

Organized Crime Infiltration of Legitimate Businesses in Europe: A Pilot Project in Five European Countries

**Final report of
Project ARIEL**



Faculty of
Criminal Justice and Security



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Final Report of Project ARIEL - Assessing the Risk of the Infiltration of Organized Crime in EU MSs Legitimate Economies: a Pilot Project in 5 EU Countries (HOME/2012/ISEC/FP/C1/4000003801)

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List of acronyms

AJPES	Agency of the Republic of Slovenia for Public Legal Records and Related Services (<i>Agencija Republike Slovenije za javnopravne evidence in storitve</i>)
ARIEL	Assessing the Risk of the Infiltration of Organised Crime in Legitimate Economies
BIA	Security Information Agency (<i>Bezbednosno-informativna agencija</i>)
Brå	Swedish National Council for Crime Prevention (<i>Brottsförebyggande rådet</i>)
CENSIS	Center for Social Investment Studies (<i>Centro Studi Investimenti Sociali</i>)
CEO	Chief Executive Officer
CIFAS	Fraud Prevention Service
CIT	Cash-In-Transit
CNEL	National Council for Economics and Labour (<i>Consiglio Nazionale dell'Economia e del Lavoro</i>)
COBISS	Co-operative Online Bibliographic Systems and Services
CPA	Anti-mafia Parliamentary Commission (<i>Commissione Parlamentare Antimafia</i>)
CPC	Commission for the Prevention of Corruption
CPU	Computer Processing Unit
CRO	Companies Registration Office
CSD	Center for the Study of Democracy
DEA	Drug Enforcement Administration
DIA	Anti-mafia Investigative Department (<i>Direzione Investigativa Antimafia</i>)
DLIO	National Police (<i>Nationale Politie</i>)
EBM	Economic Crime Authority (<i>Ekobrottsmyndigheten</i>)
EU	European Union
FATF	Financial Action Task Force
FCJS	Faculty of Criminal Justice and Security
FIOD	Fiscal Intelligence and Investigation Service (<i>Fiscale Inlichtingen- en Opsporingsdienst</i>)
FIU	Financial Intelligence Unit
GDP	Gross Domestic Product
GRETA	Group of Experts on Action against Trafficking in Human Beings
HMRC	Her Majesty's Revenue and Customs
HP	Hypothesis
IRAP	Regional Tax on Production Activities (<i>Imposta Regionale sulle Attività Produttive</i>)
IRCP	International Research on Criminal Policy
ISF	Social Insurance Inspectorate (<i>Inspektionen för socialförsäkringen & Brottsförebyggande rådet</i>)
ISTAT	National Institute of Statistics (<i>Istituto Nazionale di Statistica</i>)

KFM	Enforcement Authority (<i>Kronofogden</i>)
LEA	Law Enforcement Agency
MEK	Butanone
MS	Member State
MSB	Money Service Business
MTIC	Missing Trader Intra-Community
NA	Not Available
NACE	Statistical Classification of Economic Activities in the European Community
NCA	National Crime Agency
NSCR	Netherlands Institute for the Study of Crime and Law Enforcement
NUTS	Nomenclature of Units for Territorial Statistics
OC	Organised Crime
OCG	Organised Crime Group
OCP	Organised Crime Portfolio
PEP	Politically Exposed Persons
POCA	Proceeds of Crime Act 2002
PON	National Operative Programme (<i>Programma Operativo Nazionale</i>)
RKP	National Bureau of Investigation (<i>Rikskriminalpolisen</i>)
SAMEB	Collaboration Against Economic Crime
SD	Standard Deviation
SEK	Swedish Krona
SKD	Standard Classification of Activities (<i>Standardna klasifikacija dejavnosti</i>)
SOCA	Serious Organised Crime Agency
SOU	Government Official Reports (<i>Statens Offentliga Utredningar</i>)
THC	Tetrahydrocannabinol
UAE	United Arab Emirates
UDUR	University of Durham
UK	United Kingdom
UKTA	United Kingdom Threat Assessment
USA	United States of America
VAT	Value-Added Tax
WODC	Research and Documentation Centre (<i>Wetenschappelijk Onderzoek- en Documentatiecentrum</i>)
XTC	Ecstasy

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Executive summary

Project ARIEL – Assessing the Risk of the Infiltration of Organised Crime in EU MSs Legitimate Economies: a Pilot Project in 5 EU Countries (www.arielproject.eu) – was carried out with the financial support of the European Commission, DG Home Affairs, within the Prevention of and Fight against Crime (ISEC) Programme. It focused on five EU MS: Italy, the Netherlands, Slovenia, Sweden, and United Kingdom.

This research is an exploratory study on the infiltration of organised crime groups (OCGs) in legal businesses. Infiltration occurs in every case in which a natural person belonging to a criminal organisation or acting on its behalf, or an already infiltrated legal person, invests financial and/or human resources to participate in the decision-making process of a legitimate business.

The main output of the research is a list of risk factors of OCG infiltration in legal businesses, i.e. factors that facilitate or promote infiltration. Risk factors are derived from an unprecedented cross-national comparative analysis of the vulnerabilities of territories and business sectors, criminal groups' *modi operandi*, and the characteristics of infiltrated businesses.

Infiltration risk factors provide inputs for the development of a risk assessment model of OCG infiltration. Its development will assist Law Enforcement Agencies (LEAs) in identifying the factors facilitating and/or promoting infiltration and enhancing the prevention and enforcement of criminal infiltration. This will help protect EU MS legitimate economies from the misuse of legal businesses for illicit purposes.

PART I. Mapping organised crime infiltration in legitimate businesses

This study analyses OCG infiltration in legitimate businesses through 2,380 references to OCG infiltration from a variety of open sources (i.e. academic studies, LEA operations and reports, newspaper articles). It examines the distribution of OCG infiltration and its correlation with socio-economic indicators to identify the main characteristics of the territories and business sectors targeted by OCGs.

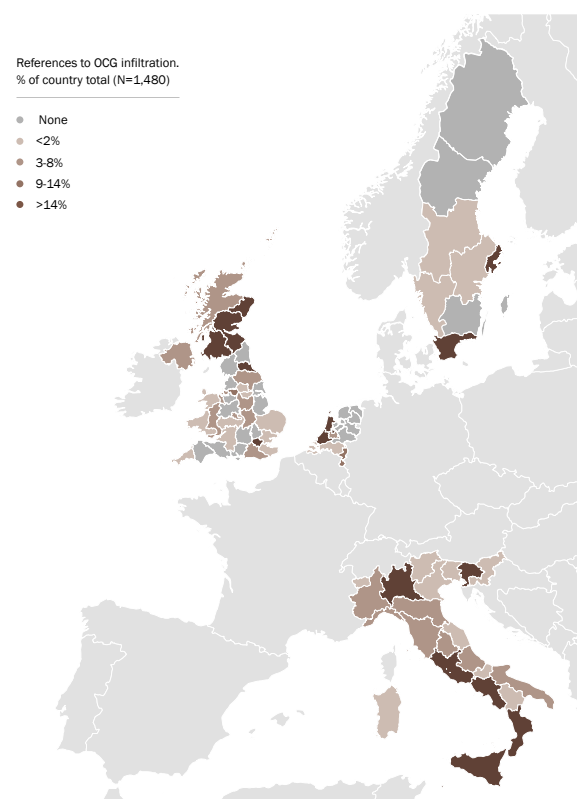
Infiltrated territories

The results show that territories with references to OCG infiltration include (Figure 1):

- Regions with a stable, historical presence of criminal groups (e.g. Southern Italy);
- Border regions (e.g. Western Slovenia) and regions with important ports and airports (e.g. North and South Holland);
- Regions with large urban areas (e.g. Lazio and Lombardy in Italy, the Stockholm and Malmö regions in Sweden, the London area in the UK).

References to OCG infiltration seem to be associated with high levels of shadow economy and corruption, and high levels of infrastructural development. By contrast, low competition levels and low openness to foreign countries do not seem to be associated with references to OCG infiltration in legal businesses.

Figure 1. Number of references to OCG infiltration in open sources by region (NUTS 2). Percentage of the country total¹



Source: Transcrime elaboration on DCI data

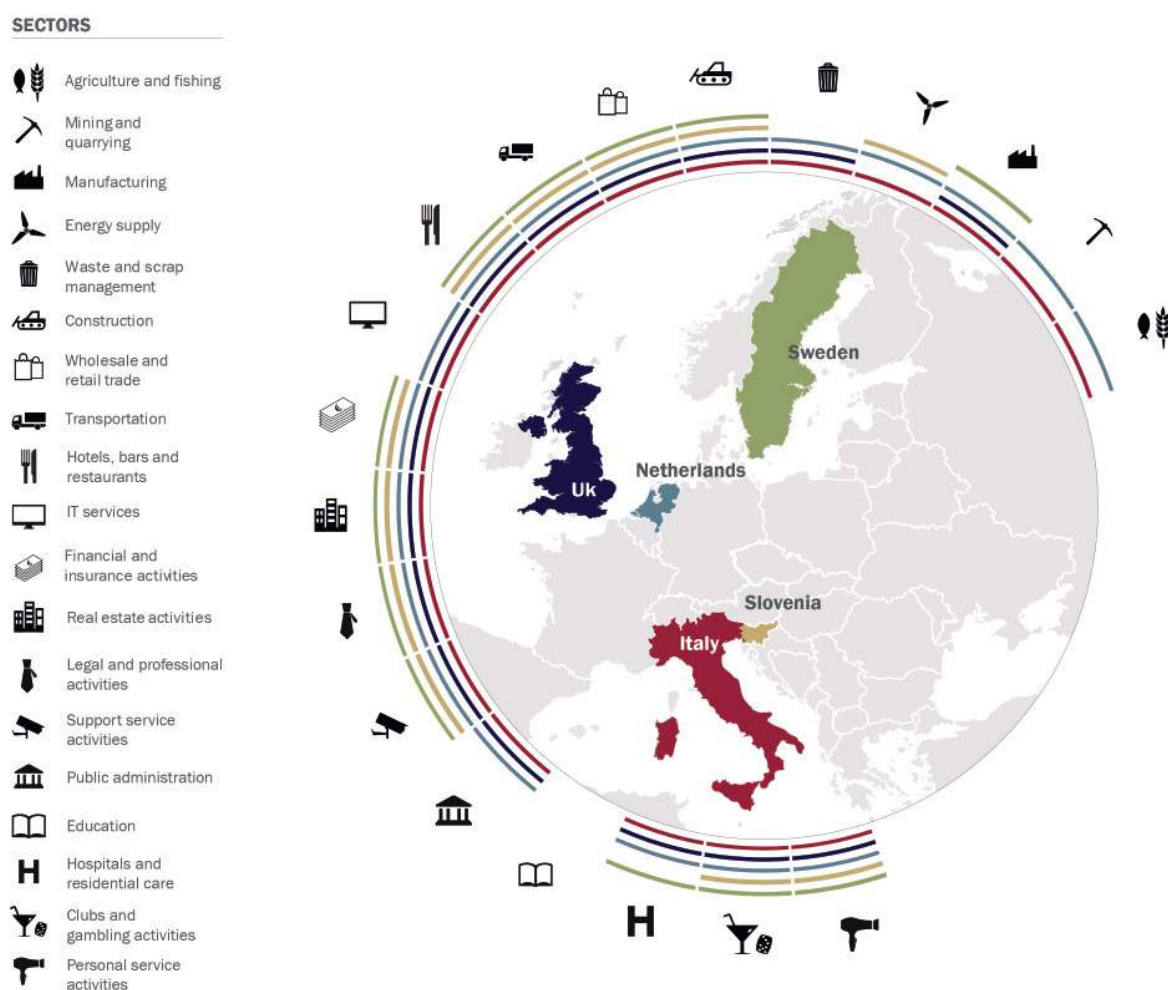
1. Details on the geographic location of the infiltration (NUTS 2) are available for 1,069 references in Italy, 125 references in the Netherlands, 69 references in Slovenia, 49 references in Sweden, and 168 references in the United Kingdom.

Infiltrated business sectors

The results show that business sectors with references to OCG infiltration include (Figure 2):

- Cash-intensive sectors (e.g. bars and restaurants);
- Sectors that are territorially specific (e.g. hotels);
- Labour-intensive sectors characterised by low technology (e.g. construction);
- Sectors functional to illicit activities (e.g. transportation; wholesale and retail trade; financial and insurance activities);
- Sectors characterised by weak or developing regulation (e.g. gambling activities; renewable energy), or inefficient control systems (e.g. construction).

Figure 2. Number of references to OCG infiltration in open sources by country and business sector²



Source: Transcrime elaboration on DCI data

References to OCG infiltration seem to be associated with low levels of openness to foreign investments; low levels of competition and technology; and small

average business entity size. The relationship between references to OCG infiltration and a sector's profitability is weak and negative.

2. Details on the business sector of the infiltration (NACE 0-digit) are available for 1,286 references in Italy, 558 references in the Netherlands, 74 references in Slovenia, 114 references in Sweden, and 248 references in the United Kingdom.

PART II. Assessing the risk of infiltration in legitimate businesses

This study analyses 70 case studies of OCG infiltration and 299 infiltrated businesses. It identifies the main drivers of OCG infiltration of legal businesses, the step-by-step process of infiltration, and the characteristics of infiltrated businesses.

Drivers of OCG infiltration

OCGs infiltrate legitimate businesses to maximise economic and non-economic benefits. In particular, they aim to:

- Launder the profits from criminal activities;
- Obtain considerable earnings and benefit from their profitability;
- Perpetrate frauds (e.g. insurance fraud, VAT and tax fraud, benefit fraud);
- Conceal illicit activities such as drug trafficking and prostitution;
- Achieve other goals such as maximising social consensus and achieving control over a particular sector or territory.

OCGs active in the Netherlands, Sweden, and the United Kingdom mainly infiltrate businesses in order

to perpetrate frauds. Most Slovenian OCGs infiltrate legal businesses to conceal illegal activities, mainly prostitution. In Italy, some OCGs have invested in legal business entities to maximise their social consensus and to control a particular market of the local economy.

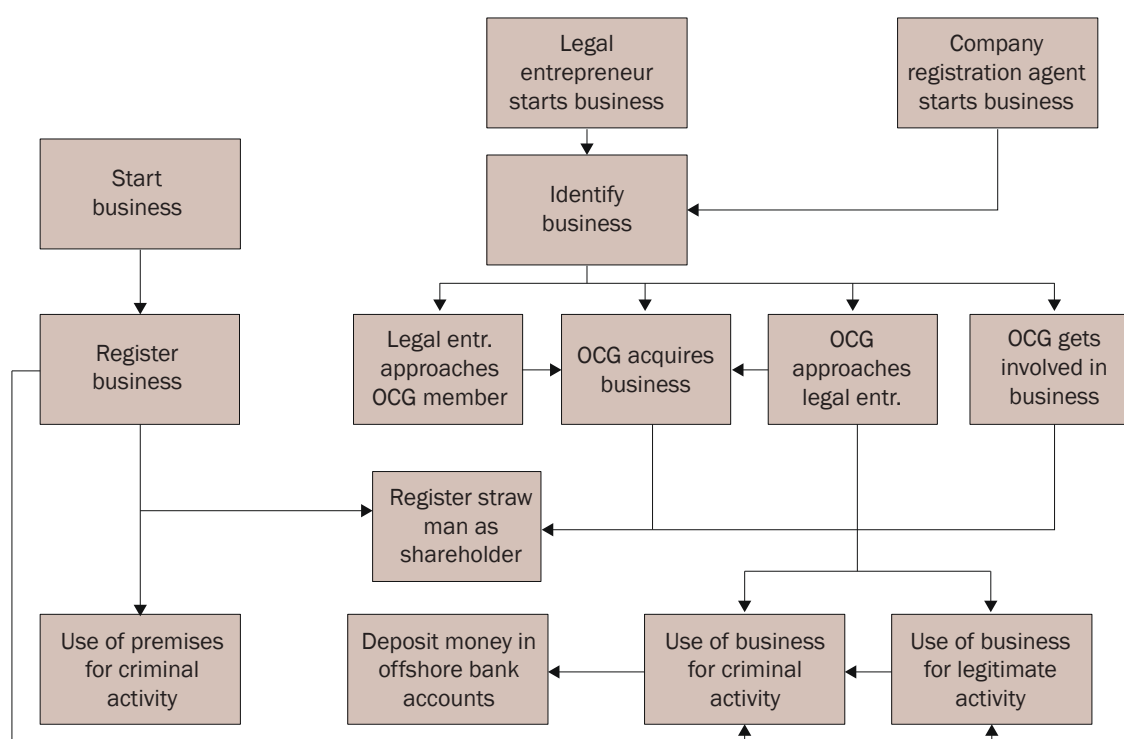
The step-by-step process of infiltration

Infiltrated legal businesses divide between two types: already-existing businesses and new ones. Dutch organised criminals are more prone to infiltrate the former; Slovenian organised criminals favour the start of new businesses. In Italy, Sweden, and the United Kingdom, there is a balance between the two types of infiltrated businesses.

The infiltration process is often straightforward. It involves one member of the criminal group regularly starting a new business or acquiring an already-existing one from a legal entrepreneur. This process can be facilitated by the scant requirements needed to set up a company or the lack of regulation on the process of acquiring a business.

In other cases, the infiltration process requires further steps, e.g. establishment of a partnership with the former shareholder and/or director of the targeted business (Figure 3). The infiltration process occasionally involves OCG members' relatives, professionals, public officials, and politicians who help organised criminals to acquire and manage the legal business.

Figure 3. Crime script of OCG infiltration of legal businesses



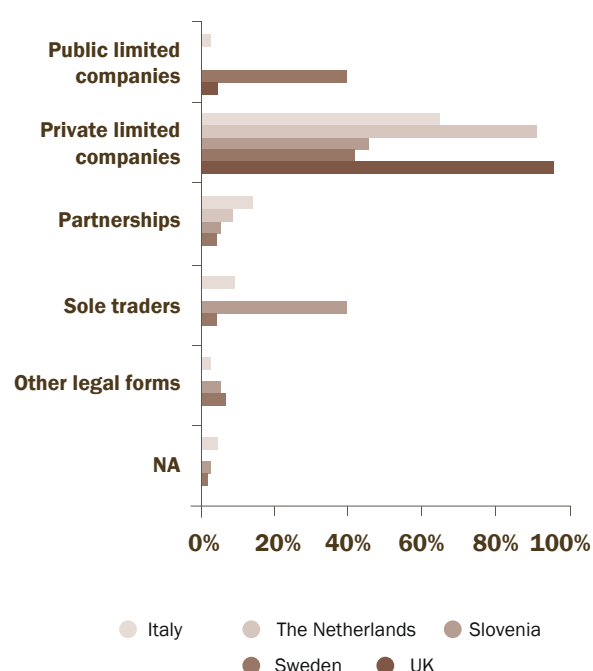
Source: Transcrime elaboration

Control strategies of infiltrated businesses

Control strategies refer to the ownership structure of infiltrated businesses, i.e. how infiltrated businesses are owned and controlled.

Most infiltrated businesses are private limited liability companies (Figure 4). They allow for greater fragmentation of the share capital, thus making it more difficult for law enforcement agencies to identify the beneficial owners of the infiltrated businesses and reducing the potential impact of seizure and confiscation.

Figure 4. Legal forms of infiltrated businesses by country³



Source: Transcrime elaboration on DCS data

Shareholders are divided among the following types:

- OCG members (in more than half of infiltrated businesses);
- Figureheads, i.e. relatives and legal entrepreneurs (especially in Italy), legal (shell) companies (particularly in the Netherlands), and professionals (in a limited number of cases in Italy and Sweden).

Other control strategies include cross-shareholding and large networks of companies; groups of interconnected companies; frequent transformations of registered address, name and shareholders; and the creation of multi-jurisdictional structures.

3. The category 'other legal forms' includes: branches, non-profit organisations, and foreign companies.

Management strategies of infiltrated businesses

Management strategies refer to the financial management of infiltrated businesses, i.e. how infiltrated businesses are financed and if they are able to produce profits.

The analysis of infiltrated businesses' financing sources, use of assets and profitability shows:

- Low levels of financial net debt compared to legal, non-infiltrated companies. This indicates that legal businesses infiltrated by OCGs do not need to resort to banks and other financial institutions for loans to finance their activities;
- High levels of debts to suppliers and other debts. This may indicate the use of fictitious suppliers to conceal the injection of illicit proceeds as trade payables;
- High levels of non-financial current credits (i.e. inventory). High levels of current assets and cash could facilitate organised criminals in liquidating the business in the case of a law enforcement investigation and avoiding the risk of asset confiscation;
 - Low profits compared to non-infiltrated businesses, regardless of the driver of infiltration. Infiltrated businesses often face economic difficulties, either because of their management by the members of the criminal group or because organised criminals target businesses with financial difficulties.

Key inputs for a common risk assessment model

The infiltration process is often difficult to detect. Risk assessment models help monitor the vulnerabilities of the legal economy that may be exploited by criminal organisations, thus anticipating the negative consequences and developing appropriate actions to recognise and prevent them.

Infiltration risk factors are those features of the territory, business sector and legal business that favour infiltration or highlight an already infiltrated business. Four dimensions are identified, each corresponding to specific risk factors: territory, business sector, ownership structure, and economic and financial management (Table 1).

Table 1. Dimensions and risk factors of OCG infiltration

Dimension	Risk factor
Territory	Past evidence of OCG infiltration
	Presence of OCGs
	Large urban areas
	High level of infrastructural equipment
	High level of shadow economy
	High level of corruption
Business sector	Past evidence of OCG infiltration
	Low level of competition
	Low level of openness to foreign investments
	Low level of technology
	Small average company size
	Low barriers to entry
	Weak or developing regulation
Ownership structure of legal business	Limited company
	Characteristics of shareholders (young/old, female shareholders)
	Corporate shareholders
	Complex corporate ownership schemes and cross-shareholding
	Frequent change of company details
	Small company size
Financial management of legal business	Low level of financial debt
	High level of current assets
	Low revenues and profitability

Source: Transcrime elaboration

The risk of infiltration can be identified as a function of the features of the territory, business sector, and ownership structure and financial management of legal businesses. The list of risk factors identified in Project ARIEL – that could be further integrated and updated – is the first step towards the development of a risk assessment model to detect the infiltration of OCGs in European legitimate economies.

11. Management strategies of infiltrated businesses⁷³

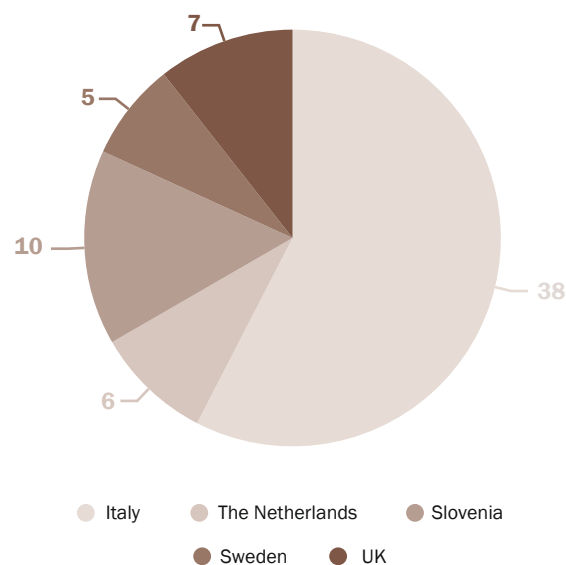
This chapter analyses how businesses infiltrated by OCGs are managed, and it identifies differences between infiltrated and legal businesses in order to identify accounting and non-accounting ‘red flags’ that can be used in a risk assessment model of criminal infiltration.

For the purpose of Project ARIEL, ‘management strategies’ refer to the financial management of infiltrated businesses, i.e. how infiltrated businesses are financed and if they are able to produce profits. Given the lack of previous research on infiltrated businesses’ management strategies, the analysis focuses on:

- The financing sources;
- The use of assets;
- The profitability of infiltrated businesses.

For 54 businesses listed in the Database on Case Studies (DCS) financial and accounting documents were available for the year when the infiltration process started and for at least three years afterwards. For another 12 businesses, accounting information was available for the year of infiltration, at least three years after, and at least three years before the infiltration started. The financial and accounting analysis thus focused on 66 infiltrated businesses in the five countries covered by the project (Figure 49).

Figure 49. Infiltrated businesses covered by the financial and accounting analysis by country



Source: Transcrime elaboration on DCS data

For each infiltrated business, a legal company (i.e. a non-infiltrated business) with similar characteristics was identified based on the combination of four criteria (Donato, Saporito, & Scognamiglio, 2013) (see Methodological Annex for details):

Spatial proximity: the legal business was registered in the same country region (NUTS 2) as the infiltrated business – in the case of high levels of market concentration – or country.

Business sector: the legal business operated in the same business sector (NACE 2-digit) as the infiltrated company.

Availability of information: the legal business had annual reports available for the period from three years before the beginning of the infiltration process to three years after its start, or for the year of infiltration and the three years after in the case of new businesses.

Total assets: the legal business with a value of total assets closest to that of the infiltrated business was selected.

The results presented in this chapter are based on the analysis of financial items and ratios retrieved from financial and accounting documents of a sample of 132 businesses: 66 belonging to the group of infiltrated businesses and 66 belonging to the peer group of legal companies.

73. With the collaboration of Lorena Di Bono, Salvatore Cincimino, Michele Riccardi and Giulia Berlusconi (Università Cattolica del Sacro Cuore-Transcrime, Italy).

It is important to note that the analysis may be biased by the fact that some financial accounts are not reliable, consistent and verifiable. Figure 50 reports the number of infiltrated businesses for which evidence of accounting manipulation was found in the judicial documents. In about one third of the case studies (32%) financial documents were manipulated. As a consequence, the information reported in such documents may not correspond to the actual financial situation of the infiltrated businesses, therefore making the comparison with legitimate businesses difficult and questionable.

Figure 50. Number of businesses with evidence of accounting manipulation by driver of OCG infiltration



Source: Transcrime elaboration on DCS data

Despite evidence of accounting manipulation, the whole sample of 66 infiltrated businesses was analysed. Firstly, accounting manipulation may occur in infiltrated, as well as in non-infiltrated businesses. Secondly, the judicial documents did not specify the type and extent of such manipulations (e.g. the financial items and the years). Finally, accounting manipulations

are more visible in the income statement rather than in the balance sheet. The analysis, however, focuses on the latter.

11.1. Financing sources

Among the drivers of OCG infiltration of legal businesses, money laundering and the concealment of illegal activities may influence the financial statement items (i.e. investments and liabilities) of infiltrated businesses. Criminal groups may have a large amount of illicit proceeds to be invested and laundered through legal businesses. As a consequence, infiltrated businesses may not need to resort to bank credit, and they may have low levels of financial indebtedness (Transcrime, 2013b).

At the same time, criminal groups need to conceal the origin of the money used to finance the infiltrated businesses. Possible options include the creation of complex corporate schemes to account loans as debts towards companies of the same group, or towards subsidiaries, shareholders and parent companies. OCGs may also incorporate (fictitious) supplier companies and disguise the injection of money as debts to suppliers (i.e. trade payables) (Transcrime, 2013b).

Table 23 summarises the hypotheses on the financing sources of infiltrated businesses and the corresponding signals in the balance sheet. It also presents the main results, i.e. whether the level of the financial ratios of infiltrated businesses is higher or lower than the one of non-infiltrated businesses, and therefore whether the analysis confirmed the hypotheses (see the Methodological Annex for the list of financial ratios used in the analysis and details on the results).

Table 23. Financing sources of infiltrated businesses. Comparison with the peer group of non-infiltrated businesses⁷⁴

OC drivers and/or needs	Assumptions	Accounting level signals	Comparison with peer group	Significance level
Large availability of illicit resources for laundering and for financing the firm	Low levels of financial debt	Low level of financial debts on total assets	Lower (HP confirmed)	**
	Low levels of debts	Low level of debts	Lower (HP confirmed)	n.s.
Need to conceal illicit resources	Little use of shareholders' funds	Low level of equity on total assets	Lower (HP confirmed)	n.s.
	Use of covert forms of funding	High level of other debts	Higher (HP confirmed)	n.s.
		High level of trade payables	Higher (HP confirmed)	n.s.
Intimidation of suppliers	High exposure to suppliers	High level of trade payables	Higher (HP confirmed)	n.s.

Source: Transcrime elaboration on DCS data

74. *, ** and *** denote significance levels at 10%, 5% and 1%, respectively.

The results seem to confirm the hypotheses, although only the level of financial net debt of infiltrated businesses – measured as the difference between current financial liabilities plus medium/long term financial liabilities minus cash and cash equivalents on net equity – is significantly lower than the average level of legal, non-infiltrated companies belonging to the peer group.

Low levels of financial debt indicate that legal businesses infiltrated by OCGs do not need to resort to banks and other financial institutions for loans to finance their activities. At the same time, the level of shareholders' equity is lower in comparison to non-infiltrated businesses. This could be explained by the fact that OCGs tend to avoid direct involvement as shareholders in companies in order to make it more difficult for law enforcement agencies to trace their origin.

High levels of debts to suppliers and other debts may indicate an attempt to conceal the injection of illicit proceeds into legitimate businesses controlled by OCGs. Criminal groups may, in fact, use fictitious suppliers to disguise the injection of money as trade payables. At the same time, the high levels of trade payables in infiltrated businesses may reflect actual debts of such companies towards their suppliers, due to the fact that criminal groups are often able to intimidate suppliers and delay the payments (Box 37).

Box 37. Intimidation of suppliers

This case study concerns Cosa Nostra infiltration of a company that managed a beach resort in Sicily. The company was founded by two straw men, Mr. A and Mr. B on behalf of the criminal organisation. The company was in financial difficulties. It had no money to pay the suppliers, and Mr. A usually drew post-dated and overdraft cheques. When someone tried to cash the cheques, the bank called Mr. A, who phoned the OCG member. The latter then often intimidated the creditors to withdraw the cheques.

Some financial ratios could not be calculated due to the lack of financial information available from national business registers and other private business information providers, although some case studies presented the characteristics described in Table 23. Box 38 describes a Dutch case study in which evidence of variability in terms of financing sources was found.

Box 38. Variability in financial sources of a company involved in the wholesale of mobile phones

Mr. A (OC member) acquired ALPHA, a company active in the wholesale of information and communication equipment, and changed its name and NACE code. During the first three months, the company had little wholesale trade and therefore low revenues. Afterwards, the revenues suddenly grew dramatically. In this period, the company sold goods to companies in other EU countries for over €5,000,000. None of this trades had been declared to the Tax Administration, thus committing tax fraud. The sales over the products that ALPHA had bought should have rendered around €1,000,000 in VAT for the Tax Administration.

The same analyses were replicated by distinguishing the infiltrated businesses on the basis of the driver of infiltration. Although the results are not significant in most cases, they highlight differences among businesses used for different purposes in terms of sources of financing (Table 24). For instance, high levels of financial debts were found in infiltrated companies involved in frauds, whereas the same businesses showed levels of other debts lower than those of their peer group.

Table 24. Financing sources of infiltrated businesses by driver of OCG infiltration. Comparison with the peer group of non-infiltrated businesses⁷⁵

Accounting level signals	Money laundering	Formally legal activities	Fraud	Concealment of illegal activities
Low level of financial debts on total assets	Lower***	Lower	Higher	Lower***
Low level of debts	Higher	Lower	Lower	Lower
Low level of equity on total assets	Lower	Higher	Lower	Higher
High other debts	Higher	Lower	Lower	Lower
High trade payables	Higher	Higher	Higher	Lower

Source: Transcrime elaboration on DCS data

11.2. Use of assets

An infiltrated business's use of assets may be influenced by the type of company, i.e. whether the business is a productive or a shell business entity. Productive businesses aim to maximise their profits through (formally) legal activities. Therefore, like any other legal business, they are likely to invest the capital in buildings, machinery and other means of production. By contrast, legal businesses infiltrated with the aim of laundering money or committing frauds are likely to keep their assets in liquidity (e.g. cash, bank deposits) or other current assets (Catanzaro, 1988; Transcrime, 2013b).

Businesses infiltrated by criminal groups to conceal criminal activities may also show levels of receivables and a number of debtors higher than the sector's average if they use them to disguise outflows to OCG members or other companies controlled by the criminal group (Schneider, 2004; Transcrime, 2013b).

Table 25 summarises the hypotheses on the use of assets of infiltrated businesses and the main results of the comparison between infiltrated and non-infiltrated businesses.

Some of the hypotheses concerning the use of assets are confirmed by the analysis of the infiltrated businesses. For instance, businesses managed by organised criminals show levels of non-financial current credits (i.e. inventory) significantly higher than the peer group composed of legal, non-infiltrated businesses.

Organised criminals may prefer high levels of current assets and cash because they would facilitate them in liquidating the business in the case of a law enforcement investigation and avoiding the risk of asset confiscation. Should the criminals be aware of a financial investigation (e.g. thanks to tipping-off or other disclosure), they may try to sell the company assets before these are seized by the judicial authority, and move the resulting liquidity in safer places (e.g. offshore bank accounts).

Some financial ratios instead show a trend which is in contrast with the one expected from the review of the literature. This may be due to the fact that the hypotheses presented in Table 25 refer to shell and paper companies, i.e. companies with no production activities. However, many infiltrated businesses analysed in the study were productive businesses and were thus likely to be similar to legal companies in their use of assets.

75. *, ** and *** denote significance levels at 10%, 5% and 1%, respectively.

Table 25. Use of assets of infiltrated businesses. Comparison with the peer group of non-infiltrated businesses⁷⁶

OC drivers and/or needs	Assumptions	Accounting level signals	Comparison with peer group	Significance level
Shell companies: no production and investments, use of the companies only for money laundering	Low levels of fixed assets	Low levels of fixed assets and non-current assets out of total assets	Higher (HP not confirmed)	n.s.
	High levels of current assets	High level of current assets out of total assets	Lower (HP not confirmed)	n.s.
		High level of cash and cash equivalents out of total assets	Higher (HP confirmed)	n.s.
		High level of trade receivables out of total assets	Higher (HP confirmed)	n.s.
		High level of non-financial current credits out of total assets	Higher (HP confirmed)	***
Shell companies: need to conceal outflow to OCG members and/or colluding companies	Use of receivables and debtors to screen outflows to members	High levels of trade receivables	Higher (HP confirmed)	n.s.
		High levels of other debtors	Lower (HP not confirmed)	***
		High levels of receivables and debtors	Lower (HP not confirmed)	***
	False invoicing	Use of false invoices	68% of case studies	
	Structuring and smurfing	Large financial transaction parcelled into a series of smaller transactions	16% of case studies	
	Deposits to foreign countries with low transparency requirements	Deposits to foreign bank accounts	24% of case studies	

Source: Transcrime elaboration on DCS data

Table 26 presents the results for businesses infiltrated to commit frauds (N=37). Such businesses are often used to create complex ownership schemes rather than production activities, and their accounting documents present many of the characteristics expected from the literature. Low levels of fixed assets indicate that businesses infiltrated for frauds are unlikely to invest the capital in buildings, machinery and other means of production. High levels of trade receivables may instead conceal outflows to OCG members or other companies controlled by the criminal group (Box 39).

Box 39. Methods to drain money from an infiltrated business

A 'Ndrangheta group was able to infiltrate a legal business involved in telemarketing, teleselling, and call centre activities in the North of Italy. The organised criminals used several methods to drain money from the company. First they imposed mafia collaborators as employees. Mr. A was employed as managing director, whereas other members of the criminal group were hired as unskilled workers. Second, they signed contracts to buy unspecified services with other companies controlled by the criminal group, in order to transfer the financial resources to the latter.

76. *, ** and *** denote significance levels at 10%, 5% and 1%, respectively.

Table 26. Use of assets of businesses infiltrated for fraud. Comparison with the peer group of non-infiltrated businesses⁷⁷

OC drivers and/or needs	Assumptions	Accounting level signals	Comparison with peer group	Significance level
Shell companies: no production and investments, use of the companies only for money laundering	Low levels of fixed assets	Low levels of fixed assets and non-current assets in total assets	Lower (HP confirmed)	n.s.
	High levels of current assets	High level of current assets out of total assets	Higher (HP confirmed)	*
		High level of cash and cash equivalents out of total assets	Lower (HP not confirmed)	n.s.
		High level of trade receivables out of total assets	Higher (HP confirmed)	***
		High level of non-financial current credits out of total assets	Higher (HP confirmed)	**
Shell or paper companies: need to conceal outflow to OCG members and/or colluding companies	Use of receivables and debtors to screen outflows to members	High levels of trade receivables	Higher (HP confirmed)	***
		High levels of other debtors	Lower (HP not confirmed)	**
		High levels of receivables and debtors	Higher (HP confirmed)	
	False invoicing	Use of false invoices	92% of the sample of case studies	
	Structuring and smurfing	Large financial transaction parcelled into a series of smaller transactions	22% of the sample of case studies	
	Deposits to foreign countries with low transparency requirements	Deposits to foreign bank accounts	38% of the sample of case studies	

Source: Transcrime elaboration on DCS data

Box 40. Rental services as a cover for transfer of illicit proceeds

Several Slovenian case studies involved bars and nightclubs used as covers for prostitution. The women mainly came from Ukraine and the Dominican Republic and could enter Slovenia legally. ALPHA was one of the businesses used to acquire the documents to employ foreign workers and procure foreign women for various night clubs across Slovenia. It was engaged in activities related to the provision of advisory and technical support and organisation of entertainment events.

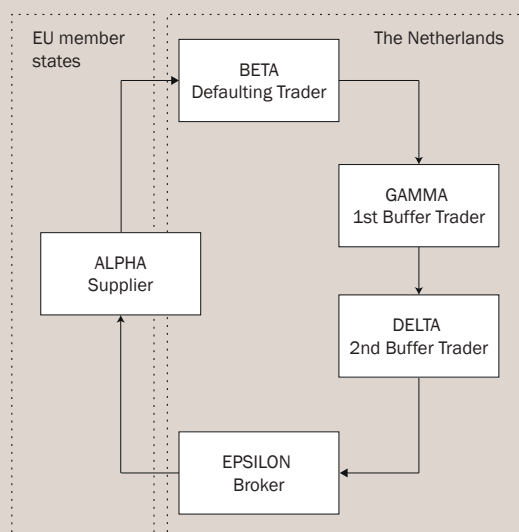
The women were housed in various bars across Slovenia which had contracts for 'business and technical cooperation' with ALPHA, which billed the night bars monthly for the rent of dance floors located in those bars. In fact, the rent was a provision of income that managers of the bars were earning from prostitution by the women that ALPHA have provided them. The rent was based on the number of women provided to the bar and the volume of activity of these women. The police investigation discovered that from January 2007 to early 2008 these clubs transferred €267,907 to ALPHA.

77. *, ** and *** denote significance levels at 10%, 5% and 1%, respectively.

The analysis of the case studies also shows that the use of false invoices is frequent in infiltrated businesses, with more than 90% of frauds with evidence of false invoicing. Box 41 describes a Dutch case study where false invoices were used to cover VAT frauds. Evidence of the use of offshore bank accounts was also found (Box 42).

Box 41. False invoices to cover VAT frauds in the Netherlands

In January 2009 nine people were brought to court because they were suspected of fiscal fraud. The criminal investigation revealed a case of MTIC VAT fraud that involved several companies active in the trade of cars and trucks. The buffer traders were the actual buyers of the vehicles from abroad. The criminal group was able to falsify the documents and give the impression that the vehicles were imported by BETA, who then sold them to GAMMA and DELTA and created the possibility to claim a 19% tax return. By means of a false invoice, BETA did not pay the due VAT and caused a loss to the state.



During the VAT fraud, in order to render a correct balance sheet, in many cases the payment for the purchased trucks abroad went partly 'under the table'. The invoice from the foreign supplier directed to the defaulting trader included the 'white' lower purchase price, while the bill of the missing trader addressed to the recipients indicated the total amount paid (white and black). This allowed the buyer to record the total purchase costs in the administration.

Box 42. Use of offshore bank accounts to disguise the proceeds of a 'carousel' fraud

Two chains of bogus companies based in London were used to defraud HMRC of VAT on carbon credit trades through a series of 'carousel' frauds. Carbon credits were imported free of VAT into the UK by two missing traders, and resold to four buffer companies, which then sold them to a broker. The broker finally sold the carbon credits to legitimate companies to make the transactions look legal. All the companies were owned by the members of the same criminal group.

The fraud earned the group £38 million. The trades were made quickly via computers, while the proceeds of crime were moved offshore into banking platforms, particularly commercial banks in Hong Kong, Australia and New Zealand. All the money went into one bank account, but there were internal ledgers used to allocate it between the sub-accounts of the traders. Therefore, the true nature of the transfers was effectively disguised and difficult to detect. Credits went through complex transaction chains on the books of various banks.

Box 43. Shared assets between two infiltrated companies

Between 2008 and 2010 two companies – a car recovery, storage and hire company (ALPHA) and a claims management and taxi hire company (BETA) – created an informal partnership to organise a 'crash for cash' scam that involved staging and voluntarily causing car accidents and fabricating or manipulating circumstances.

According to police investigations, the two companies merged their activities and essentially worked as a single entity in order to place, layer and integrate cash obtained through fraud through personal and business bank accounts and obtain assets with the aim of legitimising cash gained from fraudulent insurance claims.

The two businesses crossed over and merged in many ways, not only with regard to their criminal activities. ALPHA paperwork was found on BETA

computers. ALPHA paid Christmas bonuses to the staff of BETA. The two owners signed off each other's documents. The bank accounts were connected. The assets of the businesses were connected and mostly derived from fraud.

The land on which both businesses were located was jointly owned by the owners of the two companies and was paid through a joint mortgage. The two companies shared the same premises until the claim management company moved its registered office and trading address to another city.

11.3. Profitability

The study of profitability may be made difficult due to the presence of accounting manipulations, as income statements are more easily and more often falsified than balance sheets to minimise the taxable income. Keeping this in mind, it is possible to formulate some hypotheses on the profitability of infiltrated businesses. Table 27 summarises the hypotheses on the profitability of infiltrated businesses and the main results.

An infiltrated business' profitability is influenced by the type of company, i.e. whether the business is a productive or a shell company. Productive companies are likely to be similar to legal businesses in terms of revenues and costs. However, businesses infiltrated by criminal groups can exploit competitive advantages guaranteed by the coexistence of formally legal activities and criminal methods (e.g. threats, corruption). Therefore, infiltrated businesses may be able to minimise their labour and production costs (Arlacchi, 2007; Fantò, 1999; Transcrime, 2013b). The former can be reduced by not paying social security contributions, insurance, and overtime work; the latter can be minimised by using poor-quality materials.

Infiltrated companies may instead be used to conceal outgoing flows to the members of the criminal group who are hired as employees. In this case the salaries – and thus labour costs – are likely to be higher than the sector's average (Schneider, 2004; Steinko, 2012; Transcrime, 2013b).

Finally, shell and paper companies are characterised by no or minimum productive activities (Catanzaro, 1988). At accounting level, this may result in low revenues or in revenues characterised by high variance across time (Transcrime, 2008c, 2013b).

Table 27. Profitability of infiltrated businesses. Comparison with the peer group of non-infiltrated businesses⁷⁸

OC drivers and/or needs	Assumptions	Accounting level signals	Comparison with peer group	Significance level
Productive companies: profit maximization and costs minimization through criminal methods	Costs minimization in the purchase of raw materials and services	Use of poor-quality materials	Higher (HP not confirmed)	n.s.
	Minimization of production costs	Low production costs	Higher (HP not confirmed)	n.s.
	Advantages from illegality and discouragement of competition	Profitability higher than the sector's average	Higher (HP confirmed)	n.s.
Shell and paper companies: concealing and laundering of criminal resources	No productive activity	Low revenues and profitability	Lower (HP confirmed)	*
	Concealment of cash outflows to OC members in the form of wages or as purchases of services	High levels of services costs or ones above the sector's average	Higher (HP confirmed)	n.s.

Source: Transcrime elaboration on DCS data

78. *, ** and *** denote significance levels at 10%, 5% and 1%, respectively.

Only one financial ratio used to assess the profitability of infiltrated companies provides statistically significant results. In general, companies controlled and managed by criminal groups are characterised by profits lower than those of their peer group of non-infiltrated businesses, regardless of the driver of infiltration. This may be partly due to the fact that infiltrated businesses often face economic difficulties, either because of the management by the members of the criminal group or because organised criminals target businesses with financial difficulties.

The accounting documents of infiltrated businesses do not allow analysis of personnel costs. Some case studies reported members of the criminal organisation, as well as relatives and friends, among the employees (Box 44). This may increase the weight of personnel costs in the profit and loss account of such companies. A few cases were also found of attempts to minimise production costs through the use of poor-quality materials (Box 45).

However, these results may be biased by the presence of accounting manipulations which, in the case of income statements, are easier and more frequent than in balance sheets. Further research should try to better address this issue, e.g. by analysing infiltrated businesses' financial statements jointly with other financial and non-financial documents (e.g. judicial administrators' reports) that can provide further details about the actual management of the company and its 'true' financial figures.

Box 44. Salaries increase before bankruptcy to maximise salary guarantees

In 2011 a crime report was filed by the Social Insurance Agency in regard to several people connected to a company in the care assistance sector, ALPHA. 17 persons – both formal representatives and employees – were indicted for serious social benefit fraud, accounting fraud, and tax evasion.

ALPHA provided care assistance for people with physical and psychological disabilities, and was established in 2008 with the intent to commit fraud against the Social Insurance Agency. ALPHA was doing well financially and had a large number of employees. Whilst not a family business *per se*, many of the persons in leading positions were related.

It is believed that salaries were boosted prior to bankruptcy in order to maximise the salary guarantees paid when ALPHA became bankrupt. For instance, a 14-year-old care assistance earned 29,000 SEK per month. Four other under-aged assistants were employed by the company and 4.5 million SEK were paid in salary guarantees to employees.

Box 45. Minimisation of costs through the use of poor-quality materials

A Cosa Nostra clan was able to infiltrate the construction of a wind farm in the province of Messina. The clan exerted external influence over the decisions and the activities of ALPHA, the general contractor in charge of construction of the wind farm. In particular, the members of the criminal group could count on two collusive entrepreneurs as co-offenders. The construction companies involved in the works committed serious irregularities in the execution to save on the costs of the materials and increase their profit. For instance, the concrete used to construct the turbine foundations was of poor quality. Inadequate materials were also used to build the gabions and the reinforced earth structures that are normally used in civil engineering for the purpose of building fortification.

No significant differences were found on considering the drivers of OCG infiltration separately. Infiltrated businesses do not seem to have low personnel and production costs, although revenues are slightly higher than those of the peer group of legal, non-infiltrated companies. However, the profitability is lower than that of the peer group, indicating that infiltrated companies are often characterised by little or no production activity.

Box 46. Long-term management strategies and profitability of a company involved in assistance care

This case study regards assistance compensation fraud. The company ALPHA delivered care to disabled persons (clients). However, the hours spent on performing the care and the quality of the care were in some cases exaggerated. Unlike

many of the other Swedish cases, this company was used for a long time – three and a half years. Profitability was increased by the absence of minimum wages for care assistants and flat rates for each hour of approved assistance. Because this company was targeting immigrant families (both as clients and employees) with little knowledge of the benefit, salaries could be set low. In some cases the employees did not speak Swedish well, which reduced their chances of finding work elsewhere.

The care was provided in the client's home, which means that transparency was low. It was not unusual for family members to be both the legal guardians and care assistants of disabled relatives (often children), decreasing transparency further. Because employees at ALPHA also acted as translators for the clients in their dealings with the authorities, it was possible to control the information given both to the clients and the authorities.

It is believed that salaries were boosted prior to bankruptcy in order to maximise the salary guarantees paid when ALPHA became bankrupt. One example is a 14-year old care assistant who on paper earned 29,000 SEK per month. 4.5 million SEK were paid in salary guarantees to employees, but it should be noted that not all of the 300 employees participated in the fraud. The employees who only worked on paper also wrongfully qualified for unemployment benefits and received higher benefits when on parental leave or for sickness.

According to the investigation, some care assistants also worked as sellers, meaning that they recruited new clients. According to anonymous tip-offs to the Tax Authority, ALPHA offered 10,000 SEK as a 'bonus' or bribe to new clients, and 8,000 each month to the company hired to furnish the care assistance.

There was also a second company, BETA, which was established with the purpose of lending money to the clients of ALPHA. Thus profit could be made from the lending activities; but it also tied the clients closer to ALPHA, created a feeling of gratitude and loyalty, and made it difficult to change to another company and report irregularities to the Social Insurance Agency.

Box 47. Evolution of a small taxi business

The performances of the businesses in the Slovenian case studies are diverse. Some did not even manage to become fully operational before they were deleted from registers, while others continued to function. In the case of company IOTA the latter holds true.

IOTA started as a simple sole proprietorship taxi business that has also (at one time) been registered as amusement provider service. Around the time of the official opening of the business, the owner was prosecuted as an accomplice in an organised crime group engaged in smuggling people across the state border, and he had also provided some foreign women to a bar in Slovenia. These women were forced into prostitution and the owner of IOTA drove them to/from clients. Because IOTA was a taxi business, it was also used as a cover (although the business was probably not directly set up with this intention) for transporting smuggled people across Slovenia. Despite the conviction and imprisonment of the owner, the business continued to prosper. With some occasional minor alternations to its name and expansion to providing airport shuttle services as well, the business grew from one employee to more than 10 officially employed⁷⁹ – which by Slovenian standards is a sign of good management. The company developed to such an extent that it had all necessary requisites for use by public institutions as well: in fact, the profit earned from providing services to the public sector was substantial.

Box 48. Profitability of two infiltrated businesses in the car recovery and claims management sector

This case study concerns the partnership between two British companies - a car recovery, storage and hire company (ALPHA) and a claims management and taxi hire company (BETA) – with the aim of conducting a 'crash for cash' scam.

79. It should be pointed out, however, that this number could not be verified on Zavod za pokojninsko in invalidsko zavarovanje [Office for Pension and Disability Insurance], which holds data on actual employment. However, on the other hand, student workers and sub-contractors (who frequently work in such businesses) would be excluded from the registers, even though they receive wages from a business entity.

ALPHA recovered and stored the damaged cars and provided replacement cars, while BETA arranged insurance claims through two legal firms. The extent to which ALPHA also ran some sort of legitimate business is unclear, but the police maintain that it would not have been profitable without criminal activities. In fact, no turnover figures were supplied after the partnership between the two companies ended (when ALPHA was put under a restraint order in 2010). This is an indication that the business could not be profitable without criminal activities and without the connection with BETA.

By contrast, BETA started as a legitimate company whose owner was self-educated in insurance claims and the hire and replacement of taxis. The turnover of the company in its first six months of activity are estimated at around £140,000. Fraudulent claims started on a smaller scale and increased after the recruitment of employees with specific skills and expertise in insurance claims. The criminal association with ALPHA was an opportunity to accelerate business further by making fraudulent claims related to accidents involving private cars.

While the main aim of ALPHA was to exploit a particular business sector and use a sham company to profit from fraud, BETA did not necessarily need to resort to criminal activities for its economic survival. In fact, BETA was crucial for the survival of ALPHA, but not vice versa. Once the connection between the two companies was severed and the joint criminal activities limited, ALPHA collapsed while BETA continued to trade (allegedly) legally.

The analysis of financial accounts has provided some useful information on the accounting red-flags that could allow to identify infiltrated businesses from non-infiltrated ones. However, further research is needed in this field. Improvements could be possible by widening the sample and enriching the set of information to be analysed; in particular it is suggested to integrate the analysis of financial statements with other documents (e.g. reports by judicial administrators) which can provide more details about the actual financial management of the company.

Moreover, attention should be devoted to the fact that infiltrated companies may change management strategy over time, and this behaviour could be reflected also in accounting terms. In particular, as mentioned, it is possible that criminals could disinvest from the company as soon as they have the suspect of being under investigation: as a result, for example, they could start liquidating the company's assets (with impact both in terms of income statement and balance sheet) or closing down business operations (resulting in a decrease of revenues and investments). Future research should necessarily add a time-series component to the analysis

12. Key inputs for a common risk assessment model⁸⁰

Previous chapters have mapped OCG infiltration in Italy, the Netherlands, Slovenia, Sweden, and the United Kingdom, and they have analysed selected case studies to identify the infiltration process, and the control and management strategies of infiltrated businesses. The last step of Project ARIEL is to identify, on the basis of these results, risk factors (i.e. 'red flags' or 'markers') of organised crime infiltration that can be used in a risk assessment model of criminal infiltration.

The purpose of developing a common risk assessment model is twofold:

- To protect EU MS legitimate economies from OCG infiltration and from the misuse of legal businesses for illicit purposes;
- To improve prevention and enforcement by identifying the factors facilitating and/or promoting OCG infiltration and help LEAs in enhancing the prevention of and the fight against organised crime.

Chapter 12 reviews past studies on the economy's and market's vulnerabilities to organised crime, identifies risk factors of OCG infiltration of legal businesses, and provides key inputs for the development of a common risk assessment model.

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