



Bundesministerium
des Innern
und für Heimat



Strategy to fight serious and organised crime

Permanently disrupting organised crime structures

Introduction

The widespread criminal structures of serious and organised crime pose a threat to us all: to private individuals, to the government, to the economy and to society. Perpetrators of organised crime use cutting-edge technologies to operate conspiratorially and in international networks, constantly seeking out profitable new areas of activity. Perpetrators in the field of organised crime generally keep a lower profile than terrorists and extremists, and their crimes are less visible to the public. They are focused primarily on gaining money and power.

Their propensity for violence is also growing. Organised crime groups are showing an increasing willingness to use sometimes dramatic violence and intimidation against others. To demonstrate their power both within and beyond their own groups and to influence witnesses, prosecutors and those in “debt” to them, they commit crimes ranging from extortion and robbery to assault and battery or even homicide. The risk that armed conflicts will play out in public spaces is growing. Our European neighbours have already had painful experiences with this. We will not let it happen in Germany.

Organised crime encompasses many types of criminality. The 2021 Organised Crime National Situation Report produced by the Federal Criminal Police Office (BKA) shows that the number of investigations of organised crime groups has increased by more than 17 per cent over the previous year for a total of almost 700 investigations. In 2021, the reported financial impact of organised crime exceeded a billion euros for the first time.

In particular, analysis of encrypted communications has yielded important information. Since the beginning of 2020, the BKA has also received such data from our European and international partners and has

analysed it together with the federal states. These analyses offer important insight into sub-areas of organised crime and illustrate vividly how intensively organised crime groups use encrypted communications to plan and carry out crimes, including serious crimes, as well as how much unreported organised crime there is in Germany and how large the scale of criminal proceeds is.

The criminal organisations aim to launder the illegal proceeds of their crimes by reinvesting the money in the legal economy. They also seek to influence elected officials, public agencies and the business sector. This combination of targeted investment and potential violence threatens to undermine governmental and economic structures and to destabilise our society as a whole.

It is important to tackle these challenges jointly and resolutely, at both a national and an international level. Through the present strategy on organised crime, the Federal Ministry of the Interior and Community is more closely intertwining the work of federal security agencies with policy efforts at the federal state, European and international levels. The Federal Ministry is also highlighting additional areas where we need to intensify our efforts.

Our shared goal is to **disrupt criminal structures permanently and to systematically recover criminal proceeds**. To achieve these things, we especially need to **keep improving our framework**.

Identifying and seizing suspicious assets

The government must work together with the business sector, especially the financial sector, and with European and international partners to seize criminal assets from organised crime groups. This encompasses more than the traditional measures of asset confiscation. Rather, it is crucial to stop criminal assets from entering the legal economy and to ensure that those who hold them can no longer use them or at least that they can be identified and tracked.

In the fight against organised crime, assets must be linked to specific individuals and businesses so that swift and effective action can be taken as needed. This applies to all areas of organised crime, but is especially relevant when it comes to enforcing sanctions such as those imposed against Russia for its attack on Ukraine. The state needs to have a right to demand disclosure of the identities of formal holders of assets with a certain set of suspicious features. This is intended to identify the source of assets and financial resources with certain suspicious features and to identify who controls these assets in practice. If no information is provided or the information provided is unconvincing, this right of access must also enable the responsible authorities to take further steps and ultimately to confiscate the assets (a **suspicious wealth order (SWO)**). This approach also serves

as a preventive measure by reducing incentives to commit crimes, as it will be known in advance that documentation of the origin of the asset may be required.

The Federal Ministry of the Interior and Community is working to ensure that the responsible public authorities can require the formal holders of assets of suspicious origin to disclose the source of these assets and who controls the assets in practice. If this information is not provided or the information provided is not convincing, the assets in question can be removed from the legal economy.

Establishing a nationwide uniform register of buildings and dwellings

Germany currently has no uniform country-wide register of information about buildings and dwellings. A central register of buildings and dwellings would close this gap and give authorities at all levels of administration nationwide access to information about real estate as needed and in line with the once-only principle. The register is intended to be used for a variety of purposes. As a database, the register is to serve a broad range of purposes, including better prosecution and threat prevention as well as effectively combating money laundering and terrorism and extremism financing. More transparency in identifying assets is essential to make it easier to carry out law enforcement measures and effectively recover illegal assets. By

adopting the draft Second Sanctions Enforcement Act (Sanktionsdurchsetzungsgesetz II), the Federal Cabinet has laid important groundwork for reducing criminal abuse of lack of asset transparency by making real estate information that is exchanged among the land registry offices in the federal states also available to the transparency register.

Beyond this, the Second Sanctions Enforcement Act will also require foreign companies with existing property holdings in Germany to report these properties to the transparency register.

Introducing an upper limit for cash transactions

The Federal Ministry of the Interior and Community also supports the **introduction of a general limit of 10,000 euros for cash transactions**. This would reduce the risk of concealing the origin of major assets by ensuring that major transactions leave a financial trail. The general upper limit on cash transactions should be introduced throughout Europe and implemented nationally.

Boosting the quality and number of financial investigations

Law enforcement authorities must use the existing asset recovery regulations, including independent confiscation of assets of unknown origin, in a more systematic way. Particularly in organised crime proceedings, all responsible authorities must be included in the financial investigation from the outset. In investigations, the BKA and the Federal Police will ensure **close coordination with asset recovery within ongoing proceedings as well as with the audit service**, and will rigorously expand their capacities in the field of financial investigation. They are already in the process of hiring financial intelligence officers (FIOs) with

private-sector expertise, particularly in order to expand the BKA's digital financial investigations. To this end, we will **further expand cooperation with various actors in the field of finance** (e.g. cooperation with the Federal Financial Supervisory Authority (BaFin) in the area of market and balance sheet manipulation; raising private sector actors' awareness of how they are affected and closely involving them in counter-strategies) so that, particularly in the field of money laundering, illegal financial flows can be recognised at an early stage.

Establishing a centre of excellence for digital financial investigations

A further challenge in the recovery of criminal proceeds is the increasing **use of crypto-assets** to conceal the origin of assets. In this area, a broad range of modi operandi are developing quickly. It is resource-intensive yet essential for law enforcement and investigating authorities to develop further expertise. The exchange of best practices and the pooling of all known information are necessary here. In its role as a central office for police information and communications, the BKA must lead the way in these efforts and is therefore establishing a **centre of excellence for digital financial investigations**. This centre will carry out both fundamental and conceptual tasks in crime-fighting through

approaches including analysis, examination and evaluation of complex virtual payment systems, as well as developing an expert network on money laundering and crypto-assets, in order to provide expert support to national and state-level investigations.

Establishing a central information, data and evaluation platform

Rapid technological progress and the accompanying swift development of new forms of communication have a considerable influence on the work of federal and state security authorities. Perpetrators are communicating more digitally and are increasingly shifting their communications to encrypted messaging services. When European security authorities are able to decrypt and recover such data from providers such as EncroChat, SkyECC or ANOM, **large volumes of data** must be processed, analysed and evaluated in Germany, for purposes of prosecution as well as to defend against future crimes. This work is especially essential in the fight against organised crime and is

very resource-intensive for the security authorities. We are improving the ability to use information that is acquired and available in criminal proceedings. The Federal Ministry advocates for the establishment of a central information, data and evaluation platform, which is to enable resource-conserving and **IT-based solutions**, e.g. the targeted use of artificial intelligence tools. We must prepare and establish the necessary legal, technical and material foundations for such work together with the federal and state security authorities and with support from the Federal Ministry of Justice.

Expanding the BKA's analysis, evaluation and investigative capabilities

Within Germany's **federal** structure, the federal states are primarily responsible for combating crime. However, in its role as a central agency and within the scope of its powers of investigation, the BKA plays a significant part in detecting and disrupting criminal structures. But this work also demands better abilities to recognise such structures. To this end, we will further **expand the BKA's analysis, evaluation and investigative capabilities**. The BKA carries out **joint investigations** with federal and state police and security authorities, as well as in an international context (e.g. joint investigative teams (JITs) in narcotics investigations) and will increasingly

conduct its own complex investigations within the framework of its legally assigned duties.

Establishing a joint platform for the fight against organised crime

Recognising developments in organised crime and the risks that result from them **at an early stage** is a necessary requirement for being able to respond quickly and appropriately. The BKA has been tasked with developing the organised crime coordination office into a **joint platform for the fight against organised crime**. The aim here is to improve information-sharing between the federal and state levels and to make it more flexible, as

well as to more effectively combine measures to combat organised crime. This will expand and improve the security authorities' risk assessment capabilities. The platform will also make it possible to react in a results-oriented way to identify priorities and problem areas, and will optimise the joint fight against criminal structures at federal and state level.

Disrupting organised crime groups' transport routes and channels of distribution

Particularly in narcotics and weapons-related crime, criminal groups use regular distribution channels via maritime transport, air transport, the postal system, the internet and the dark web. To prevent crimes and permanently disrupt organised crime structures, law enforcement authorities must identify both regular and illegal **channels of distribution** and take resolute action to counter the misuse of channels.

Criminal groups' misuse of regular channels of distribution needs to be **permanently impeded**.

To achieve this, federal and state law enforcement and administrative authorities must collaborate more intensively in an interdisciplinary way in the spirit of a comprehensive approach. In particular, the **customs authorities** play a key role here. Effective oversight of shipped goods is very significant in this effort, as is actively including and sensitising the **private sector**. Together we are developing methods of detection that use digital and technological processes. We are providing support for the acting authorities' cooperation with **postal service providers and transport companies**.

Combating family-based organised crime

Family-based organised crime is another area of focus in the fight against organised crime. These groups are distinguished by their high degree of insularity due to family structures shaped by ethnic affiliation, as well as by their high level of potential for mobilisation and aggressiveness and their practice of parallel justice, which denies the state's right to prosecute criminal offences and questions the rule of law. However, we will not stand for insular parallel societies.

Building on the agreed-upon uniform police definition of family-based organised crime, the **BKA will survey and observe the situation and trends** in Germany in a forthcoming national situation report on family-based organised crime. On this basis, the Federal Government must **combine forces** with the federal states, which have primary responsibility for the fight against family-based organised crime. Together, they must undertake joint efforts to intensify the fight

against family-based organised crime.

To establish a uniform and more resolute approach, the Federal Ministry of the Interior and Community will approach the state interior ministries and advocate for an **alliance against family-based organised crime**. Within this alliance, the Federal Government and the participating federal states will identify areas where support is needed, including in joint investigations and in the field of basic and advanced training. They will then carry out the identified needed steps. Beyond this, the federal and state levels will together review which federal support measures make a key contribution in the fight against family-based organised crime. The topics that will be discussed include targeted support for examining and funding rehabilitation and disengagement programmes for members of crime families; how to deal with dangerous and crime-infested places; and how to deal with suspicious assets.

Fighting environmental crime

Environmental crime is another very **profitable area of activity for criminal organisations** and has considerable impacts on our environment and health. However, it is **difficult to expose, prosecute and punish**. This is what makes it so attractive to organised crime groups. Such crimes merit particular attention due to their harmful impact on the resources that our lives depend on. As the central point of contact for environmental crime, the BKA will lay the foundation for more effectively working across all agencies to combat environmental crime. All of us must further intensify our efforts to date in order to fight environmental crime together across all agencies. We call upon the federal states to strengthen their regulatory bodies at state and local level.

Creating specialised prosecutor's offices

Developing **specialised prosecutor's offices for organised crime** is a key requirement for pooling resources to fight serious and organised crime and ensuring appropriate capacities to deal with complex investigative proceedings in the field of serious and organised crime. The Federal Ministry of the Interior and Community therefore

recommends to the judicial branch that it provide the necessary resources for swift and consistent legal execution of organised crime proceedings, so that specialised prosecutor's offices for organised crime and, where appropriate, specifically for family-based organised crime can be established.

Strengthening and expanding international cooperation

The structures of organised crime do not operate solely within our national borders, but rather are internationally broad based. That is why we must act together and in coordination with our European and **international** partners, form targeted alliances, and use these alliances to counter criminal structures.

Under Germany's **G7 Presidency** this year, we have set priorities for the areas of fighting organised crime, especially narcotics crime, human trafficking and child sexual abuse, including its online dimension, and we are working on solutions. We will jointly **implement the results** of these efforts.

At European level, a forward-looking **2021–2025 EU Strategy to Tackle Organised Crime** has been created for the coming years. In its own strategy to fight organised crime, the Federal Ministry of the Interior and Community is taking up important topics from this strategy, particularly “disrupting organised crime structures” and “eliminating profits generated by organised crime and preventing infiltration into the legal economy and society”.

The EU member states are already working together intensively in the field of internal security. The European Multidisciplinary Platform against Criminal Threats (EMPACT) coordinated

by Europol is a crucial and effective tool. Beyond this, Europol provides analytical and operational support to the member states. In European police cooperation, this work is an integral part of the cross-border fight against organised crime and must be expanded further. The Federal Ministry is advocating for **increased funding and staff for Europol**, and Germany will specifically post staff to Europol to support the fight against organised crime.

At international level, we actively support Interpol's work to ensure the worldwide prosecution of perpetrators of organised crime, and we are among the leading donors to Interpol.

Joining international coalitions, especially to fight narcotics crime

We will also enter into coalitions with other international partners that are specifically directed against organised crime structures, especially to combat drug-related crime. We want to intensify our **cooperation with countries of origin** of narcotics, especially by boosting training and equipment support in line with identified priorities. We will specifically expand **cooperation with South American countries, possibly by posting additional police liaison officers there**. A further initiative in this context is the **coalition of European countries fighting serious and organised crime**. We have entered into this coalition of six countries (Belgium, France, Germany, Italy, the Netherlands and Spain) in order to, among other things, increase the security and resilience of seaports as a key

gateway for narcotics entering the EU.

Additionally, we will join the **MAOC-N (Maritime Analysis and Operations Centre - Narcotics)** in order to coordinate and actively and operationally advance the fight against illegal drug smuggling by air and sea, as well as the criminal structures behind this smuggling, together with our European partners.

Additional areas of focus are simplifying access to the partner countries' databases and intensifying the transnational oversight of money flows and transactions by suspicious companies and individuals.

Strengthening the Federal Police in the combating of human smuggling

At federal level, the **Federal Police** make an important contribution to combating organised crime. They play a key role in the fight against **the organised crime area of human smuggling**, and also carry out **joint investigations with national and international partners**. Disrupting highly professionalised migrant trafficking networks that operate internationally is essential in the fight against the increasing volume of irregular migration to Europe and Germany. This means it is important to increase the Federal Police's **analysis, evaluation and investigative capabilities in this area**.

The manufacturing, sale and use of forged and falsified documents is a key logistical foundation

for many areas of organised crime, and is frequently a part of crimes committed in the area of human smuggling. This means that **detecting and combating such logistical offences is especially important**. The pursuit of forgeries in circulation offers key approaches to analysis and investigation in the fight against organised crime. **Awareness must be raised** among all relevant actors at federal, state and local level regarding **forged and falsified documents**, and their **ability to recognise** such documents must be improved, not least to prevent social benefits fraud. Because of the Federal Police's expertise in combating document-related crime due to their border police duties, their role as a multiplier in this area will be strengthened.

Creating a framework for the future

The German government and its domestic and international partners must prepare for the future and respond in flexible and innovative ways to the challenges posed by organised crime. To achieve this, the security authorities at federal and state level need sufficient technical, organisational and human resources to detect and prosecute crimes. Bi- and multilateral partnerships enhance the efficiency and effectiveness of efforts at national level.

To fight the many different and new challenges in the area of organised crime, the framework for the measures and demands already presented must be adjusted. When resources are limited, it is not enough to simply optimise processes. The **financial and human resources for the security authorities** in the area of serious and organised crime must be **significantly increased**, for analytical and investigative units as well as for

investigation support units such as digital forensics and IT surveillance. Units responsible for financial investigations and the confiscation of assets also need significantly more staff to keep organised crime syndicates from achieving one of their major goals: making profits.

Organised crime is crime that can be detected by monitoring: the more resources we can devote to fighting organised crime, not only in law enforcement, but also in the financial sector and in trade supervision, the more successful we will be at increasing domestic security.

Sufficient resources would have an impact on various areas of security policy, including the protection of victims. Human trafficking and human smuggling in particular are two forms of crime in which the pursuit of profit endangers human lives.

Improving technical skills and expanding legal powers

The technical skills and legal powers of the security authorities must keep up with the rapid developments in the digital world.

The share of encrypted communication is constantly growing. But German law currently does not allow the security authorities to use active technical means to decrypt encrypted communication between criminals by covertly entering the IT systems of encrypted communication service providers, for example in order to gather key information for decryption or to secretly intercept communications. The BKA has so far relied on its European and international partners to provide it with decrypted criminal communications to carry out criminal investigations and prevent threats. The Federal Ministry of the Interior and Community supports efforts to update **the regulations for dealing with encryption** in compliance with the Constitution. The security authorities must be able to keep up with rapid technological developments so that they are not hindered from carrying out their duties.

The use of software for IT surveillance

(telecommunications interception from and remote searching of terminal devices) is essential for the security authorities to be able to prevent threats to our rights and freedoms, especially in all cases in which encrypted communication or evidence is available but impossible to decrypt. The Federal Ministry promotes the production and use of own software solutions with the aim of strengthening digital sovereignty, creating interoperable infrastructures and reducing dependence on non-European producers.

In order to solve crimes, the law enforcement authorities must be able to access telecommunications data. The Federal Ministry supports thoroughly examining which options for **retaining telecommunications data in compliance with the law** can be considered in order to be able to take rigorous action when dealing with serious and organised crime and other major crimes. In particular, the Federal Ministry is in favour of requiring the retention of IP addresses and port numbers. These are often the only keys to the identity of individuals committing serious crimes who operate anonymously on the internet.

Introducing “Security4Germany”

The Federal Ministry is working to ensure that the security authorities are able to carry out their legally assigned tasks adequately. We will create incentives to attract qualified staff for highly specialised areas such as IT and financial investigations. The Federal Ministry plans to strengthen expertise in the security authorities with the help of the initiative “**Security4Germany**” on the model of the existing programmes “**Work4Germany**” and “**Tech4Germany**”. We intend to design this programme to make it possible to assign experts from specific subject areas to our security authorities for a certain period of time.

Stiffer penalties for money laundering

The offence of money laundering must be subject to punishment commensurate to the general harm it causes and to its relevance for all areas of organised crime. We are therefore in favour of **significantly increasing the penalties for money**

laundering (section 261 of the Criminal Code), at least to a minimum custodial sentence of six months for non-obliged entities and one year for obliged entities.

Prevention and research as cornerstones

Prevention is a cornerstone of the comprehensive approach to fighting organised crime. In this context, it is necessary to emphasise **national and international cooperation to prevent the illegal trade in weapons, explosives and ammunition in connection with the Russian war of aggression against Ukraine**. The aim is to register, in accordance with certain requirements, weapons that are currently intended for legal use in support of Ukraine so that they can be tracked later and any potentially illegal use can be detected.

We also want **evidence-based research into organised crime** to play a more central role, both in optimising prevention and in fighting organised crime. The security authorities identify specific research needs (including in areas related to weapons, money laundering, crime families and human trafficking) and build on these in close

cooperation with law enforcement practitioners and criminalistic-criminological research units at federal and state level. The **Federal Ministry provides targeted funding for such research projects.**

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