

# Statistical working papers

2013 edition



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**2013 edition**

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This publication is dedicated to Cynthia Tavares, who passed away suddenly in January 2013. Her work on crime statistics spanned twenty years, beginning first in the UK Home Office and then continuing as a Eurostat expert working on international crime and criminal justice statistics. She co-authored a series of annual Eurostat Statistics in Focus publications and drafted the first Eurostat Working Papers on Money Laundering and on Trafficking in Human Beings. She worked with colleagues in organisations around the world, including national statistical offices, the UN Office on Drugs and Crime and the European Sourcebook Group; her commitment and enthusiastic contribution to the development of international statistics on crime will be sadly missed.

## Foreword

In 2011 Eurostat published a report on Money laundering in Europe, in the series Eurostat Methodologies and Working Papers. This represented a first attempt to collect information in a difficult and sensitive area of crime statistics. The present publication seeks to build upon the progress already made and to improve the quality of the existing information.

The need to produce comparable statistics for the European Union was stressed by the European Council in the Hague Programme of 2004, which tasked Eurostat with the collection of a set of agreed indicators. Following the conclusion of the Hague Programme, further development of crime statistics has taken place within the context of the Stockholm Programme, agreed by the Council in 2009. The Stockholm Programme stressed the need to extend the statistical coverage of crime to areas beyond those traditionally covered in national statistics, to include for example organised crime, money-laundering, cybercrime and trafficking in human beings.

In the 2010 Working Paper, Eurostat noted that the quality of the statistics did not in all respects comply with the stringent requirements of the European Statistics Code of Practice. Some improvement in this quality has been made possible through the gradual implementation of the Third Anti-Money Laundering Directive, but nevertheless suitable caution should be exercised in interpreting the figures, and the methodological notes and caveats provided should be rigorously taken into account in all subsequent analysis. Full details of the background to the data collections can be found in the 2010 Working Paper.

In 2012, the Financial Action Task Force published a revised set of standards, and the Commission followed this up with a proposal for a Fourth Anti-Money Laundering Directive, adopted in 2013. The revisions entail a reinforcement of the “risk-based approach”, implementation of which will be particularly challenging in terms of understanding risks, thus strengthening the need for good quality data both at national and EU level. At the same time, the Fourth Anti-Money Laundering Directive has revised the evaluation methodology for assessing technical compliance with the Directive’s Recommendations and the effectiveness of anti-money laundering and counter-terrorist financing systems, which will require solid statistical data <sup>(1)</sup>.

In the production of the current Working Paper, Eurostat wishes to thank its contact points for crime statistics in the European Statistical System, and gratefully acknowledges the specialist information provided by the colleagues in the Commission’s Directorates-General responsible for Home Affairs, Internal Market and Services, and Taxation and Customs Union.

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<sup>(1)</sup> <http://www.fatf-gafi.org/media/fatf/documents/methodology/FATF%20Methodology%2022%20Feb%202013.pdf>



# **New developments at European Union and international level**





# 1. New developments at European Union and international level

## The first steps towards a European ambition

Promoting greater understanding and comparability of measures taken to address money laundering and terrorist financing is a vital part of reinforcing the effectiveness of the EU preventive framework and the existing measures to combat money laundering at national level.

In the field of money laundering, there are significant gaps between what has been promised and what has been actually achieved in terms of statistical data; 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>(2)</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 levels 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 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.

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 second 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.

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<sup>(2)</sup> DG Internal Market (the main player regarding the preventive site of fight against money laundering), DG Home Affairs in charge of the EU’s repressive respond to ML and DG Taxation and Customs Union.

However, this first step, which should form a basis for drawing up a cost/benefit analysis, has run into difficulties. Twenty one 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 deserves to 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 took 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>(3)</sup>. The preventive approach and the objective to protect the Internal Market justified the adoption of a directive, a first pillar instrument. As regards the repressive side of the EU's response to money laundering, in particular the criminalisation of that offence, the European Commission is examining the possibility under Article 83(1) of the TFEU of proposing corresponding harmonisation legislation.

This distinction is significant. It stems from the international structure of the fight against money laundering adopted within the Financial Action Task Force (FATF) <sup>(4)</sup>, based essentially, given the prevailing preventive approach, on the filing of suspicious transaction reports.

Today, twenty one 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 regulations such as the Regulation on controls of cash entering or leaving the Community <sup>(5)</sup> managed by DG Taxation and Customs Union. DG Home Affairs (and its predecessor, DG Justice, Freedom and Security) has put a lot of effort into cooperation between financial intelligence units <sup>(6)</sup> and harmonising to a certain degree criminal penalties for money laundering <sup>(7)</sup>. In addition, DG Home Affairs and DG Internal Market co-chair the EU Financial Intelligence Units Platform and DG Home Affairs provides financial support to projects led by Member States and private partners to combat money laundering and terrorist financing. In particular, the Commission is also funding the FIU.Net project <sup>(8)</sup>, a system enhancing secure information exchange between the financial intelligence units of the Member States.

The legislative framework is progressively evolving and strengthening. In February 2012, the FATF amended its 40 Recommendations, the global standards for the fight against money laundering and terrorist financing. Various changes were introduced <sup>(9)</sup> which are designed to deliver more effective and targeted measures to combat money laundering and terrorist financing. In parallel to the international

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<sup>(3)</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>(4)</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.

<sup>(5)</sup> Regulation 1889/2005 of 26 October 2005.

<sup>(6)</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>(7)</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>(8)</sup> See <http://www.fiu.net/>

<sup>(9)</sup> [http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%20\(approved%20February%202012\)%20reprint%20May%202012%20web%20version.pdf](http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%20(approved%20February%202012)%20reprint%20May%202012%20web%20version.pdf)

process, the European Commission carried out its own review process regarding the Third Anti-Money Laundering Directive. Based on both the results of the review process as well as the revised international standards, the Commission (DG Internal Market and Services) adopted a proposal for a revision of the Third Anti-Money Laundering Directive <sup>(10)</sup> in February 2013. This proposal recognises the importance of data gathering as a valuable tool to enable Member States and obliged entities to review the effectiveness of their systems to combat money laundering and terrorist financing, as well as the important role solid data will play with respect to the preparation of risk assessments. The Commission's proposal includes a revised and more detailed Article on statistics <sup>(11)</sup>.

In addition to these legislative and operational activities, DG Home Affairs launched an 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 be valuable input for the Commission's future policy development.

At this stage, the focus was to compile the statistical data available and to identify the 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> as referred to in Article 83(1) of the Treaty on the Functioning of the European Union.

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.

The publication of the Working Paper in 2010 was the end result of pioneering work. No international organisation had ever before carried out work of this scale on money laundering. It was also the first time that a "Eurocrime" was the subject of a publication of statistical data consolidated at European level. However, this was 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. The current report should be seen as a further step in this direction.

<sup>(10)</sup> COM(2013)45final also called 4<sup>th</sup> Anti-Money Laundering Directive.

<sup>(11)</sup> COM(2013)45final, Chapter V, Record keeping and statistical data, art. 41.

<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.

<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 second 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 rates of progression between each successive stage to be calculated.

While determining such rates would offer some indication of the efficiency of the anti-money laundering regime, one has also to recognise their limitations. Trying to put a simple figure on how many filed suspicious transaction reports led to criminal conviction has proved 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 exercise, as presented in this report. However, comparison based on the current indicators over time (trends) may provide a clearer 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 Financial Intelligence Unit (FIU) - with the aim of trying to determine the role of the prudential regime in the fight against money laundering.

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 United Nations Office for Drugs and Crime (UNODC) estimate of \$1.6 trillion, amounting to around 2.7% of global GDP.

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 continued to encounter difficulties in providing data in a reliable way, or simply in 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 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 also be

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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”.

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 the three data collections, with the indicators used for this publication highlighted in blue. The 23 indicators are divided into three stages in accordance with the linear approach described in Section 1.3. As can be seen, the Member States collaborated better in the later collections 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.

Number of EU Member States and other countries which supplied data for the first, second and third data collections

<b>Summary of responses:</b>  <i>(blue shading = indicators considered in this publication)</i>	<b>Number of countries able to provide data for collections in 2008 / 2009 / 2010</b> <i>(grey shading = third data collection)</i>	
	<b>EU Member States<sup>(15)</sup> (27)</b>	<b>Other countries (7)</b>

REPORTING / INTELLIGENCE PHASE			
1.1	Number of Suspicious Transaction Reports (STRs) filed by each category of obliged entities	23/25/26	5/6/5
1.2	Number of Cash Transaction Reports (CTRs) filed by each category of obliged entities	9/10/12	0/2/2
1.3	Number of postponement orders adopted on reported transactions	13/16/19	0/3/3
1.4	Number of money laundering investigations carried out independently by law enforcement agencies (without a prior STR)	14/11/15	2/1/2
1.5	Number of declarations made in application to the EU Cash Control Regulation	14/27/27	0/2/-
1.6	Number of incorrect cash declarations or findings as a result of customs controls in the EU at external borders	12/27/27	0/1/-
1.7	Number of suspicious cash activities at the EU borders reported to the FIU (including those based on declarations and smuggling)	12/15/17	3/4/4
1.8	Number of STRs sent to law enforcement and on which further analysis was made	15/18/18	3/5/5
1.9	Number of staff dedicated full time (or full time equivalent) to money laundering in the FIU	20/20/20	5/6/6

<sup>(15)</sup> Croatia was not an EU Member State at the time of the third data collection.

<b>Summary of responses:</b>  <i>(blue shading = indicators considered in this publication)</i>	<b>Number of countries able to provide data for collections in 2008 / 2009 / 2010</b> <i>(grey shading = third data collection)</i>	
	<b>EU Member States<sup>(16)</sup> (27)</b>	<b>Other countries (7)</b>

INVESTIGATION PHASE			
2.1	Number of cases initiated by law enforcement agencies on the basis of STRs sent by the FIU	17/17/16	0/4/3
2.2	Number of staff dedicated full time (or full time equivalent) to money laundering in law enforcement agencies	10/16/17	0/2/2
2.3	Number of cases brought to prosecution: originating from STRs, CTRs and independent law enforcement investigation	15/19/20	0/2/3

JUDICIAL PHASE			
3.1	Number of staff dedicated full time (or full time equivalent) to money laundering in the judiciary	3/5/4	0/1/0
3.2	Number of persons / legal entities convicted for money laundering offences	13/19/23	3/4/6
3.3	Number of convictions for laundering proceeds of crimes committed abroad	6/7/8	0/0/2
3.4	Number of convictions for crimes other than money laundering originating from STRs	4/3/3	0/1/0
3.5	Number of sentences by type for money laundering offences	15/18/20	1/4/5
3.6	Number of unsuspended custodial sentences by length (as principle offence, as predicate offence)	13/15/15	3/4/5
3.7	Number of freezing procedures (based on a court order)	8/10/10	0/1/3
3.8	Number of confiscation procedures	12/13/13	1/2/2
3.9	Number of requests received for freezing orders from another EU Member State and the value of frozen assets	5/9/8	0/1/1
3.10	Number of requests received for confiscation orders from another EU Member State and the value of confiscated assets	7/10/7	0/1/1
3.11	Amounts recovered from assets	9/10/6	0/0/1

<sup>(16)</sup> Croatia was not an EU Member State at the time of the third data collection.



## 1.4. 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.

### Legal reasons

Article 5 of the Third Anti-Money Laundering Directive authorises Member States, in accordance with the principle of subsidiarity<sup>(17)</sup>, to lay down measures which go beyond the obligations required by the Directive<sup>(18)</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). Furthermore, 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>(19)</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.

### Operational reasons

The flexibility arising from the application of the principle of subsidiarity and the use of a directive<sup>(20)</sup> is also evident in the operational choices made by the Member States. The Member States are free to determine their 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.

→ *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 its own risk assessment, may decide whether or not to submit a report to the FIU).

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<sup>(17)</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>(18)</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>(19)</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>(20)</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.

Of course, with regard to the objective criteria, the lower the threshold, the greater the number of reports which will be filed.

→ *As a result, the fact that a Member State records a high number of reports must not necessarily be regarded as an indicator of susceptibility 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 from one Member State to another). This has a direct impact on the statistics.

→ *Data are therefore to be considered as a possible indication of money laundering but will be influenced by various factors <sup>(21)</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 may function differently, for example by requiring and obtaining large amounts of data concerning suspicious or unusual transactions, and performing analysis to identify trends and movements which may not be visible by looking at transactions individually. They will therefore tend to submit more files where the suspicion of laundering in those files will be weaker, leaving the task of pursuing and deepening 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. FIUs requiring reports to be filed on the basis of lesser suspicions may use the reports to perform trend analysis. It is essential to consider this point when comparing the number of files sent to investigation services.*

## 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.*

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<sup>(21)</sup> Such as guidelines provided by the FIUs, the FATF and supervisory authorities.

This issue of comparability arises again at the investigation phase: several files sent by the FIU may form just one enquiry at the 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>(22)</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 regimes needs continuous efforts with the objective of being able to use it as an element for future policy development at EU level.*

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>(23)</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 approaches and best practice on the subject.

The Commission already provided financial support to a project led by the University of Utrecht, the ECOLEF project, aiming to establish the cost/benefit analyses of national anti-money laundering/financing of terrorism regimes in the 27 Member States<sup>(24)</sup>. The final results of this study will be published in the near future.

The Commission also continues to follow the debates within the FATF.

According to a 2009 study, the Third Anti-Money Laundering Directive is seen, within the financial sector of the internal market <sup>(25)</sup>, as a costly directive. It requires the creation of a system to monitor transactions and clientele, which is relatively onerous for the banks. Consequently, some in the private sector question the effectiveness of such a system. It is here that the need for reliable statistics is acute, not only to provide a basis for the justification of 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

<sup>(22)</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>(23)</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."

<sup>(24)</sup> University of Utrecht, "The Economic and Legal Effectiveness of Anti-Money Laundering and Combating Terrorist Financing Policy" also called ECOLEF project (ref. JLS/2009/ISEC/AG/87).

<sup>(25)</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)."

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.

A combined approach bringing together risk analyses (threats, vulnerabilities and impact) as well as legal analyses (e.g. are relevant laws correctly implemented and adapted to identified needs?) and economic analyses (e.g. what does the system cost reporting entities and public authorities?) would help in identifying anomalies more effectively.

By targeting weaknesses more effectively, the anti-money laundering provisions should be able to be adapted more rapidly, more effectively and with greater ease to changes in the criminal threat (at a fair cost for operators and public authorities) and without necessarily having to reform legal instruments, which by definition is a slow and arduous process.

Although there is still much to do in order to establish a true cost/benefit analysis of anti-money laundering provisions, the Commission is confident that these efforts will have an important impact on the EU's fight against money laundering future and its policy development in this field.

**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 1-3 and 6-12 whilst DG Customs and Taxation Union provided the data for Tables 4 and 5.

The Eurostat contact persons were also 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) 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 an indication of Member States’ legal actions against money laundering. These trends need also to be considered with other types of information such as threat analysis and should not be used and interpreted in isolation.*

As a result, users are reminded that they need to exercise caution when using the data, to study the metadata associated with each table, to take note of the difficulty of interpreting and comparing data from Member States (see Section 1.4) and to take into account the comments on the following pages.

Statistical data are available for the following stages:

### **Reporting/Intelligence stage**

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

### Investigation stage

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

### Judicial stage

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

## 2.1. Glossary of terms

**Cash** for the purposes of Regulation (EC) No 1889/2005 on controls of cash entering or leaving the Community is defined in Article 2 of the Regulation 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>(26)</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>(27)</sup> is an informal network of 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>(28)</sup> is an inter-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 Commission is member of the FATF together with 15 Member States. Countries that joined the

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<sup>(26)</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:309:0015:0036:EN:PDF>

<sup>(27)</sup> <http://www.egmontgroup.org/>

<sup>(28)</sup> [http://www.fatf-gafi.org/pages/0,2987,en\\_32250379\\_32235720\\_1\\_1\\_1\\_1\\_1,00.html](http://www.fatf-gafi.org/pages/0,2987,en_32250379_32235720_1_1_1_1_1,00.html)



European Union from 2004 onwards are represented in the MONEYVAL group, which has the status of observer at the FATF and since 2006 the status of associated member (allowing more countries within the MONEYVAL group to attend and participate in the FATF meeting). The FATF develops and promotes 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 Third 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 obliged party or by intelligence gathered by investigators.

**MONEYVAL group** <sup>(29)</sup> - countries that joined the European Union from 2004 onwards are represented in the MONEYVAL group, which has the status of observer at the FATF and since 2006 the status of associated member (allowing more countries within the MONEYVAL group to attend and participate in the FATF meeting).

**Regulation (EC) No 1889/2005** <sup>(30)</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.

**Suspicious Activity Report (SAR)** is a disclosure made to an 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 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 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 obliged entity.

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

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<sup>(29)</sup> <http://www.coe.int/t/dghl/monitoring/moneyval/>

<sup>(30)</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:309:0009:0012:EN:PDF>

**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 an FIU by a professional with an obligation to disclose, based on unusual behaviour in a client's profile. The main distinction between an STR and UTR is the higher standards and quality expected of STRs.

## 2.2. Statistical data

### 2.2.1. Reporting/Intelligence stage

During this third data collection, a number of countries have revised their data for 2008. This explains the discrepancies with the figures published in 2010. Moreover, the reporting unit for Spain is not the Suspicious Transaction Report as erroneously stated in 2010 publication, but the Suspicious Activity Report. Figures for 2008, 2009 and 2010 for STRs (or SARs and UTRs, if applicable) are presented in the table. Nearly all Member States (apart from Ireland) were able to provide some data and a full or partial breakdown by obliged entity.

The figures reported vary greatly, reflecting the different sizes of the respective financial markets and the differences in the concepts, the counting rules and the reporting practices. 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. As a result some countries report extremely high figures.

For some Member States (Cyprus, Spain, Finland, and United Kingdom) 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. In 2008 and 2009 Latvia reported the highest number of STRs, followed by Belgium, France, Italy and Sweden. In 2010, it was Italy that reported the highest number of STRs and more than twice the number reported in 2008.

All in all, there is an increase in the total number of STRs and SARs throughout the reference period 2008-2010. Calculations were based only on the 22 Member States that provided data for all three reference years.

Table 1: Number of reports filed by type

Number of reports filed	2008	2009	2010
<b>STR</b>	88 499	101 341	126 116
<b>SAR</b>	247 366	261 312	266 388
<b>UTR</b>	295 464	90 976	118 559

In particular, Tables 1.b – 1.d show that 13 Member States show an increase from year to year, 7 Member States show an increase in 2010 in comparison to 2008 whereas 6 Member States have reported a smaller number of STRs or SARs in 2010. It is however possible that the 2010 figures could be revised in the future as in the case of the 2008 data.

Similarly, Switzerland, Serbia and Turkey show an increase in the number of STRs contrary to what happened in Croatia. This increase could be a sign of a substantive progress if disclosures were indeed related to money laundering. However, this increase could alternatively be a product of over-reporting whereby only a small proportion of these reports are deemed by law enforcement as worthy of investigation. This could only truly be assessed in a longer time frame depending on judicial follow-up (and a reliable corresponding collection of data).

Credit institutions <sup>(31)</sup> (banks) are the principal source of STRs. The following table gives the distribution of the percentage of STRs, SARs or UTRs that came from credit institutions. For example, in half of the Member States that provided data, STRs from credit institutions represent more than 75 % of the total number of STRs filed by the obliged entities. The Member States with the lowest percentages are Finland, the Netherlands and the United Kingdom for all three years of reference. It is important to note that none of them files STRs, but SARs or UTRs.

Table 1.a: Percentage of STRs, SARs or UTRs from credit institutions

Percentage of STRs, SARs or UTRs from credit institutions	Number of Member States		
	2008	2009	2010
less than 25 %	3	4	4
25 % – 50 %	2	4	2
51 % – 75 %	7	4	6
more than 75 %	14	12	10
<b>Total</b>	<b>26</b>	<b>24</b>	<b>22</b>

The percentage of STRs or SARs that come from credit institutions is reduced in 2010 for a number of Member States. The highest reduction was noted in Portugal where in 2008 94 % of the STRs were filed by credit institutions, whereas in 2010 only 48 % of STRs were filed by credit institutions.

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<sup>(31)</sup> As defined in Article 1 of Directive 2000/12/EC as "an undertaking whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account".

Table 1.b: Number of Suspicious Transaction Reports (STRs) filed by each category of obliged entities, 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	
Belgium	STR	4 032	85	2	0	:	8 576	3	320	47	:	1	1 047	:	:	:	1 441	:	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	2 136	41	6	53	3	0	0	37	23	0	0	264	252	5 846	
Greece	STR	1 389	:	204	:	322	37	:	:	:	:	:	:	:	:	:	272	:	2 224	
France	STR	11 511	703	58	10	:	1 467	3	347	24	:	3	37	11	:	:	191	200	14 565	
Croatia	STR	1 948	175	3	:	:	:	:	2	:	:	:	:	:	:	:	25	:	2 153	
Italy	STR	12 614	147	4	8	1 071	0	6	103	5	37	13	3	:	20	:	9	183	14 223	
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	8 165	83	370	7	:	981	3	4	10	1	:	:	3	:	:	2	51	9 680	
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	535	3	0	0	1	17	0	0	0	0	1	0	1	0	0	10	:	568	
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	
Member States reporting Suspicious Activity Reports (SARs)																				
Spain	SAR	2 156	11	12	:	195	:	32	248	6	:	30	2	:	:	:	212	:	2 904	
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	
Member States reporting Unusual Transaction Reports (UTRs)																				
Netherlands	UTR	5 013	13	:	0	288 799	0	16	568	112	7	0	538	53	4	:	341	:	295 464	
Member States not providing data																				
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Iceland	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Liechtenstein	STR	119	6	0	0	1	0	1	0	0	0	0	:	0	61	:	1	:	189	
Switzerland	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	851
Serbia	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Turkey	SAR	4889	10	0	0	:	0	0	1	0	0	0	:	:	:	:	0	24	4 924	

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

## 2 Detailed information on selected indicators

Table 1.c: Number of Suspicious Transaction Reports (STRs) filed by each category of obliged entities, 2009

	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	
Belgium	STR	3 628	82	1	1	:	9 973	3	251	120	:	9	1 055	:	:	:	2 047	:	17 170	
Bulgaria	STR	640	:	0	0	:	0	0	3	0	0	0	5	1	:	0	42	100	791	
Czech Republic	STR	1 932	:	:	:	:	:	:	:	:	:	:	:	:	:	:	292	:	2 224	
Denmark	STR	755	0	0	0	797	499	11	0	0	4	0	25	0	0	0	4	0	2 095	
Germany	STR	8 111	47	1	0	830	0	16	5	1	1	1	8	12	:	:	7	6	9 046	
Estonia	STR	2 583	0	3	0	2 078	48	4	50	3	0	1	2	5	0	0	327	1 159	6 263	
Greece	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
France	STR	12 254	1 007	67	58	:	2 249	2	370	77	:	33	30	12	:	0	476	675	17 310	
Croatia	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	1	493	494	
Italy	STR	17 147	232	3	24	2 721	0	3	69	9	38	3	6	:	33	:	14	357	20 659	
Latvia	STR	21 326	4	0	0	10	7	13	2	0	0	0	0	0	0	0	7 077	:	28 439	
Lithuania	STR	141	:	:	:	:	:	:	31	:	:	:	:	:	:	:	41	:	213	
Luxembourg	STR	1 166	46	54	:	:	:	6	2	41	1	0	15	1	:	:	:	:	1 332	
Hungary	STR	4 637	134	166	3	5	416	9	2	11	0	0	0	0	:	:	1	23	5 407	
Malta	STR	26	0	3	0	6	0	2	1	4	0	2	4	0	2	3	10	:	63	
Austria	STR	1 239	12	:	:	:	:	8	15	5	:	:	:	5	:	1	100	:	1 385	
Poland	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
Portugal	STR	594	1	0	0	12	6	0	0	0	0	0	0	1	0	0	20	:	634	
Romania	STR	1 876	8	4	:	43	:	:	200	:	1	1	11	9	:	41	558	19	2 771	
Slovenia	STR	157	0	0	0	0	0	3	0	0	0	0	0	0	0	0	3	0	163	
Slovakia	STR	2 377	115	0	0	1	0	0	2	4	1	2	2	0	0	2	66	114	2 686	
Sweden	STR	3 275	:	1	:	1 749	3 680	:	:	8	0	8	322	:	0	7	87	:	9 137	
Member States reporting Suspicious Activity Reports (SARs)																				
Spain	SAR	2 111	14	10	2	153	:	32	194	5	:	12	9	:	:	:	222	:	2 764	
Cyprus	SAR	380	0	0	0	1	:	6	:	2	:	0	:	0	0	0	:	:	389	
Finland	SAR	869	68	1	:	21 543	:	8	:	16	:	9	5 023	15	:	:	229	:	27 781	
United Kingdom	SAR	300	1 611	644	13	7 244	4 051	4 992	:	6 720	:	119	491	3 059	71	:	10 306	190 757	230 378	
Member States reporting Unusual Transaction Reports (UTRs)																				
Netherlands	UTR	3 396	9	:	0	84 952	0	15	338	578	88	3	510	23	5	:	1 059	:	90 976	
Member States not providing data																				
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Iceland	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	1	493	494	
Liechtenstein	STR	136	9	0	0	0	0	5	0	0	0	0	0	0	83	0	2	0	235	
Switzerland	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	896	
Serbia	STR	136	9	0	0	0	0	5	0	0	0	0	0	0	83	0	2	0	235	
Turkey	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	896	

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

Table 1.d: Number of Suspicious Transaction Reports (STRs) filed by each category of obliged entities, 2010

	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	
Belgium	STR	3 870	76	0	1	:	11 491	0	163	74	:	26	912	:	:	:	2 060	:	18 673	
Bulgaria	STR	726	:	0	0	:	2	1	4	0	0	1	7	0	:	0	117	372	1 230	
Czech Republic	STR	1 476	:	:	:	:	:	:	:	:	:	:	:	:	:	:	411	:	1 887	
Denmark	STR	968	3	0	0	972	342	4	0	0	3	1	16	0	0	0	7	0	2 316	
Germany	STR	10 227	97	0	0	574	0	10	4	0	3	0	11	33	0	0	77	6	11 042	
Estonia	STR	2 635	1	0	0	1 744	221	5	59	0	0	0	5	2	0	0	332	29	5 033	
Greece	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
France	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
Croatia	STR	307	0	0	2	0	0	5	23	0	0	0	0	:	0	0	63	6	406	
Italy	STR	30 345	154	21	30	5 333	24	12	66	18	66	3	34	:	197	:	38	702	37 043	
Latvia	STR	22 528	0	0	0	18	2	26	0	0	0	0	1	0	0	0	3 428	:	26 003	
Lithuania	STR	165	:	:	:	:	:	:	31	:	:	:	:	:	:	:	26	:	222	
Luxembourg	STR	4 629	78	63	:	:	:	13	4	56	2	0	21	0	:	:	:	:	4 866	
Hungary	STR	6 551	155	72	0	16	352	0	0	2	0	1	0	2	0	0	0	26	7 177	
Malta	STR	38	4	2	0	4	0	3	0	3	0	0	6	0	4	5	4	:	73	
Austria	STR	1 941	7	:	:	:	:	12	6	5	:	2	1	3	:	:	241	:	2 218	
Poland	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
Portugal	STR	1 061	4	0	0	995	0	0	5	0	0	0	0	2	0	0	138	:	2 205	
Romania	STR	1 915	11	:	:	711	1	1	108	:	:	:	1	29	:	:	682	18	3 477	
Slovenia	STR	170	0	0	0	0	0	1	1	1	1	1	0	0	0	0	6	0	181	
Slovakia	STR	2 031	85	0	0	27	0	1	1	3	2	2	7	0	0	5	192	114	2 470	
Sweden	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
Member States reporting Suspicious Activity Reports (SARs)																				
Spain	SAR	2 082	11	14	4	285	:	39	345	6	:	23	7	:	:	:	356	:	3 172	
Cyprus	SAR	463	1	8	0	4	:	6	:	2	:	0	:	:	0	2	24	:	510	
Finland	SAR	1 000	153	5	:	16 012	:	7	:	17	:	14	3 951	45	:	:	250	:	21 454	
United Kingdom	SAR	384	1 430	664	7	8 562	4 216	4 878	:	6 085	:	116	563	3 742	57	:	5 976	204 572	241 252	
Member States reporting Unusual Transaction Reports (UTRs)																				
Netherlands	UTR	7 415	2	:	0	108 826	0	11	277	445	127	2	564	44	12	:	834	:	118 559	
Member States not providing data																				
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Iceland	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	1	413	414
Liechtenstein	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Switzerland	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	1 159
Serbia	STR	:	9	:	:	:	:	:	:	:	:	:	:	:	:	:	63	4 590	4 662	
Turkey	SAR	9968	47	2	0	:	11	:	1	:	:	0	:	:	:	:	25	197	10 251	

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

### Country notes applicable to Tables 1.b, 1.c and 1.d

**Belgium:** Tax advisers are included with eternal accountants/auditors.

**Bulgaria:** The statistics provided for 2007, 2008 and 2009 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 obliged entities per year”. As a result of the new internal rules introduced, the STRs are further designated either for operative purposes or for information purposes. For 2010 the additional, complementary STRs are subtracted from the statistics and the STRs that were designated for information purposes are counted according to the respective category of reporting entities. In 2008 the Money Transfer Provider reporting is counted as reporting done by credit institutions and no separate statistics are maintained. For 2009 and 2010 a number for the money transfer institutions again cannot be provided as Money Transfer Provider reporting is distributed between both credit institutions and financial institutions (money transfer activity based on a contract with banks or other financial institutions). The numbers for both the financial institutions and the credit institutions include also STRs related to money remittance. Therefore the cell for money transfer institutions is marked with “.” as no separate statistics are maintained. The statistics under the category financial institutions also cover activities of currency exchange.

**Germany:** The FIU is police-based and therefore has a different reporting structure from the administrative FIUs operating in some other Member States. Germany proposes a new definition for the STR (suspicious transaction report): STR is a disclosure made to a Financial Intelligence Unit or law enforcement agency by a party having an obligation to disclose based on any type of suspicion, which may include unusual behaviour. Suspicious transaction reports are analysed by the FIU.

**Estonia:** FIU Estonia aggregates statistical data about STR by the following subject categories: credit institutions, financial institutions that include life insurance companies and investment forms, providers of currency exchange services, providers of cash transfer services, organizers of gambling and lotteries, persons who carry out or act as intermediaries in transactions with real estate, intermediaries of high-value goods, auditor, accountants, tax advisers, lawyers, notaries and others.

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

**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. A suspicious transaction report could contain several transactions. In the statistics produced, based on the Italian FIU annual report, the FIU count all the STRs received from each category of obliged entities per year, based on suspicion of money laundering. The category “credit institutions” includes also “Poste Italiane”; the category “money transfer institutions” includes the money transfer companies; the category “others” includes government authorities, the category “financial institutions” includes the financial intermediaries officially listed in Banca d’Italia.

**Latvia:** This definition excludes STRs from parties not having an obligation to report. The STRs therefore show only the number of reported transactions.

**Lithuania:** The majority of STRs are received from the credit sector. Other STRs are received from other obliged entities and these 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 responses to requests from the FIU are not counted but included in the file on the basis of which the request for information was initiated.

The statistics are based on the FIU annual reports ([www.justice.public.lu](http://www.justice.public.lu)) and the categories of professionals set in the template do not entirely match the breakdown provided by the FIU. The concept of financial institution in Luxembourg encompasses the banks, the professionals of the financial sector and the insurance companies. Company service providers are only partly captured as a separate category since the law of 17 July 2008. Before, this category was included in the one for professionals of the financial sector (PSF), accountants/auditors or lawyers. As the categories are overlapping since the 2008 law, it is probable that the statistics of company services providers will encompass only the residual category, when the professional does not fit any of the previous mentioned categories (accountant, lawyers etc.).

The STRs files in the context of mutual funds are mainly files by the central administration and the entity holding the register of the mutual funds. Those entities are banks or professionals of the financial sector. Thus, the STRs files in relation to mutual funds are counted in the category Banks/PSF. There is no “bureau de change” as such in Luxembourg.

**Hungary:** According to the Hungarian FIU database, the FIU received 9680 STRs in 2008. Credit institutions cover the banks, cooperative saving banks and other specialised credit institutions. “Investments firms” covers “commodity stock exchange service”; “Others” covers inter alia postal services (other than money remittance) and traders in precious metals; “Financial institutions” covers inter alia “financial services connected to credit/debit cards” and “leasing services”.

**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. The category “Others” includes the following institutions: insurance agents, government, business economic advisors, independent legal advisors, finance companies, credit card companies. 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.

**Austria:** Data come from reports by the Ministry of Internal Affairs.

**Poland:** The STR comprises a report that may cover many individual transactions that, when considered together, create a suspicion of money laundering. Credit institutions include banks, co-operative credit unions and leasing corporations. Lawyers include notaries. The data do not cover STRs made by co-operating organizations, i.e. other governmental units, for example the fiscal service, customs or the Agricultural Property Agency.

**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 Reports (UTRs) 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 to be relevant, they are sent to law enforcement authorities. Each STR may contain several (sometimes hundreds or thousands of) 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 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 a STR might be generated by an attempt to open an account or by refusal to carry out the required unusual transaction.

**Switzerland:** The FIU reports on SARs.

**Spain:** It should be highlighted that, according to the Spanish internal regulations, the suspicious reports disclosed by the obliged institutions to the FIU (Sepblac) fall undoubtedly into the category of Suspicious Activity Reports (SARs).

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

**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 distinguish the number of transactions included in the SARs.

**United Kingdom:** 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 United Kingdom FIU 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 regardless 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 some 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 means 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. Illegal transactions have to be reported to the Presidency (MASAK) by the obliged parties. Thus, the MASAK has no duty to send STRs analysed by MASAK to law enforcement agencies and the law enforcement agencies have no such authorization to demand STRs. In cases where MASAK detects a money laundering offence, MASAK reports the crime to Public Prosecutors directly.

### Postponement orders adopted on reported transactions

This is the first publication of data on this indicator. Sixteen Member States provided data for the years 2005–2010 and four Member States for at least one year.

Figures for United Kingdom for 2009 and 2010 are very high in comparison to the other MSs that provide data for these years. This may be explained by the fact that in the UK legislation there is no actual postponement wording, and data refer to the nearest equivalent i.e. reporters submitting SARs to seek the consent of the FIU to carry out a transaction they believe falls within the definition of money laundering.

Table 2: Number of postponement orders adopted on reported transactions

	2005	2006	2007	2008	2009	2010
Belgium	29	41	39	21	38	60
Bulgaria	0	5	3	2	1	5
Czech Republic	122	105	59	34	57	140
Denmark	:	:	:	:	:	:
Germany	:	:	:	:	:	:
Estonia	19	58	58	103	132	201
Ireland	:	:	:	:	:	:
Greece	:	:	:	:	:	:
Spain	:	:	:	:	:	:
France	:	:	:	:	4	2
Croatia	1	5	4	4	3	2
Italy	9	12	13	27	14	34
Cyprus	12	13	10	19	18	19
Latvia	56	125	94	99	70	48
Lithuania	10	13	8	12	10	11
Luxembourg	44	26	18	13	31	28
Hungary	:	:	:	:	20	48
Malta	0	1	1	0	3	0
Netherlands	:	:	:	:	:	:
Austria	15	21	28	16	12	17
Poland	5	4	1	1	:	:
Portugal	5	15	14	13	16	14
Romania	106	3	3	3	5	6
Slovenia	2	0	2	2	1	0
Slovakia	:	:	7	18	69	68
Finland	11	13	10	43	12	28
Sweden	:	:	:	:	:	:
United Kingdom	:	:	:	:	1 814	1 851
Iceland	0	0	0	0	0	0
Liechtenstein	:	:	:	:	:	:
Switzerland	:	:	:	:	:	:
Serbia	:	:	:	:	:	59
Turkey	:	:	:	:	:	:

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

### Country notes applicable to Table 2

**Bulgaria:** In cases previewed by the law, the Minister of Finance, upon proposal of the chairman of the State Agency for National security, can postpone by written order certain transactions or deals for a term of three work days starting from the day following the date of issue of the order. The statistics for 2009 and 2010 reflect the number of postponement orders. Each order may contain multiple transactions to be postponed.

**Croatia:** The Croatian FIU (AMLO) may issue an order to instruct the reporting entity to postpone the execution of the suspicious transaction for a maximum period of 72 hours, in instances where it is necessary to take urgent action to verify data on a suspicious transaction or when the FIU judges that there are grounded reasons that a transaction or a person is linked to money laundering or terrorist financing.

**Czech Republic:** The FIU can apply for both an extension of the postponement of the transaction (in cases where the postponement was already applied for by the Reporting Entity) and an “independent” order for a postponement (without such a prior action by the Reporting Entity itself).

**Germany:** German legislation does not recognize postponement orders.

**Estonia:** We have defined the number of postponement orders adopted on reported transactions as the directions to suspend a transaction issued by the FIU. Due to the changes in the law in 2008, the data from 2008 will not be comparable to the previous year.

**Iceland:** FIU Iceland has only used this order twice in recent years. Both were done informally and in cooperation with the banks involved.

**Ireland:** Irish legislation provides for the issue of direction to cease all transactions on an account if it is suspected that the funds in the account are the proceeds of criminal conduct pursuant to Section 31(8) Criminal Justice Act 1994 as amended.

**Spain:** Postponement orders are within the competence of the Spanish FIU.

**Italy:** Pursuant to Article 6 of Lgs. Decree no. 231/2007 the Italian FIU has the authority to suspend the execution of a transaction for 5 days, also at request of the *Nucleo Speciale di Polizia Valutaria* (NSPV), the *Direzione Investigativa Antimafia* (DIA) and the judicial authority.

**Latvia:** Since 2008 there has been a new Anti-Money Laundering / Counter Terrorist Financing law in force: Law on the Prevention of Laundering the Proceeds from Criminal Activity and of Terrorist Financing.

**Liechtenstein:** All further transactions are prohibited by law after the filing of an STR; no postponement order is needed.

**Lithuania:** According to the Anti-Money Laundering / Counter Terrorist Financing law, financial institutions and other entities, except for notaries and persons authorised to perform notarial acts, lawyers and lawyers’ assistants and bailiffs, upon the detection that their client is carrying out a suspicious financial operation or transaction, must terminate the operation or transaction and, not later than within 3 working hours report about this operation or transaction to the Financial Crime Investigation Service, regardless of the amount of the financial operation or the transaction. The Financial Crime Investigation Service, within 5 working days after the receipt of the information or after giving an instruction to

postpone the operation without a delay, carries out the actions necessary to prove or deny the criminal activity being conducted by the customer.

**Luxembourg:** Article 5(3) of the Anti-Money Laundering / Counter Terrorist Financing law from 2004 provides that the Prosecutor (FIU) has the power to freeze any transaction or any account on the grounds of money laundering/terrorist financing suspicion. The validity of such a freezing order is for 3 months and may be extended from month to month up to 6 months.

**Hungary:** The figures cover the postponements/suspensions based on the decision of the service provider as well as postponement orders issued by the Hungarian FIU.

**Poland:** The data include postponements orders. However, bank account freezing orders are used much more frequently as they are more effective.

**Portugal:** The Portuguese FIU has no powers to carry out this type of operation. When necessary, a proposal to freeze a financial transaction is presented to the competent judicial authority (DCIAP – Public Prosecution), which will evaluate it and then make a decision. Therefore, the values refer to proposals made by the Portuguese FIU to the Public Prosecution.

**Romania:** According to the Anti-Money Laundering / Counter Terrorist Financing law, if the Office considers it necessary, it may impose, based on a reason, the suspension of performing the transaction for a period of 48 hours. This period may be extended for another period of up to 72 hours by the General Prosecutor's Office by the High Court of Cassation and Justice (GPOHCCJ), if motivated by the FIU. The GPOHCCJ may authorize only once the required prolongation, or, as the case may be, may order the cessation of the suspension of the operation.

**Slovenia:** Slovenia's FIU may issue a written order temporarily suspending a transaction for a maximum of 72 hours.

**Slovakia:** The FIU has the power/legal possibility to postpone a transaction up to 72 hours in total. Data are not available prior to 2007.

**Finland:** FIU Finland has the power to freeze assets (give a postponement order), either based on an STR received or on the request of a foreign FIU.

**Turkey:** The Turkish FIU (MASAK) has no authorization to postpone financial transactions.

**United Kingdom:** There is no actual postponement wording in the legislation. Reporters submitting SARs may seek the consent of the Serious Organised Crime Authority (SOCA) to carry out a transaction they believe to fall within the definition of money laundering. Consent can be granted or refused by SOCA within 7 working days, during which the reporter can take no action. If SOCA refuses consent, funds can be restrained for 31 days. On the 32<sup>nd</sup> day the activity can commence if there is no law enforcement action.

### Money laundering investigations carried out independently by law enforcement agencies

The information available from Member States regarding independent money laundering investigations was very limited, but nevertheless an improvement on the amount of data provided in previous years. Not all countries recorded the number of investigations commenced, while some others were unable to distinguish between investigations based solely on intelligence gathered by investigators and those triggered by an STR.

Table 3: Number of money laundering investigations carried out independently by law enforcement agencies (without a prior STR)

	Reporting Unit	Commencements					
		2005	2006	2007	2008	2009	2010
Belgium	STR	:	385	437	456	511	438
Bulgaria	STR	214	186	33	92	55	108
Czech Republic	STR	42	25	25	34	:	74
Denmark	STR	:	:	:	:	:	:
Germany	STR	:	:	:	:	:	:
Estonia	STR	:	:	:	:	:	:
Ireland	STR	:	:	:	:	:	:
Greece	STR	:	:	:	:	:	:
Spain	SAR	74	122	108	:	202	230
France	STR	:	:	:	:	:	:
Croatia	STR	:	:	:	:	6	9
Italy	STR	:	:	:	:	:	:
Cyprus	SAR	237	231	332	390	443	494
Latvia	STR	5	19	10	24	32	35
Lithuania	STR	7	8	4	6	10	34
Luxembourg	STR	:	:	:	:	22	47
Hungary	STR	102	1 137	13	62	4	12
Malta	STR	5	9	9	4	8	6
Netherlands	UTR	:	:	:	:	:	:
Austria	STR	70	183	229	274	254	582
Poland	STR	:	87	120	87	:	:
Portugal	STR	:	:	:	:	:	:
Romania	STR	:	52	162	172	201	259
Slovenia	STR	2	1	1	5	7	30
Slovakia	STR	:	:	58	60	85	111
Finland	SAR	47	73	77	79	63	105
Sweden	STR	:	:	:	:	:	:
United Kingdom	SAR	:	:	:	:	:	:
Iceland	STR	:	:	:	:	:	:
Liechtenstein	STR	:	1	2	0	1	2
Switzerland	SAR	:	:	:	:	:	:
Serbia	STR	:	:	:	:	:	:
Turkey	SAR	:	:	:	:	:	:

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

**Country notes applicable to Table 3**

**Belgium:** Complete data are only available for 2006, 2007 and 2008 and not all information for 2009 and 2010 has been encoded. The lower figure for 2010 does not therefore imply an actual reduction in the number of investigations. The Cellule des Traitements des Informations financiers (CTIF, Belgian FIU) forwards the documents to the prosecutor when there are serious indications of money laundering.

**Bulgaria:** The figures are for the number of cases that ended with a recommendation to initiate pre-trial proceedings.

**Czech Republic:** Concerning law enforcement agencies, i.e. the police, 74 cases were investigated in 2010 without a prior STR. The data for 2009 are not available.

**Germany:** The FIU Germany has no statistics on integrated financial investigations. In criminal proceedings based on an STR or in other criminal proceedings based on suspicion of money laundering or financing of terrorism, the competent public prosecutor's office shall inform the Federal Criminal Police Office - FIU - of the commencement and the outcome of proceedings.

**Estonia:** Investigations initiated on the basis of FIU materials (other investigations not included).

**Iceland:** According to the Police Computer System four cases were investigated by police agencies in 2007. One of the investigations was without a prior STR.

**Ireland:** A number of money laundering investigations are conducted in relation to investigation into targets of criminal gangs involved in organised crime. There are approximately 40 investigations into money laundering over the years concerned, however the numbers for each year cannot be supplied.

**Cyprus:** The numbers represent only the investigations other from STRs carried out by the FIU which also include reports submitted to the FIU by the police.

**Latvia:** The source used includes around 95% of the data; the rest of the data are registered by other institutions.

**Liechtenstein:** Regulation (EC) No 1889/2005 of 26 October 2005 on controls of cash entering or leaving the Community is not legally binding for EEA Countries including Liechtenstein.

**Luxembourg:** Not available before 2009.

**Hungary:** This figure cover the money laundering investigations carried out either on the basis of an STR, or independently (without STR).

**Austria:** Data come from reports by the Ministry of Internal Affairs (Bundeskriminalamt).

**Poland:** Such investigations result from the activity of the prosecution office, reports from the police, citizens, banks, tax offices, customs and others. No data are available prior to 2006.

**Portugal:** These data are not separated from the rest of the STRs analysed by the Portuguese FIU.

**Slovakia:** This figure covers the money laundering investigations carried out either on the basis of an STR, or independently (without STR). No data are available prior to 2007.

**Finland:** The numbers given as answers reflect the numbers of those criminal investigation cases conducted by the Finnish law enforcement agencies where the suspected crime has been money laundering. Data are available since 2004. There is no justification to compare the number of money laundering investigations independently versus ‘unindependently’ which would mean with a prior STR. The law enforcement agencies investigate crime, and one (rare) type of crime is a money laundering offence.

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

**United Kingdom:** The United Kingdom does not record the number of investigations commenced, so money laundering investigation numbers are also not recorded.



### Declarations made in application to the EU Cash Control Regulation

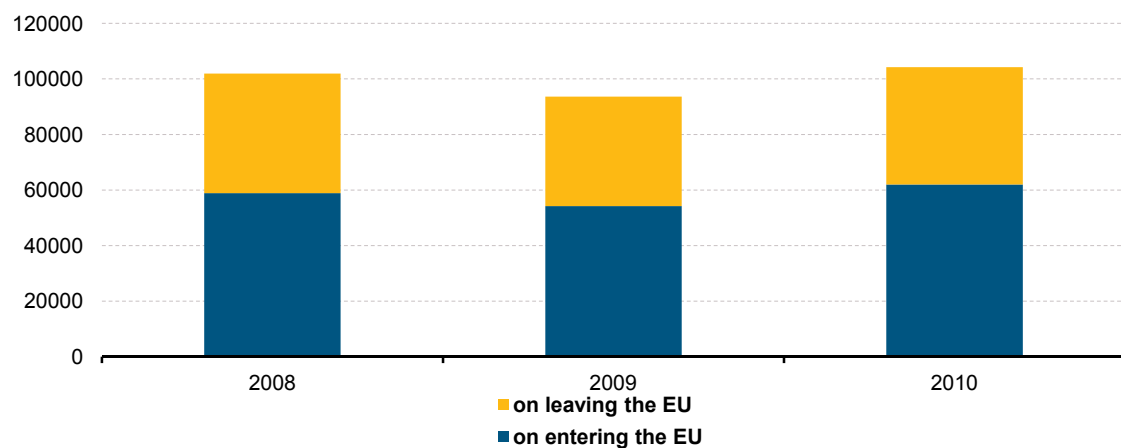
DG Taxation and Customs Union (DG TAXUD) collects the number of declarations made by Member States in application to the EU Cash Control Regulation 1889/2005. All Member States were able to provide data for 2008, 2009 and 2010, presented in Table 4.

### Incorrect cash declarations or findings as a result of customs controls in the EU at the external borders

DG TAXUD also collects information on the number of incorrect cash declarations or findings as a result of customs controls in the EU at external borders, shown in Table 5.

The figures in Tables 4 and 5 are summarised below.

Figure 1: Declarations made in application to the EU Cash Control Regulation (in € thousands)



	Value of declarations (million euro)	Value of incorrect declarations (million euro)
2008	48 393	1 433
2009	45 315	324
2010	55 139	514

Figure 2: Incorrect cash declarations or findings as a result of customs controls in the EU at external borders  
(in € thousands)

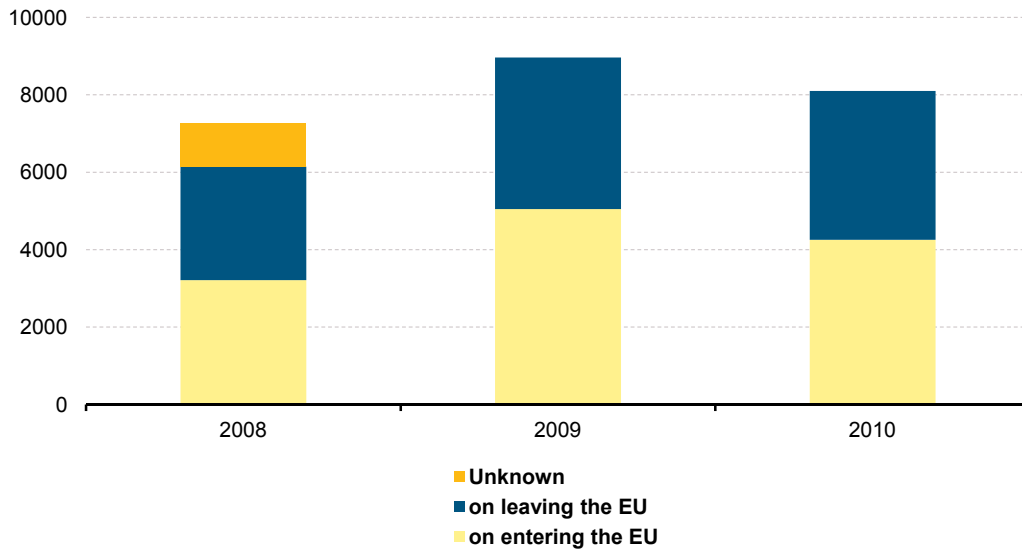


Table 4: Number of declarations made in application to the EU Cash Control Regulation

	2008				2009				2010			
	on entering the EU	on leaving the EU	Total number	Amount (in million euro)	on entering the EU	on leaving the EU	Total number	Amount (in million euro)	on entering the EU	on leaving the EU	Total number	Amount (in million euro)
Belgium	331	201	532	27.10	464	170	634	38.48	784	206	990	48.31
Bulgaria	1 445	954	2 399	176.08	1 123	316	1 439	127.67	1 031	265	1 296	171.79
Czech Republic	298	264	562	156.73	373	164	537	376.45	399	288	687	223.20
Denmark	27	177	204	7.69	36	262	298	10.08	33	215	248	8.34
Germany	14 441	10 626	25 067	34 820.69	9 126	6 047	15 173	24 056.39	11 852	7 229	19 081	41 163.79
Estonia	46	930	976	580.91	30	767	797	385.08	120	989	1 109	496.25
Ireland	4	11	15	0.39	5	10	15	0.42	9	16	25	1.06
Greece	2 221	86	2 307	74.39	2 611	127	2 738	91.21	2 411	115	2 526	70.02
Spain	4 694	3 812	8 506	753.84	4 004	3 178	7 182	507.05	3 273	2 783	6 056	402.07
France	6 571	7 419	13 990	1 274.91	6 982	9 889	16 871	1 238.34	7 665	11 158	18 823	1 435.04
Italy	14 250	10 460	24 710	4 690.97	20 045	12 203	32 248	7 464.07	23 606	10 915	34 521	5 850.56
Cyprus	375	209	584	23.37	580	148	728	27.39	763	165	928	30.28
Latvia	57	113	170	43.88	67	103	170	49.97	72	60	132	41.66
Lithuania	3 029	794	3 823	101.64	832	557	1 389	50.84	1 229	828	2 057	82.73
Luxembourg	3	4	7	0.25	11	9	20	1.15	7	21	28	1.02
Hungary	709	121	830	46.35	427	54	481	29.80	372	54	426	23.02
Malta	116	36	152	5.65	210	58	268	14.86	308	73	381	16.52
Netherlands	1 126	647	1 773	72.63	1 334	1 264	2 598	116.06	1 346	723	2 069	280.01
Austria	602	1 895	2 497	3 271.22	931	1 633	2 564	8 327.73	1 280	2 133	3 413	3 553.56
Poland	4 227	1 421	5 648	219.02	714	271	985	23.92	388	2 155	2 543	61.56
Portugal	1 071	277	1 348	96.10	1 611	168	1 779	122.99	2 071	81	2 152	126.33
Romania	769	177	946	98.31	528	130	658	81.83	855	202	1 057	150.82
Slovenia	610	187	797	1 687.21	270	73	343	352.85	195	67	262	13.40
Slovakia	35	0	35	1.21	18	0	18	0.53	43	0	43	1.21
Finland	129	117	246	31.91	57	115	172	18.46	91	95	186	7.59
Sweden	71	562	633	21.32	104	259	363	11.07	92	310	402	789.56
United Kingdom	1 652	1 501	3 153	109.25	1 728	1 420	3 148	1 790.74	1 721	1 046	2 767	89.69

0 = zero (no cases) in that year.

Source: DG TAXUD (Taxation and Customs Union) except Spain and Eurostat for Spain.

Table 5: Number of incorrect cash declarations or findings as a result of customs controls in the EU at external borders

	2008				2009				2010			
	on entering the EU	on leaving the EU	Total number	Amount (in million euro)	on entering the EU	on leaving the EU	Total number	Amount (in million euro)	on entering the EU	on leaving the EU	Total number	Amount (in million euro)
Belgium	5	1	6	0.14	0	1	1	0.02	6	2	8	0.18
Bulgaria	3	26	29	2.75	11	12	23	0.72	11	7	18	0.83
Czech Republic	1	0	1	0.01	3	1	4	0.21	3	19	22	0.38
Denmark	1	134	135	3.85	63	131	194	3.84	11	127	138	3.02
Germany	1 680	1 050	2 730	930.20	2 140	1 239	3 379	97.42	1 879	1 057	2 936	260.25
Estonia	1	0	1	0.01	2	2	4	0.16	4	0	4	0.23
Ireland	1	8	9	0.17	1	4	5	0.12	1	2	3	0.08
Greece	2	6	8	0.93	0	4	4	0.80	5	3	8	0.33
Spain	21	236	257	18.35	22	180	302	20.85	84	242	326	18.22
France	1 018	559	1 577	185.27	857	574	1 431	59.98	644	502	1 146	40.29
Italy	:	:	1 115	245.91	691	576	1 267	50.53	959	1 077	2 036	123.95
Cyprus	6	12	18	0.58	0	11	11	0.27	1	14	15	0.39
Latvia	2	0	2	0.64	0	4	4	0.09	0	0	0	0.00
Lithuania	0	1	1	0.00	0	0	0	0.00	3	0	3	0.02
Luxembourg	0	0	0	0.00	7	6	13	0.36	3	7	10	0.25
Hungary	9	10	19	0.46	6	1	7	0.09	8	4	12	0.39
Malta	1	0	1	0.03	1	1	2	0.06	3	0	3	0.10
Netherlands	96	113	209	7.28	254	576	830	23.73	145	128	273	35.16
Austria	3	6	9	0.49	25	58	83	3.42	88	143	231	10.21
Poland	37	31	68	5.08	3	4	7	0.13	0	0	0	0.00
Portugal	22	99	121	4.37	779	91	870	41.57	257	224	481	9.97
Romania	0	1	1	0.00	2	1	3	0.55	6	8	14	0.38
Slovenia	33	3	36	2.47	11	11	22	0.89	10	4	14	0.43
Slovakia	0	0	0	0.00	0	0	0	0.00	0	0	0	0.00
Finland	27	10	37	0.76	6	3	9	0.20	14	1	15	0.54
Sweden	2	0	2	0.09	12	11	23	0.67	6	5	11	0.30
United Kingdom	241	626	867	22.88	153	413	566	17.36	105	266	371	8.14

0 = zero (no cases) in that year.

Source: DG TAXUD (Taxation and Customs Union) except Spain and Eurostat for Spain.

**Country notes applicable to Tables 4 and 5**

**Italy:** It should be noted that the number of declarations make reference to the overall declarations on transfers of cash, instruments and securities in an amount greater than 10 000 Euros (or the equivalent value) carried or else transferred (also by means of postal parcel) from or to a foreign country by residents or non-residents. As of 1 January 2009, with the implementation of Lgs. decree no. 195/2008, such declarations must be made for the Customs Agency.

**Slovenia:** From 2004 onwards only transfers of cash to/from third countries have been supervised. The threshold which has to be reported to the Office For Money Laundering Prevention has also been changed as until June 2007 the amount was approximately 12 500 EUR, but since then the threshold has been 10 000 EUR.

**Turkey:** The Regulation is not implemented in Turkey. Also, combating cash smuggling at the borders is not under the scope of duties of the Turkish FIU (MASAK).

### **Suspicious cash activities at the EU borders reported to the Financial Intelligence Unit (FIU)**

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 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 FIUs.

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 (Czech Republic, Germany and United Kingdom) indicated that the data might, nevertheless, be available in the future.

Nineteen Member States were able to provide data for at least one reference year.

Table 6: Number of suspicious cash activities at the EU borders reported to the FIU (including those based on declarations and smuggling)

	2005	2006	2007 <sup>(1)</sup>	2008	2009	2010
Belgium	:	:	196	619	957	1 096
Bulgaria	5	6	9	9	:	:
Czech Republic	:	:	:	:	8	49
Denmark <sup>(1)</sup>	:	:	:	:	:	250
Germany	:	:	:	:	:	:
Estonia	129	73	54	28	3	4
Ireland	:	:	:	:	:	:
Greece	:	:	:	:	:	:
Spain	322	563	432	444	593	557
France	:	:	:	:	:	:
Croatia	29	34	34	45	45	32
Italy	:	:	:	:	:	:
Cyprus	3	0	3	3	4	3
Latvia	:	33	132	159	191	126
Lithuania	:	:	:	3 780	877	1 979
Luxembourg	:	:	0	0	0	0
Hungary	1 032	1 069	461	483	37	22
Malta	:	:	1	4	3	1
Netherlands	366	571	1 265	1 819	2 716	2 736
Austria	:	:	:	:	:	:
Poland	:	:	:	:	:	:
Portugal	358	426	493	698	1 390	2 150
Romania	:	53	25	11	0	1
Slovenia	0	0	0	0	0	0
Slovakia	:	:	11	35	5	36
Finland	:	:	162	260	180	189
Sweden	:	:	222	635	:	:
United Kingdom	:	:	:	:	:	:
Iceland	:	0	1	:	:	:
Liechtenstein	:	:	:	:	:	:
Switzerland	:	:	:	:	:	:
Serbia	:	:	:	:	:	:
Turkey	:	0	0	3	0	6

<sup>(1)</sup> June to December only.

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

### Country notes applicable to Table 6

**Belgium:** Customs authorities send reports to the FIU (CTIP in Belgium).

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

**Denmark:** Figures not available, but in most cases where no declaration is made, the local police are informed. Cash declarations, controls and cash detained is made available to the FIUs, and within a few months the Danish FIU will put the information into their own database.

**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. Furthermore, in accordance with the law 10/2010 of 28<sup>th</sup> April on the prevention of money laundering and terrorist financing, there is an obligation to declare the movement of means of payment into or out of national territory.

**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.

**Ireland:** Section 38(1) Criminal Justice Act 1994 as amended provides for the seizing of cash over a prescribed sum in legislation where there are reasonable grounds for suspecting that it represents the proceeds of crime or intended to be used for the purposes of criminal conduct.

**Iceland:** STRs from the Customs authorities to the FIU-Iceland in recent years were 1 in 2007 and 0 in 2006. Usually it is no more than a couple per year.

**Italy:** It should be noted that the number of declarations make reference to the overall declarations on transfers of cash, instruments and securities in an amount greater than 10 000 Euros (or the equivalent value) carried or else transferred (also by means of postal parcel) from or to a foreign country by residents or non-residents. As of 1 January 2009, with the implementation of Lgs. decree no. 195/2008, such declarations must be made for the Customs Agency.

**Latvia:** In Latvia this declaration has been activated since 1 July 2006.

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

**Lithuania:** The FIU receives information from customs authorities when 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 the statistics provided refer to reports of this type.

**Luxembourg:** No STRs were filed upon the application of the cash control regulation 2009 and 2010.



**Netherlands:** The figures provided are for 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 4).

**Portugal:** Some cases of suspicious cash activities carried out by Portuguese citizens, which were detected by police forces of other countries, near the EU land borders and, in particular, the border next to Switzerland (on average, less than five cases per year) have been conveyed to the FIU and, through it, to DCIAP (Public Prosecution). On the other hand, at the national airports, there have been some cash entries from African countries, which were mostly based on passengers' spontaneous declarations. Such communications have led to preventive investigations, even though there is no specific provision in the Portuguese legal system that restricts or subjects the transport of any amount of cash within national territory to any conditioning.

**Romania:** The data were provided by the National Customs Authority in accordance with the provisions of Art. 3, para. 11 of the Anti-Money Laundering / Counter Terrorist Financing 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 to the law, in relation to the declarations of natural persons, regarding cash in foreign currency and/or national currency, which is equal or above the limit set by the Regulation (EC) no. 1889/2005 while entering or leaving the Community. The National Customs Authority is required to transmit all the information related to suspicion of money laundering or terrorism financing within 24 hours.

**Slovakia:** The figures provided refer to the number of declarations received by the customs authorities and then reported to the FIU. Data are not available prior to 2007.

**Finland:** The figures show the total number of declarations to the FIU; that is, the number includes all known cases.

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

**Croatia:** The Customs Administration is obliged to notify the FIU on cash entering or leaving across the state border amounting to € 10,000 or greater, whether declared or undeclared, and on cash entering or leaving or attempted cash entering or leaving across the state border where the suspicion of money laundering or terrorist financing exists, irrespective of the amount. The Custom Administration notifies the FIU on cash carried across the state border via an electronic form, using electronic data transmission means.

**Turkey:** The figure indicates the number of suspicious cash activities detected at the EU borders of Turkey.

### Suspicious Transaction Reports (STRs) sent to law enforcement

Member States were asked to provide information on the Suspicious Transaction Reports (STRs) which, after analysis by the Financial Intelligence Unit (FIU), are then sent to the law enforcement authorities for further action. The number of STRs submitted to law enforcement authorities, compared to the total number of STRs filed by the obliged entities, is usually small.

Table 7: Number of Suspicious Transaction Reports (STRs) sent to law enforcement <sup>(1)</sup>

	Reporting Unit	2005	2006	2007	2008	2009	2010
Belgium	STR	:	912	1 166	937	1 020	1 259
Bulgaria	STR	320	274	337	401	521	480
Czech Republic	STR	196	134	102	71	191	296
Denmark	STR	:	:	:	:	:	:
Germany	STR	8 241	10 051	9 080	7 349	9 046	11 042
Estonia	STR	159	358	397	282	742	1 118
Ireland	STR	:	:	:	:	:	:
Greece	STR	:	:	:	:	:	:
Spain	SAR	462	466	569	686	2 144	2 606
France	STR	:	:	:	:	:	:
Croatia	STR	:	:	91	103	114	116
Italy	STR	:	:	:	:	:	:
Cyprus	SAR	:	:	:	:	:	:
Latvia	STR	3 942	4 029	2 996	3 612	3 378	6 174
Lithuania	STR	65	65	69	91	104	131
Luxembourg	STR	25	40	33	104	110	138
Hungary	STR	:	:	:	:	1 268	1 674
Malta	STR	28	24	24	41	20	34
Netherlands	UTR	38 481	34 531	45 656	54 605	32 100	29 795
Austria	STR	:	:	:	:	:	:
Poland	STR	798	941	1 168	996	:	:
Portugal	STR	200	272	378	300	188	240
Romania	STR	483	367	660	796	706	524
Slovenia	STR	32	37	69	63	65	55
Slovakia	STR	:	:	811	915	861	816
Finland	SAR	385	779	2 548	1 700	2 702	3 636
Sweden	STR	:	300	462	:	:	:
United Kingdom	SAR	:	:	:	:	:	:
Iceland	STR	:	:	:	:	1	1
Liechtenstein	STR	139	113	141	161	174	:
Switzerland	SAR	504	507	629	687	797	1 002
Serbia	STR	:	:	:	:	61	72
Turkey	SAR	:	:	:	:	:	:

<sup>(1)</sup> 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 Section 1).

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

Table 7 should be interpreted with caution, as there is no direct and linear correlation between STRs, SARs, UTRs filed in any given year and the number of cases sent to law enforcement services.

A case can be built over the course of several years and comprise hundreds if not thousands of STRs, which in turn can contain anything between one and several thousand transactions. Moreover, the counting units retained by Member States vary. Some Member States may retain as a counting unit the first STR opening the case, while others may count them all, which affects the results and reduces comparability.

The distribution of the number of STRs submitted to the law enforcement authorities for 2008, 2009 and 2010 is given below. The data reveal that almost half of the Member States submit to the law enforcement authorities less than 25% of the STRs, SARs or UTRs filed by the obliged entities. The calculations are based on 16 Member States that provided data for all three reference years.

Table 7.a: Percentage of reports sent to law enforcement by Member States

Percentage band	Number of Member States		
	2008	2009	2010
less than 25%	8	6	8
25% – 50%	4	7	5
51% – 75%	3	1	1
more than 75%	1	2	2
Total	16	16	16

Some FIUs make full use of extensive powers at their disposal while other FIUs have more restricted possibilities. Hence, the former type of FIUs tend to deliver more complete cases, which take more time to process, further disconnecting the linear and annual approach of this statistical analysis. This table is therefore to be interpreted in this context.

A significant decrease in the number of STRs / UTRs submitted to law enforcement authorities has been noted in Bulgaria, Portugal, Romania and Luxembourg. On the contrary, an increase in the number of STRs / UTRs submitted to law enforcement authorities has been noted in Spain, Estonia, the Czech Republic and Finland.

### Country notes applicable to Table 7

**Bulgaria:** STRs that are not sent to law enforcement agencies for further investigation (because the financial intelligence analyses could not confirm/find 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 when the suspicion persists is a complaint forwarded by the FIU to the law enforcement agency.

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

**Estonia:** For the number of STRs sent to law enforcement, it should be noted that the numbers refer to the STRs used in the files sent to the law enforcement agencies, not the number of files forwarded (one file may consist of the information contained in more than one STR). It should also be noted that the Estonian FIU never sends to law enforcement agencies the STR itself as it is prohibited by law, but the files formed on the basis of the STRs instead. However, statistics are kept on which STRs the files forwarded to law enforcement agencies were based on.

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

**Ireland:** All STRs received by FIU Ireland are investigated fully.

**Spain:** All STRs are subject to analysis in the Spanish FIU. The number of STRs sent to law enforcement agencies excludes the number of reports that are provisionally shelved in a given year.

**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, including the identification of participants and finding their previous reported transactions. The total number of transactions included in the files sent by the FIU to law enforcement agencies is indicated here.

**Lithuania:** The Lithuanian Financial Crime Investigation Service under the Ministry of Interior, FCIS (Lithuania FIU) is responsible for both analysis of STRs and for pre-trial investigations on the background of STRs. FCIS is a law enforcement institution. After receiving an STR, the FCIS Money Laundering Prevention Division (MLPD) opens an analysis file. MLPD is an intelligence unit of FCIS and has no pre-trial investigative powers. So after preliminary analysis, if some indications of crime are detected, MLPD sends information to local units (county divisions) of FCIS where pre-trial investigation starts.

**Luxembourg:** All STRs received are analysed by the FIU which is part of the Luxembourg State Prosecutor's Office. If the analysis conducted by the FIU confirms the suspicion, the analysis report will be forwarded to the State Prosecutor to open or corroborate a criminal investigation file.

**Netherlands:** This information is not available. Instead is the total number of suspicious transactions forwarded to investigation services per year is provided. After investigation by the FIU-The Netherlands, a UT (unusual transaction) can be declared suspicious and only then will it 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 refer 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 processes all STRs and notifies the General Prosecutor's Office by the High Court of Cassation and Justice in cases where solid evidence for money laundering exists. Whenever there operations are identified that involve suspected terrorism financing, the General Prosecutor's Office by the High Court of Cassation and Justice and the Romanian Intelligence Service are notified.

**Slovakia:** Within the FIU all the STRs are included in further analysis and "preliminary police investigation" because of the police nature of the FIU (the FIU is a law enforcement body, however it has no investigative powers). If suspicion of money laundering or any other crime is established, an intelligence file is forwarded to other appropriate law enforcement bodies for further analysis or for investigation. If suspicion is proved following the analysis done by the FIU then the case is closed within the FIU and details are stored in the FIU database for further exploitation in the future. Thus the figures in Table 7 show the number of STRs (intelligence files) forwarded to the law enforcement bodies for further analysis or for investigation, as well as the number of STRs closed within the FIU as being negative.

**Finland:** All the STRs are subject to FIU analysis. Based on the analysis, information related to 1700 STRs was forwarded to law enforcement in 2009. Information can be forwarded to law enforcement for the purpose of preventing or investigating money laundering / terrorist financing or the predicate offence beyond these. In FIU Finland all the STRs are included in our further analysis. The numbers are given by calculating the difference between the total of the STRs and the STRs forwarded to the law enforcement.

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

**United Kingdom:** 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 undergo 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 are not available in any standardised format.

**Croatia:** Data refer to the number of cases (not STRs) disseminated to law enforcement. In Croatia, all STRs received from reporting entities are subject to analytical-intelligence processing by the FIU.

**Turkey:** The Turkish FIU (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 from abroad. The data received by MASAK are analysed and evaluated by its own experts or sent to examiners for further examination. If there are serious findings about the perpetration of a laundering offence, the cases are referred to the Public Prosecutor's Office.

**Serbia:** The data provided refer to the number of FIU cases concerning suspected money laundering, and one case contains more than one suspicious transaction.

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

**Staff dedicated full time (or full time equivalent) to money laundering in the FIU**

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, 9 had “police” FIUs, 2 had “judicial” FIUs and 3 had “hybrid” types of FIUs. Since the previous publication a correction was made regarding the status of the British FIU which is now registered as "hybrid" instead of "police".

There are no significant differences in the number of dedicated staff from year to year. Slovakia is the only exception with an increase of 10 staff members from 2008 to 2009.

Table 8: Number of staff dedicated full time (or full time equivalent) to money laundering in the FIU <sup>(1)</sup>

	FIU legal status	2005	2006	2007	2008	2009	2010
<b>Member States with "administrative" FIUs</b>							
Belgium	administrative	:	:	:	:	:	51
Bulgaria	administrative	36	44	42	41	:	:
Czech Republic	administrative	25	27	27	15	15	19
Greece	administrative	3	4	15	18	:	:
Spain	administrative	80	77	79	78	77	80
France	administrative	37	48	47	46	51	:
Croatia	administrative	18	18	18	22	22	22
Italy	administrative	:	:	92	99	97	104
Latvia	administrative	19	18	19	19	19	19
Malta	administrative	3	3	6	6	8	10
Poland	administrative	:	:	:	:	:	:
Portugal	administrative	25	26	27	27	27	28
Romania	administrative	39	27	35	34	36	36
Slovenia	administrative	15	14	15	16	18	18
<b>Member States with "police" FIUs</b>							
Germany	police	16	16	16	17	17	19
Estonia	police	11	12	17	22	18	16
Ireland	police	:	:	:	:	:	:
Lithuania	police	12	12	12	13	13	13
Hungary	police	:	:	:	:	31	30
Austria	police	:	:	:	:	:	:
Slovakia	police	29	29	29	28	38	38
Finland	police	27	27	27	27	25	24
Sweden	police	15	15	15	17	14	14
<b>Member States with "judicial" FIUs</b>							
Cyprus	judicial	14	19	19	19	21	21
Luxembourg	judicial	5	5	6	6	6	6

	FIU legal status	2005	2006	2007	2008	2009	2010
<b>Member States with "hybrid" FIUs</b>							
Denmark	hybrid	11	12	14	18	18	14
Netherlands	hybrid	:	56	56	56	56	56
United Kingdom	hybrid	:	:	:	:	:	:
Iceland	hybrid	1	1	1	:	:	:
Liechtenstein	:	7	7	7	7	7	:
Switzerland	administrative	8	8	8	8	8	8
Serbia	administrative	:	:	:	:	26	25
Turkey	administrative	126	138	146	155	161	172

(<sup>1</sup>) 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).

: Data not available or concept does not apply.

0 = zero (no personnel) in that year.

Source: Eurostat.



**Country notes applicable to Table 8**

**Greece:** Hellenic Anti-Money Laundering and Anti-Terrorism Financing Commission (H.A.M.L.C.)

**Spain:** All of them are full-time employees of the Spanish FIU (Sepblac), dependent on Sepblac's direction.

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

**Latvia:** Minor changes during the years are due to employees on parental leave. The Latvian FIU operates under the supervision of the Office of the Prosecutor.

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

**Romania:** The data provided represent the number of staff within the Reporting/Financial Analysis Department of National Office for Prevention and Control of Money Laundering (NOPCML) within FIU Romania.

**Estonia:** Figures are as of 31 December in the respective year.

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

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

**Slovakia:** As of November 2012, the FIU is composed of 35 full-time dedicated police officers (including management, financial analysts, regulatory and legal specialists, excluding administrative staff).

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

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

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

**Netherlands:** Before 2006 there were two separate organisations, MOT and BLOM. MOT was an administrative organisation and 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 MOT. BLOM on the other hand was a police support centre of the national public prosecutor for money laundering. As from 1 January 2006 both MOT and BLOM integrated into one organisation called FIU-the Netherlands.

**United Kingdom:** The United Kingdom FIU is within the Serious and Organised Crime Agency (SOCA). The FIU is a hybrid, so staff carry out all the activities of an FIU, but are not specifically dedicated to deal with money laundering on its own.

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

**Iceland:** In FIU-Iceland (Peningabvættisskrifstofa), one police officer dedicated full time. The post holder's job is to receive, analyse and forward STRs to other police departments. The post holder also acts as a contact person with the entities under an obligation to report, mainly the banks. A lawyer specialised in Anti-Money Laundering / Counter Terrorist Financing in the Economic Crime Unit also works extensively with the FIU.

### 2.2.2. Investigation stage

#### **Suspicious Transactions Reports (STRs) sent by the Financial Intelligence Unit (FIU) to law enforcement which and then investigated**

As some investigations take a long time, 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 agencies 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 an 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.

Sixteen Member States provided figures for at least one of the reference years and this varied considerably, from several thousand cases in Germany to fewer than 20 cases in others (Czech Republic and Lithuania). For Germany, this is because all STRs are sent to the police for investigation.

Table 9.1 indicates whether the law enforcement agencies have used the cases they received from the FIUs at the investigation stage of the anti-money laundering operational chain (see also Table 7). Given the above limitations, it can only provide a rough indication on the nature of domestic cooperation.

Depending on Member States' legal systems, the cases sent may be investigated on a systematic basis (e.g. the 100 % figure for Germany) or subject to a material review, to which other type of information and intelligence is to be added by law enforcement agencies.

The number of cases initiated in a given year by law enforcement agencies on the basis of STRs sent by FIUs would not normally be expected to exceed the number of STRs sent to law enforcement. However, some discrepancies may occur as a result of differences in timings and the inclusion of additional investigations that are not based on the STRs transmitted by the FIU. For Bulgaria and Portugal, the number of cases initiated by law enforcement agencies is higher than the number of STRs sent by the FIU.

Table 9.1: Percentage of Suspicious Transactions Reports (STRs) sent by the Financial Intelligence Unit (FIU) to law enforcement which are then investigated

		2008		2009		2010	
		Number of reports investigated	As a % of number sent by the FIU to law enforcement	Number of reports investigated	As a % of number sent by the FIU to law enforcement	Number of reports investigated	As a % of number sent by the FIU to law enforcement
<b>Member States reporting Suspicious Transaction Reports (STRs)</b>							
Belgium	STR	132	14	:	:	161	13
Bulgaria	STR	719	179	:	:	:	:
Czech Republic	STR	3	4	6	3	16	5
Germany	STR	7 349	100	9 046	100	11 042	100
Estonia	STR	6	2	29	4	47	4
Italy	STR	686		1 070		876	
Latvia	STR	91	3	69	2	132	2
Lithuania	STR	15	16	13	13	16	12
Luxembourg	STR	104	100	110	100	138	100
Malta	STR	41	100	:	:	:	:
Poland	STR	197	20	:	:	:	:
Portugal	STR	906	302	970	516	1 459	608
Romania	STR	719	90	179	25	96	18
Slovenia	STR	8	13	23	35	27	49
Slovakia	STR	3	0	159	18	64	8
<b>Member States reporting Suspicious Activity Reports (SARs)</b>							
Spain	SAR	66	10	61	3	61	2
<b>Member States unable to provide data</b>							
Denmark	STR	:	:	:	:	:	:
Ireland	:	:	:	:	:	:	:
Greece	STR	:	:	:	:	:	:
France	STR	:	:	:	:	:	:
Croatia	STR	103	100	114	100	116	100
Cyprus	SAR	:	:	:	:	:	:
Hungary	STR	:	:	:	:	:	:
Netherlands	UTR	:	:	:	:	:	:
Austria	STR	:	:	:	:	:	:
Finland	SAR	:	:	:	:	:	:
Sweden	STR	:	:	:	:	:	:
United Kingdom	SAR	:	:	:	:	:	:
Iceland	STR	:	:	:	:	:	:
Liechtenstein	STR	52	32	61	35	58	
Switzerland	SAR	:	:	:	:	:	:
Serbia	STR	:	:	:	:	:	:
Turkey	SAR	:	:	:	:	:	:

### Cases initiated by law enforcement agencies on the basis of Suspicious Transaction Reports (STRs) sent by the FIU

In the table below, Portugal shows a notable increase in the number of cases initiated by law enforcement agencies on the basis of STRs sent by the FIU from 906 in 2008 to 1459 in 2010. On the contrary Romania shows a significant decrease from 719 cases in 2008 to 96 in 2010.

Table 9.2: Number of cases initiated by law enforcement agencies on the basis of Suspicious Transactions Reports (STRs) sent by the Financial Intelligence Unit (FIU) <sup>(1)</sup>

		2005	2006	2007	2008	2009	2010
<b>Member States reporting Suspicious Transaction Reports (STRs)</b>							
Belgium	STR	:	250	252	132	:	161
Bulgaria	STR	534	458	369	719	:	:
Czech Republic	STR	2	7	7	3	6	16
Germany	STR	8 241	10 051	9 080	7 349	9 046	11 042
Estonia	STR	19	35	13	6	29	47
Italy	STR	642	648	765	686	1 070	876
Latvia	STR	155	155	146	91	69	132
Lithuania	STR	8	17	10	15	13	16
Luxembourg	STR	25	40	33	104	110	138
Malta	STR	21	26	21	41	:	:
Poland	STR	:	201	176	197	:	:
Portugal	STR	:	801	1 067	906	970	1 459
Romania	STR	:	:	:	719	179	96
Slovenia	STR	2	3	2	8	23	27
Slovakia	STR	:	:	9	3	159	64
<b>Member States reporting Suspicious Activity Reports (SARs)</b>							
Spain	SAR	73	63	53	66	61	61
<b>Member States unable to provide data</b>							
Denmark	STR	:	:	:	:	:	:
Ireland	:	:	:	:	:	:	:
Greece	STR	:	:	:	:	:	:
France	STR	:	:	:	:	:	:
Croatia	STR	70	87	120	103	114	116
Cyprus	SAR	:	:	:	:	:	:
Hungary	STR	:	:	:	:	:	:
Netherlands	UTR	:	:	:	:	:	:
Austria	STR	:	:	:	:	:	:
Finland	SAR	:	:	:	:	:	:
Sweden	STR	:	:	:	:	:	:
United Kingdom	SAR	:	:	:	:	:	:
Iceland	STR	0	0	2	:	:	:
Liechtenstein	STR	24	21	39	52	61	58
Switzerland	SAR	:	:	:	:	:	:
Serbia	STR	:	:	:	:	:	:
Turkey	SAR	:	:	:	:	:	:

<sup>(1)</sup> 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 Section 1).

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

### Country notes applicable to Tables 9.1 and 9.2

**Belgium:** The FIU (Cellule de traitement des informations financières, CTIF) sends cases (where there are suggestions of serious levels of money-laundering) to the prosecutor. However, it is not possible to ascertain from the Banque de données Nationale Générale (BNG) whether an investigation results from a report to the CTIF. It is possible to tell whether the facts were first recorded by the police or by the prosecutor and according to the BNG, there were 177 reports in 2009 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 2010, 161 reports were recorded based on information received by the prosecutor. These statistics are incomplete, however, insofar as incidents not noted directly by the police and forwarded by the prosecutor are later the subject of an offence. 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.

**Bulgaria:** Until the end of 2007, the FIU was an administrative body with its own budget and reporting to the Ministry of Finance. With the adoption of the Law on the State Agency for National Security (SANS), the FIU was transferred to the Financial Intelligence Directorate of SANS, where it retains operational independence and continues to operate as an administrative FIU. The FIU notifies the Prosecution Office or the Combating Organized Crime General Directorate (Ministry of the Interior) when there is a suspicion of money laundering. Files are then initiated at the Supreme Cassation Public Prosecutor's Office. The notifications received are both from the FIU and from the Ministry of the Interior – Combating Organized Crime General Directorate, less from other directorates within the Ministry of the Interior, from investigations of the Prosecutor's Office itself, from other institutions e.g. tax authorities, the media and very rarely from citizens. The data represent the number of reports sent by the FIU to the law enforcement authorities, on the basis of which correspondence was initiated.

**Czech Republic:** Not all cases initiated by the police on the basis of STRs sent by the FIU were evaluated as a money laundering cases. Some of the STRs were solved as frauds, forgery and others (76 cases) and the rest (102 cases) were money laundering cases.

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

**Italy:** The STRs sent by the FIU are investigated by the *Direzione Investigativa Antimafia* (DIA) and by the *Nucleo Speciale di Polizia Valutaria* (NSPV) of Guardia di Finanza. The figure for 2010 is provisional.

**Latvia:** The FIU sends groups of STRs, which may contain one or more (also hundreds of) transactions, to law enforcement. The table shows the numbers of these groups and includes only around 95% of such cases. The data come from one source, other sources are not included.

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

**Luxembourg:** The numbers encompass both the “*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 money laundering investigations triggered by FIU analysis (STR) are as follows: 17 (2008); 56 (2009); and 60 (2010).

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

**Portugal:** The numbers refer to the investigations taken forward by the General Prosecution (DCIAP), following the communication of operations likely to lead to the commission of a crime related to money laundering or to terrorism financing (STR). For every communication received, DCIAP carries out a preventive investigation. If the preventive investigation identifies elements that confirm the suspicion of a crime, then an inquiry is opened; otherwise the preventive investigation ends and is filed. Quite often the communication of suspicious operations relate to situations already known to the Public Prosecutor or is linked to on-going investigations. In this case, the relevant elements of the communication are appended to the on-going inquiry and a separate inquiry is not carried out. In 2009, 970 preventive inquiries were carried out following a communication of suspicious operations; 117 communications proceeded to an inquiry or were linked to existing inquiries, and 60 of these led to a specific inquiry. For 2010, there were 1459 preventive inquiries; 117 proceeded to an inquiry or were linked to existing inquiries, and 45 of these led to a specific inquiry. The inquiries concern money laundering and the predicated crime unless the predicated crime was committed outside national territory.

**Romania:** The number 719 for 2008 refers to cases that include those where there are solid grounds for suspicion of money laundering and terrorism financing, disseminated by the FIU to the General Prosecutor's Office by the High Court of Cassation. The data presented for 2009 and 2010, registering a much smaller amount comparable to 2008, highlight a significant decrease in the number of STRs received from law enforcement agencies and submitted for settlement by the Public Ministry by the National Office for Preventing and Control of Money Laundering.

**Slovakia:** The police statistical system contains only aggregate figures for all the investigations initiated by law enforcement agencies relating to the appropriate criminal offence, irrespective of the source of the information or suspicion. The FIU does not keep these kinds 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 other police bodies for further analysis or investigation, if appropriate. However, the FIU has no feedback on whether the investigation has been actually initiated by a specific law enforcement agency or not and hence these specific statistics are not available.

**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 the numbers of investigations which can involve the grouping of more than one transaction. Normally a case coincides with an investigation.

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

**Hungary:** The system for collecting this sort of statistical data is under development.

**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. The table provides the total number of suspicious transactions consulted in 2006 and 2007 (years before are 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 mentioned in Table 7.

**Finland:** The law enforcement authorities do not investigate the STRs as such. Instead they investigate crime, i.e. the suspected criminal activity of individuals, with the aim of collecting enough evidence 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 when there are strong enough suspicions of 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.

**United Kingdom:** United Kingdom does not record the number of investigations commenced.

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

**Turkey:** If there are serious findings about the occurrence of a money laundering offence, the cases are referred to the Public Prosecutor's Office by the FIU (MASAK).

**Iceland:** The number of STRs investigated by the Economic Crime Unit of the National Commissioner of the Icelandic Police was 23 in 2007. Eight STRs were in one of the cases investigated by the Economic Crime Unit (FIU-Iceland is part of the Economic Crime Unit). Only information from the STR, not the STR itself, is sent to other police departments in the country.

**Switzerland:** Of the 1,159 SARs in 2010, 1002 were forwarded to the Prosecutor in 2010. From January 2001 to 31 December 2010, the Swiss Money Laundering Reporting Office had forwarded a total of 6,326 SARs to prosecuting authorities. By the end of 2010, decisions had been reached in 4,271 cases. Of these, 283 cases led to a court judgement; 1,896 cases led to criminal proceedings which were later suspended; 1,690 cases were dismissed and 402 cases were adjourned due to on-going related criminal proceedings abroad.



### Cases brought to prosecution: originating from Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs) and Independent Law Enforcement Investigation (ILEI)

After a case has been further built at the investigation phase it may be prosecuted. This is the third phase of the anti-money laundering chain. The intended goal of this analysis was to better identify the role played by the prudential regime (i.e. disclosure of suspicions) in comparison with other types of intelligence brought at the investigation phase.

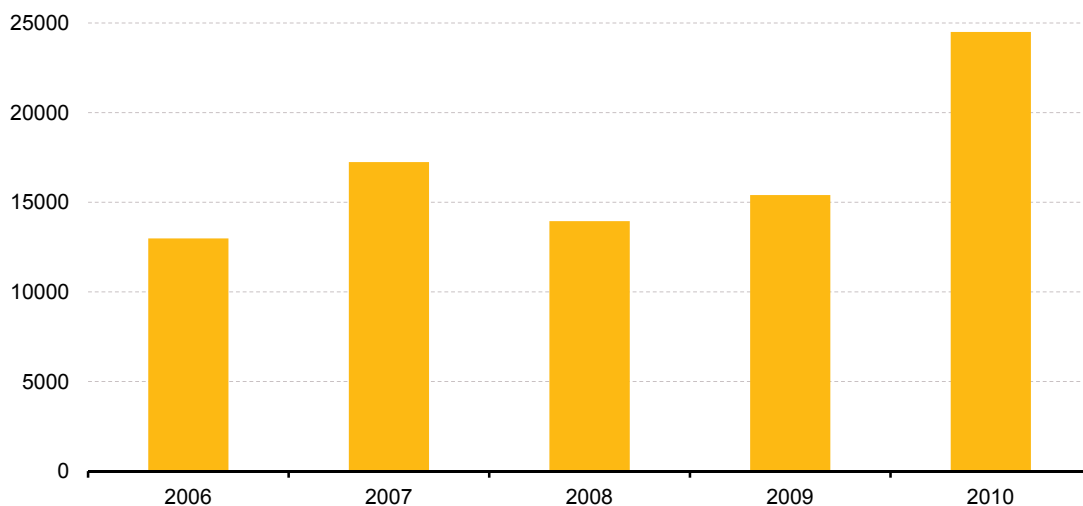
Member States were asked to provide figures on the number of cases brought to prosecution broken down by

- 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.

Member States were largely unable to provide such information as the prosecution process is often presented as the result of an overall assessment, thereby preventing such a disaggregation of data.

The results by country are shown in Table 10. Fourteen Member States (Belgium, Bulgaria, Czech Republic, Germany, Italy, Latvia, Lithuania, Luxembourg, Hungary, Portugal, Romania, Slovenia, Spain and Finland) provided figures for 2006 to 2010 on which the following graph on the total number of cases is based. It should be noted that the observed fluctuations are mainly due to the German cases as they represent between 73 % and 83 % of the total number of cases every year.

Figure 3: Total number cases brought to prosecution originating from STRs, CTRs or ILEI <sup>(1)</sup>



<sup>(1)</sup> Based on 14 MSs

The judicial phase of the money laundering proved to be the least reliable and least exhaustive part of the money laundering data collection. Some Member States were unable to provide the requested data despite their obligations under Art. 33(2) of the Anti-money Laundering Directive.

Table 10: Number of cases brought to prosecution: originating from Suspicious Transaction Reports (STRs), Cash Transaction Reports (CTRs) and independent law enforcement investigation (ilei) <sup>(1)</sup>

	Reporting Unit	2005				2006				2007				2008				2009				2010												
		originating from:				originating from:				originating from:				originating from:				originating from:				originating from:												
		STR	CTR	ilei	TOTAL	STR	CTR	ilei	TOTAL	STR	CTR	ilei	TOTAL	STR	CTR	ilei	TOTAL	STR	CTR	ilei	TOTAL	STR	CTR	ilei	TOTAL									
<b>Member States reporting Suspicious Transaction Reports (STRs)</b>																																		
Belgium	STR	660	:	:	1 100	812	:	:	:	1 237	1 083	:	:	:	316	1 658	856	:	:	:	298	1 374	807	:	:	:	309	1 306	992	:	:	:	289	1 618
Bulgaria	STR	:	:	:	26	:	:	:	40	:	:	:	50	:	:	:	56	:	:	:	56	:	:	:	94	:	:	:	85					
Czech Republic	STR	0	:	23	23	0	:	6	6	0	:	9	9	0	:	16	16	1	:	25	26	7	:	71	78									
Germany	STR	:	:	:	6 692	:	:	:	9 929	:	:	:	13 593	:	:	:	10 478	:	:	:	11 218	:	:	:	20 387									
Estonia	STR	0	0	:	0	0	0	:	0	1	0	:	1	1	0	:	1	:	:	:	:	:	:	:	:									
Italy	STR	:	:	:	79	:	11	1 448	143	:	17	1 627	76	:	11	1 501	110	:	10	1 541	17	:	1	1 404										
Latvia	STR	4	:	7	11	3	:	3	6	3	:	6	9	91	:	24	115	:	:	:	25	:	:	:	32									
Lithuania	STR	1	:	4	5	7	:	1	8	2	:	2	4	5	:	9	14	3	:	0	3	3	:	16	19									
Luxembourg	STR	0	0	0	0	1	0	2	3	2	0	3	5	2	:	2	4	2	:	11	13	2	:	12	14									
Hungary	STR	:	:	:	:	:	:	:	6	:	:	:	1	:	:	:	1	:	:	:	5	:	:	:	11									
Malta	STR	8	:	5	13	12	:	9	21	4	:	9	13	:	:	:	4	:	:	:	:	:	:	:										
Poland	STR	:	:	:	:	54	:	:	54	82	:	:	82	23	:	:	23	:	:	:	:	:	:	:										
Portugal	STR	:	:	:	:	:	:	:	84	:	:	:	95	:	:	:	141	60	:	74	134	45	:	91	136									
Romania	STR	:	:	:	22	:	:	:	29	:	:	:	21	:	:	:	36	:	:	:	800	:	:	:	421									
Slovenia	STR	0	0	0	0	13	5	2	20	10	8	1	19	6	0	5	11	8	:	4	12	11	:	11	22									
Slovakia	STR	:	:	:	:	:	:	:	:	:	:	:	18	:	:	:	7	:	:	:	:	:	:	:										
Sweden	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	94	:	:	:	50	:	:	:	40									
<b>Member States reporting Suspicious Activity Reports (SARs)</b>																																		
Spain	SAR	30	:	51	81	40	:	62	102	37	:	56	93	31	:	107	138	27	:	140	167	27	:	148	175									
Cyprus	SAR	3	:	:	:	2	:	:	:	4	:	:	4	5	:	72	77	6	:	6	12	1	:	39	40									
Finland	SAR	:	:	:	23	:	:	:	66	:	:	:	61	:	:	:	66	:	:	:	61	:	:	:	102									
<b>Member States reporting Unusual Transaction Reports (UTRs)</b>																																		
Netherlands	UTR	:	:	:	154	:	:	:	275	:	:	:	427	:	:	:	:	:	:	:	:	:	:	:	:									
<b>Member States unable to provide data</b>																																		
Denmark	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:									
Ireland	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:									
Greece	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:									
France	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:									
Croatia	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	4	0	5	9	3	0	2	5									
Austria	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:									
United Kingdom	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:									
Iceland	STR	:	:	:	:	:	:	:	:	:	:	:	1	:	:	:	1	:	:	:	2	:	:	:	:									
Liechtenstein	STR	23	:	7	30	20	:	10	30	33	:	7	40	47	:	14	61	54	:	10	64	49	:	7	56									
Switzerland	SAR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:									
Serbia	STR	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:									
Turkey	SAR	1	:	:	1	3	:	:	3	5	:	:	5	7	:	:	7	5	:	:	5	3	:	3										

<sup>(1)</sup> 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).

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

**Country notes applicable to Table 10**

**Bulgaria:** All files received are initiated at the Supreme Cassation Public Prosecutor's Office. The communications 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. Having consideration of the Bulgarian legislation in force this term implies two different meanings and respectively different data. 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.

**Belgium:** The difference between the total and the number of suspicious transaction reports does not only contain independent law enforcement investigations. Complaints and cash reports are also taken into account. These figures are transmitted by prosecution offices. For complete information, the following figures are related to police investigations regarding offences brought to prosecution: 316 (2007); 298 (2008); 309 (2009) and 289 (2010). These figures are provided by the prosecution offices.

**Germany:** The information concerns proceedings terminated by the public prosecution office in the field of money laundering as defined in section 261 of the German Penal Code. No distinction between CTR/STR/ independent law enforcement investigation is available.

**Spain:** Police files do not differentiate between STRs and CTRs, therefore in this section overall figures are given.

**Italy:** The data concern proceedings brought to the Prosecution Offices that include at least one person charged for money laundering and data from *Direzione Nazionale Antimafia* (DNA). Only data from DNA have the information regarding the origin of the investigation.

**Latvia:** The data from FIU are not identified as originating from STRs or CTRs, because the material transmitted is a file which may contain both STRs and CTRs.

**Lithuania:** The data are 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 money laundering. The prosecutions for other offences resulting from STRs are not reflected in these statistics. Only prosecutions started in 2010 have been taken into consideration and the statistics take into account: *affaires comportant un jugement frappe d'appel*, *affaires comportant un jugement rendu (pas d'appel)*, *affaires citées*, *affaires renvoyées/en instance de renvoi/revoi requis*.

**Hungary:** The system for collecting this sort of statistical data is under development.

**Netherlands:** The figures provided for 2005 – 2007 refer to the total number of verdicts of guilt concerning money laundering. The distinction between STRs, CTRs and independent law enforcement investigation cannot be made. Figures for other years are not available.

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

**Portugal:** The figures only relate to money laundering and it is not possible to distinguish the origin of the file for either STRs or CTRs. The data in the total column includes files originating from 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 table for this item represent the indictments reached by the competent directorates within this institution, in cases originating from STRs. The difference between 2008 and 2009-2010 is due to the fact that for 2008 only indictments were reported, not all cases brought to prosecution.

**Slovenia:** No such data are available. The Office has only the total number of cases, investigated by the law enforcement authorities (police and State Prosecutor).

**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. No data are available prior to 2007.

**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. The reported number is the amount of conviction decisions for handling stolen money or for petty crime involving the handling of stolen money.

**United Kingdom:** The United Kingdom does not record the number of cases initiated from SARs, or assisted by SARs.

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

**Iceland:** The statistics are for money laundering prosecutions.

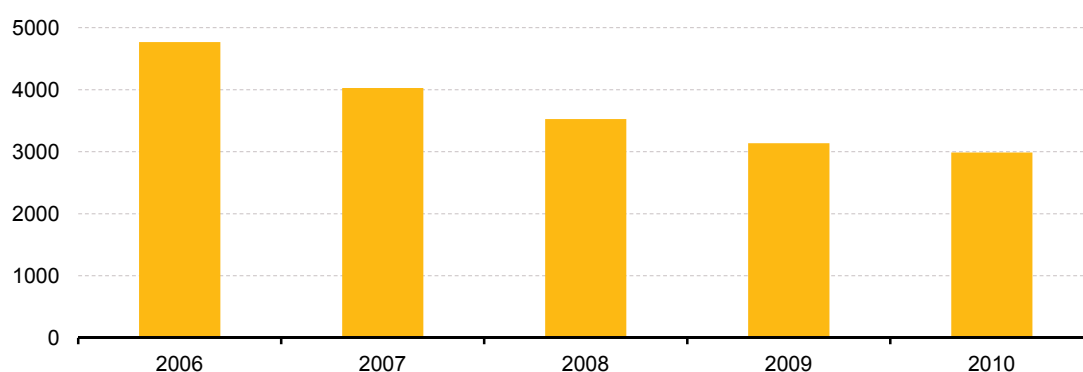
### 2.2.3. Judicial stage

#### Persons/legal entities convicted for money laundering offences

Given the time lag between the different steps of the anti-money laundering chain (reporting - investigation - prosecution), it is not possible to directly correlate convictions with the number of cases presented in the preceding tables. It can only be said that Belgium has the largest number of convictions every year from 2005 to 2010 followed by the Czech Republic until 2007, Italy and Germany. The United Kingdom reports a large number of convictions but only for 2005 and 2006. For the following years no data were provided.

Table 11 shows the total number of persons or legal entities convicted for money laundering offences by country and Figure 4 summarises the results for the 18 Member States that were able to provide data for 2006-2010.

Figure 4: Number of persons/legal entities convicted for money laundering offences <sup>(1)</sup>



<sup>(1)</sup> Based on 18 Member States

The gradual decrease in the number of persons convicted for money laundering offences can be explained by the fact that final prosecution for a money laundering case may take 3 to 5 years, from the time when an STR may have first triggered investigation and prosecution (and many cases may be pending). Therefore it is advisable to avoid making comparisons between years.

Table 11: Number of persons/legal entities convicted for money laundering offences <sup>(1)</sup>

	2005				2006				2007				2008				2009				2010			
	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	:	:	:	1 799	:	:	:	1 601	:	:	:	1 492	:	:	:	1 436	:	:	:	1 231	:	:	:	1 156
Bulgaria	:	:	:	:	2	2	0	4	:	:	:	10	1	24	0	25	:	:	:	37	:	:	:	37
Czech Republic	804	33	0	837	731	33	0	764	636	24	0	660	:	:	:	:	:	:	:	:	:	:	:	
Denmark	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Germany	97	:	0	97	216	:	0	216	603	:	0	603	608	:	0	608	416	:	0	416	704	:	0	704
Estonia	0	:	:	:	0	1	0	1	0	11	0	11	0	11	0	11	:	5	7	12	:	20	39	59
Ireland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Greece	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Spain	:	:	:	:	:	:	:	:	:	:	:	:	36	10	0	46	41	8	0	49	73	24	0	97
France	:	:	290	290	:	:	270	270	:	:	320	320	:	:	381	381	:	:	353	353	:	:	:	:
Croatia	:	:	:	0	:	:	:	4	:	:	:	4	:	:	:	5	0	6	0	6	0	6	0	6
Italy	:	:	721	721	:	:	570	570	:	:	768	768	:	:	736	736	:	:	908	908	:	:	739	739
Cyprus	0	6	0	6	0	10	0	10	0	13	0	13	1	21	0	22	0	4	0	4	0	15	0	15
Latvia	1	2	0	3	0	4	0	4	1	61	0	62	2	27	0	29	1	9	0	10	2	11	0	13
Lithuania	0	0	0	0	0	0	0	0	0	4	0	4	1	0	0	1	0	1	0	1	0	1	0	1
Luxembourg	:	:	0	0	:	:	1	1	:	:	3	3	:	:	2	2	:	:	5	5	:	:	51	51
Hungary	:	:	:	1	:	:	:	2	:	:	:	8	:	:	:	6	:	:	:	6	:	:	:	15
Malta	0	0	0	0	0	0	0	0	1	0	0	1	1	1	0	2	:	:	:	:	:	:	:	
Netherlands	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Austria	5	:	:	5	10	:	:	10	18	:	:	18	20	:	:	20	12	:	:	12	:	:	14	14
Poland	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	53	:	:	:	:	:	:	:	:
Portugal	:	:	2	2	:	:	0	0	:	:	6	6	:	:	10	10	:	:	12	12	:	:	12	12
Romania	:	:	13	13	:	:	2	2	:	:	7	7	:	:	4	4	:	:	2	2	:	:	0	0
Slovenia	0	0	0	0	2	1	0	3	0	0	0	0	1	0	0	1	1	0	0	1	0	0	0	0
Slovakia	:	:	8	8	:	:	19	19	:	:	9	9	:	:	10	10	:	:	10	10	:	:	14	14
Finland	4	0	0	4	7	0	0	7	15	0	0	15	28	0	0	28	19	0	0	19	20	0	0	20
Sweden	15	:	:	15	12	:	:	12	19	:	:	19	97	:	:	97	50	:	:	50	40	:	:	40
UK: England & Wales	:	:	595	595	:	:	1 273	1 273	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Iceland	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	2	0	2
Liechtenstein	:	:	:	:	:	:	:	:	:	:	:	:	:	1	1	:	:	0	0	:	:	1	1	1
Switzerland	:	:	139	139	:	:	148	148	:	:	159	159	:	:	194	194	:	:	185	185	:	:	238	238
Serbia <sup>(2)</sup>	:	:	:	:	:	:	:	:	:	:	:	:	:	:	2	2	:	:	5	5	:	:	6	6
Turkey <sup>(3)</sup>	:	:	8	8	:	:	2	2	:	:	43	43	:	:	2	2	:	:	64	64	:	:	60	60

<sup>(1)</sup> 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 Section 1).

<sup>(2)</sup> Break in series in 2008 and 2009.

<sup>(3)</sup> Break in series in 2008.

: Data not available or concept does not apply.

0 = zero (no cases) in that year.

Source: Eurostat.

### Country notes applicable to Table 11

**Belgium:** Figures do not distinguish money laundering from concealment (same article in the Belgian Penal Code).

**Bulgaria:** Punishments are imposed according to the 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 relate only to the former territory of Germany. The data concern only convictions of persons arising from third party money laundering. According to the German Penal Code, offenders of self-laundering can only be sentenced to the predicate offence.

**France:** An individual may be prosecuted and convicted for both a drug trafficking offence and the laundering of funds derived from this illegal activity. The figures on convictions for money laundering cannot distinguish between convictions for third party and self-laundering.

**Latvia:** It is not possible to distinguish between third party and self-laundering.

**Luxembourg:** In 2010, the data available do not make a distinction between third party and self-laundering. The figures reflect all the convictions which were pronounced by court, encompassing definitive and non-definitive convictions.

**Austria:** The data provided includes only third party money laundering as self-laundering does not constitute a criminal offence according to Austrian law. On 1 July 2010 self-laundering became a criminal offence in Austrian legislation. Hence, it's not possible to distinguish between third party money laundering and self-laundering in the reporting year 2010.

**Poland:** The figures show the 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. So the data in this question refers to all convictions for money laundering. The accounting of the convicted people relates to the most serious offence for which they were accused. From January 2007 the method changed and the data began to be collected directly from the courts' computer system.

**Romania:** The figures show definitive convictions in the first instance. The Superior Council of Magistracy records do not include the classification required in the Eurostat questionnaire.

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

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

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

**United Kingdom:** The figures include England and Wales only and do not distinguish between third party laundering and self-laundering.

**Croatia:** Data refers to both first instance and final convictions.

**Turkey:** This statistic is based on the decisions of Courts of First Instance. The number indicated in the statistic is the number of real persons. The increase in 2007 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.



### **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).

In Table 12, 20 Member States were able to provide some information for at least one year between 2005 and 2010. For some Member States, where multiple sentences are imposed, it is only possible to identify the sentence for the most serious offence.



**Country notes applicable to Table 12**

**Bulgaria:** 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 for 2006 and earlier years relate only to the former territory of Germany. Only convictions for third party money laundering are shown because, 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.

**France:** Figures refer only to convictions for money laundering, transfer of irregular funds or unexplained revenue (*non justification de ressources*).

**Latvia:** The data are on persons sentenced, not on the sentences themselves.

**Luxembourg:** There are no statistics on the sentences for money-laundering.

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

**Austria:** Partially suspended sentences are counted as unsuspended sentences.

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

**Portugal:** The values only include the condemning sentences and are based on the most serious offence.

**Romania:** In 2009 there were two convictions and in 2010 there were no final convictions.

**Finland:** The statistics describe persons who have received sentences from courts of first instance and are compiled by the main offence.

**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 for petty crime involving the handling of stolen money.

**United Kingdom:** The figures include England and Wales only.

**Turkey:** The source of data for 2008 and earlier is the Turkish FIU (MASAK). For 2009 and 2010, the source is the Ministry of Justice.

**Switzerland:** Each sentence can involve more than one sanction and the figures concern only the main sanction. Also, each sentence involves only one global sanction for all offences judged in the same sentence. Often there are more offences than just money-laundering. In the questionnaire only sentences with money laundering exclusively have been included. Since 2007, the Swiss penalty system provides for partially suspended sentences and these have been counted as unsuspended sentences.

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

In order to facilitate the collection of the relevant statistical data, 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”. The Guidelines are included here. For each table, the Guidelines provide the standard definition which countries were asked to observe in assembling the figures, together with any relevant comments of the Eurostat Task Force.

### REPORTING/INTELLIGENCE

#### 1.1 Number of Suspicious Transaction Reports (STRs) filed by each category of obliged entities

*Comments of the Eurostat Task Force: The definition of a Suspicious Transaction Report (STR) may vary, since some countries group a number of transactions together. National figures also vary considerably over time; DG Home Affairs indicated that some entities reported only after the national implementation of the 2<sup>nd</sup> and 3<sup>rd</sup> Anti-money laundering 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. Suspicious Transaction Report 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.*

#### **Guidelines:**

A Suspicious Transaction Report (STR) is defined as 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.

A crucial issue when aiming at ensuring better comparability between Member States on STRs lies in defining the most relevant counting unit. Based on the analysis of the previous data collections, 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, and given the fact that a report could also contain several transactions, Member States should therefore specify what the numbers provided refer to (STRs, SARs, etc.). When it comes to the counting unit, Member States should only count the initial STR/report received in each case opened by the FIU from each category of obliged entities per year. As discrepancies have been noted in the previous data collections, please note that the 3<sup>rd</sup> Anti-money laundering Directive provides a definition for "credit institution" and "financial institution" (Art. 3).

These definitions are reproduced here:

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.

ANNEX 1 of Directive 2000/12/EC is reproduced here

1. Acceptance of deposits and other repayable funds
2. Lending <sup>(32)</sup>
3. Financial leasing
4. Money transmission services
5. Issuing and administering means of payment (e.g. credit cards, travellers' cheques and bankers' drafts)
6. Guarantees and commitments

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

7. Trading for own account or for account of customers in:
    - (a) money market instruments (cheques, bills, certificates of deposit, etc.)
    - (b) foreign exchange;
    - (c) financial futures and options;
    - (d) exchange and interest-rate instruments;
    - (e) transferable securities
  8. Participation in securities issues and the provision of services related to such issues
  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
  10. Money broking
  11. Portfolio management and advice
  12. Safekeeping and administration of securities
  13. Credit reference services
  14. Safe custody services
- b) an insurance company...
- c) an investment firm as in point 1 of Article 4 (1) of Directive 2004/39/EC[...]

The article 4 (1) of Directive 2004/39/EC is reproduced hereafter for your convenience:

‘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;

Member States may include in the definition of investment firms undertakings which are not legal persons, provided that:

- (a) their legal status ensures a level of protection for third parties' interests equivalent to that afforded by legal persons, and
- (b) they are subject to equivalent prudential supervision appropriate to their legal form.

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:

- (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;
- (b) the firm must be subject to rules designed to monitor the firm's solvency and that of its proprietors;
- (c) the firm's annual accounts must be audited by one or more persons empowered, under national law, to audit accounts;
- (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;

- d) a collective investment undertaking marketing its units or shares;
- 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;

The article 2 (5) of Directive 2002/92/EC is reproduced hereafter for your convenience.

Article 2(5): "‘insurance intermediary’ means any natural or legal person who, for remuneration, takes up or pursues insurance mediation."

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.

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 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 Number of Cash Transaction Reports (CTRs) filed by each category of obliged entities

*Comments of the Eurostat Task Force: Not all countries have an obligation to report on Cash Transaction Reports (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). 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.*

### **Guidelines:**

MS should indicate whether they have an obligation to report all CTRs (suspicious or not). If so, they could also indicate whether CTRs are reported as a separate category or included in the STR figures. Member States also using a CTR system should count the STRs and CTRs in two different categories.

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.

Taking this into account, when it comes to the counting unit, and given the fact that a suspicious CTR could also contain several transactions, Member States should only count the initial CTR received in each case opened by the FIU from each category of obliged entities per year.

The same definitions of obliged entities for the STRs apply to CTRs.

### 1.3 Number of postponement orders adopted on reported transactions

*Comments of the Eurostat Task Force: 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.*

*DG Home Affairs 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.*

#### Guidelines:

Member States should indicate whether their FIU has the power to freeze transactions. Only FIUs having the legal possibility to issue postponement orders should provide data for this table.

Postponement orders by FIUs and freezing orders based on a court order are seen as temporary measures 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). 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.

### 1.4 Number of money laundering investigations carried out independently by law enforcement agencies (without a prior STR)

*Comments of the Eurostat Task Force: 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.*

#### Guidelines:

Member States should only include money laundering investigations based solely 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.

### 1.5 Number of declarations made in application to the EU Cash Control Regulation

#### Guidelines:

DG Taxation and Customs Union (TAXUD) collects the number of declarations made in application to the EU Cash control regulation (R 1889/2005) by all Member States.

"For the purposes of this Regulation 'cash' means:

- a) 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;
- b) Currency (banknotes and coins that are in circulation as a medium of exchange)."

Note that EUROSTAT will obtain data on this indicator directly from DG TAXUD.

### 1.6 Number of cash smuggling operations detected in the EU at External border

#### Guidelines:

DG TAXUD collects the number of cash recordings (cash found in customs controls or false declarations). Data collected by TAXUD are limited to "cash found in customs controls" and "false declarations". On this point, it is important to note that Customs regulation on cash control does not consider cash found in customs controls as a smuggling operation. Only a false declaration is considered as such. Note that EUROSTAT will obtain data on this indicator directly from DG TAXUD.

### 1.7 Number of suspicious cash activities at the EU borders reported to the FIU (including those based on declarations and smuggling)

*Comments of the Eurostat Task Force: 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 information to FIUs; either authorities may declare these data.*

#### Guidelines:

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 Member States, customs authorities do not necessarily report to FIUs but simply run a database to which FIUs may have access.

Member States should clarify whether, in their country, information is available for FIUs 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 information to the FIU.

### 1.8 Number of STRs sent to law enforcement

*Comments of the Eurostat Task Force: In some countries (but not all) all STRs are investigated, so in such cases this figure will be identical with 1.1 (total).*

#### **Guidelines:**

Member States where all STRs are investigated should provide an explanation in the metadata. Only those Member States not investigating all STRs on a systematic basis should provide data for this indicator.

### 1.9 Number of staff dedicated full time (or full time equivalent) to money laundering in the FIU

#### **Guidelines:**

Given the relative simplicity of this indicator, data should be readily available in all Member States. 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 to other FIUs. This may have implications on human resources. In order to obtain a better comparison, this data must be broken down by the FIUs' legal status (i.e. administrative FIUs, Police FIUs, Judicial FIUs and FIUs of hybrid status). FIUs should therefore mention their legal status along with the information for this indicator.

## INVESTIGATION

### 2.1 Number of cases initiated by law enforcement agencies on the basis of Suspicious Transaction Reports (STRs) sent by the FIU

#### Guidelines:

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 received over a rather long period of time (i.e. more than a year).

Therefore, ensuring consistency in monitoring the work carried out by FIUs in comparison with the work of law enforcement agencies can be difficult since one investigation could concern several FIU cases. As law enforcement agencies in some countries 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.

Given this limitation, assessing the overall Anti-money laundering 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.

In some cases, the reporting, investigation and judicial phases can only be monitored separately.

In any case, from a statistical point of view, Member States should indicate the number of cases initiated each year by law enforcement authorities on the basis of the input provided by FIUs.

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.

### 2.2 Number of staff dedicated full time (or full time equivalent) to money laundering in law enforcement agencies

#### Guidelines:

It seems very difficult to gather this type of data as law enforcement agencies investigate various types of crime and may not have dedicated money-laundering law enforcement staff.

Member States should indicate whether or not specialised investigation units have been set up in the field of money laundering/financial crime. If so, the number of staff dedicated full time (or full time equivalent) to money-laundering investigations could be provided by these units.

From a statistical point of view, Member States' law enforcement agencies should therefore 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 Number of cases brought to prosecution: originating from STRs, CTRs and independent law enforcement investigation

#### **Guidelines:**

As the role of the prosecution office in leading the investigations in some Member States may cause misunderstandings, this indicator should be interpreted as counting, in each year, the number of cases found conclusive enough to be prosecuted (i.e. judged by judicial authorities). It should be recognised that a single case brought to prosecution could refer to several persons or legal entities.

For consistency reasons, this indicator is broken down:

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

For statistical purposes, law enforcement agencies should provide data on the number of cases brought to prosecution originating from i) information(s) contain in STR(s), ii) information(s) contain in CTR(s) and iii) independently from these two sources.

## JUDICIAL

### 3.1 Number of staff dedicated full time (or full time equivalent) to money laundering in the judiciary

*Comments of the Eurostat Task Force: DG Home Affairs 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.*

#### Guidelines:

The collection of both reliable and comparable data is difficult in absence of designated units in the judiciary specifically set up to judge money laundering offences (some Member States have set up judicial units specialised in a wider range of offences such as economic and financial crime). Member States should indicate whether such units exist in their country and provide the relevant data. As this type of data is also requested by the FATF, the Task Force decided to retain this table.

### 3.2 Number of persons /legal entities convicted for money laundering offences

#### Guidelines:

Within this indicator, distinction should be made 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;

Judicial authorities unable to distinguish those two categories should provide data as a total on "the number of persons and/or legal entities convicted for money laundering offences".

Note that "third party money laundering" is defined as "laundering by a person other than the author of the offence" and "self laundering" as referring "to 'own proceeds' laundering by a person who may be the author of the offence".

### 3.3 Number of convictions for laundering proceeds of crimes committed abroad

*Comments of the Eurostat Task Force: Most countries do not distinguish between crimes committed internally or abroad. Member States co-operate 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.*

#### Guidelines:

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.

As this type of data is also requested by the FATF, the Task Force decided to retain this table.

### 3.4 Number of convictions for crimes other than money laundering originating from STRs

*Comments of the Eurostat Task Force: 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.*

#### **Guidelines:**

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.

As some Member States may be able to provide data on this indicator in the future, the Task Force decided to retain it.

### 3.5 Number of sentences (by type) for money laundering offences

#### **Guidelines:**

This indicator is to be interpreted as the "number of sentences pronounced each year by judicial authorities by type of money laundering offences" (i.e. fines, non-custodial, suspended sentences, unsuspended sentences, other measures).

[Also see information below in indicator 3.6](#)

### 3.6 Number of unsuspended custodial sentences (by length) for money laundering offences

#### **Guidelines:**

Both indicators 3.5 and 3.6 aim at providing input on the range of 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 has committed several crimes (e.g. a person convicted for fraud, human trafficking and money laundering). Therefore, these indicators should be seen as only providing general indications. For statistical purposes, the data requested should refer to all money-laundering offences. Since the data collected previously revealed that a breakdown between the predicate offences and the principal offences was not sufficiently meaningful, Member States need only provide totals of sentences without distinguishing between these offences. An indication of the both minimum and maximum penalties provided by law should also be communicated by the judicial authorities.

**3.7 Number of freezing procedures (based on a court order)****Guidelines:**

It should be noted that article 33 of the 3<sup>rd</sup> Anti-money laundering Directive requires Member States to provide data on "how much property has been frozen, seized or confiscated".

The CARIN network, Asset Recovery Offices as well as judicial authorities should be able to provide the relevant data. Since there are many agencies within the Member States able to freeze assets, the data provided by these three contacts points could provide a reliable set of information.

**3.8 Number of confiscation procedures concerning money laundering convictions****Guidelines:**

For clarity and consistency purposes, this indicator is to be understood as confiscation for money laundering convictions (i.e. final decision taken by a court). As temporary orders cannot be considered as a final decision they should be excluded from this indicator and only reported under 3.8 if based on a court order. Note that, legally speaking, freezing and seizing are to be considered as temporary measures while confiscation is a final decision. The CARIN network, Asset Recovery Offices as well as judicial authorities should be able to provide the relevant data.

**3.9 Number of requests received for freezing orders concerning money laundering cases from another EU Member State and the value of frozen assets****Guidelines:**

The CARIN network, Asset Recovery Offices as well as judicial authorities should be able to provide the relevant data.

**3.10 Number of requests received for confiscation orders concerning money laundering convictions from another EU Member State and the value of confiscated assets****Guidelines:**

The CARIN network, Asset Recovery Offices as well as judicial authorities should be able to provide the relevant data.

### 3.11 Amounts recovered following money laundering convictions

#### **Guidelines:**

Note that article 33 of the 3<sup>rd</sup> Anti-money laundering Directive requires Member States to provide data on "how much property has been frozen, seized or confiscated". Therefore, for statistical purpose, this indicator should be interpreted 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 is broken down by:

- the quantity and/or value of assets frozen;
- the quantity and/or value of assets seized;
- when such break down is proven impossible, it may be possible to combine the quantity and/or value of assets frozen and/or seized;
- the quantity and/or value of assets confiscated;
- the proceeds generated from the sale of confiscated assets (and/or the value of the assets allocated for social reuse, as applicable).

The CARIN network, Asset Recovery Offices as well as judicial authorities should be able to provide the relevant data.



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