enforcement Units for investigation.

**Unusual transaction report (UTR)** is a disclosure made to a Financial Intelligence Unit (FIU), by a professional with an obligation to disclose based on unusual behaviour in her client's profile. The main distinction between an STR & UTR is the higher standards expected and quality of STRs.

## 2.2 Statistical data

### 2.2.1 Reporting/Intelligence stage

**Table 1: Number of Suspicious Transaction Reports (STRs) filed by each category of obligated entities**

The 3rd Anti-money laundering Directive 2005/60/EC requires financial operators and some non-financial operators, the so-called "gatekeepers" (to the financial world) to report any suspicious or unusual transactions or activities. The Suspicious Transaction Report (STR) is a basic unit and the starting point for following the process of the anti money-laundering regime.

For this data collection exercise, information on Suspicious Transaction Reports (STRs) by selected entities<sup>30</sup> has been collected. However, in some cases, Member States did not report on all these entities but aggregated a certain number. The STR has been defined as follows:

"A Suspicious Transaction Report (STR) is a disclosure made to a Financial Intelligence Unit (FIU) by a party having an obligation to disclose based on any type of suspicion of money laundering or terrorist financing which are required by regulations which may include unusual behaviour. Suspicious transactions are handed to the appropriate law enforcement units for investigation." The counting unit was specified as the initial STR received for each case opened by the FIU from each category of obligated entity. Judging from the significant differences between some Member States, even for countries with similar financial market sizes, this instruction could not be properly followed by some MS, impeding meaningful comparison.

Figures for 2007 and 2008 for STRs (or SARs and UTRs, if applicable) are presented in the table. Nearly all the Member States (exceptions were IE and FR) were able to provide some data and a full or partial breakdown by obligated entity.

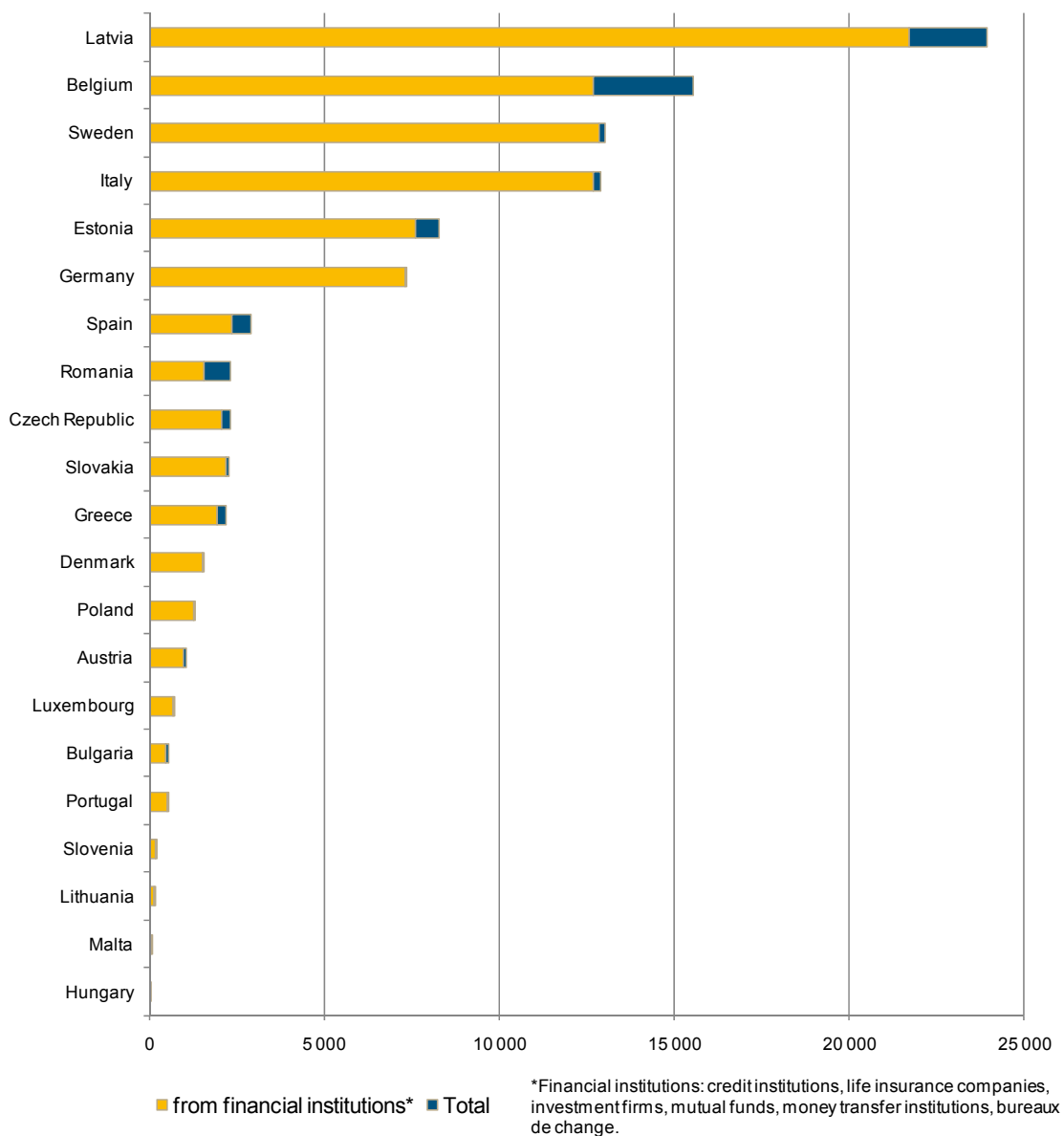
The figures reported vary greatly, even allowing for the different sizes of the respective financial markets, with extremely high figures reported by some countries (NL, LV and UK). This is because concepts and counting rules are not uniform across the EU. FIUs tend to process transactions received in STRs as cases. Relevant cases are sent to the Law Enforcement Authorities. Some FIUs record all related STRs as one case, while others only count the first case-opening STR. For some Member States (CY, FI, UK) the concept is interpreted as a Suspicious Activity Report (SAR) which may include activities not related to any particular monetary transaction but to the opening of a bank account. One Member State (NL) records Unusual Transaction Reports (UTR) which, if found to be suspicious, may be sent to the law enforcement authorities.

<sup>30</sup> Credit institutions, life insurance companies, investment firms, mutual funds, money transfer institutions, bureaux de change, lawyers, notaries, external accountants/auditors, tax advisors, real estate agents, casinos, traders in goods above Euros 15 000, trusts, company service providers and others. Member States unable to provide the detailed breakdown were asked to provide a total for the financial institutions.

The full Guidance Notes (as provided to the Eurostat contact persons) appear in the Annex.

With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).

### Total number of Suspicious Transaction Reports (STRs), 2008



Source: Eurostat



**Table 1: Number of Suspicious Transaction Reports (STRs) filed by each category of obligated entities**

2007	Reporting Unit	credit institutions	life insurance companies	investment firms	mutual funds	money transfer institutions	bureaux de change	lawyers	notaries	external accounts / auditors	tax advisors	real estate agents	casinos	traders in goods above Euros <sup>1</sup> 5000	trusts	company service providers	others	financial institutions	TOTAL
<b>Member States reporting Suspicious Transaction Reports (STRs)</b>																			
Belgium	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Bulgaria	STR	342	0	1	0	0	1	2	2	0	0	0	7	0	0	1	42	:	398
Czech Republic	STR	1 883	:	:	:	:	:	:	:	:	:	:	:	:	:	:	165	:	2 048
Denmark	STR	695	0	:	:	482	145	6	:	:	0	1	19	:	:	:	1	:	1 349
Germany	STR	7 293	39	2	0	1 701	0	5	3	3	3	0	7	11	0	0	13	:	9 080
Estonia	STR	2 206	:	:	0	1 528	222	6	96	1	0	1	566	112	:	:	440	94	5 272
Greece	STR	828	:	23	:	96	47	:	:	:	:	:	:	:	:	:	185	:	1 179
Spain	STR	1 963	5	9	3	235	:	25	220	6	:	42	2	:	:	:	273	:	2 783
Italy	STR	11 113	255	3	10	934	:	8	105	52	:	6	:	1	14	:	2	:	12 503
Latvia	STR	17 173	81	0	0	5	15	23	8	0	0	0	2	2	0	0	1 503	:	18 812
Lithuania	STR	97	:	:	:	:	:	:	:	:	:	:	:	:	:	:	51	:	148
Luxembourg	STR	452	26	50	:	:	:	0	0	21	0	0	3	0	:	:	:	:	552
Hungary	STR	1	:	:	:	1	:	:	:	:	:	2	:	:	:	:	9	:	13
Malta	STR	39	0	4	0	11	0	1	0	4	0	0	0	0	2	0	2	:	63
Austria	STR	1 039	6	:	:	:	:	1	3	:	:	1	1	4	:	3	27	:	1 085
Poland	STR	1 222	3	12	:	:	:	6	:	1	:	:	:	:	:	:	:	:	1 244
Portugal	STR	588	1	0	0	0	66	0	0	0	0	0	0	0	0	0	7	:	662
Romania	STR	1 861	10	12	:	23	2	7	86	1	1	3	:	:	:	:	90	:	2 096
Slovenia	STR	159	0	0	0	2	0	0	1	0	0	0	0	0	0	0	0	0	162
Slovakia	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	1 943
Sweden	STR	1 310	0	5	:	944	3 610	:	:	11	0	0	78	:	0	1	81	:	6 040
<b>Member States reporting Suspicious Activity Reports (SARs)</b>																			
Cyprus	SAR	171	:	:	:	:	:	4	:	1	:	1	:	:	:	:	22	:	199
Finland	SAR	725	20	6	:	12 818	:	4	:	5	:	5	3 332	2	:	:	516	:	17 433
United Kingdom	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>Member States reporting Unusual Transaction Reports (UTRs)</b>																			
Netherlands	UTR	5 320	27	:	0	72 571	514	5	339	84	6	2	414	82	3	:	680	:	80 047
<b>Member States unable to provide data</b>																			
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
France	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>EU Candidate countries</b>																			
Croatia	STR	2 541	142	:	:	:	1	1	:	:	:	:	:	:	:	:	173	:	2 858
the former Yugoslav Republic of Macedonia	STR	23	:	:	:	:	:	:	4	:	:	:	:	:	:	:	22	:	49
Turkey	SAR	2 903	3	0	0	:	0	:	0	:	:	0	:	:	:	:	0	40	2 946
<b>EU Potential Candidate countries</b>																			
Serbia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>																			
Iceland	STR	492	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	:	496
Liechtenstein	STR	130	3	0	0	1	0	6	0	0	0	0	0	0	64	0	1	:	205
Switzerland	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	795

: Data not available or concept does not apply; 0 = zero (no cases) in that year.

Source: Eurostat

**Table 1:** Number of Suspicious Transaction Reports (STRs) filed by each category of obligated entities (continued)

2008	Reporting Unit	credit institutions	life insurance companies	investment firms	mutual funds	money transfer institutions	bureaux de change	lawyers	notaries	external accounts / auditors	tax advisors	real estate agents	casinos	traders in goods above Euros15000	trusts	company service providers	others	financial institutions	TOTAL
<b>Member States reporting Suspicious Transaction Reports (STRs)</b>																			
Belgium	STR	4 034	85	2	0	:	8 576	3	320	21	26	1	1 047	:	:	:	1 439	:	15 554
Bulgaria	STR	492	0	1	0	0	0	0	1	0	0	1	5	0	0	0	66	:	566
Czech Republic	STR	2 090	:	:	:	:	:	:	:	:	:	:	:	:	:	:	230	:	2 320
Denmark	STR	545	0	:	:	711	273	5	:	:	0	1	17	:	:	:	1	:	1 553
Germany	STR	6 352	37	0	0	920	0	9	5	3	5	0	4	9	0	0	5	:	7 349
Estonia	STR	3 028	2	1	0	2 130	41	6	53	3	0	0	37	23	0	0	522	2 432	8 278
Greece	STR	1 389	:	204	:	322	37	:	:	:	:	:	:	:	:	:	272	:	2 224
Spain	STR	2 156	11	12	:	195	:	32	248	6	:	30	2	:	:	:	212	:	2 904
Italy	STR	11 242	179	15	:	1 265	0	6	103	5	36	13	4	:	20	:	6	:	12 894
Latvia	STR	21 266	26	0	0	414	0	3	4	0	0	0	0	0	0	0	2 250	:	23 963
Lithuania	STR	126	:	:	:	:	:	:	:	:	:	:	:	:	:	:	66	:	192
Luxembourg	STR	636	27	45	:	:	:	2	1	33	0	1	7	0	:	:	:	:	752
Hungary	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	61	1	:	62
Malta	STR	44	0	2	0	13	0	1	0	0	0	0	3	0	5	0	1	:	69
Austria	STR	992	8	:	:	:	:	6	3	1	:	3	:	8	:	:	38	:	1 059
Poland	STR	1 260	4	21	:	:	:	2	:	:	:	:	:	:	:	:	3	:	1 290
Portugal	STR	508	3	:	:	:	17	:	:	:	:	:	:	:	:	:	31	:	559
Romania	STR	1 545	5	3	:	17	1	2	225	:	:	2	12	51	:	2	468	5	2 338
Slovenia	STR	188	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0	192
Slovakia	STR	1 942	261	0	0	0	0	0	5	1	0	0	0	49	0	0	17	:	2 275
Sweden	STR	7 232	0	5	:	1 452	4 177	:	:	2	0	0	145	:	4	1	30	:	13 048
<b>Member States reporting Suspicious Activity Reports (SARs)</b>																			
Cyprus	SAR	216	0	1	0	0	0	2	:	2	0	0	:	0	0	0	23	:	244
Finland	SAR	876	67	6	:	17 225	:	5	:	12	:	14	4 252	7	:	:	288	:	22 752
United Kingdom	SAR	202	:	909	:	8 438	3 524	6 319	:	7 104	97	170	:	41	:	48	25 994	168 620	221 466
<b>Member States reporting Unusual Transaction Reports (UTRs)</b>																			
Netherlands	UTR	5 013	13	:	0	288 799	0	16	568	112	7	0	538	53	4	:	341	:	295 464
<b>Member States unable to provide data</b>																			
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
France	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>EU Candidate countries</b>																			
Croatia	STR	1 948	175	3	:	:	:	:	2	:	:	:	:	:	:	:	25	:	2 153
the former Yugoslav Republic of Macedonia	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Turkey	SAR	4 889	10	0	0	:	0	0	1	0	0	0	:	:	:	:	0	24	4 924
<b>EU Potential Candidate countries</b>																			
Serbia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>																			
Iceland	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Liechtenstein	STR	119	6	0	0	1	0	1	0	0	0	0	:	0	61	:	1	:	189
Switzerland	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	851

: Data not available or concept does not apply; 0 = zero (no cases) in that year.

Source: Eurostat

**Country notes applicable to Table 1**

**Bulgaria:** The statistics provided represent cases opened on the basis of STRs received from the obliged entities. Each case is opened based on at least one STR and can contain subsequent STRs received by the FIU. The cases opened most closely reflect the recommendation to “only count the initial STR/report received in each case opened by the FIU from each category of obligated entities per year”.

**Germany:** The FIU is police-based and therefore has a different reporting structure from the administrative FIUs operating in some other Member States.

**Ireland:** The FIU is also a Police Unit and therefore the Competent Authority to investigate Suspicious Transaction Reports.

**Italy:** The reporting obligation of STRs on money laundering only entered into force in 2006, with the enactment of the secondary legislation.

**Cyprus:** The FIU receives Suspicious Activity Reports (SARs). That means that each SAR may contain many (sometimes hundreds or thousands) transactions.

**Latvia:** This definition excludes STRs from parties, not having obligation to report. FIU usually forwards to LEU a group of STRs, and also CTRs (we propose for them the term TRMs), so a different term is needed for the product sent by FIU to LEU, we propose Suspicious Transactions File (STF).

**Lithuania:** The majority of STRs are received from the credit sector. Other STRs are received from other obliged entities, this data are not sorted by entities.

**Luxembourg:** Reports to the FIU are counted per case file (dossier), each case file may contain a large number of suspicious transactions and a large numbers of suspected individuals or entities. Additional reports from the same reporting entity are not counted separately (no separate file is opened) and are included in the file opened when receiving the initial report from the professional. Also response to request from the FIU are not counted but included in the file on basis of which the request for information was initiated.

**Netherlands:** The FIU receives Unusual Transactions (UTs) from the reporting institutions. The unusual nature of the transactions is based on either objective or subjective indicators. Reporting is compulsory with respect to objective indicators, which are based on a certain threshold. With respect to subjective indicators, reporting is compulsory if the reporting institution feels the situation described by the indicator applies. After investigation by the FIU, an unusual transaction can be declared suspicious. Only then it will be forwarded to investigation services.

In each reported unusual transaction, the applying indicator is linked to a financial action. One unusual transaction may consist of more than one financial action, which means that one transaction may be reported with more than one indicator. Since, in this table, a distinction is made between objectively and subjectively reported transactions, the figures provided are based on the number of financial actions.

**Poland:** The STR comprises a report that may cover many individual transactions that, when considered together, create a suspicion of money laundering.

**Romania:** STRs are recorded by an administrative office, the National Office for the Prevention and Control of Money Laundering is the Financial Intelligence Unit of Romania

**Slovakia:** The FIU receives Unusual Transactions (UTs) which are analysed by the FIU and, where suspicion of money laundering or terrorist financing (or any other crime) can be established, a Suspicious Transaction Report is forwarded to the appropriate law enforcement bodies for further analysis or for investigation. Unusual transactions meet both definitions (UT and STR).

All the STRs are considered and processed as cases and if they are found as relevant, as it is said above, they are sent to law enforcement authorities.

Each STR may contain several (sometimes hundreds or thousands) transactions and due to that the FIU is not able to provide data based on the number of concrete transactions included in STRs received by it (it does not being maintain this type of data), particularly when taking into account the number of STRs received daily.

Moreover, not all the STRs will cover a specific transaction (to which STRs may refer). For example STR might be generated by an attempt to open an account or by refusal to carry out the required unusual transaction.

**Finland:** The reports are rather reports of suspicious activity, in which case one “SAR” often includes a great number of transactions. It is not possible for Finland to tell the number of transactions included in the SARs.

**UK:** Suspicious Activity Reports (SARs) are recorded. Not all SARs will cover a specific transaction (to which STRs may refer). So for example a SAR might be generated by an attempt to open an account or retain the services of a legal adviser. SARs are reported to the UK Financial Intelligence Unit from across the regulated sector.

The figures provided relate to individual SARs received, regardless of whether they were linked to other SARs or featured the same subject or activity, and of how they were then developed and used by end users. The FIU does not develop SARs in "cases".

**Turkey:** Suspicious transaction is the case where there is an information, suspicion or reasonable grounds to suspect that the assets, which is subject to the transactions carried out or attempted to be carried out within or through the obliged parties, has been acquired through illegal ways or used for illegal purposes, used for terrorist activities or by terrorist organisations, terrorists or those who finance terrorism or connected or linked with them.

**Iceland:** The FIU gets almost all its STRs from Financial Undertakings which means commercial banks and from Money Value Transfer Companies.

**Switzerland:** The FIU reports on SARs. Totals only are given since the categories differ from those requested in the table.

**Table 2: Number of declarations made in application to the EU Cash Control Regulation****Table 3: Number of incorrect cash declarations or findings as a result of customs controls in the EU at external borders**

The data collected by DG Taxation and Customs Union (TAXUD) on the controls of cash are presented in Tables 2 and 3.

Regulation (EC) No 1889/2005 on controls of cash entering or leaving the Community (adopted by the European Parliament and the Council on 26 October 2005) entered into force on 15 December 2005 and has been applicable since 15 June 2007. The Regulation provides for a EU-wide approach to controlling cash movements into or out of the Union.

The establishment of a common cash control strategy upon entry or exit of the territory of the Union was a decisive step in the EU policy aiming at strengthening the measures on prevention of money laundering, terrorist financing and other illegal activities. It implements Special Recommendation IX (SR IX)<sup>31</sup> on cash couriers of the Financial Action Task Force (FATF) at EU level.

The Regulation introduces an obligation for travellers entering or leaving the EU and carrying EUR 10 000 or more (or its equivalent in other currencies or easily convertible assets such as cheques drawn on a third party) to make a declaration to the customs authorities. The EUR 10 000 threshold is high enough to save the majority of travellers and traders from disproportionate administrative formalities.

Customs authorities are empowered under the Regulation to undertake controls on people, their baggage and their means of transport and detain cash that has not been declared. Member States are required to initiate proceedings against people who fail to declare cash of an amount of EUR 10 000 or more. Member States have to ensure that the penalties resulting from such proceedings are proportionate to the offence, so as to have a deterrent effect. Member States must record and process information obtained through declaration or through control and must make it available to the authorities competent for fighting against money laundering and financing of terrorism.

Figures for 2007 and 2008 for the Number of declarations made in application to the EU Cash Control Regulation are presented in Table 2 and the Number of incorrect cash declarations or findings as a result

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<sup>31</sup> The text of the Special Recommendation IX reads as follows:

\* Countries should have measures in place to detect the physical cross-border transportation of currency and bearer negotiable instruments, including a declaration system or other disclosure obligation.

\* Countries should ensure that their competent authorities have the legal authority to stop or restrain currency or bearer negotiable instruments that are suspected to be related to terrorist financing or money laundering, or that are falsely declared or disclosed.

Countries should ensure that effective, proportionate and dissuasive sanctions are available to deal with persons who make false declaration(s) or disclosure(s). In cases where the currency or bearer negotiable instruments are related to terrorist financing or money laundering, countries should also adopt measures, including legislative ones consistent with Recommendation 3 and Special Recommendation III, which would enable the confiscation of such currency or instruments.

of customs controls in the EU at external borders in Table 3. For both tables, the figures for 2007 cover the period June to December only, the Regulation having come into force on 15 June 2007.

All the EU Member States were able to provide data for 2008. This shows that there were 102 000 declarations (59 000 on entering and 43 000 on leaving the EU) with a value of EUR 48 400 million. There were 7 300 cash recordings (3 800 on entering and 3 500 on leaving the EU) valued at EUR 1 400 million. Correctly assessing the upward trend shown in the table would require correlating these data with other type of information. For example, the Global Economic Crisis is generally considered having had an impact on cash withdrawals.

**With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).**

**Table 2:** Number of declarations made in application to the EU Cash Control Regulation

	2007*				2008			
	on entering the EU	on leaving the EU	Total number	Amount (EUR million)	on entering the EU	on leaving the EU	Total number	Amount (EUR million)
Belgium	155	56	211	8.92	331	201	532	27.10
Bulgaria	901	652	1 553	73.09	1 445	954	2 399	176.08
Czech Republic	282	104	386	76.48	296	266	562	156.73
Denmark	20	67	87	5.38	27	177	204	7.69
Germany	4 389	3 140	7 529	9 181.26	14 441	10 626	25 067	34 820.69
Estonia	21	421	442	251.80	46	930	976	580.91
Ireland	2	0	2	0.16	4	11	15	0.39
Greece	:	:	:	:	2 221	86	2 307	74.39
Spain	2 288	2 239	4 527	266.64	4 694	3 812	8 506	753.84
France	373	672	1 045	131.04	6 571	7 419	13 990	1 274.91
Italy	:	:	:	:	14 250	10 460	24 710	4 691.00
Cyprus	289	10	299	9.99	375	209	584	23.37
Latvia	28	83	111	11.94	54	109	163	43.01
Lithuania	2 903	714	3 617	89.52	3 029	794	3 823	101.64
Luxembourg	1	0	1	0.10	3	4	7	0.25
Hungary	232	91	323	18.66	701	118	819	46.35
Malta	62	15	77	3.13	116	36	152	5.65
Netherlands	517	163	680	26.46	1 136	647	1 783	72.63
Austria	279	673	952	917.42	602	1 895	2 497	3 271.22
Poland	:	:	:	:	4 229	1 422	5 651	219.02
Portugal	236	294	530	55.56	1 071	278	1 349	96.10
Romania	284	110	394	29.17	836	189	1 025	98.31
Slovenia	381	361	742	1 010.07	610	187	797	1 687.21
Slovakia	10	1	11	0.31	35	0	35	1.21
Finland	70	111	181	34.36	129	117	246	31.91
Sweden	31	165	196	6.13	71	562	633	21.32
United Kingdom	567	694	1 261	43.82	1 652	1 501	3 153	109.25
<b>EU Candidate countries</b>								
Croatia	:	:	:	:	:	:	:	:
the former Yugoslav Republic of Macedonia	:	:	:	:	:	:	:	:
Turkey	:	:	:	:	:	:	:	:
<b>EU Potential Candidate countries</b>								
Serbia	:	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>								
Iceland	:	:	:	:	:	:	:	:
Liechtenstein	:	:	:	:	:	:	:	:
Switzerland	:	:	:	:	:	:	:	:

Source: DG TAXUD (Taxation and Customs Union)

: Data not available; 0 = zero (no cases) in that year.

Notes:

\* 2007 data covers the period June – December.

Belgium: 2007 figures are for the period October – December only.

**Table 3:** Number of incorrect cash declarations or findings as a result of customs controls in the EU at external borders

	2007*				2008			
	on entering the EU	on leaving the EU	Total number	Amount (EUR million)	on entering the EU	on leaving the EU	Total number	Amount (EUR million)
Belgium	18	12	30	2.62	5	1	6	0.14
Bulgaria	2	8	10	1.97	3	26	29	2.75
Czech Republic	1	0	1	0.02	1	0	1	0.01
Denmark	0	43	43	1.66	1	134	135	3.85
Germany	432	214	646	23.88	1 680	1 050	2 730	930.20
Estonia	2	1	3	0.06	1	0	1	0.01
Ireland	2	0	2	0.05	1	8	9	0.17
Greece	:	:	:	:	2	6	8	0.93
Spain	4	96	100	10.36	21	236	257	18.35
France	92	53	145	4.90	1 018	559	1 577	185.27
Italy	:	:	:	:	534	581	1 115	245.91
Cyprus	8	3	11	0.19	6	12	18	0.58
Latvia	2	0	2	0.07	2	0	2	0.87
Lithuania	0	1	1	0.02	0	1	1	0.00
Luxembourg	0	0	0	0.00	0	0	0	0.00
Hungary	0	0	0	0.00	9	10	19	0.46
Malta	1	0	1	0.03	1	0	1	0.03
Netherlands	40	9	49	1.70	96	113	209	7.28
Austria	1	1	2	0.70	3	6	9	0.49
Poland	:	:	:	:	37	31	68	5.08
Portugal	2	34	36	0.88	22	99	121	4.37
Romania	0	4	4	0.02	0	1	1	0.00
Slovenia	11	3	14	0.64	33	3	36	2.47
Slovakia	0	0	0	0.00	0	0	0	0.00
Finland	9	4	13	0.41	25	5	30	0.76
Sweden	1	0	1	0.03	2	0	2	0.09
United Kingdom	31	89	120	2.34	241	626	867	22.88
<b>EU Candidate countries</b>								
Croatia	:	:	:	:	:	:	:	:
the former Yugoslav Republic of Macedonia	:	:	:	:	:	:	:	:
Turkey	:	:	:	:	:	:	:	:
<b>EU Potential Candidate countries</b>								
Serbia	:	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>								
Iceland	:	:	:	:	:	:	:	:
Liechtenstein	:	:	:	:	:	:	:	:
Switzerland	:	:	:	:	:	:	:	:

Source: DG TAXUD (Taxation and Customs Union)

: Data not available; 0 = zero (no cases) in that year.

Notes:

\* 2007 data covers the period June – December.

Belgium: 2007 figures are for the period October – December only.



**Table 4: Number of suspicious cash activities at the EU borders reported to the Financial Intelligence Unit (FIU) (including those based on declarations and smuggling)**

Regulation (EC) No 1889/2005 on controls of cash entering or leaving the Community (adopted by the European Parliament and the Council on 26 October 2005) entered into force on 15 December 2005 and has been applicable since 15 June 2007. Article 5 of the Regulation stipulates that information obtained under Art 3 and 4 (cash declarations, controls and cash detained) is made available to the Financial Intelligence Units (FIUs). This process differs from sending or reporting of suspicious activity to the FIUs. In some Member States, the customs authorities do not necessarily report to the FIUs but, instead, make their database available. The figure should be the sum of Table 3 (incorrect cash declarations or findings) plus a part of Table 2 (number of cash declarations – they are not necessarily suspicious but some of the declarations may in fact be so).

Member States were asked to state whether the information is made available to FIUs on request or if the FIUs have access to databases managed by the customs authorities. Member States were also asked to indicate whether all information relating to cash declarations is reported or made available to the FIU or just those considered to be "suspicious" in an attempt to gauge the reality of the cooperation between EU customs and the Financial Intelligence Units.

Although the Regulation only became applicable in June 2007, 8 Member States have been collecting this information for several years. 17 Member States were able to provide this data for 2008 and some others (CZ, DE, UK) indicated that the data might, nevertheless, be available in the future.

**The full Guidance Notes (as provided to the Eurostat contact persons) appear in the Annex.**

**With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).**

**Table 4:** Number of suspicious cash activities at the EU borders reported to the Financial Intelligence Unit (FIU) (including those based on declarations and smuggling)

	2003	2004	2005	2006	2007*	2008
Belgium	:	:	:	:	196	619
Bulgaria	:	9	5	6	9	9
Czech Republic	:	:	:	:	:	:
Denmark	:	:	:	:	:	:
Germany	:	:	:	:	:	:
Estonia	21	70	129	73	54	28
Ireland	:	:	:	:	:	:
Greece	:	:	:	:	:	:
Spain	276	327	322	563	432	444
France	:	:	:	:	:	:
Italy	:	:	:	:	:	:
Cyprus	8	2	3	0	3	3
Latvia	:	:	:	33	132	159
Lithuania	:	:	:	:	:	3 780
Luxembourg	:	:	:	:	0	0
Hungary	1 813	1 817	1 032	1 069	461	483
Malta	:	:	:	:	1	4
Netherlands	153	120	366	571	1 265	1 819
Austria	:	:	:	:	:	:
Poland	:	:	:	:	:	:
Portugal	50	78	358	426	493	698
Romania	:	:	:	53	25	11
Slovenia	0	0	0	0	0	0
Slovakia	:	:	:	:	11	35
Finland	:	:	:	:	162	260
Sweden	:	:	:	:	222	635
United Kingdom	:	:	:	:	:	:
<b>EU Candidate countries</b>						
Croatia	4	15	29	34	34	45
the former Yugoslav Republic of Macedonia	:	:	:	2	6	:
Turkey	:	:	:	0	0	3
<b>EU Potential Candidate countries</b>						
Serbia	:	:	:	:	:	:
<b>EFTA/EEA countries</b>						
Iceland	:	:	:	0	1	:
Liechtenstein	:	:	:	:	:	:
Switzerland	:	:	:	:	:	:

Source: Eurostat

: Data not available; 0 = zero (no cases) in that year.

\* 2007 data covers the period June – December.

**Country notes applicable to Table 4**

**Belgium:** Customs authorities send reports to the FIU.

**Czech Republic:** The data is of Czech Customs authority's competence.

**Denmark:** Figures not available, but in most cases where no declaration is made, the local police is informed.

**Germany:** No comparable data available but the Customs Administration reports that the amount of cash controls with indicators for money laundering was as follows:

2003: 189, 2004: 170, 2005: 160, 2006: 205, 2007: 320, 2008: 409.

**Spain:** Ministerial Order EHA/1439/2006, of 3<sup>rd</sup> May imposes the obligation to declare the movement into or out of national territory of coins, bank notes or bearer cheques made out in the national currency or any other currency or any material support, including electronic supports, designed for use as a means of payment in an amount greater than 10,000 euro per person and journey. The figure shows the number of interventions carried out by the law enforcement authorities at the Spanish borders into persons who failed to declare.

**Lithuania:** The FIU receives information from customs authorities in case a person brings into or takes out from the European Community via the Republic of Lithuania and third countries a single sum of cash in excess of the amount indicated in Part 1, Article 3 of Regulation (EC) No 1998/2005 Para 1.5, so, statistics provided refer to reports of this type.

**Luxembourg:** No STRs were filed upon the application of the cash control regulation.

**Romania:** The data was provided by the National Customs Authority, in accordance with the provisions of art. 3 para 11 of the AML/CTF Law no. 656/2002, consequently amended and completed. The National Customs Authority communicates to the Office, on a monthly basis, all the information it holds, according with the law, in relation with the declarations of natural persons regarding cash in foreign currency and/or national one, which is equal or above the limit set forth by the Regulation (CE) no. 1889/2005 while entering or leaving the Community. National Customs Authority is required to transmit all the information related to suspicions of money laundering or terrorism financing within 24 hours.

**Netherlands:** Provided is the number of UTs (unusual transactions or cash activities) at the borders reported by Customs including the number of declarations made based on the EU cash control regulation 1889/2005 (Table 2). For 2007, the figures are for the period 15 June – December.

**Slovakia:** The figures provided refer to the number of declarations received by the customs authorities and then reported to the FIU. However, there was no suspicion, so the figures in this table are the same as the figures in Table 2.

**Finland:** Total number of declarations to the FIU, that is, the number includes all known cases. For 2007, the figures are for the period 15 June – December.

**Sweden:** For 2007, the figures are for the period 15 June – December.

**UK:** Only drugs-related cash of £50,000 or more is reported to the FIU but the figures are not available.

**Liechtenstein:** The reporting system will be implemented by the Swiss Border Patrol (under the Customs Union with Switzerland).

**Table 5: Number of Suspicious Transaction Reports (STRs) sent to law enforcement**

Member States were asked to provide information on Suspicious Transaction Reports (STRs) where, after analysis by the Financial Intelligence Unit (FIU), they are sent to the law enforcement authorities for further action.

In some Member States (DE), all STRs are sent to the law enforcement authorities for investigation, so in such cases the figure in this table is the same as the total in Table 1 Number of Suspicious Transaction Reports (STRs).

In 2008, the percentage of STRs sent to law enforcement varied considerably from 100% in one Member State (DE), to 50% - 90% (MT, PL, PT) in some and less than 20% (BE, BG, CZ, LV, LU, NL, FI) in others.

**The full Guidance Notes (as provided to the Eurostat contact persons) appear in the Annex.**

**With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).**

**Table 5:** Number of Suspicious Transaction Reports (STRs) sent to law enforcement

		2003	2004	2005	2006	2007	2008	% of total number of STRs – 2008
<b>Member States reporting Suspicious Transaction Reports (STRs)</b>								
Belgium	STR	:	:	:	912	1 166	937	6%
Bulgaria	STR	32	14	6	6	5	0	0%
Czech Republic	STR	114	103	196	134	102	71	3%
Germany	STR	6 141	8 062	8 241	10 051	9 080	7 349	100%
Estonia	STR	23	55	159	358	397	282	28%
Spain	STR	545	516	462	466	569	686	24%
Latvia	STR	4 168	4 148	3 942	4 029	2 996	3 612	15%
Lithuania	STR	:	48	48	39	59	59	31%
Luxembourg	STR	6	21	25	40	33	104	14%
Malta	STR	17	23	28	24	24	41	59%
Poland	STR	:	:	798	941	1 168	996	77%
Portugal	STR	:	94	200	272	378	300	54%
Romania	STR	365	523	483	367	660	796	34%
Slovenia	STR	10	10	32	37	69	63	33%
Slovakia	STR	:	:	:	:	420	503	22%
Sweden	STR	:	:	:	300	462	:	:
<b>Member States reporting Suspicious Activity Reports (SARs)</b>								
Finland	SAR	288	551	385	779	2 548	1 700	7%
<b>Member States reporting Unusual Transaction Reports (UTRs)</b>								
Netherlands	UTR	37 748	41 003	38 481	34 531	45 656	54 605	18%
<b>Member States unable to provide data</b>								
Denmark	STR	:	:	:	:	:	:	:
Ireland	:	:	:	:	:	:	:	:
Greece	STR	:	:	:	:	:	:	:
France	:	:	:	:	:	:	:	:
Italy	STR	:	:	:	:	:	:	:
Cyprus	SAR	:	:	:	:	:	:	:
Hungary	STR	:	:	:	:	:	:	:
Austria	STR	:	:	:	:	:	:	:
United Kingdom	SAR	:	:	:	:	:	:	:
<b>EU Candidate countries</b>								
Croatia	STR	:	:	:	:	91	103	5%
the former Yugoslav Republic of Macedonia	STR	:	:	16	13	10	:	:
Turkey	SAR	:	:	:	:	:	:	:
<b>EU Potential Candidate countries</b>								
Serbia	:	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>								
Iceland	STR	:	:	:	:	27	:	:
Liechtenstein	STR	123	185	139	113	141	161	85%
Switzerland	SAR	202	204	224	112	166	164	19%

: Data not available; 0 = zero (no cases) in that year.

Source: Eurostat

**Country notes applicable to Table 5**

**Bulgaria:** STRs that are not law enforcement agencies for further investigation (because the financial intelligence analyses could not confirmed/found enough data supporting the initial suspicions of the reporting entity) are archived. But information from these STRs remains in the databases of the FIU.

**Czech Republic:** All STRs are analysed by the FIU. Only after this analysis and in case the suspicion persists a complaint is forwarded by the FIU to the LEA.

**Germany:** All STRs result in the initiation of criminal proceedings in Germany, there are no exceptions. The criminal proceedings are lead by the competent state police forces.

**Estonia:** For the number of Suspicious Transaction Reports (STRs) sent to law enforcement, it should be noted that the numbers refer to the STRs used in the materials sent to LEAs, not the materials forwarded (one material may consist of the information contained in more than one STR). It should also be noted that the Estonian FIU never sends to LEAs the STR itself as it is prohibited by law, but materials formed in the basis of the STRs instead. However, we keep statistics on which STRs the material forwarded to LEA was based on.

The comment made by Czech Republic applies to Estonia as well.

**Spain:** All STRs are subject to analysis in the Spanish FIU. The figure means STRs subject to analyses which are not considered eligible for being passed to the police/judicial authorities, for further investigation. But when STRs are not passed to law enforcement agencies, they are provisionally shelved.

**Cyprus:** Although there are no statistics kept for this, in a small number of STRs no investigation was carried out because of the nature of the STR.

**Latvia:** Further analysis is made for all transactions. That includes identification of participants and finding their previous reported transactions.

**Lithuania:** Lithuania Financial Crime Investigation Service under the Ministry of Interior, FCIS (Lithuania FIU) is responsible for both – for analysis of STR and for pre-trial investigations on the background of STRs. FCIS (Lithuania FIU) is a law enforcement institution.

After receiving STR, Lithuania FIU, Money Laundering Prevention Division (MLPD) opens an analysis file. MLPD is intelligence unit of Lithuania FIU and has no pre-trial investigative powers, so after preliminary analysis, if some of indications of crime are detected, MLPD sends information to local units (county divisions) of Lithuania FIU where pre-trial investigation starts, or in cases, after additional clarification of information county division refuses to start investigation.

These includes the figures of materials which are based on STRs and were send by MLPD for further investigation to local units of Lithuania FIU (to be considered as STRs sent to law enforcement).

**Luxembourg:** All STR received are analysed by the FIU. The analysis encompasses in particular the financial analysis, FIU/Police/Justice databases check, additional information requested by FIU from professionals, FIU-FIU cooperation BUT excludes interview of witness or suspect etc.. If this analysis confirms the suspicion, the file will be the object of a full fledged criminal investigation (on basis of an

analysis/transmission report). In July 2008, the 3<sup>rd</sup> EU directive was implemented in Luxembourg law, the scope of predicate offenses has been broadened resulting in an increase of STR filing.

**Netherlands:** This information is not available. Provided instead is the total number of suspicious transactions forwarded to investigation services per year. (After investigation by the FIU-The Netherlands, an UT (unusual transaction) can be declared suspicious. Only then it will be forwarded to investigation services.).

**Poland:** These include the number of analyses made, which have not led to the law enforcement investigation.

**Portugal:** The data refers to the STRs that after analysis and decision form the part of the Portuguese FIU are sent to the police and judiciary authorities for investigation.

**Romania:** The Office receives, analyses and processed all STRs and notifies, the General Prosecutor's Office by the High Court of Cassation and Justice, in case of existence of solid grounds of money laundering, as well as the General Prosecutor's Office by the High Court of Cassation and Justice and the Romanian Intelligence Service whenever there are identified operations suspected of terrorism financing.

**Slovakia:** Within the FIU all the STRs are included in further analysis and "preliminary police investigation" because of police type of the FIU (the FIU is a law enforcement body, however it has no investigative powers), and if suspicion of money laundering or any other crime is established, an intelligence package is forwarded to other appropriate law enforcement body for further analysis or for investigation. And on the contrary, if it is proved no suspicion by analysis done by the FIU the case is closed within the FIU and store to the FIU database for further exploitation in the future.

**Finland:** All the STR's are subject to FIU analysis. Based on the analysis, information related to 1700 STR's was forwarded to the Law Enforcement in 2009. Information can be forwarded to LE for the purpose of preventing or investigating ML/TF or the predicate offence beyond these.

**Sweden:** The FIU have a new data system for registering money laundering and this information is no longer available.

**UK:** The FIU does not maintain specific statistics on all the SARs it analyses and disseminates. The FIU retains partial statistics i.e., those analysed and disseminated relating to terrorism/terrorist financing and SARs seeking consent. Otherwise, SARs are data-mined, evaluated for relevance to the research, and may under go further analysis dependent upon the objective. In addition, most of the SAR database, by being available directly to law enforcement, is automatically "disseminated" to those agencies for further analysis and action.

Law enforcement agencies have provided some feedback on the use of SARs during investigations. However, precise figures on the number of SARs not used for investigation but further analysed is not available in any standardised format.

**Turkey:** MASAK is the main authority responsible for the prevention of money laundering and financing of terrorism in Turkey. It receives STRs from obliged parties and denunciations originated from the public prosecutors, public institutions, persons/legal entities and abroad. The data received by MASAK is



analysed and evaluated by its own experts or sent to examiners for further examination. If there are serious findings about commitment of laundering offence, the cases are referred to the Public Prosecutor's Office.

**Iceland:** All STRs received by the FIU are analysed before they are sent to police. The Economic Crime Unit investigated 23 STRs in 2007. The Unit started a formal investigation in two cases resulting from information from STRs.

**Table 6: Number of staff dedicated full time (or full time equivalent) to money laundering in the Financial Intelligence Unit (FIU)**

Collecting information on the resources of the Financial Intelligence Unit (FIU) is necessary in order to attempt to measure the cost of the anti-money laundering measures. This information would have to be correlated with the size of the financial market as well as other sources of information (such as administrative organisation e.g. Federal State and police organisation etc.).

Although FIUs may perform the same core functions in each Member State they may have a different legal status and therefore conduct the work in different ways. This may have implications on human resources. In order to obtain comparative data, Member States were asked to describe the legal status of the FIU (i.e. administrative, police, judicial etc.). Thirteen Member States had “administrative” FIUs, 10 had “police” FIUs, 2 had “judicial” FIUs and 2 had “hybrid” types of FIUs.

**The full Guidance Notes (as provided to the Eurostat contact persons) appear in the Annex.**

**With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).**

**Table 6:** Number of staff dedicated full time (or full time equivalent) to money laundering in the Financial Intelligence Unit (FIU)

	FIU type	2003	2004	2005	2006	2007	2008
<b>Member States with 'administrative' FIUs</b>							
Belgium	administrative	:	:	:	:	:	:
Bulgaria	administrative	34	34	36	44	42	41
Czech Republic	administrative	28	27	25	27	27	15
Greece	administrative	3	3	3	4	15	18
Spain	administrative	79	75	80	77	79	78
France	administrative	:	:	:	:	:	:
Italy	administrative	:	:	:	:	:	:
Latvia	administrative	17	18	19	18	19	19
Malta	administrative	3	3	3	3	6	6
Poland	administrative	:	:	:	:	:	:
Portugal	administrative	29	26	25	26	27	27
Romania	administrative	39	41	39	27	35	34
Slovenia	administrative	13	15	15	14	15	16
<b>Member States with 'police' FIUs</b>							
Germany	police	14	16	16	16	16	17
Estonia	police	7	9	11	12	17	22
Ireland	police	:	:	:	:	:	:
Lithuania	police	9	10	12	12	12	13
Hungary	police	:	:	:	:	:	:
Austria	police	:	:	:	:	:	:
Slovakia	police	:	29	29	29	29	28
Finland	police	27	27	27	27	27	27
Sweden	police	:	15	15	15	15	17
United Kingdom	police	:	:	:	:	:	105
<b>Member States with 'judicial' FIUs</b>							
Cyprus	judicial	14	14	14	19	19	19
Luxembourg	judicial	4	4	5	5	6	6
<b>Member States with 'hybrid' types of FIUs</b>							
Denmark	hybrid	:	10	11	12	14	18
Netherlands	hybrid	:	:	:	56	56	56
<b>EU Candidate countries</b>							
Croatia	administrative	18	18	18	18	18	22
the former Yugoslav Republic of Macedonia	:	2	6	6	6	10	:
Turkey	administrative	113	116	126	138	146	155
<b>EU Potential Candidate countries</b>							
Serbia	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>							
Iceland	hybrid	1	1	1	1	1	:
Liechtenstein	:	7	7	7	7	7	7
Switzerland	administrative	8	8	8	8	8	8

: Data not available; 0 = zero (no personnel) in that year.

Source: Eurostat

**Country notes applicable to Table 6**

**Bulgaria:** The Bulgarian FIU is an administrative type of FIU.

**Czech Republic:** FIU of the Ministry of Finance.

**Denmark:** The Danish FIU is a hybrid between a Judicial FIU and a police FIU.

**Germany:** Germany Bundeskriminalamt (FIU).

**Estonia:** As of 31 December of the respective year.

**Ireland:** Garda Siochana Fraud Investigations Unit (FIU).

**Italy:** The UIF includes not only the financial analysts, but also the regulatory and legal specialists, administration and management personnel.

**Cyprus:** MOKAS (the FIU of Cyprus) is a law enforcement agency. Their main functions are to gather, classify, evaluate and analyse information relevant to money laundering and financing of terrorism.

**Latvia:** Minor changes during years are due to employees on parental leave.

**Lithuania:** Money Laundering Prevention Division of the Financial Crime Investigation Service (Lithuanian FIU) under the Ministry of the Interior (Internal FIU databases).

**Luxembourg:** The FIU is functioning under the authority of the Vice-Prosecutor and the State Prosecutor.

**Hungary:** Uniform Police and Prosecution Statistics on Crime (ERÜBS).

**Netherlands:** Before 2006 there were two separate organisations. The MOT was an administrative organisation and the BLOM was a police organisation. Both organisations were partners in the prevention and combating money laundering and the financing of terrorism. The reporting institutions were obliged to report unusual transactions to the MOT. The BLOM on the other hand was a Police support centre of the national public prosecutor money laundering. As from 1 January 2006 both the MOT and the BLOM integrated into one organisation called FIU-the Netherlands.

**Austria:** Ministry for Internal Affairs.

**Poland:** The General Inspector of Financial Information's annual reports (FIU-Poland).

**Portugal:** The numbers that are indicated correspond to all the staff working at the Portuguese FIU.

**Romania:** Reporting/Financial Analysis - National Office for Prevention and Control of Money Laundering (NOPCML) – FIU Romania.

**Slovakia:** FIU of the Ministry of Interior.

**Finland:** FIU Finland.

**UK:** UK FIU within Serious and organised crime agency (SOCA).

**Croatia:** The Croatian FIU is situated in the Ministry of Finance.

**Turkey:** MASAK (Financial Crimes Investigation Board) is the financial intelligence unit of Turkey.

**Iceland:** FIU-Iceland (Peningaþvættisskrifstofa). One police officer dedicated full time. The job is to receive, analyse and forward STRs, to other police departments. Also acts as a contact person with the entities under obligation to report, mainly banks. A lawyer specialised in AML/CFT in the Economic Crime Unit also works extensively with the FIU.

**Liechtenstein:** FIU.

**Switzerland:** Money Laundering Reporting Office.

### 2.2.2 Investigation stage

**Table 7: Number of cases initiated by law enforcement agencies on the basis of Suspicious Transaction Reports (STRs) sent by the Financial Intelligence Unit (FIU)**

Some investigations take a long time, so Member States were asked to provide information on the number of investigations commenced during the reference year.

FIUs tend to process transactions received in STRs as "cases". One FIU case can be made up of several STRs and/or CTRs which in turn can also contain several transactions (possibly thousands) received over a long period of time.

It is, therefore, difficult to ensure consistency in monitoring the work carried out by FIUs in comparison with the work of Law Enforcement Agency since a single investigation may contain several FIU cases. In some countries Law Enforcement Agencies may decide not to start an investigation after reviewing the information sent by FIUs; this means that there is no direct correlation between the number of STRs analysed in order to construct a case and the initiation of an investigation.

Given this limitation, it does not appear to be possible to assess the performance of the entire anti-money laundering system as the linear process from one or more reported transactions (contained in a STR or a CTR) to the final conviction during the judicial phase. In some cases, the reporting, investigation and judicial phases can only be monitored separately. However, comparison over the years may provide an indication of the performance within a Member State and in the EU as a whole.

Seventeen Member States provided figures for 2007 or 2008 and this varied considerably, from several thousand cases in some Member States (DE, NL) to fewer than 20 cases in others (CZ, EE, LT, SI, SK). For the Netherlands, the high figures are the result of the high volume of UTRs. For Germany, this is because all STRs are sent to the police for investigation.

The suggested counting unit of a "case" proved to be problematic as it was difficult to decide on what constituted a "case" or an "investigation".

**The full Guidance Notes (as provided to the Eurostat contact persons) appear in the Annex.**

**With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).**

**Table 7:** Number of cases initiated by law enforcement agencies on the basis of Suspicious Transaction Reports (STRs) sent by the Financial Intelligence Unit (FIU)

		2003	2004	2005	2006	2007	2008
<b>Member States reporting Suspicious Transaction Reports (STRs)</b>							
Belgium	STR	:	:	:	250	252	132
Bulgaria	STR	238	132	534	458	369	719
Czech Republic	STR	2	0	2	7	7	3
Germany	STR	6 602	8 062	8 241	10 051	9 080	7 349
Estonia	STR	4	12	19	35	13	6
Spain	STR	61	66	73	63	53	66
Latvia	STR	87	110	155	155	146	91
Lithuania	STR	:	10	8	17	10	15
Luxembourg	STR	:	21	25	40	33	104
Hungary	STR	2	9	102	1 137	13	62
Malta	STR	11	21	21	26	21	41
Poland	STR	:	:	:	201	176	197
Portugal	STR	:	:	:	801	1 067	906
Romania	STR	:	:	:	:	:	719
Slovenia	STR	2	3	2	3	2	8
Slovakia	STR	:	:	:	:	9	3
<b>Member States reporting Unusual Transaction Reports (UTRs)</b>							
Netherlands	UTR	:	:	:	23 610	35 259	:
<b>Member States unable to provide data</b>							
Denmark	STR	:	:	:	:	:	:
Ireland	:	:	:	:	:	:	:
Greece	STR	:	:	:	:	:	:
France	:	:	:	:	:	:	:
Italy	STR	:	:	:	:	:	:
Cyprus	SAR	:	:	:	:	:	:
Austria	STR	:	:	:	:	:	:
Finland	SAR	:	:	:	:	:	:
Sweden	STR	:	:	:	:	:	:
United Kingdom	SAR	:	:	:	:	:	:
<b>EU Candidate countries</b>							
Croatia	STR	75	68	70	87	120	103
the former Yugoslav Republic of Macedonia	STR	2	4	4	5	8	:
Turkey	SAR	:	:	:	:	:	:
<b>EU Potential Candidate countries</b>							
Serbia	STR	:	:	:	:	:	:
<b>EFTA/EEA countries</b>							
Iceland	STR	0	0	0	0	2	:
Liechtenstein	STR	:	:	:	:	:	:
Switzerland	SAR	661	617	504	507	629	687

: Data not available; 0 = zero (no cases) in that year.

Source: Eurostat

**Country notes applicable to Table 7****Belgium:**

1. The FIU (Cellule de traitement des informations financières, CTIF) sends cases (where there are suggestions of serious levels of money-laundering) to the prosecutor.
2. In 2006, the CTIF forwarded 912 cases to prosecutors, 1 166 cases in 2007 and 937 in 2008.
3. It is not possible to ascertain from the BNG (la Banque de données Nationale Générale) whether an investigation results from a report to the CTIF. However, it is possible to tell whether the facts were first recorded by the police or by the prosecutor. According to the BNG, there were 250 reports in 2006 on the basis of cases initially reported by prosecutors. These records are mainly based on information from the CTIF although prosecutors may also start proceedings on the basis of complaints or information they themselves receive.  
In 2007, 252 reports were recorded based on information received by the prosecutor. In 2008, there were 132 reports.
4. These statistics are incomplete, however, insofar as facts not determined directly by the police and forwarded by the prosecutor are the subject of an official follow-up statement from the Prosecutor's Office. Only reports initiated by the police are systematically recorded in the BNG. These statistics should, therefore, be supplemented by data from the Collège des Procureurs Généraux. Analysis reveals that the number of registered cases in the BNG on the basis of information conveyed by a prosecutor is underestimated. Therefore, the difference seen between the number of reports and the number of CTIF cases sent to prosecution is overestimated.

**Bulgaria:** The FIU (operating as an administrative unit) sends signals to the Prosecution Office or to the Combating Organized Crime General Directorate (Ministry of the Interior) where there is a suspicion of money laundering. Files are then initiated at the Supreme Cassation Public Prosecutor's Office. The signals received are both from the FIU and from the Ministry of the Interior – Combating Organized Crime General Directorate, less from other directorates within the MoI, from investigations of the Prosecutor's Office itself, from other institutions – e.g. tax authorities, the media and very rarely from citizens.

**Germany:** All STRs result in the initiation of criminal proceedings in Germany; there are no exceptions.

**Spain:** The police consider research to be a coherent set of activities (surveillance, monitoring, wiretapping etc.) as well as the exchange of intelligence and collaboration with other units. Hence all transactions by a person or group of persons related to each other are grouped in the same investigation. So the figures given in this section are numbers of investigations can therefore grouping more than one transaction. Normally, a case often coincides with an investigation.

**Cyprus:** MOKAS, the FIU is a law enforcement agency. All STRs are investigated by MOKAS.

**Latvia:** FIU sends to law enforcement groups of STRs and TRMs (see comments to 1.2), which may contain 1 or more (also hundreds) transactions. In the table we indicate numbers of these groups,



proposing to call them Suspicious Transactions Files (STF). The number indicated includes only around 95% of such cases; data comes from one source, others are not included.

**Lithuania:** Statistics show how many reports, originating from STRs, ended with pre-trial investigations on money laundering and other crimes.

**Luxembourg:** The numbers encompass both enquête préliminaire (preliminary investigation) under the authority of a Prosecutor and information judiciaire (judicial investigation) under the authority of an investigating judge. The statistics on ML investigations triggered by FIU analysis (STR) are as follow:

2003-2004:	19
2005-2006:	15
2007:	13
2008:	17

**Netherlands:** Each transaction that (after investigation by the FIU-The Netherlands) has been declared suspicious, is forwarded to one or more investigation services. It is also placed on the Intranet Suspicious Transactions (IVT), which can be consulted by the investigation services. Provided in the table are the total number of suspicious transactions consulted in 2006 and 2007 (years before not available). Note that one transaction may be consulted by different investigation services. Therefore, it is not possible to calculate the share of consulted transactions from the total forwarded transactions as mentioned in Table 5.

**Poland:** The number relates to investigations started in a given year (i.e. not necessarily completed in that year). The number of on-going investigation was 645 in 2007 and 535 in 2006.

**Portugal:** The numbers refer to the investigations taken forward by the General Prosecution.

**Romania:** The number 719 refers to the cases including solid grounds of money laundering and terrorism financing disseminated by the FIU to the General Prosecutor's Office by the High Court of Cassation during 2008.

**Slovakia:** The police statistical system only contains aggregate figures for all the investigations initiated by law enforcement agencies relating appropriate criminal offence as such, irrespective of a source of the information or suspicion.

The FIU does not keep this kind of statistics. It maintains the statistics on how many STRs (cases) were sent to the law enforcement agencies directly for criminal prosecution commencement as well as the statistics on how many STRs (cases) were sent to another police bodies for further analysis or investigation, if appropriate, however, the FIU has no feedback whether the investigation has been actually initiated by concrete LEA or not. Thus, these specific statistics are not available.

**Finland:** The law enforcement authorities do not investigate the STRs as such. Rather, they investigate crime, i.e. the suspected criminal activity of individuals with the aim of collecting evidence enough to take the case to the prosecutor in the first place and later on, for the prosecutor to take the case to court.

FIU Finland analyses the STRs received, and in case there are strong enough suspicions as indications of a connection to a criminal activity, the FIU may forward the information of the STR to law enforcement. In most of the cases, the investigating authority is already investigating a case and the FIU information may or may not bring added value to the investigation. Far less often the FIU information contains totally new information strong enough to start a new criminal investigation.

The numbers given to this question refer to the number of STRs forwarded (disseminated) to law enforcement authorities (in Finland or abroad).

**Sweden:** Because money laundering is not a crime regulated with its own paragraph in Sweden it is not possible to identify the crime in the system.

**Croatia:** FIU cases disseminated to relevant bodies.

**Turkey:** If there are serious findings about commitment of laundering offence, the cases are referred to the Public Prosecutor's Office by MASAK.

**Iceland:** Number of STRs investigated by the Economic Crime Unit of the National Commissioner of the Icelandic Police were: 23 in 2007. Eight STRs were in one of the cases investigated by the ECU. FIU-Iceland is situated in the Economic Unit. Note: Only information from the STR, not the STR itself, is sent to other police departments in the country.

**Switzerland:** SAR 2007: 795 in total; forwarded to the prosecutor 2007: 624 (result in detail is open).

From 1 April 1998 to 31 December 2007, MROS forwarded a total of 4 354 SARs to law enforcement agencies. By the end of the 2007 reporting year, decisions had been reached for 2 573 of these SARs (59%). These decisions are described below:

183 SARs (at the end of 2006: 140 SARs) led to a conviction.

1 250 SARs (at the end of 2006: 1 028) led to the initiation of criminal proceedings that were later suspended after criminal investigations revealed insufficient evidence of wrongdoing.

879 SARs (at the end of 2006: 714) led to the procedure being dismissed after preliminary investigations revealed insufficient evidence of wrongdoing. These dismissals related mainly to SARs that MROS had received from the payment services sector (money transmitters).

261 SARs (at the end of 2006: 201) led to the initiation of criminal proceedings that were later stayed after it was ascertained that criminal proceedings had already been initiated outside of Switzerland for the same case.

Although the number of forwarded SARs that are still pending has decreased since 2006, the proportion is still quite high: 1 781 SARs (nearly 41% at the end of 2007 compared to around 44% at the end of 2006).

It is difficult to draw quick conclusions due to the many – possibly concomitant – factors:

Money laundering and terrorist financing cases often have international connections and the resulting international investigations tend to be tediously protracted and difficult.

Experience has shown that mutual legal assistance tends to be a very laborious and time-consuming affair.

Some of the pending SARs have apparently already led to a conviction but MROS has not yet been notified of this fact because Art. 29 para. 2 AMLA only requires cantonal authorities to provide MROS with updates on pending SARs that relate specifically to Art. 260ter para. 1 (criminal organisation), 305bis (money laundering) or 305ter (lack of due diligence) SCC.

**Table 8: Number of cases brought to prosecution: originating from Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs) and independent law enforcement investigation**

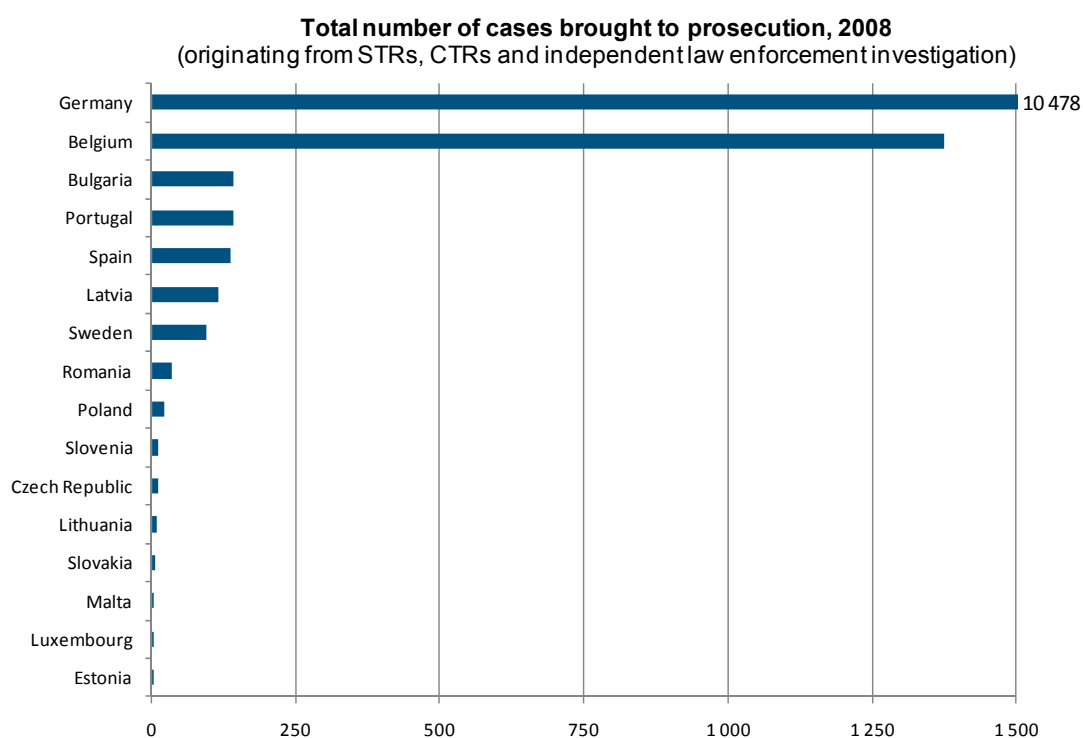
Member states were asked to provide figures on the number of cases brought to prosecution broken down by

- the number of cases initiated by (a/several transaction(s) identified in) one/several STR(s);
- the number of cases initiated by (a/several transaction(s) identified in) one/several CTR(s);
- the number of cases initiated based on law enforcement intelligence i.e. independently from FIUs input.

Nineteen Member States provided the figures for 2007 or 2008 and 12 were able to distinguish between STRs and independent law investigation. Only 1 Member State (SI) was able to show a breakdown by CTR. Other Member States replied saying that no breakdown was possible and that they could only provide a figure for the total (DE, NL, PT, FI) or grouped together (ES) STRs and CTRs.

**The full Guidance Notes (as provided to the Eurostat contact persons) appear in the Annex.**

**With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).**



**Table 8:** Number of cases brought to prosecution: originating from Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs) and independent law enforcement investigation

reporting unit	2003				2004				2005				2006				2007				2008			
	origination from:				origination from:				origination from:				origination from:				origination from:				origination from:			
	STR	independent law enforcement investigation		TOTAL	STR	independent law enforcement investigation		TOTAL	STR	independent law enforcement investigation		TOTAL	STR	independent law enforcement investigation		TOTAL	STR	independent law enforcement investigation		TOTAL	STR	independent law enforcement investigation		TOTAL
<b>Member States reporting Suspicious Transaction Reports (STRs)</b>																								
Belgium	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	856	518	:	1 374
Bulgaria	STR	:	:	:	:	:	55	129	:	:	:	61	:	:	:	91	:	:	:	:	:	:	:	142
Czech Republic	STR	2	6	8	0	11	11	0	10	10	0	6	6	0	4	4	0	:	:	0	11	:	:	11
Denmark	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Germany	STR	:	:	:	:	:	4 470	6 692	:	:	:	9 929	:	:	:	13 593	:	:	:	:	:	:	:	10 478
Estonia	STR	0	:	0	0	:	0	0	0	:	0	:	0	1	:	1	1	:	:	1	:	:	:	1
Spain	STR	41	31	72	26	30	56	30	51	81	40	62	102	37	56	93	31	:	:	107	:	:	:	138
Latvia	STR	0	4	4	0	12	12	4	7	11	3	3	6	3	6	9	91	:	:	24	:	:	:	115
Lithuania	STR	:	:	:	5	4	9	1	7	8	7	16	23	2	4	6	5	:	:	5	:	:	:	10
Luxembourg	STR	0	0	0	1	:	1	0	0	0	1	2	3	2	3	5	2	:	:	2	:	:	:	4
Malta	STR	5	1	6	3	5	8	8	5	13	12	9	21	4	9	13	:	:	:	:	:	:	:	4
Poland	STR	:	:	:	:	:	:	:	:	:	54	:	54	82	:	82	23	:	:	:	:	:	:	23
Portugal	STR	:	:	:	:	:	:	:	:	:	:	:	84	:	:	95	:	:	:	:	:	:	:	141
Romania	STR	10	:	10	12	:	12	22	:	22	29	:	29	21	:	21	36	:	:	:	:	:	:	36
Slovenia	STR	0	0	0	0	2	2	0	0	0	13	2	20	10	1	19	6	:	:	5	:	:	:	11
Slovakia	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	18	:	:	:	:	:	:	:	7
Sweden	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	94
<b>Member States reporting Unusual Transaction Reports (UTRs)</b>																								
Netherlands	UTR	:	:	:	:	:	113	154	:	:	:	275	:	:	:	427	:	:	:	:	:	:	:	:
<b>Member States reporting Suspicious Activity Reports (SARs)</b>																								
Cyprus	SAR	1	:	1	2	:	:	3	:	:	2	:	:	4	:	4	5	:	:	72	:	:	:	77
Finland	SAR	:	:	:	:	:	6	23	:	:	:	:	66	:	:	61	:	:	:	:	:	:	:	66
<b>Member States unable to provide data</b>																								
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Greece	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
France	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Italy	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Hungary	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Austria	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
United Kingdom	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>EU Candidate countries</b>																								
Croatia	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
the former Yugoslav Republic of Macedonia	STR	0	0	0	0	0	0	1	39	40	1	19	20	2	4	6	:	:	:	:	:	:	:	
Turkey	SAR	4	0	4	3	0	3	1	0	1	3	0	3	5	0	5	7	:	:	0	:	:	:	
<b>EU Potential Candidate countries</b>																								
Serbia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>																								
Iceland	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Liechtenstein	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Switzerland	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

: Data not available; 0 = zero (no cases) in that year.

Source: Eurostat

**Country notes applicable to Table 8**

**Bulgaria:** On all signals received files are initiated at the Supreme Cassation Public Prosecutor's Office. The signals received are both from the Bulgarian FIU and from the Ministry of the Interior – Combating Organized Crime General Directorate, less from other directorates of the Ministry of Interior, from investigations of the Prosecutor's Office itself, from other institutions – e.g. tax authorities, the media and very rarely from citizens.

On the basis of the checks made following signals received, pre-trial proceedings are initiated by the respective Public Prosecutor's Office where there is cause previewed by the law and sufficient evidence that a criminal offence has been committed under Article 253 – 253b of the Criminal Code /the articles cover the money laundering offence in Bulgarian CC/. Such pre-trial proceedings are supervised closely by the prosecutors of the specialized sector “Laundering Money Prevention” at the Supreme Cassation Public Prosecutor's Office, taking them under “Special Control” with view to their high degree of social danger.

However the cases are not further categorized according to the type of institutions where the signals came from, or by type of signals. Because of this the data on the pre-trial proceedings supervised by the Prosecution for the period 2003-2008 are indicated as total I the last column for the respective year. The number of cases for 2008 is 56.

Having consideration of the Bulgarian legislation in force this term implies two different meanings and respectively different data.

Having this in mind, "cases brought to prosecution" might mean the number of case files opened by the investigative bodies within the Bulgarian police and other bodies. However, according to Bulgarian legislation, once the investigation has been completed it is the prosecution authorities who decide whether pre-trial proceedings should be opened in a given case.

As a result, the number of cases where a police investigation has been opened is higher than that of cases where pre-trial criminal proceedings have been instituted by the prosecution.

Since the NSI has prepared the data in both situations the above clarification is needed in order to ensure that the same criteria in providing the number of cases brought to prosecution are applied in all MS.

	2003	2004	2005	2006	2007	2008
Data from the Ministry of Interior	100	55	189	293	236	344
Data from Supreme Prosecutor's Office of Cassation		55	129	61	91	142
<i>of which , newly opened</i>		35	26	40	50	56

**Germany:** Proceedings terminated by public prosecution office in the field of money laundering as defined in section 261 of the German Penal Code. No distinction in CTR/ STR/ independent law enforcement investigation available. German data sources for “Money-laundering cases investigated (by the FIU)” and “Money-laundering cases brought to prosecution” are of limited comparability. “Money-

laundering cases brought to prosecution” refers to the work of the Public Prosecution Service in Germany that is neither a part of the work of the FIU nor, necessarily, subsequent to it.

**Spain:** Police files do not differentiate between STRs and CTRs, therefore in this section have to give overall figures. One case, in this section is to assimilate research. We judicialized research figures, whose origin is a communication of that type, and the rest to be conducted as independent research.

**Latvia:** The source of information contains the main part, but not all cases. The data from FIU are not divided originated from STRs or CTRs, because the sent material is a file, which may contain both STRs and CTRs.

**Lithuania:** Data provided by the Lithuanian FIU and the IT and Communications Department under the Ministry of the Interior.

**Luxembourg:** The figures are only related to prosecution for ML. The prosecutions for other offences than ML resulting from STR are not reflected in this statistic.

**Netherlands:** The figures provided refer to the total number of verdicts of guilty concerning money laundering. The distinction between STR's, CTRs and independent law enforcement investigation cannot be made.

**Poland:** The number covers all prosecutions, regardless their source. No data prior to 2006. The number of accused persons was: 288 in 2007 and 275 in 2006.

**Portugal:** It was not possible to distinguish the origin of the file. So, the data in the Total column may include files originating in STRs, CTRs and independent law enforcement investigation.

**Romania:** In accordance with the feed-back received from the General Prosecutor's Office by the High Court of Cassation and Justice, the numbers in the excel table for this item represent the indictments reached by the competent directorates within this institution, in cases originating from STRs.

In Romania, the competence for money laundering is divided between several prosecutors' offices, depending on the type of the predicate offence. As a result, the competence is as follows:

- National Anticorruption Directorate (NAD), if the proceeds laundered originate from a corruption offence or an offence assimilated to corruption;
- Directorate for Investigating Organized Crime and Terrorism (DIOCT), if the proceed laundered originate from an offence for which DIOCT is competent investigation body;
- Regular prosecutors' offices attached to tribunals, if the proceed laundered originate from an offence which does not fall neither under the competence of NAD, nor under the competence of DIOCT.

(Comment 2008) Thus, the data for the aforementioned indicators are as follows:

- No. of indictments in 2008 – 2 indictments elaborated by DIOCT; NAD elaborated indictment in respect with 34 money laundering offences.

**Slovakia:** The figures from the police statistical system indicated the number of cases where money laundering was proved by law enforcement bodies and brought to the individual prosecutor's offices of the General Prosecutor's Office.

**Finland:** The figures include all crimes originating from STRs, CTRs and independent law enforcement investigation. It is not possible to make any further separation.

**Sweden:** Money laundering is not a crime regulated with its own paragraph in Sweden.

**Turkey:** The total number indicates the number of cases originating from STRs or other denunciations including requests from public prosecutors received by MASAK.

**Iceland:** Statistics for money laundering prosecutions from the Prosecution, a part of the Police Computer System show two prosecutions in 2007.

**Switzerland:** SAR 2007: 795 in total; forwarded to the prosecutor 2007: 624 (result in detail is open).

From 1 April 1998 to 31 December 2007, MROS forwarded a total of 4,354 SARs to law enforcement agencies. By the end of the 2007 reporting year, decisions had been reached for 2,573 of these SARs (59%). These decisions are described below:

- 183 SARs (at the end of 2006: 140 SARs) led to a conviction.
- 1,250 SARs (at the end of 2006: 1,028) led to the initiation of criminal proceedings that were later suspended after criminal investigations revealed insufficient evidence of wrongdoing.
- 879 SARs (at the end of 2006: 714) led to the procedure being dismissed after preliminary investigations revealed insufficient evidence of wrongdoing. These dismissals related mainly to SARs that MROS had received from the payment services sector (money transmitters).
- 261 SARs (at the end of 2006: 201) led to the initiation of criminal proceedings that were later stayed after it was ascertained that criminal proceedings had already been initiated outside of Switzerland for the same case.

Although the number of forwarded SARs that are still pending has decreased since 2006, the proportion is still quite high: 1,781 SARs (nearly 41% at the end of 2007 compared to around 44% at the end of 2006).

It is difficult to draw quick conclusions due to the many – possibly concomitant – factors:

- Money laundering and terrorist financing cases often have international connections and the resulting international investigations tend to be tediously protracted and difficult.
- Experience has shown that mutual legal assistance tends to be a very laborious and time-consuming affair.
- Some of the pending SARs have apparently already led to a conviction but MROS has not yet been notified of this fact because Art. 29 para. 2 AMLA only requires cantonal authorities to provide MROS with updates on pending SARs that relate specifically to Art. 260ter para. 1 (criminal organisation), 305bis (money laundering) or 305ter (lack of due diligence) SCC.



### 2.2.3 Judicial stage

**Table 9: Number of persons /legal entities convicted for money-laundering offences**

In line with article 33 of the 3rd Anti-money laundering directive (Member States were asked to provide data on the "number of persons/legal entities convicted for money laundering offences", distinguishing between

- the number of persons and/or legal entities convicted for 'third party' money laundering offences;
- the number of persons and/or legal entity convicted for 'self laundering' offences;

"Third party money laundering" was defined as "laundering by a person other than the author of the offence" and "self laundering" was to be interpreted as "to 'own proceeds' laundering by a person who may be the author of the offence".

Seventeen Member States were able to provide the figures for 2007 or 2008 but 4 Member States (FR, HU, PL, PT) were unable to distinguish between "Third party money laundering" and "self laundering". In some Member States (AT, FI) "self laundering" is not punishable as a criminal offence.

**The full Guidance Notes (as provided to the Eurostat contact persons) appear in the Annex.**

**With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).**

**Table 9:** Number of persons /legal entities convicted for money-laundering offences

	2003				2004				2005				2006				2007				2008			
	3rd party	self-laundering	unable to distinguish	TOTAL	3rd party	self-laundering	unable to distinguish	TOTAL	3rd party	self-laundering	unable to distinguish	TOTAL	3rd party	self-laundering	unable to distinguish	TOTAL	3rd party	self-laundering	unable to distinguish	TOTAL	3rd party	self-laundering	unable to distinguish	TOTAL
Belgium	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Bulgaria	:	:	2	2	:	:	6	6	:	:	4	4	2	2	0	4	:	:	8	8	1	24	0	25
Czech Republic	663	22	0	685	632	26	0	658	804	33	0	837	731	33	0	764	636	24	0	660	:	:	:	:
Denmark	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Germany	128	0	0	128	112	0	0	112	97	0	0	97	216	0	0	216	603	0	0	603	608	0	0	608
Estonia	:	:	:	:	:	:	:	:	:	:	:	:	0	1	0	1	0	11	0	11	0	11	0	11
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Greece	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Spain	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
France	:	:	:	:	:	:	:	156	156	:	:	156	:	:	144	144	:	:	215	215	:	:	:	:
Italy	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Cyprus	0	5	0	5	0	6	0	6	0	6	0	6	0	10	0	10	0	13	0	13	1	21	0	22
Latvia	0	1	0	1	0	0	0	0	1	2	0	3	1	3	0	4	0	13	0	13	0	16	0	16
Lithuania	:	:	:	:	:	:	:	:	0	0	0	0	0	0	0	0	0	4	0	4	1	0	0	1
Luxembourg	0	0	0	0	0	1	0	1	0	0	0	0	1	0	0	1	0	3	0	3	0	2	0	2
Hungary	:	:	0	0	:	:	2	2	:	:	1	1	:	:	2	2	:	:	8	8	:	:	6	6
Malta	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	1	0	2
Netherlands	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Austria	12	0	0	12	10	0	0	10	5	0	0	5	10	0	0	10	18	0	0	18	20	0	0	20
Poland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	53	53
Portugal	:	:	6	6	:	:	4	4	:	:	2	2	:	:	0	0	:	:	6	6	:	:	10	10
Romania	:	:	:	:	:	:	:	:	0	13	0	13	0	2	0	2	0	7	0	7	0	4	0	4
Slovenia	0	0	0	0	0	0	0	0	0	0	0	0	2	1	0	3	0	0	0	0	1	0	0	1
Slovakia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Finland	0	0	0	0	1	0	0	1	4	0	0	4	7	0	0	7	15	0	0	15	28	0	0	28
Sweden	4	0	0	4	1	0	0	1	15	0	0	15	12	0	0	12	19	0	0	19	97	0	0	97
UK: England & Wales	:	:	123	123	:	:	207	207	:	:	595	595	:	:	1273	1273	:	:	:	:	:	:	:	:
<b>EU Candidate countries</b>																								
Croatia	:	:	:	0	:	:	:	0	:	:	:	0	:	:	4	4	:	:	4	4	:	:	5	5
the former Yugoslav Republic of Macedonia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Turkey	:	:	1	1	:	:	2	2	:	:	8	8	:	:	2	2	:	:	43	43	:	:	:	:
<b>EU Potential Candidate countries</b>																								
Serbia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>																								
Iceland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	:	:	:	:
Liechtenstein	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Switzerland	:	:	148	148	:	:	140	140	:	:	138	138	:	:	145	145	:	:	156	156	:	:	157	157

: Data not available; 0 = zero (no cases) in that year.

Source: Eurostat

**Country notes applicable to Table 9**

**Bulgaria:** Punishments imposed according to persons and the types of punishment. There are cases when more than one person has been sentenced with one sentence and more than one type of punishment has been imposed on one person.

**Germany:** Data on 2006 and years before relating only to former territory of Germany.

Only convictions of persons because of third party money laundering; according to the German Penal Code, offenders of self-laundering can only be sentenced to the predicate offence.

(According to section 261 subsection 9 sentence 2 of the German Penal Code, the offence of money laundering is subject to the principle of subsidiarity. Criminal proceedings initiated on the basis of a suspicious transaction report for money laundering are usually discontinued and new proceedings are opened for the predicate offence. As a general rule, after opening a criminal proceeding because of the predicate offence, the competent public prosecutor changes. Consequently, no conclusions can be drawn as to how many proceedings initiated on the basis of an STR resulted in the commencement of an action or a conviction.)

**France:** Funds obtained by both "third party" and "self-laundering" processes can be pursued via the judicial system. An individual may well be prosecuted and convicted for both the drug trafficking offence and the laundering of funds derived from this illegal activity.

However, the figures on convictions for money laundering cannot distinguish between convictions for "third party" and "self laundering".

**Latvia:** The source includes the main part, but not all cases. It is not possible to distinguish between "third party" and "self laundering".

**Luxembourg:** One kind of money-laundering behaviour (the detention of the direct/indirect proceeds of crime) is equivalent to the offence of receiving ("recel"), so that the figures for "third party" money-laundering convictions encompass the one for receiving ("recel"). Statistics on "recel" are available directly since 2005.

In 2006, there was one "third party" conviction of a lawyer for assisting the perpetrator of the predicate offence to make transactions in order to hide / take benefit of the proceeds of the predicate offence. The other convictions are related to self laundering.

**Austria:** The data provided includes only "third party" money laundering as self laundering does not constitute a criminal offence according to Austrian law.

**Poland:** Number of persons convicted in the first instance (not final).

**Portugal:** It was not possible to distinguish between "third party" money laundering and "self laundering" money laundering.

**Romania:** Definitively convictions in the first instance.

**Slovakia:** The Ministry of Justice only holds statistics of finally sentenced persons. Only natural persons can be sentenced for a crime. All the mentioned finally sentenced persons used illegally acquired revenues to their benefit.

**Finland:** The statistics describe persons who have received sentences from courts of first instance and are compiled by main offence. Money laundering became a distinct offence category in the legislation on 1 April 2003, before which time the sentences were given for concealment. Therefore data are not available for 2003. Self laundering is not punishable in Finnish legislation. Therefore the number is zero.

**Sweden:** Money laundering is not a crime regulated with its own paragraph in Sweden.

**UK:** The figures include England & Wales only. Figures do not distinguish between 3rd party laundering and self-laundering.

**Turkey:** This statistic is based on the decisions of Courts of First Instance. The stage of cassation is going on for cases. The number indicated in the statistic is the number of real persons. As seen in the statistic, there is a remarkable increase in 2007; this is due to the entry into force of the basic legal instrument for anti-money laundering and combating financing of terrorism on 18 October 2006.

**Iceland:** One district court case in 2007. Iceland has an amendment bill before parliament, which criminalises "self laundering". The bill is expected to be passed as law in the fall of 2008. Judicial practice has, until now, made it impossible to convict the same individual for the further exploitation of the gains of a criminal act, following a conviction of the original offence. (*ne bis in idem*).

**Table 10: Number of sentences by type for money-laundering offences**

Member States were asked to provide data for all money-laundering offences by type of sentence, broken down by non-custodial (fines, other than fines) and custodial (suspended sentences, unsuspended sentences, other measures).

Sixteen Member States were able to provide the requested information for 2007 or 2008. For some Member States, where multiple sentences are imposed, it is only possible to identify the sentence for the most serious offence.

**The full Guidance Notes (as provided to the Eurostat contact persons) appear in the Annex.**

**With regard to the comparability issues, these figures should be used with caution and with reference to the associated metadata and the comments on the interpretation of data (mentioned in Chapter 1).**

Table 10: Number of sentences by type for money-laundering offences

	2003						2004						2005						
	non-custodial					TOTAL	non-custodial					TOTAL	non-custodial					TOTAL	
	fines	other than fines	suspended sentences	unsuspended sentences	other measures		fines	other than fines	suspended sentences	unsuspended sentences	other measures		fines	other than fines	suspended sentences	unsuspended sentences	other measures		
Belgium	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Czech Republic	7	3	11	0	0	21	13	2	9	2	0	26	6	2	21	2	0	31	
Denmark	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Germany	40	:	71	15	2	128	45	:	53	12	2	112	42	:	43	8	4	97	
Estonia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Greece	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Spain	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
France	:	:	:	:	:	:	:	:	:	:	:	:	7	9	17	28	2	63	
Italy	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Cyprus	0	0	0	5	0	5	0	0	0	7	0	7	0	0	0	7	0	7	
Latvia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Lithuania	:	:	:	:	:	:	:	:	:	:	:	:	0	0	0	0	0	0	
Luxembourg	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Hungary	0	0	0	0	0	0	0	0	1	1	0	2	1	0	1	1	0	3	
Malta	1	1	0	0	0	1	0	0	0	0	0	0	3	1	1	0	0	3	
Netherlands	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Austria	0	0	5	2	0	7	0	0	3	1	1	5	0	0	1	2	0	3	
Poland	0	0	3	0	0	3	0	0	16	8	0	24	1	0	36	8	0	45	
Portugal	1	0	3	2	0	6	0	0	1	3	0	4	0	0	2	0	0	2	
Romania	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Slovenia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Slovakia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Finland	:	:	:	:	:	:	0	0	1	0	0	1	0	0	4	0	0	4	
Sweden	0	0	0	4	0	4	1	0	0	0	0	1	0	0	6	9	0	15	
UK: England & Wales	1	22	5	88	3	119	8	64	9	116	8	205	53	294	29	194	5	575	
<b>EU Candidate countries</b>																			
Croatia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
the former Yugoslav Republic of Macedonia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Turkey	0	0	0	1	0	1	0	0	1	1	4	6	0	0	0	8	0	8	
<b>EU Potential Candidate countries</b>																			
Serbia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
<b>EFTA/EEA countries</b>																			
Iceland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Liechtenstein	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Switzerland	3	0	22	3	0	28	2	0	22	3	0	27	0	0	7	3	0	10	

: Data not available; 0 = zero (no cases) in that year.

Source: Eurostat

Table 10: Number of sentences by type for money-laundering offences (continued)

	2006						2007						2008					
	non-custodial					TOTAL	non-custodial					TOTAL	non-custodial					TOTAL
	fines	other than fines	suspended sentences	unsuspended sentences	other measures		fines	other than fines	suspended sentences	unsuspended sentences	other measures		fines	other than fines	suspended sentences	unsuspended sentences	other measures	
Belgium	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Bulgaria	1	0	0	3	0	3	4	0	0	10	0	10	10	25	0	25	0	25
Czech Republic	9	3	16	1	0	29	6	0	13	2	0	21	:	:	:	:	:	:
Denmark	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Germany	157	:	46	6	7	216	480	:	95	11	17	603	476	:	99	14	19	608
Estonia	0	0	1	0	0	1	1	0	9	0	1	11	0	0	4	6	1	11
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Greece	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Spain	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
France	6	10	32	19	4	71	7	8	35	31	1	82	:	:	:	:	:	:
Italy	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Cyprus	0	0	0	10	0	10	0	0	0	13	0	13	:	:	:	:	:	:
Latvia	0	0	0	1	0	1	9	9	10	17	0	27	2	5	10	6	3	16
Lithuania	0	0	0	0	0	0	0	0	0	4	0	4	0	0	0	1	0	1
Luxembourg	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Hungary	1	0	1	0	0	2	1	0	1	0	5	7	1	0	1	0	2	4
Malta	1	1	2	0	0	3	2	0	3	2	0	6	:	:	:	:	:	:
Netherlands	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Austria	0	0	1	2	0	3	0	0	11	3	0	14	3	0	3	1	0	7
Poland	0	0	112	14	0	126	0	0	60	15	0	75	:	:	:	:	:	:
Portugal	0	0	0	0	0	0	0	2	4	0	0	6	1	4	4	1	0	10
Romania	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Slovenia	2	0	0	2	1	5	0	0	0	0	0	0	0	0	1	0	1	2
Slovakia	:	:	:	:	:	:	:	:	:	:	:	:	1	:	3	1	:	10
Finland	2	0	4	1	0	7	3	0	11	1	0	15	6	0	20	1	1	28
Sweden	2	1	9	0	0	12	0	1	6	11	1	19	15	1	60	12	9	97
UK: England & Wales	109	613	139	365	18	1 244	:	:	:	:	:	:	:	:	:	:	:	:
<b>EU Candidate countries</b>																		
Croatia	2	:	:	2	:	4	:	:	:	6	:	6	:	:	1	4	:	5
the former Yugoslav Republic of Macedonia	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Turkey	0	0	0	2	0	2	0	0	0	43	9	52	0	0	0	2	0	2
<b>EU Potential Candidate countries</b>																		
Serbia	:	:	:	:	:	:	:	:	:	1	:	1	:	:	:	4	:	4
<b>EFTA/EEA countries</b>																		
Iceland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Liechtenstein	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Switzerland	1	0	17	2	0	20	10	0	9	3	0	22	21	0	1	1	0	23

: Data not available; 0 = zero (no cases) in that year.

Source: Eurostat

**Country notes applicable to Table 10**

**Bulgaria:** Punishments imposed according to persons and the types of punishment. There are cases when more than one person has been sentenced with one sentence and more than one type of punishment has been imposed on one person. For example, in 2008, 25 persons convicted with penalties imposed "Imprisonment", of which 10 persons were convicted to pay "Fines".

**Germany:** Data on 2006 and years before relating only to former territory of Germany. Only convictions of persons because of third party money laundering; according to the German Penal Code, offenders of self-laundering can only be sentenced to the predicate offence. Although educative and disciplinary measures under Juvenile Crime Law can be custodial or non-custodial, they are generally counted as 'other measures' in this table. German data sources for "Money-laundering cases investigated (by the FIU)" and "Money-laundering cases brought to prosecution" are of limited comparability. "Money-laundering cases brought to prosecution" refers to the work of the Public Prosecution Service in Germany that is neither a part of the work of the FIU nor, necessarily, subsequent to it.

**France:** Figures refer only to convictions where money laundering is the only offence.

**Latvia:** Data on persons sentenced, not sentences themselves. Therefore, the figures given for types of sentences may not add up to the total as one conviction may include several punishments.

**Luxembourg:** There are no statistics on the sentences for money-laundering and judicial decision may pronounce several sanctions combining suspended sentences with non suspended sentences for an individual (*sursis partiel*). Thus no statistical data are provided in the template.

**Malta:** Individuals may have been sentenced to both a fine and other penalties.

**Poland:** Refers to adults convicted by a final verdict. The categories "fines" and "other measures" include only penalties imposed as sole punishment. Those fines and punitive measures that were imposed together with imprisonment (including conditional) and restriction of liberty are not included in the number.

**Portugal:** The values only include the condemning sentences.

**Finland:** The statistics describe persons who have received sentences from courts of first instance and are compiled by main offence. Money laundering became a distinct offence category in Finnish legislation on 1 April 2003, before which time the sentences were given for concealment. Therefore data are not available for 2003.

**Sweden:** Money laundering is not a crime regulated with its own paragraph in Sweden. The figures are for persons found guilty of receiving stolen money and petty receiving stolen money.

**UK:** The figures include England & Wales only.

**Turkey:** This statistic is based on the decisions of Courts of First Instance. The stage of cassation is going on for cases. As seen in the statistic, there is a remarkable increase in 2007; this is due to the entry into force of the basic legal instrument for anti-money laundering and combating financing of terrorism on 18 October 2006.



**Switzerland:** Each sentence can impose more than one sanction. Figures concern only the main sanction. Each sentence imposes only one global sanction for all offences judged in the same sentence. Often there are more offences than only money-laundering.

A sentence contains only a global sanction, even if the conviction relates to more than one crime. So we considered in the questionnaire only sentences with money laundering exclusively. Since 2007, the Swiss penalty system provides for partially suspended sentences. They have been counted as unsuspended sentences.



## Annex: Guidelines and rationale for the collection of data

This document, originally called “Guidelines and rationale for the second collection of data based on detailed comments on the first money laundering data collection exercise” was provided to the Eurostat contact persons on 3 November 2009 in order to facilitate the collection of the relevant statistical data. For each table, the Guidelines included the standard definition which countries were asked to observe in assembling the figures. If the national figures diverged from the proposed standard definition, the contact person was asked to provide an explanation.

		<i>Number of countries able to provide data for the first and second collection of data (text highlighted =second collection of data)</i>	
<i>Comments by table</i>		<i>EU Member States</i>	<i>Other countries</i>
<b>REPORTING/INTELLIGENCE</b>		<b>Total = 27</b>	<b>Total = 7</b>
<i>1.1</i>	<i>Number of Suspicious Transaction Reports (STRs) filed by each category of obligated entities</i>	<i>23 / 26</i>	<i>5 / 6</i>
<p><b>The unit "STR" needs to be better defined by the Financial crime Subgroup.</b> Definition may vary, since some countries group a number of transactions together. National figures also varied considerably over time; DG JLS indicated that some entities reported only after the national implementation of the second and third AML Directive). There was some discussion about the need for detailed figures by types of reporting entity (as had been attempted) or if a total would suffice. In fact most countries seemed able to provide the breakdown by entities. STR figures appeared to represent different concepts, such as files, persons or even activities not related to any transaction, as the opening of a bank account (in fact the United Kingdom counts suspicious activity reports/SAR). However, it was decided that despite the interpretational difficulties, the table should be retained in its current format.</p> <p>- A possible way forward :</p> <p><b>Modification of the definition of the STR: A suspicious transaction report (STR) is a disclosure made to an FIU by a party having an obligation to disclose based on any type of suspicion of money laundering or terrorist financing which are required by regulations which may include unusual behaviour. Suspicious transactions are handled to the appropriate law enforcement units for</b></p>			

investigation.

A crucial issue when aiming at ensuring better comparability between MS on STRs lays in defining the most relevant counting unit.

Based on the analysis of the first and second data collection, it appears that FIUs tend to process transactions received in STRs as cases. Those cases are, if found relevant, sent to Law Enforcement Authorities. It also appears that some FIUs count all the STRs of the same relevance grouped in one case, while other FIUs only count the first STR that has been used to open the case. As a result, the data collected can be misinterpreted.

Taking this into account, for statistical purposes, given the fact that a report could also contain several transactions, MS could therefore be invited to specify what the numbers provided refer to (STRs, SARs, etc.).

When it comes to the counting unit, MS are invited to only count the initial STR/report received in each case opened by the FIU from each category of obligated entities per year.

Given the answers provided in the first and second data collection, the breakdown of STR by reporting entity can be maintained in this second data collection.

As discrepancies have been noted in the second collection of data, it is reminded that the 3rd Anti-money Laundering directive provides definition for "credit institution" and "financial institution" (Art. 3).

For practical reasons these definitions are quoted hereafter :

Art. 3 (1): a "credit institution" means a credit institution as defined in the first subparagraph of Article 1 (1) of Directive 2000/12/EC [...] including branches within the meaning of Article 1 (3) of that directive located in the Community having their head office inside or outside the Community".

The article 1 of the directive 2000/12/EC defines "credit institution" as following: "credit institution shall mean an undertaking whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account."

"'Branch' shall mean a place of business which forms a legally dependent part of a credit institution and which carries out directly all or some of the transactions inherent in the business of credit institution; any number of places of business set up in the same Member State by a credit institution with headquarters in another member State shall be regarded as a single branch."

A financial institution means :

a)"an undertaking other than a credit institution which carries out one or more of the operation included in points 2 to 12 and 14 of Annex 1 to Directive 2000/12/EC, including the activity of currency exchange offices (bureaux de change) and of money transmission or remittance offices

<p><u>ANNEX 1 of Directive 2000/12/EC is reproduced for your convenience</u></p>
<ol style="list-style-type: none"> <li>1. Acceptance of deposits and other repayable funds</li> <li>2. Lending<sup>32</sup></li> <li>3. Financial leasing</li> <li>4. Money transmission services</li> <li>5. Issuing and administering means of payment (e.g. credit cards, travellers' cheques and bankers' drafts)</li> <li>6. Guarantees and commitments</li> <li>7. Trading for own account or for account of customers in: <ol style="list-style-type: none"> <li>(a) money market instruments (cheques, bills, certificates of deposit, etc.)</li> <li>(b) foreign exchange;</li> <li>(c) financial futures and options;</li> <li>(d) exchange and interest-rate instruments;</li> <li>(e) transferable securities</li> </ol> </li> <li>8. Participation in securities issues and the provision of services related to such issues</li> <li>9. Advice to undertakings on capital structure, industrial strategy and related questions and advice as well as services relating to mergers and the purchase of undertakings</li> <li>10. Money broking</li> <li>11. Portfolio management and advice</li> <li>12. Safekeeping and administration of securities</li> <li>13. Credit reference services</li> <li>14. Safe custody services</li> </ol>
<p>b) an insurance company...</p> <p>c) an investment firm as in point 1 of Article 4 (1) of Directive 2004/39/EC[...]</p>
<p>The article 4 (1) of Directive 2004/39/EC is reproduced hereafter for your convenience :</p> <p>'Investment firm' means any legal person whose regular occupation or business is the provision of one or more investment services to third parties and/or the performance of one or more investment activities on a professional basis;</p> <p>Member States may include in the definition of investment firms undertakings which are not legal</p>

<sup>32</sup> Including, inter alia: consumer credit, mortgage credit, factoring, with or without recourse, financing of commercial transactions (including forfeiting).

<p>persons, provided that:</p> <p>(a) their legal status ensures a level of protection for third parties' interests equivalent to that afforded by legal persons, and</p> <p>(b) they are subject to equivalent prudential supervision appropriate to their legal form.</p> <p>However, where a natural person provides services involving the holding of third parties' funds or transferable securities, he may be considered as an investment firm for the purposes of this Directive only if, without prejudice to the other requirements imposed in this Directive and in Directive 93/6/EEC, he complies with the following conditions:</p> <p>(a) the ownership rights of third parties in instruments and funds must be safeguarded, especially in the event of the insolvency of the firm or of its proprietors, seizure, set-off or any other action by creditors of the firm or of its proprietors;</p> <p>(b) the firm must be subject to rules designed to monitor the firm's solvency and that of its proprietors;</p> <p>(c) the firm's annual accounts must be audited by one or more persons empowered, under national law, to audit accounts;</p> <p>(d) where the firm has only one proprietor, he must make provision for the protection of investors in the event of the firm's cessation of business following his death, his incapacity or any other such event;</p>
<p>d) a collective investment undertaking marketing its units or shares;</p> <p>e) an insurance intermediary as defined in Article 2 (5) of Directive 2002/92/EC[...] at the exception of intermediaries as mentioned in Article 2 (7) of that Directive, when they act in respect of life insurance and other related investment related services;</p> <p>The article 2 (5) of Directive 2002/92/EC is reproduced hereafter for your convenience.</p>
<p>Article 2(5): "insurance intermediary" means any natural or legal person who, for remuneration, takes up or pursues insurance mediation."</p> <p>Article 2 (7): "tied insurance intermediary" means any person who carries on the activity of insurance mediation for and on behalf of one or more insurance undertakings in the case of insurance products which are not in competition but does not collect premiums or amounts intended for the customer and who acts under the full responsibility of those insurance undertakings for the products which concern them respectively.</p> <p>Any person who carries on the activity of insurance mediation in addition to his principal professional activity is also considered as a tied insurance intermediary acting under the responsibility of one or</p>

	several insurance undertakings for the products which concern them respectively if the insurance is complementary to the goods or services supplied in the framework of this principal professional activity and the person does not collect premiums or amounts intended for the customer;"		
	f) branches, when located in the community, of financial institutions as referred to in points (a) to (e), whose head offices are inside or outside the Community."		
1.2	<b>Number of Cash Transaction Reports (CTRs) filed by each category of obligated entities</b>	9 / 10	2
	<p><i>Not all countries have an obligation to report on CTRs. (For example DE and UK do not have this concept) When countries have such an obligation the figures may therefore be included in the STR figures (although they do not relate to suspicious transactions). The high figure for Poland was evidently anomalous. It was decided however to retain the table in its current format, so as to at least have the information for those Member States using the concept.</i></p> <p><u>- A possible way forward :</u></p> <p><u>MS could indicate whether they have an obligation to report all CTRs (suspicious or not). In the affirmative they could also indicate whether in their contribution CTRs are reported as a separate category or included in the STR figures. MS also using a CTR system should count the STRs and CTRs in two different categories.</u></p> <p><u>It also appears that some FIUs count all the CTRs of the same relevance grouped in one case, while other FIUs only count the first CTR that has been used to open the case. As a result, the data collected can be misinterpreted.</u></p> <p><u>Taking this into account, when it comes to the counting unit, given the fact that a suspicious CTR could also contain several transactions, MS are invited to only count the initial CTR received in each case opened by the FIU from each category of obligated entities per year.</u></p> <p><u>The same definitions of obligated entities than for the STRs are to be applied.</u></p>		
1.3	<b>Number of postponement orders adopted on reported transactions</b>	13 / 14	3
	<p><i>This instrument does not exist in all countries but some find it useful, especially when foreign authorities are involved. PL does not use postponement orders but only "freezing orders". SE does not use "freezing orders" but one STR may be postponed indefinitely. In DE no data were available at federal level as such actions were taken by the Länder.</i></p> <p><i>JLS explained that they were interested in the postponement orders made by the FIU rather than the judiciary; however this power was not available to all FIUs.</i></p>		

	<p><u>- A possible way forward :</u></p> <p><u>MS could indicate in their contribution whether their FIU has the power to freeze transactions. Only FIUs having the legal possibility to issue postponement orders are invited to provide data.</u></p> <p>Postponement orders by FIUs and freezing orders based on a court order are seen as temporary measures prohibiting "<i>the transfer, destruction, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by court <u>or other competent authority</u></i>" (2005 Warsaw Convention of the Council of Europe on Laundering of the proceeds from Crime and Financing of Terrorism). However, for the purposes of this exercise a clear distinction should be made between the two. Freezing orders should be counted under indicator 3.8 below.</p>		
1.4	<b>Number of money laundering investigations carried out independently by law enforcement agencies (without a prior STR)</b>	13	2
	<p><i>The definition and the counting unit need to be clarified by the Financial crime subgroup (such as whether to count an investigation in several years). Cases may take many years to complete, so it may be more useful to count "commencements of money laundering investigations". Some countries may conduct money laundering investigations for tactical reasons (i.e. to use wire-tapping etc.) but the prosecution may be for another offence such as fraud.</i></p> <p><u>- A possible way forward :</u></p> <p>MS should indicate in this category the money laundering investigations based only on intelligence gathered by investigators (i.e. without a previous STR analysed and sent by an FIU). As investigations may last several years, only the investigations commenced in a given year should be counted here</p>		
1.5	<b>Number of declarations made in application to the EU Cash Control Regulation</b>	14 / 20	2
	<p><i>Figures should become available with the implementation of the EU Cash Control Regulation in June 2007 (referring to EU external borders); figures predating this were presumably obtained from national border controls. This figure refers to all (not necessarily suspicious) transactions.</i></p> <p><u>- A possible way forward :</u></p> <p>DG TAXUD collects the number of declarations made in application to the EU Cash control regulation (R 1889/2005) by all MS. As the cash control regulation is now fully implemented by all MS, the collection of data should be significantly improved.</p> <p>It would also be interesting to obtain, if possible, the total amount in euro declared in application of the EU cash control regulation.</p>		



	<p><i>"For the purposes of this Regulation 'cash' means :</i></p> <p>a) <i>bearer-negotiable instruments including monetary instruments in bearer form such as travellers cheques, negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery and incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted;</i></p> <p>b) <i>Currency (banknotes and coins that are in circulation as a medium of exchange)."</i></p> <p>Therefore, TAXUD contact points will be provided to EUROSTAT so as to collect data on this indicator.</p>		
1.6	<b>Number of cash smuggling operations detected in the EU at External border</b>	12 / 16	1
	<p><i>This is by definition an illicit activity (smuggling). [if done for tax fraud it may not be criminalised]</i></p> <p><u>- A possible way forward :</u></p> <p>DG TAXUD collects the number of cash recordings (cash found in customs controls or false declarations). As the cash control regulation is now fully implemented by all MS, the collection of data should be significantly improved.</p> <p>Data collected by TAXUD are limited to "cash found in customs controls" and "false declarations". On this point, it is important to notice that Customs regulation on cash control does not consider cash found in customs controls as a smuggling operation. Only false declaration is considered as such.</p> <p>Therefore, for statistical purposes, the indicator could be renamed in the future as "number of cash recordings detected each year by Customs authorities in application of the EU Cash control regulation" so as to avoid confusion with the notion of smuggling.</p> <p>This indicator could be broken down as :</p> <ul style="list-style-type: none"> <li>- the number of false declarations detected by Customs authorities;</li> <li>- the number of customs controls where cash has been found.</li> </ul> <p>It would also be interesting to obtain, if possible, the total amount in euro reached by the false declarations and by the customs controls.</p> <p>TAXUD contact points will be provided to EUROSTAT so as to collect data on this indicator.</p>		
1.7	<b>Number of suspicious cash activities at the EU borders reported to the FIU (including those based on declarations and smuggling)</b>	12 / 17	3
	<p><i>This figure should be the sum of 1.6 (suspicious activity) plus a part of 1.5 (not necessarily suspicious but some of the declarations may in fact be so). The source is customs authorities, which report</i></p>		

	<p><i>information to FIUs; either authorities may declare these data.</i></p> <p><u>- A possible way forward :</u></p> <p>Regulation 1889/2005 on cash control stipulates (Article 5) that information obtained under Art 3 and 4 (cash declarations, controls and cash detained) is made available to the FIUs. This is different than sending or reporting suspicious activity to FIUs. In other words, in some MS customs authorities do not necessarily report to FIUs but simply run a database to which FIUs may have access.</p> <p>MS are invited to clarify whether in their country information is available for FIU's upon request, if they provide access to customs databases, (indicating whether on all information related to cash declarations, or only to "suspicious ones"...), or if they report this info to the FIU.</p> <p>12 MS seemed able to provide data on this indicator in the first collection of data. It is proposed to see after the second collection of data whether the information provided is sufficiently consistent or if data on this indicator should be taken out for publication purposes.</p>		
1.8	<b>Number of STRs sent to law enforcement</b>	15 / 17	3 / 4
	<p><i>In some countries (but not all) all STRs are investigated, so in such cases this figure will be identical with 1.1 (total).</i></p> <p><u>- A possible way forward :</u></p> <p>MS where all STRs are investigated are invited to indicate this. Only MS not investigating on a systematic basis all STRs are invited to provide data.</p>		
1.9	<b>Number of staff dedicated full time (or full time equivalent) to money laundering in the FIU</b>	20 / 22	5 / 6
	<p><i>This is an attempt to measure the cost of anti-money laundering measures (a first step towards 'effectiveness indicators')</i></p> <p><u>- A possible way forward :</u></p> <p>Given the relative simplicity of this indicator, data should be readily available in all MS.</p> <p>It is important to consider that FIUs perform the same core functions but may have a different legal status. Thus some FIUs undertake work in a different way than other FIUs. This may have implications on the human resources. In order to allow a more relevant comparison, this data could be broken down by different FIUs legal status (i.e. administrative FIUs, Police FIUs, Judicial FIUs and FIUs of hybrid status).</p> <p><u>FIUs are therefore invited to mention their legal status along with the information on this indicator.</u></p>		

<b>INVESTIGATION</b>			
2.1	<b>Number of cases initiated by law enforcement agencies on the basis of Suspicious Transaction Reports (STRs) sent by the FIU</b>	17 / 20	4
<p><i>The counting unit needs to be specified by the Financial crime Subgroup. Some investigations take a long time, so the table might need to refer to "investigations commenced" during the reference year. Also an investigation might apply to several STRs, so it should be decided whether investigations or STRs are going to be counted.</i></p> <p><u>- A possible way forward :</u></p> <p>FIUs tend to process transactions received in STRs as cases. One FIU case can be made of several STRs and/or CTRs which in turn can also contain several transactions possibly received over a rather long period of time (i.e. more than a year).</p> <p>Therefore, ensuring consistency in monitoring the work carried out by FIUs in comparison with the work of Law Enforcement Agency can be difficult since one investigation could concern several FIU cases. As in some countries Law Enforcement Agencies could decide not to start an investigation after reviewing the information sent by FIUs, no direct correlation exists between the number of transactions analysed to build a possible case and the initiation of an investigation.</p> <p>Given this limitation, assessing the overall AML system as the linear process from one or more reported transactions contained in a STR or a CTR to a final conviction during the judicial phase may not be feasible.</p> <p>In some cases, the reporting, investigation and judicial phases can only be monitored separately.</p> <p>In any case, from a statistical point of view, MS should indicate the number of cases initiated each year by Law Enforcement Authorities on the basis of the input provided by FIUs.</p> <p>Therefore, the counting unit of this indicator should be the number of cases (i.e. not files and not persons) investigated by Law Enforcement Authorities.</p>			
2.2	<b>Number of staff dedicated full time (or full time equivalent) to money laundering in law enforcement agencies</b>	10 / 17	0 / 2
<p><i>Most countries do not have dedicated money-laundering law enforcement staff. It might be possible to calculate full-time equivalents if records were kept of hours spent on anti-money laundering activities.</i></p> <p><u>- A possible way forward :</u></p> <p>It seems very difficult to gather this type of data at least in Law Enforcement Agencies investigating various types of crime. <u>MS could indicate whether or not specialised investigation units have been set up in the field of money laundering/financial crime.</u> If so, the number of staff dedicated full time (or full time equivalent) to money laundering investigations could be provided by these units.</p>			

	From a statistical point of view, MS Law Enforcement Agencies could therefore be invited to provide data on the number of staff dedicated full time (or full time equivalent) to money laundering, mostly in specialised investigators units, but not necessarily.		
2.3	<b>Number of cases brought to prosecution: originating from STRs, CTRs and independent law enforcement investigation</b>	15 / 19	2
	<p><i>This should be divided into separate indicators (by STRs, CTRs and independent law enforcement investigation); the reporting is done by different agencies. <b>The Sub-group needs also to clarify the counting unit "file" as it could refer to a "case" or "person".</b></i></p> <p><u>- A possible way forward :</u></p> <p>As the role of the prosecution office in leading the investigations in some MS may cause misunderstandings, this indicator could be understood as counting each year the number of cases found conclusive enough to be prosecuted (i.e. judged by judicial authorities). One has to take into account that a single case brought to prosecution could refer to several persons or legal entities. For consistency reason, this indicator could be divided :</p> <ul style="list-style-type: none"> <li>- by the number of cases initiated by (a/several transaction(s) identified in) one/several STR(s);</li> <li>- by the number of cases initiated by (a/several transaction(s) identified in) one/several CTR(s);</li> <li>- by the number of cases initiated based on law enforcement intelligence i.e. independently from FIUs input.</li> </ul> <p>For statistical purposes, Law Enforcement Agencies should be invited to provide data on the number of cases brought to prosecution originated from i) information(s) contain in STR(s), ii) information(s) contain in CTR(s) and iii) independently from these two sources.</p>		
<b>JUDICIAL</b>			
3.1	<b>Number of staff dedicated full time (or full time equivalent) to money laundering in the judiciary</b>	3 / 5	1
	<p><i>JLS are interested in the resource implications for all stages of the anti-money laundering process but it is impossible for some countries to supply this figure. A calculation of full-time equivalents might be attempted. In federal states (DE) even this would be impossible.</i></p> <p><u>- A possible way forward :</u></p> <p>The collection of both reliable and comparable data may be proven difficult in absence of designated units in the judiciary specifically set up to judge money laundering offences (some MS have set up judicial units specialised in a wider range of offences such as economic and financial crime). MS could indicate whether such units exist in their country and provide the relevant data if possible.</p>		

	As this type of data is also requested by the FATF, the task force on data availability has decided to retain this table.		
3.2	<b>Number of persons /legal entities convicted for money laundering offences</b>	9(self laundering), 13 (third party) / 19	1 / 3
	<p><u>- A possible way forward :</u></p> <p>As not many MS were able to provide figures for 'self-laundering' in the first data collection, it has been decided for the second collection of data to merge indicators 3.2 and 3.3 in a broader indicator in line with article 33 of the 3<sup>rd</sup> AML directive (MS are required to provide data on the "number of persons/legal entities convicted for money laundering offences").</p> <p>Within this indicator, distinction could be made, when possible, between:</p> <ul style="list-style-type: none"> <li>- the number of persons and/or legal entities convicted for 'third party' money laundering offences;</li> <li>- the number of persons and/or legal entity convicted for 'self laundering' offences;</li> </ul> <p><u>Judicial authorities unable to distinguish those two categories are invited to provide data as a total on "the number of persons and/or legal entities convicted for money laundering offences"</u></p> <p>It is reminded that "third party money laundering" has previously been defined as "laundering by a person other than the author of the offence".</p> <p>It is reminded that "self laundering" has previously been defined as referring "to 'own proceeds' laundering by a person who may be the author of the offence".</p>		
3.3	<b>Number of convictions for laundering proceeds of crimes committed abroad</b>	6 / 8	0
	<p>Most countries do not distinguish between crimes committed internally or abroad. Member States cooperate on these investigations. Prosecutions are usually in the country where the original offence occurred. The citizenship of the offender is a further complication. This indicator cannot produce meaningful results.</p> <p><u>- A possible way forward :</u></p> <p>Further to the difficulty mentioned above, one should consider that there are also a number of "mixed cases" i.e. cases where dirty money does not come solely from abroad but both from domestic and international sources.</p> <p>As this type of data is also requested by the FATF, the task force on data availability has decided to retain this table.</p>		

3.4	<b>Number of convictions for crimes other than money laundering originating from STRs</b>	4	1
<p><i>STRs may play a role in many types of investigation, but often the money-laundering element is weak or difficult to assess. No adequate means exist to provide meaningful figures.</i></p> <p><u>- A possible way forward :</u></p> <p>It may be proven very difficult to gather data on this indicator as the track of an information provided by an FIU may be lost through the judicial phase. Moreover, the expression "originating from" in the name of the indicator could be considered as objectively impossible to assess.</p> <p>As some MS may be able to provide data on this indicator in the future, the task force on data availability decided to retain it.</p>			
3.5	<b>Number of sentences by type for money laundering offences</b>	15 / 18	1 / 4
<p><u>- A possible way forward :</u></p> <p>For clarity purpose this indicator is to be understood as <i>the "number of sentences pronounced each year by judicial authorities by type of money laundering offences"</i> (i.e. by fines, non custodial, suspended sentenced, unsuspended sentences, other measures).</p> <p>Judicial authorities should be able to provide such data.</p> <p>Also see information below in indicator 3.6</p>			
3.6	<b>Number of unsuspended custodial sentences by length for money laundering offences</b>	13 / 15	1 / 4
<p><i>The Financial crime subgroup need to specify whether these tables refer to all money laundering offences or just those ones where money-laundering is the principal offence. The information would also be meaningless without information on the minimum and maximum penalties provided for by the law.</i></p> <p><u>- A possible way forward :</u></p> <p>Both indicators 3.5 and 3.6 aim at providing input on the range of the sanctions imposed by the judicial authorities. These indicators require cautious interpretation since in some countries there is no system which allows the allocation of a specific sanction for a crime when the perpetrator committed several crimes (e.g. a person convicted from fraud, human trafficking and money laundering). Therefore, these indicators should be seen as only providing general indications.</p> <p>For statistical purpose, the data requested should refer to all money laundering offences. Since the data collected for the second exercise revealed that a breakdown between the predicate offences and the principal offences was not sufficiently meaningful, MS are invited to provide totals of sentences without distinguishing these offences. An indication of the both minimum and maximum penalties provided by law should also be communicated by the judicial authorities.</p>			

3.7	<b>Number of freezing procedures (based on a court order)</b>	8 / 9	1
<p><i>In most countries there are many agencies able to freeze assets, which make it too complicated to aggregate these figures. They are of little importance anyway; in many countries (like SE) 'freezing' does not exist, only confiscation (see below, 3.9)</i></p> <p><u>- A possible way forward :</u></p> <p>It is reminded that article 33 of the 3<sup>rd</sup> AML directive (not yet implemented in all MS) requires MS to provide data on "how much property has been frozen, seized or confiscated". Therefore all MS having implemented this directive are legally required to comply with such requirement.</p> <p>The Carin network, Asset recovery Offices as well as judicial authorities could provide Eurostat national contact point with the relevant data.</p> <p>Since there are many agencies within the MS able to freeze assets, the data provided by these 3 contacts points could provide a first reliable set of information.</p>			
3.8	<b>Number of confiscation procedures concerning money laundering convictions</b>	12 / 13	1 / 2
<p><i>The Financial crime subgroup needs to clarify whether temporary orders should be included. Some countries found it difficult to collect this information as freezing and confiscation may be carried out by different agencies. The collection of this information may need to be co-ordinated with a new set of contact points being established in the context of a new Council Decision requiring the setting up of an "asset recovery office" by December 2008.</i></p> <p><u>- A possible way forward :</u></p> <p>For clarity and consistency purposes, this indicator is to be understood as concerning confiscation concerning money laundering convictions i.e. <u>final decision taken by court</u>. As temporary orders cannot be considered as a final decision they have to be excluded from this indicator and reported under 3.8 if based on a court order.</p> <p>It is reminded that legally speaking, freezing and seizing are to be considered as temporary measures while confiscation is a final decision.</p> <p>The Carin network, Asset recovery Offices as well as judicial authorities should be able to provide the requested data.</p>			
3.9	<b>Number of requests received for freezing orders concerning money laundering cases from another EU Member State and the value of frozen assets</b>	5 / 10	0
<p><i>Few Member States are able to supply this.</i></p>			

	<p><u>- A possible way forward :</u></p> <p>The Carin network, Asset recovery Offices as well as judicial authorities should be able to provide more data than during the first collection.</p>		
3.10	<p><b>Number of requests received for confiscation orders concerning money laundering convictions from another EU Member State and the value of confiscated assets</b></p>	7 / 10	0
	<p><i>Few Member States are able to supply this.</i></p> <p><u>- A possible way forward :</u></p> <p>The Carin network, Asset recovery Offices as well as judicial authorities should be able to provide more data than during the first collection.</p>		
3.11	<p><b>Amounts recovered following money laundering convictions</b></p>	9 / 10	0
	<p><i>JLS thought that this information should be generally available, but most countries were unable to supply it.</i></p> <p><u>- A possible way forward :</u></p> <p>It is reminded that article 33 of the 3<sup>rd</sup> AML directive (not yet implemented in all MS) requires MS to provide data on "how much property has been frozen, seized or confiscated".</p> <p>Therefore, for statistical purpose, this indicator could be understood as the quantity and/or value of frozen, seized and confiscated assets. In order to assess the effectiveness of confiscation procedures, it is essential to cover also the amounts actually recovered after confiscation. The indicator could thus be broken down in:</p> <ul style="list-style-type: none"> <li>- the quantity and/or value of assets frozen;</li> <li>- the quantity and/or value of assets seized;</li> <li>- when such break down is proven impossible, one could combine the quantity and/or value of assets frozen and/or seized;</li> <li>- the quantity and/or value of assets confiscated;</li> <li>- the proceeds generated from the sale of confiscated assets (and/or the value of the assets allocated for social reuse, as applicable).</li> </ul> <p>The Carin network, Asset recovery Offices as well as FIUs acting as Asset Recovery Offices should be able to provide the more data than during the first collection.</p>		



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