

EUROPOL UNCLASSIFIED – NOT FOR PUBLIC DISSEMINATION

ANNEX to “The OCTA 2009 Data Collection Plan”

**THE OCTA 2009
Intelligence Requirements**
ANNEX to File no. 2530-203

Introduction

On the basis of the experience gained in drafting 2006, 2007 and 2008 OCTA, the collection process for the next threat assessment has been fine-tuned. This had been foreseen as a crucial step in the continuous improvement that has to be a key feature of this circular process.

The collection for the next OCTA is based on three questionnaires. The first one addresses clusters of OC groups (and no more single OC groups) while the second one is about criminal activities. A third questionnaire has been developed for a specific criminal activity: money laundering. As for 2008 OCTA, there is more focus on qualitative rather than quantitative aspects.

This multiple perspective (OC groups and criminal activities) is necessary to put into focus the complex and multifaceted phenomenon of organised crime in the EU. In answering the questionnaires, special attention must be devoted to the explanatory notes. They are a crucial guidance for this collection process and they must be followed in order to obtain homogeneous and detailed enough contributions.

It is recommended that some officers leading the collection process at national level (for example, working in the General Headquarters or in specialized central units) can get a good knowledge of the 2006, 2007 and 2008 OCTA. In case these central officers must also involve a high number of investigators/analysts in the data collection, the latter should read the open version of the OCTA beforehand with the aforementioned officers leading the process at national level providing the necessary additional support.

“OC groups” part

The 2006, 2007 and 2008 OCTA data collection plans were based on single OC groups. The main reason for such approach was to study the functional and structural features of the OC groups that were selected as the most threatening ones by the MS. The ultimate aim was the development of an OC groups typology capable of providing a new way of clustering OC groups.

For an exhaustive explanation concerning how to answer these intelligence requirements, please make reference to “The OCTA 2009 Data collection plan” (EDOC #299196-v4).

This year MS are called to apply the above mentioned OC groups typology.

In practical terms, MS shall fill in one or more forms for the EU-based OC groups, one or more for the Non-EU based OC groups, one or more for the Second generation OC groups and one or more for the other intermediary situation. So the types of the OC groups typology shall be the main criteria for clustering OC groups.

How many forms should be filled in for each type of OC groups? It basically depends on how homogeneous are the OC groups belonging to each type.

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For example, the MS shall fill in only one form for EU-based OC groups when such set of OC groups is homogeneous enough. In case structural or functional features vary within such set, these differences deserve strategic attention and cannot be effectively described in one single reply, several forms shall be filled in for the EU-based type. The same is valid for the other types of OC groups (Non-EU based OC groups and Intermediary situations).

What does “homogeneous enough” mean? The MS shall cluster OC groups up to the point where it runs the risk of overlooking differences that can be of strategic significance.

So, as a first step, the four clusters referring to the EU-based, Non-EU based, and two Intermediary situations shall be outlined.

Then focus shall shift within the single type of OC groups. For example, if the EU-based OC groups differ only for the ethnic or origin dominance but apart from this difference they essentially share the same structural and functional features, there is no need for separate forms. Such ethnic or origin dominance variety shall simply be described in the answer to the proper item in the questionnaire.

If the above mentioned variety extends, for example, also to the use of influence, then separate forms may be needed because otherwise important information in terms of the combination: MS - Type of OC group - Ethnic dominance – Use of influence might be lost.

In the general terms, differences in answers to questions 1 (countries of activity), 4 (money laundering), 5 (size), 6 (duration) and 9 (co-operation with other OC groups) are less likely to lead to separate forms. There can be exceptions to this guideline.

In other words, the questions that may be more important in defining clusters are the ones concerning:

- Leaders location (n. 2)
- Assets (n.3)
- Structure (n.7)
- Composition (n.8)
- Factor of cohesion (n.10)
- Use of LBS (n.11 and 12)
- Use of corruptive influence (n. 13)
- Use of violence (n. 14 and 15)
- Countermeasure (n.16)
- Use of specialisation (n.17)

All significant OC groups:

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- satisfying the characteristics of organised crime as defined in chapter IV of Enfpol35 rev2 (1997) and
- that have been investigated during the previous 12 months (including the ones under investigation) and
- with an international dimension

shall be taken into consideration in this analysis.

The presence of an international dimension can be inferred on the basis of elements such as countries of activity, location of leaders or assets, members' ethnicity/nationality/origin, etc.

This must not lead to a proliferation of replies. Differences that are clearly of no strategic importance should not lead to separate clusters. The need to avoid a useless inflation in the number of replies may also lead to non inclusion in the analysis of marginal OC groups or marginal OC group clusters.

Because of their new nature (from single OC group to cluster of OC groups), the forms that will be part of the national contribution to the next OCTA shall be compiled at central level. This is necessary because of the need for clustering, analysis and synthesis in filling these forms in. On the other hand, information on single investigations (single OC groups) can be gathered by the aforementioned central level by making use of the "OC groups" part of OCTA 2008 Data collection plan¹ (that addressed single OC groups).

In practical terms, not all questions 2, 3, 7, 8, 10, 11, 12, 13, 14, 15, 16 or 17 can be used in the clustering exercise because this would lead to an unmanageable number of combinations (types). A selection is needed.

To streamline this 'clustering exercise', a scheme of reference has been agreed upon and it is illustrated in "The OCTA 2009 Data Collection Plan", EDOC #299196-v4.

"Criminal activities" part

The aim of the questionnaire on criminal activities is to get a complete picture concerning certain organised criminal activities in the MS.

Some criminal activities have been selected as mandatory. This means that every MS shall report on these criminal activities in order to obtain a complete picture at EU level. MS are then required to report on other criminal activities and phenomena that they assess as:

- the most threatening at national level
- or having an actual or potential impact on other MS or the EU.

¹ File n. 2530-184-r1 (EDOC #237687-v7).

Questionnaire about OC groups cluster XYZ²

Questions are as general and open as possible to give the MS the opportunity to provide as much information as possible on a given topic. In order to ensure a proper level of comparability in the answers, the MS should follow the detailed footnotes explaining what is expected from them. This approach is similar to the one adopted for the 'criminal activities' questionnaire.

It needs to be emphasised that whenever a question refers to a specific topic, it is not restricted to factual information. The questions are also intended to include intelligence-based information which may not be currently substantiated by available evidence. When this is the case, it must be highlighted in the answer.

In any case, personal data cannot be included in the provided information.

In answering some questions, it may be difficult to find the right balance between generalisation and detail. To answer these questions, an assessment shall be made to identify the most usual traits with reference to these OC groups. Emerging and expected trends shall also be reported upon.

Questions

Please provide a general description of the main criminal activities carried out by these OC groups, their modus operandi, the main threat posed by them.

1. In which countries are these OC groups active? Please list the countries concerned and the specific activities in each country.³
 - a. Can the geographical area be more specified?⁴
 - b. Can the role of the countries be further specified?⁵

² One form must be filled in for each relevant cluster of OC groups. A cluster is a set of OC groups sharing functional and structural features. Please see also the introduction to this Intelligence Requirements and EDOC#299196-v4 'The OCTA 2009 Data Collection Plan'.

³ By definition, an OC group is active in a country when group's members operate there on behalf of the OC group. It is important to shed light not only on the geographical spread but also on the specific activities carried out in the listed countries. An OC group can be internationally active also because of money laundering operations.

When activities in a specific country are based on co-operation with other OC groups, this must be highlighted and the nature of those contacts must be further explained in answering question 9.

For a non-exhaustive list of possible activities, please make reference to the footnotes to question 7.

⁴ For example, the border regions of countries A and B.

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2. Where do the leading members of these OC groups stay?⁶ Please specify the countries of stay.
 - a. If they stay within the EU, what is their residence status? Do they stay legally or illegally? How did they 'achieve' their status?
 - b. If they stay outside the EU, do they need to travel into the EU? How?
3. Concerning criminal profits and assets⁷:
 - a. Where do these OC groups keep their assets? Please specify the countries, the assets⁸ and how they are used⁹.
 - b. Are these OC groups using their criminal profits and assets to strengthen their position? How?
4. How do these OC groups launder their criminal proceeds?
5. Please provide an estimation concerning the number of these OC groups and their average size.¹⁰ Please, provide also an assessment concerning their growth potential.
6. For how long have these OC groups been active in your country and in the other countries where they are active?¹¹

⁵ The answer to this question is directly linked to the specific activities carried out in certain countries. For example, a country can be a transit country, a logistical base, it can be used because of its infrastructures, such as seaports and airports, or it can simply emerge because members of these OC groups are frequently present in this country, etc.

⁶ Reference is made to the place where they actually live that can be different from their official place of residence. Leading members are criminals with the authority for making decisions affecting the whole organisation from a strategic viewpoint. They are members who are crucial for the survival and development of the organisation. See also footnotes to question 7.

⁷ Asset is anything owned by a person, organisation etc that has money value. For example, the Directive 2005/60/EC (on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing) refers to property as 'assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, ...'. For instance, legitimate business structures are assets.

⁸ The assets nature can be real estate, money in bank accounts, companies, etc.

⁹ The way these assets are used is particularly interesting. The use can basically be re-investment, a specific use in the modus operandi of the criminal activities, exertion of influence, etc. The case of legitimate business structures is addressed by specific questions afterwards. Anyway, the answer to this question can be used to highlight important aspects that do not fit in questions 11 and 12.

¹⁰ If there is a significant variance in their size (so that the average becomes meaningless), please mention it.

¹¹ If relevant, please outline how their structural and functional features have changed over time.

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7. What is the structure of these OC groups?¹²

- a. Is it possible to determine different levels within these OC groups? Please specify.¹³
- b. Is it possible to determine a division of tasks¹⁴? Please specify.¹⁵

¹² It is important to mention whether these groups can be considered oriented clusters, non-EU cell-like structures or one of the intermediary situations described in the 2007 OCTA (chapter on the groups' structures). Furthermore, the description of the structures of these groups should highlight, among other things, whether these groups are organised in separate cells or branches, whether these cells/branches are located in different geographical areas (the answer to this question is linked to the outcome of questions 1 and 2), how they communicate or coordinate their activities, members' gender and age etc. An overall assessment concerning the hierarchical or network-like structure of these OC groups must also be provided.

¹³ *High level (or leading level):* criminals with the authority for making decisions affecting the whole organisation from a strategic viewpoint. They are members who are crucial for the survival and development of the organisation;

Middle level: criminals dealing directly with the high level and enjoying a certain margin of autonomy in executing directives, possibly having coordination responsibility with reference to other group members. More than one middle level might be identifiable.

Low level: criminals who are called to execute orders without significant margin of autonomy and without significant responsibilities over other group's members.

¹⁴ Especially with reference to middle and low level members, it is crucial to understand why they are part of the organisation (their function). It is difficult to provide a detailed range of possibilities because it can heavily depend on the criminal activity exerted and the modus operandi adopted. Anyway, these possibilities should revolve around these general functions:

- Direction of the criminal activities. This category could be useful to outline the role that is played by the above mentioned 'high levels' of the organisation, but it could apply also to 'middle levels' when they have not or there is not enough information to identify a more specific function;
- Funding the criminal activities;
- Procurement or production of illegal 'goods' to the group (i.e. drugs, women for sexual exploitation, etc.). Procurement means negotiating and acquiring the property of these illegal goods;
- Organisation of the transport to the distribution market;
- Organisation of transport to 'production' sites (for example, in case of precursors);
- Procurement or production of instrumental facilities (i.e. safe means of communication, counterfeit documents, bogus companies for the main criminal activity, etc.), means of transport, precursors, etc.;
- Transport;
- Distribution of 'illegal goods or services' (i.e. drugs, exploitation of women for sexual services, etc.). It should be specified whether this distribution is aimed at final customers or other OC groups;
- Money laundering (including the procurement of bogus companies for money laundering);
- Corruptive influence;
- Exertion of intra, inter or extra violence;
- Liaison between different branches or cells of the OC group;
- Liaison with other OC groups;
- Liaison with a specialist.

¹⁵ If a division of task is present, besides its description, please provide with additional information concerning the performance of certain tasks by certain criminal profiles (please see also question 8). In case the essential feature in determining a criminal profile is the ethnic origin or nationality, please see question 8.

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8. What is the ethnic composition of these OC groups? Please specify also the members' nationalities¹⁶.
- Is there a dominant ethnicity or nationality leading the activities of these OC groups? Please specify.
 - Can you identify specific functions or tasks within these OC groups in relation to the ethnic origin or nationality? Please specify.
 - Is the ethnic origin or nationality of these OC groups a major feature enabling their criminal activities? Please specify.¹⁷
9. Do these OC groups have co-operation among them or with OC groups belonging to other types/clusters¹⁸? Please specify the countries¹⁹, the nature

¹⁶ In this case the relevant criminal profile is outlined by nationality and ethnicity (they do not always correspond). Also the country or region of birth could be useful to highlight relevant differences. For example, within certain OC groups, the 'distribution of heroin' function may be carried out by criminals with British nationality, Indian ethnicity, and India as country of birth, while the 'money laundering' function may be taken care of by criminals with British nationality, British Caucasian ethnicity and The UK as country of birth.

Direct information on ethnicity or origins would be useful because a limitation to nationality could 'hide' peculiar ethnic roots or geographical origins that could contribute to explain roles played in the OC groups or highlight significant overall patterns. The geographic origins can be described through reference to the country of birth, but also to the region, when significant, such as, for example, in case of different China's regions.

¹⁷ For example, it is important to know whether and how OC groups are in a position to exploit the presence of already existing specific ethnic communities in a certain country, influence them and possibly perpetrate their non-integration (this example is linked to the category of second generation OC groups described in the 2007 and 2008 OCTA). An OC group can profit from the existence of an existing community sharing the same ethnic origin in different ways. A community may become the market for the OC group. This statement refers in particular to "markets" for which OC groups play the supplier role, such as drugs or banned wildlife articles. The "community" may become the target for the OC group, for example with reference to extortion and exploitation crimes. The less the community is integrated with the hosting society the more this possibility becomes concrete. The "community" may unwittingly become the disguising background for the OC group, because the presence and movements of these third country's nationals become usual, the volume of import/export trade and financial transactions with this third country increases, the business undertakings owned or managed by this third country's nationals become usual, etc. Furthermore, this community can represent a pool from which new members can be recruited, because of marginalisation, common cultural background, family ties, etc.

¹⁸ By definition, an OC group is cooperating with another OC group when it relies on the latter for its criminal activities (i.e. supply of illegal goods, money laundering, distribution of illegal goods, etc.). International co-operation is particularly interesting, but this is not the only subject matter of this question. Brief description of the co-operating OC groups, including, at least, where there are located and the core criminal activities must be provided.

¹⁹ Please specify the countries in which the other OC groups are active, especially with reference to the activities that are the reason for the co-operation, and the countries in which the contacts and co-operation take place.

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(what?)²⁰ and reason (why?) of this co-operation, the relationship among groups, the way co-operation is carried out (how?)²¹.

10. What is the main factor of cohesion in these OC groups?²²

11. Do these OC groups establish and/or use existing legitimate business structures (LBS)²³ for their criminal purposes²⁴? Please specify.

a. Please specify how these OC groups establish and/or get to use²⁵ these LBS and to which aim. Please specify also whether legal and illegal activities are mixed²⁶.

²⁰ For example, logistical support, provision of illegal goods, provision of specialist services.

²¹ It is interesting to have an insight concerning how the cooperation works in practical terms (telephone calls, face to face meetings in specific countries through specific members of XYZ, members of the OC groups non-occasionally active in specific countries – see question 1). It is also interesting to know whether the co-operation is supported by the use of 'liaison officers' and if they have a specific profile, such as a specific ethnicity or nationality.

²² The cohesion factor comes into play at the recruitment stage but it is also crucial for the resistance of OC groups against law enforcement agencies and other OC groups as well as for committing the crimes. Cohesion may be based on family ties, common ethnicity, common experiences (for example, criminals grew up together), common criminal experiences (for example, criminals came to know each other in prison), common 'life-style' (as it seems to be for the outlaw motorcycle gangs), etc.

²³ Legitimate business structure (LBS) means any undertaking (of any size) operating under a legal form, such as private limited company, partnership, sole trader organisation, etc. These undertakings may be used to carry out legal but also illegal activities. For example, also the so-called bogus companies are to be considered LBS.

²⁴ The function they play in the modus operandi must be specified. For example, it may be transporting drugs, providing a reason to move goods or money, participation in public tenders, money laundering (layering), re-investment, acquiring social status, exerting influence, fictitious employment of group's members, etc.

²⁵ Some ways to get to use LBS, besides establishing them, can be:

- Property acquired by OC groups after establishment of the LBS. In these cases, it would be interesting to get additional information concerning how OC groups get ownership of the companies and the share of property (100% or less);
- Infiltration. In these cases criminal members work actually in the companies. Deception is necessary to have a case of infiltration. Cases of fictitious employment cannot be considered as infiltration;
- Coercion. In these cases violence or threat are used. Coercion could be linked to property acquisition or simply the use of the companies' facilities or services (please specify). The targets of coercion should also be specified (Sole proprietors, shareholders, directors, employees, etc.).
- Corruptive influence. It could be linked to the use of the companies' facilities or services (please specify). The targets of corruption should also be specified (Sole proprietors, shareholders, directors, employees, etc.).
- Deception. In these cases the companies are deceived (for example, transport companies hired to transport furniture in which heroin is hidden without any knowledge of the aforementioned transport companies). Deception could be coupled with infiltration.

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- b. Which is the official business field of these LBS?
- c. Which are the countries of incorporation and operation?²⁷

12. What is the size of the legitimate business structures²⁸? Is there a major influence of the LBS controlled²⁹ by these OC groups on the legal market? Please specify.³⁰

13. Do these OC groups exert corrupting influence on the non-criminal environment? Please specify field³¹, level³², exchange mechanism³³, ways³⁴, countries³⁵, purpose³⁶.

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- o Mutual benefit. In these cases the companies know of the criminal activity but accept to provide their services anyway. For example, bank's branches, insurance agents, notaries, etc. carrying out financial operations without reporting their suspicions (or knowledge).

In addition, other crimes linked to the use of the LBS should be mentioned (other than the exertion of violence and corruption). For example, loan-sharking used by these OC groups to weaken the companies and eventually take them over must be reported.

²⁶ It is important to clarify if these companies carry out also legal activities in the official field. In this case, a rough estimation on the ratio between legal and illegal business activities would be useful.

²⁷ A company can be incorporated in one country and active in others. The kind of activities exerted in the different countries should be specified. This category also includes the opening of bank accounts (or similar instruments) in other countries.

²⁸ There are different ways of measuring the size of companies. For example, the number of employees can be seen as an indicator of this size and the level the companies' social and economic impact.

²⁹ Owned directly or indirectly.

³⁰ A business set up and run by criminals may have a significant social and economic impact. It may operate within a complex and perfectly legal network of business transactions; it may have solid links and normal working relationships with honest – and unknowing – businessmen, and give employment to a number of workers. On the other hand, it may turn into unfair competition for all other business operating in the same sector, because the real profit derives from criminal activities, and the front business can offer goods and services at prices that all honest ventures, which have to be economically productive, cannot match. Such a situation is conducive to a perverse cycle. On the one hand, the honest competitor in an attempt to match the low fares has to cut costs. On the other hand, this may lead to the further corruption of a specific market.

Another aspect that would be interesting to address in answering this question is the following. The possibility to get in contact and then influence high level officials is likely to be based on an already established and qualified presence of members of an OC group in the economy or in the social fabric. Within this framework, organised crime can resort to infiltration through the ownership of significant companies at local or national level for gaining a layer of respectability leading to useful contacts and influence. A side effect of this development can again be the pollution of the economic environment due to unfair competition possibly based on corruption, money laundering and re-investment (for example, there are no costs for funding because money comes from crime), disregard for laws and regulations (whose respect can raise costs), etc. Furthermore, once the economic environment is infiltrated the dismantling of OC groups may have major social effects due, for example, to the loss of workplaces.

³¹ This refers to the environment which the targeted persons pertain to (for example, law enforcement, judiciary, public administration, politics, private sector, etc.).

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14. Do these OC groups use intra, inter, extra-group violence?³⁷ Please specify the kind of violence.³⁸

³² This refers to the role of the targeted persons within the organizations to which they belong. The answer can be 'Low' (for example, front-line police or administrative officers with executive tasks), 'Medium' (for example, officers who are able to affect significantly the decision-making process), 'High' (officers with significant decisional power). It is also useful to know whether the targeted persons participate in decision-making processes with reference to a single city, a region or the entire country (especially for high and medium level officers). For example, it makes a difference whether influence is exerted on local or national politicians. Foreign countries must be specified (for example, if influence is exerted in a third country).

³³ This is needed because the handing over of money is not the only way of corrupting or exerting influence. It is very important to highlight also more subtle forms of influence based on 'exchange of favours'. It is also possible that influence is exerted through blackmail or other forms of pressure. Please, specify also whether there have been cases where the acceptance of corruptive proposals (for example the acceptance of bribes) may have been facilitated by the fear that a refusal could lead to violence.

³⁴ This refers to the profile of the members of these OC groups who contact or manage the targeted persons. It should also be highlighted whether these OC groups contact or manage the contact with the targeted persons through intermediaries who are not part of these OC groups (for example, lawyers having access to judges, prosecutors or police officers because of their professional activity. These lawyers could be not part of the OC groups but they could be simply 'selling' this service possibly also to other OC groups).

³⁵ This refers to the countries in which the corruptive influence is exerted.

³⁶ Some objectives of corrupting influence can be:

- To carry out the criminal activity. For example, to abuse public tender procedures or to get across a border.
- To get information on law enforcement activities. In order to assess the extent to which the OC group is known and targeted by the law enforcement agencies.
- To avoid investigative activities. To avoid that law enforcement officers start an investigation on the activities of the OC group.
- To hinder investigative activities. In case a criminal investigation was started. In this case reference is made to evidence gathering, choice of investigative paths, etc. When high levels are involved, it can also refer to the substitution of the officers in charge and similar actions.
- To avoid conviction. In this case, reference is made to the assessment of the gathered evidence and the final decision by the judiciary.
- To avoid arrest. For example, in case of criminals hiding (or simply residing) in foreign countries where they created a safe environment through corruption and influence.

³⁷ Violence may be used within the OC group to maintain internal discipline and cohesion (intra-group violence), against other OC groups to manage the balance of power within the criminal environment (inter-group violence), and against private individuals or companies outside the criminal world (extra-group violence).

³⁸ In particular, please specify whether:

- Violence is actually exerted. The type of violence should be specified (for example, homicide, kidnapping). It is important to highlight whether these OC groups resort to the violence after trying other possibilities (for example, threat) or use violence as a general tool to get their way. An assessment concerning the frequency of actual violence (high or low) would also be useful.
- Violence is planned or used as reaction. It is important to understand whether these OC groups use violence as a defensive instrument without specific planning (for example, shooting during robberies to avoid being captured by the police) or these OC groups adopt violence as part of their strategy.

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15. What is the objective of violence?³⁹
16. Are there other behaviours and techniques adopted by these OC groups that hinder law enforcement or judicial process (countermeasures)? Please specify.⁴⁰
17. Do they use outsider specialists (please specify)? Why? Do specialists cooperate knowingly or unknowingly?
18. Are there any other threatening features that are not covered in the general description of these OC groups? Please specify.

-
- Threat of violence is used. The type of threat should be specified (for example, threat of killing).
 - Violence or threats are used within specific ethnic/national communities.
 - Threat of violence is based on reputation within the criminal environment (intra and inter-group violence) or with reference to the general public (and not only closed circles, such as drugs addicts buying from these OC groups) or specific ethnic/national communities (please see also question 8). Please specify.
 - Violence or threats are reported to the law enforcement agencies or they are discovered during investigative activities.
 - Law enforcement officers are targeted. In this case, threat of violence (and not violence) is addressed to single police officers targeting their private sphere (for example, private property, family, etc.). Also small acts of actual violence can be included in this category. In these cases, the OC group is trying to avoid direct confrontation with the law enforcement agency.
 - Law enforcement agencies are targeted. In this case, actual violence is openly addressed to single police officers (or their property, family, etc.) or violence or threat of violence is addressed to the agency as a whole (for example, targeting a police station, a patrol).

³⁹ This refers to the objective pursued in using violence. For example, with reference to law enforcement and judiciary, the objective could be to avoid or hinder investigations or convictions. When public administration officers or politicians are targeted, public money could be at stake. In case of intra-group violence, the objective can be linked, for example, to the maintenance of discipline and cohesion. In case of inter-group violence, the objective, for instance, can be linked to territorial or market disputes, recovery of debts, etc.

⁴⁰ Counter-measures can be classified under three categories:

- Avoiding law enforcement detection of the criminal activity, such as counter-surveillance, misleading activities, infiltration against law enforcement agencies, use of certain communication means or sophistication in hiding money transfers;
 - Avoiding law enforcement detection of members of the OC group, such as complex networks of companies, front men and counterfeit or falsified documents, use of nicknames, codes, foreign languages or local idioms;
 - Avoiding prosecution and conviction of members of the OC group, such as the use of violence, intimidation, corruption or influence against group members under trial or investigation, but also against victims, potential witnesses, law enforcement personnel, or people within the judiciary, public administrators, and politicians. The international dimension has a relevant role to play in avoiding or hindering evidence gathering, prosecution.
 - Avoiding capture. The international dimension has a relevant role to play also in this case.
- It is important to report any example of use of cutting-edge technology.

Selection criteria for criminal activities

The MS are required to fill in this questionnaire for the following mandatory criminal activities:

- Drugs trafficking⁴¹
- Fraud, including VAT fraud, smuggling of cigarettes and alcohol and fraud in public tendering
- Euro counterfeiting
- Commodity counterfeiting and intellectual property theft
- Trafficking in and exploitation of human beings
- Facilitation of illegal immigration

Furthermore, MS are invited to contribute on any other crime types that are of specific interest to the single MS.

These voluntarily compiled questionnaires are designed:

- To the single MS: to report upon phenomena that are assessed as threatening, in particular because of the effects they have or can have on other MS or the EU, in terms of impact or spreading of activities/modus operandi/OC groups;
- To Europol: to act as an early warning of criminal activities that are not yet considered a priority and are not listed among the mandatory areas to be reported on.

⁴¹ Separate forms for heroin, cocaine, cannabis and synthetic drugs.

Questionnaire about criminal activity XYZ⁴²

Questions are as general and open as possible to give the MS the opportunity to provide as much information as possible on a given topic. In order to ensure a proper level of comparability in the answers, the MS should follow the detailed footnotes explaining what is expected from them. This approach is similar to the one adopted for the 'OC groups' questionnaire.

It needs to be emphasised that whenever a question refers to a specific topic, it is not restricted to factual information. The questions are also intended to include intelligence-based information which may not be currently substantiated by available evidence. When this is the case, it must be highlighted in the answer.

In any case, personal data cannot be included in the provided information.

Questions 1 to 14 and 16 refer to the criminal activity as it is carried out by organised crime as defined in chapter IV of Enfopol35rev2(1997). Differently, questions 15, 17 and 18 encompass the criminal activity as a whole, expanding the scope beyond the involvement of organised crime. The aim is to provide information about the wider context, to obtain additional PEST(EL) related information.

In answering some questions, such as 3, 4, 5, 6, 7, 8, 10, 11, it may be difficult to find the right balance between generalisation and detail. To answer these questions, an assessment should be made to identify the most usual traits with reference to the criminal activity. Emerging and expected trends should also be reported upon.

Questions

1. Please provide an overview of this criminal activity including any new trends over the last year.
2. Please provide an estimate of the OC groups carrying out this criminal activity⁴³:
 - 2.1.1. concerning OC groups carrying it out as the only or largely predominant criminal activity ("single crime" OC groups) please specify:
 - 2.1.1.1. number of OC groups;
 - 2.1.1.2. most frequent size of OC groups⁴⁴;
 - 2.1.1.3. total number of suspects

⁴² One form must be filled in for each criminal activity.

⁴³ This question, together with question 5 and 6, is intended to investigate the structure of organised crime that is engaged in this criminal activity in the MS (How many OC groups? How big? What type? Co-operating? How? Multicrime?).

⁴⁴ Please make reference to classes such as 1-10, 10-20, 20-30, 30-40, 40-50, etc.

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- 2.1.2. concerning OC groups carrying it out together with other criminal activities (“mixed crime” OC groups) please specify:
 - 2.1.2.1. number of OC groups;
 - 2.1.2.2. most frequent size of OC groups⁴⁵;
 - 2.1.2.3. total number of suspects;
 - 2.1.2.4. which are the other criminal activities usually carried out in conjunction with the one under examination? Is there any specific reason why specific combinations of criminal activities are carried out by the same OC group?
- 2.1.3. Can you provide specific reasons leading to this criminal market situation (number and size of OC groups)?
3. What are the main m.o. with reference to this criminal activity? ⁴⁶
 - 3.1. Is there any specific expertise necessary to carry out the criminal activity? Please specify.
 - 3.2. Is specific expertise from outside the OC group necessary to carry out the criminal activity? Please specify.
4. Which are the main source, transit and destination countries⁴⁷? Can you specify their role and the role undertaken within your country?
 - 4.1. What are the reasons for these roles?
5. If the same OC groups usually take care of all phases of the criminal activity, please specify how internal division of tasks and coordination are managed. ⁴⁸
6. What type of co-operation between OC groups is usually witnessed in carrying out this criminal activity? ⁴⁹
 - 6.1. Please provide details on how co-operation is carried within the same criminal activity⁵⁰.
 - 6.2. OC groups co-operating in this criminal activity, do they co-operate also in other criminal activities? Please specify⁵¹.

⁴⁵ Please make reference to classes such as 1-10, 10-20, 20-30, 30-40, 40-50, etc.

⁴⁶ For example, how importation, production, exportation, wholesale, “retail” sale of illegal goods are realized, how illegal services are provided, how persons are brought and maintained into exploitation, how fraud is carried out, etc.

⁴⁷ For example, with reference to the illegal goods and material used for their production (such as heroin “imported” in a MS, precursors used for production of synthetic drugs, synthetic drugs “exported” outside a MS, cocaine transiting through a MS, etc.), to smuggled goods (such as cigarettes, alcohol, etc.), to smuggled or trafficked persons, etc.

⁴⁸ For example, how international operations are carried out.

⁴⁹ For example, what is the usual division of tasks between OC groups? How international or national co-operation is maintained?

⁵⁰ For example, in facilitation of illegal immigration there can be an OC group that takes care of recruiting would-be illegal migrants in a source country, another OC group that facilitates their movement to a certain nexus point or transit country and another OC group that is engaged in the illegal entry in the MS. These three OC groups are co-operating within the same criminal activity (facilitation of illegal immigration). As already stressed, an assessment should be made to identify the most usual traits or emerging trends.

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- 6.3. Is there any cooperation with OC groups engaged in other criminal activities? Please specify⁵².
7. Which are the main characteristics⁵³ of suspects with reference to this criminal activity?
- 7.1. Is this criminal activity dominated by specific clusters of OC group? Please specify and make reference to the OC groups clusters identified in answering the OC groups questionnaire (or at least to the types outlined in the 2008 OCTA). What is the reason of this dominance?⁵⁴
- 7.2. Is this criminal activity dominated by OC groups whose core members have a particular nationality/ethnicity/origin? Please specify. What is the reason of this dominance⁵⁵?
8. Are legitimate business structures⁵⁶ used to carry out this criminal activity?
- 8.1. What are their official fields of business?
- 8.2. What is their function in the m.o.?⁵⁷
- 8.3. How do criminals get to use them?⁵⁸

⁵¹ For example, OC groups that co-operate in heroin trafficking and also co-operate in synthetic drugs trafficking. Or OC groups that co-operate in THB and also co-operate in drugs trafficking. Or OC groups that co-operate in cocaine trafficking and also co-operate in money laundering. As already stressed, an assessment should be made to identify the most usual traits or emerging trends.

⁵² For example, co-operation between OC groups active in THB and OC groups that are specialised in money laundering. As already stressed, an assessment should be made to identify the most usual traits. As a consequence, the information reported in this example would be interpreted as “usually OC groups engaged in THB do not internalise the money laundering activities but rely on co-operation with other OC groups”.

⁵³ For example, nationality/ethnicity/origin, cultural background, level of education, life-style (such as for outlaw motorcycle gangs), military background, previous imprisonment (such as for prison gangs), etc.

⁵⁴ This question is meant to investigate the factors of success of certain types of OC group.

⁵⁵ This question is meant to investigate the factors of success of certain types of OC group.

⁵⁶ Legitimate business structure (LBS) means any undertaking (of any size) operating under a legal form, such as private limited company, partnership, sole trader organisation, etc. These undertakings may be used to carry out legal but also illegal activities. For this purpose, the so-called bogus companies are to be considered LBS.

⁵⁷ The function they play in the modus operandi must be specified. For example, it may be transporting drugs, providing a mechanism to move goods or money, participation in public tenders, money laundering (layering), re-investment, acquiring social status, exerting influence, fictitious employment of group's members, etc.

⁵⁸ Methods of obtaining the use of LBS, besides establishing them, include:

- Property acquired by OC groups after establishment of the LBS. In this case, please provide additional information concerning how OC groups acquire ownership of companies;
- Infiltration. In this case criminal members actually work in the company. Deception is necessary to have cases of infiltration. Cases of fictitious employment cannot be considered as infiltration;
- Coercion. In this case violence or threat is used. Coercion could be linked to property acquisition or simply the use of the company's facilities or services (please specify). The

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- 8.4. Are legal and illegal activities mixed?⁵⁹
- 8.5. Where are they located and where do they operate?⁶⁰
- 8.6. What is the size of the LBS and what is their influence on the legal market?⁶¹
9. Please provide estimations about the profitability of this criminal activity⁶².

target of coercion should also be specified (Sole proprietor, shareholder, director, employee, etc.).

- o Corruptive influence. It could be linked to the use of the companies' facilities or services (please specify). The target of corruption should also be specified (Sole proprietor, shareholder, director, employee, etc.).
- o Deception. In this case the company is deceived (for example, a transport company hired to transport furniture in which heroin is hidden without any knowledge of the aforementioned transport company). Deception could be coupled with infiltration.
- o Mutual benefit. In this case companies know of the criminal activity but accept to provide its services anyway. For example, a bank's branches, insurance agents, notaries, etc. carrying out financial operations without reporting their suspicions (or knowledge).

In addition, other crimes linked to the use of the LBS should be mentioned (other than the exertion of violence and corruption). For example, loan-sharking used by OC groups to weaken companies and take them over must be reported.

⁵⁹ It is important to clarify if companies also carry out legal activities in the official field.

⁶⁰ A company can be incorporated in one country and active in others. The kind of activity exerted in the different countries should be specified.

⁶¹ There are different ways of measuring the size of a company. For example, the number of employees can be seen as an indicator of this size and the level the company's social and economic impact.

A business set up and run by criminals may have a significant social and economic impact. It may operate within a complex and perfectly legal network of business transactions; it may have solid links and normal working relationships with honest – and unknowing – businessmen, and give employment to a number of workers. On the other hand, it may turn into unfair competition for all other business operating in the same sector, because the real profit derives from criminal activities, and the front business can offer goods and services at prices that all honest ventures, which have to be economically productive, cannot match. Such a situation is conducive to a perverse cycle. On the one hand, the honest competitor in an attempt to match the low prices has to cut costs. On the other hand, this may lead to the further corruption of a specific market.

The possibility to contact and then influence high level officials is likely to be based on an already established and qualified presence of members of a OC group in the economy or in the social fabric. Within this framework, organised crime can resort to infiltration through the ownership of significant companies at local or national level for gaining a layer of respectability leading to useful contacts and influence. A side effect of this development can again be the pollution of the economic environment due to unfair competition possibly based on corruption, money laundering and re-investment (for example, there are no costs for funding because money comes from crime), disregard for laws and regulations (whose respect can raise costs), etc. Furthermore, once the economic environment is infiltrated the dismantling of OC groups may have major social effects due, for example, to the loss of employment.

⁶² Profitability is given by the comparison between criminal proceeds from carrying out a criminal activity (revenues or incomes) and costs for running the criminal activity and the engaged OC groups.

It is possible that the information provider is not able to give an estimation concerning the costs: in this case, please provide the estimation of the criminal proceeds, mentioning this limitation.

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10. Is corruptive influence used to facilitate this criminal activity?
- 10.1. In which field?⁶³
 - 10.2. What is the targeted level?⁶⁴
 - 10.3. What is the corruptive practice?⁶⁵
 - 10.4. What is the objective of the corruptive influence?⁶⁶
 - 10.5. Where is corruptive influence exerted?⁶⁷
11. Is violence or intimidation used to carry out this criminal activity?
- 11.1. How is it used?⁶⁸

It is possible that the information provider is not able to give an estimation of the global criminal proceeds. In this case, please provide the estimation concerning criminal profits per unit or criminal proceeds per unit (for example profit or proceeds from 1 kg of cocaine).

It is possible that the information provider uses indirect methods based on the identified assets pertaining to the OC groups engaged in this criminal activity. Please provide this estimation.

In any case, it is important that the information provider specifies the methodology it applied in estimating the profitability of the criminal activity. This gives the possibility of better assessing the estimation and also gives suggestions for building an EU wide methodology.

⁶³The environment the targeted persons pertain to (for example, law enforcement, judiciary, public administration, politics, private sector, etc.).

⁶⁴ The role of the targeted persons within the organization to which they belong. The answer can be 'Low' (for example, front-line police or administrative officers with executive tasks), 'Medium' (for example, officers who are able to significantly affect the decision-making process), 'High' (officers with significant decisional power). It is also useful to know whether the targeted persons participate in decision-making processes with reference to a single city, a region or the entire country (especially for high and medium level officers). For example, it makes a difference whether influence is exerted on local or national politicians..

⁶⁵ The handover of money is not the only way of corrupting or exerting influence. It is very important to highlight more subtle forms of influence based on 'exchange of favours'. It is also possible that influence is exerted through blackmail or other forms of pressure.

Other features can be interesting, such as the profile of members of OC groups that contact or manage the targeted person or whether OC groups contact or manage the contact with the targeted person through external intermediaries (for example, lawyers having access to judges, prosecutors or police officers because of their professional activity. These lawyers could be not part of the OC group but they could be simply 'selling' this service possibly also to other OC groups).

⁶⁶ Some objectives of corrupting influence can be:

- To carry out the criminal activity. For example, to abuse public tender procedures or to get across a border.
- To get information on law enforcement activities. In order to assess the extent to which the OC group is known and targeted by the law enforcement agencies.
- To avoid investigative activities. To prevent law enforcement officers starting an investigation on the activities of the OC group.
- To hinder investigative activities where a criminal investigation has started. In this case reference is made to evidence gathering, choice of investigative paths or of officers in charge and similar actions.
- To avoid conviction. In this case, reference is made to the assessment of the gathered evidence and the final decision by the judiciary.
- To avoid arrest. For example, criminals hiding (or simply residing) in foreign countries where they created a safe environment through corruption and influence.

⁶⁷ This refers to the countries in which the corruptive influence is exerted.

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11.2. What is the objective of using violence or intimidation in carrying out this criminal activity?⁶⁹

12. With specific reference to the facilitating factors⁷⁰

- Document forgery or identity fraud;
- Misuse of the transport sector;
- Technology as a facilitating sector;
- Exploitation of the financial sector;
- Globalisation and borders;
- Exploitation of the retail sector;
- Exploitation of black markets for goods and services;
- Social tolerance;
- Prison system,

are they usually directly linked⁷¹ to the criminal activity?

⁶⁸ In particular, please specify whether:

- Violence is actually exerted. The type of violence should be specified (for example, homicide, kidnapping).
- Violence is planned or used as reaction.
- Threat of violence is used. The type of threat should be specified (for example, threat of killing).
- Violence or threats are used within specific ethnic/national communities.
- Threat of violence is based on reputation within the criminal environment (intra and inter-group violence) or with reference to the general public (and not only closed circles, such as drugs addicts buying from the OC group) or specific ethnic/national communities.
- Violence or threats are reported to the law enforcement agencies or they are discovered during investigative activities.
- Law enforcement officers are targeted. In this case, threat of violence (and not violence) is addressed to single police officers targeting their private life (for example, private property, family, etc.). Also small acts of actual violence can be included in this category. In these cases, OC groups are trying to avoid direct confrontation with the law enforcement agency.
- Law enforcement agencies are targeted. In this case, actual violence is openly addressed to single police officers (or their property, family, etc.) or violence or threat of violence is addressed to the agency as a whole (for example, targeting a police station, a patrol).

⁶⁹ This refers to the objective pursued in using violence. For example, with reference to law enforcement and judiciary, the objective could be to avoid or hinder investigations or convictions. When public administration officers or politicians are targeted, public money could be at stake. In case of intra-group violence, the objective can be linked, for example, to the maintenance of discipline and cohesion. In case of inter-group violence, the objective, for instance, can be linked to territorial or market disputes, recovery of debts, etc. It is also interesting to explore the possibility of using the intimidating power to facilitate corruptive influence (for example, intimidation as one of the factors conducive to the acceptance of bribes).

⁷⁰ Facilitating factors are situations providing opportunities to criminals. For example, a specific communication technology (the facilitating factor) may facilitate communication among criminals without detection or decryption by law enforcement agencies. The facilitating factor can be used by criminals in carrying out the criminal activity or in running the OC group in general (in the modus operandi). For example, specific features of the transport sector can be a facilitating factor while the way in which criminals exploit the transport sector is part of the description of the modus operandi.

Please see also the 2007 OCTA.

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- 12.1. If they are directly linked,
 - 12.1.1. how do they facilitate (role) and what is their impact on the criminal activity (impact)?
 - 12.1.2. Are there any opportunities given also to law enforcement? Are they exploited?
 - 12.1.3. How are role and impact of these facilitating factors evolving?
- 12.2. If they are not directly linked,
 - 12.2.1. do they facilitate the criminal activity itself even if they are not essential in the main modus operandi⁷²?
 - 12.2.1.1. If Yes,
 - how do they facilitate (role) and what is their impact on the criminal activity (impact)?
 - Are there any opportunities given also to law enforcement? Are they exploited?
 - How role and impact of these facilitating factors evolving?
13. Are there any other significant facilitating factors with reference to this criminal activity⁷³?
 - 13.1. Are they directly linked to the criminal modus operandi⁷⁴?
 - 13.3. How do they facilitate the criminal activity (role) and what is their impact on it?
 - 13.4. Are there any opportunities given also to law enforcement? Are they exploited?
 - 13.5. How is the impact of these facilitating factors evolving?
14. Please provide a future-oriented assessment concerning changes in this criminal activity⁷⁵. Are there significant differences from your previous assessment?
15. Can you provide a rough quantification of the involvement of organised crime in this criminal activity?⁷⁶

⁷¹ "Directly linked" means that the facilitating factor is either often essential or used in the usual m.o.

⁷² "Not essential in the main m.o." means that a facilitating factor may be relevant in some m.o./manifestations of the criminal activities or a facilitating factor may be used to enhance possibilities of avoiding law enforcement actions and is not vital to the activity (for example, focus on the use of technology in communication or the exploitation of the financial sector to launder money).

⁷³ For example, national legislation and policies, level of taxation, structure of the legal market of reference, etc.

⁷⁴ In case of a negative answer, they are interpreted as relevant but not essential facilitating factors. See also the distinction in questions 12.1 and 12.2.

⁷⁵ For example, with reference to facilitating factors, OC groups involved, modus operandi, and the other features mentioned in the previous questions. It is important to get the MS perspectives with reference to this point.

⁷⁶ Part of the criminal activities within a certain field may be not-OC related. The size of a criminal activity or market does not automatically equal OC involvement. For example, tax evasion related

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16. What are the main conditions leading to the involvement of organised crime?⁷⁷
17. Taking into consideration this criminal activity when there is not involvement of organised crime, are there different or additional data to be reported?⁷⁸
18. What are the main conditions leading the development of this criminal activity as a whole?⁷⁹

to undeclared labour in the construction business may attract OC. At the same time there is tax crime committed by single citizens for their own private benefit. Both these aspects should be taken into consideration.

⁷⁷ This perspective focuses on conditions for OC involvement in a criminal activity. For example: Why is OC involved in the construction industry but less so in the domestic service sector which is also susceptible to undeclared labour?

⁷⁸ Reference is made to information that is deemed to be useful to assess the development of organised crime in this field. It can touch, for example, topics such as main or new trends, number of suspects and their characteristics, main m.o., main source, transit and destination countries, use of corruptive influence, use of violence, facilitating factors, future-oriented assessment.

⁷⁹ That is to say criminal activity without limiting the scope to organised crime. Some of these factors are likely to be already mentioned in answering questions 12, 13, 17, 18. Use this question to report additional factors.

Questionnaire about money laundering

Experience shows that it is often difficult for MS to provide information on money laundering linked to a specific type of predicate offence. Nevertheless, general information on money laundering is normally available, but without a strong link to the criminal activity sourcing the ill-gotten gains. Furthermore, it appears that there are more and more OC groups specialising in money laundering and providing their services to other OC groups. An intelligence gap may thus arise if there was not a specific money laundering questionnaire. A questionnaire has therefore been developed for completion by all MS.

Furthermore, due to the entry into force of the “Money laundering” protocol, Europol plays a new role in this sector. Europol becomes competent for all money laundering offences, regardless of the predicate offence.

It needs to be emphasised that whenever a question refers to a specific topic, it is not restricted to factual information. The questions are also intended to include intelligence-based information which may not be currently substantiated by available evidence. When this is the case, it must be highlighted in the answer.

In any case, personal data cannot be included in the provided information.

The following questions refer to money laundering as it is carried out by organised crime as defined in chapter IV of Enfopol35rev2(1997).

Questions

1. What are the most significant trends in the m.o. used by OC groups, in particular in terms of:
 - 1.1. Methods actually used;
 - 1.2. Emerging methods;
 - 1.3. Methods which may be used with increasing significance in the near future. Please specify the reasons substantiating this assessment.
2. Is there any significant correlation between the type of predicate offence and the methods used to launder money? Please specify.
3. Is there any significant correlation between the type of OC groups and the methods used to launder money? Please specify and make reference to OC groups clusters identified in answering the OC groups questionnaire (or at least to the OC groups typology outlined in the 2008 OCTA).
4. Is there any significant geographical pattern in the origin or destination of the financial resources moved by OC groups?
5. Money laundering can be carried out by members of the OC group or it can be entrusted to external specialists, possibly doing the job for more than one OC group.

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What is the actual situation and trends with reference to this issue?

6. Please describe the peculiar features of criminals carrying out money laundering operations within or for OC groups.
7. Does the abuse of LBS represent a significant hindrance in detecting and fighting money laundering? Please specify.
8. The owners, directorship, the personnel of private entities⁸⁰ involved in money laundering:
 - Are they members of OC groups (infiltration)?
 - Are they corrupted by OC groups (corruption)?
 - Are they threatened by OC groups (intimidation)?
 - Are they simply aware of the ongoing crime (but not opposing the criminal activity because of mutual benefit or fear)?
 - Are they unaware of the ongoing crime (deception)?

What is the actual situation and trends with reference to these different methods of involving a private entity?

9. What are the main vulnerabilities being exploited by OC groups carrying out money laundering⁸¹?
10. What are the most abused business or financial sectors?
11. During investigations concerning OC groups, are the financial and economic aspects systematically developed? Please specify the policy applied in this field.⁸²

⁸⁰ With reference to this question the concept of private entities is based on the list of players mentioned in article 2 of the Directive 2005/60/EC of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing:

- o Credit and financial institutions;
- o Auditors, external accountants and tax advisors;
- o Notaries and other independent legal professionals;
- o Trust or company service providers;
- o Real estate agents;
- o Other natural or legal persons trading in goods;
- o Casinos

⁸¹ For example the structure of the financial market where the actual business is run by wide networks of more or less dependent entities, such as agents and sub-agents. Another example can refer to deregulation processes in the financial sector.

⁸² It refers to the importance assigned by law enforcement agencies to the detection of financial assets, money laundering processes and the people responsible for these actions.

