

# Public consultation on combatting fraud and counterfeiting of non-cash means of payment

Fields marked with \* are mandatory.

## A. About you

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You are welcome to answer the questionnaire in any of the [24 official languages](#) of the EU. Please let us know in which language you are replying.

\* You are replying

- as an individual in your professional capacity
- on behalf of an organisation

\* Respondent's first name

\* Respondent's last name

\* Respondent's professional email address

\* Country of residence

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

\* If "other", please specify:

\* Name of the organisation

\* Type of organisation you are affiliated to

Please select the answer option that fits best.

- Private enterprise
- Professional consultancy, law firm, self-employed consultant
- Trade, business or professional association
- Non-governmental organisation, platform or network
- Research and academia
- Churches and religious communities
- Regional or local authority (public or mixed)
- International or national public authority
- Other

\* If "other", please specify:

\* How many employees does the company have?

- More than 250 employees (Large enterprise)
- Between 50 and 250 employees (Medium-sized enterprise)
- Between 10 and 49 employees (Small enterprise)
- Less than 10 employees (Micro enterprise)
- Self-employed (Micro enterprise)

\* Please specify the type of organisation.

- Chamber of commerce
- Business organisation
- Trade Union
- Representative of professions or crafts
- Other

\* If "other", please specify:

\* Please specify the type of organisation.

- Think tank
- Research institution
- Academic institution

\* Please specify the type of organisation.

- Regional public authority
- Local public authority
- Public-private sub-national organisation
- Network of public sub-national authorities
- Other

\* If "other", please specify:

\* Please specify the type of organisation.

- Intergovernmental organisation
- EU institution, body or agency
- National parliament
- National government
- National public authority or agency

\* Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

\* If so, please indicate your Register ID number.

\* Country of organisation's headquarters

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

\* If "other", please specify:

\* Your contribution,

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- can be published with your organisation's information** (I consent the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

## B. Trends and obstacles

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The questions in this section explore the **trends** that you encounter concerning the **collection and use of credentials** for non-cash payment fraud, and the **obstacles** you face when fighting against them.

1. To **obtain credentials** to use in fraudulent transactions, the most important means are:

	Very important	Important	Slightly important	Not important	I don't know
Data breaches	<input type="radio"/>				
Acquisition on the open web	<input type="radio"/>				
Acquisition on the dark web	<input type="radio"/>				
Phishing	<input type="radio"/>				
Malware	<input type="radio"/>				
Skimming or shimming	<input type="radio"/>				
Social or behavioural scams (e.g. dating scams, "Nigerian 419" scams, ...)	<input type="radio"/>				
Other (please specify below)	<input type="radio"/>				

1.1. Please provide here more details (e.g. relative importance) on other **means to obtain credentials** to use in fraudulent transactions, and any other relevant comment (e.g. possible evolution of these trends):

*2000 character(s) maximum*

2. To **use stolen credentials** in fraudulent transactions, the most important means are:

	Very important	Important	Slightly important	Not important	I don't know
Mobile payments with stolen card credentials	<input type="radio"/>				
Online transactions with stolen card credentials	<input type="radio"/>				
Phone transactions with stolen card credentials	<input type="radio"/>				
ATM withdrawals with counterfeit cards	<input type="radio"/>				
Online transactions with stolen credentials (e.g. Paypal)	<input type="radio"/>				
Transactions with virtual currencies	<input type="radio"/>				
Transactions with pre-paid means (e.g. vouchers, gift cards...)	<input type="radio"/>				

2.1. Please provide here more details (e.g. relative importance) on other **means to use stolen credentials** in fraudulent transactions, and any other relevant comment (e.g. possible evolution of these trends):

*2000 character(s) maximum*

3. The main **obstacles** that you encounter when **fighting against and investigating** fraud and counterfeiting of non-cash payment fraud are (please choose **up to 5** obstacles and provide details below):

- National legal framework
- Legal framework in other EU countries
- Legal framework in non-EU countries
- Lack of adequate technology (including investigative tools)
- Lack of technical expertise
- Poor public-private cooperation
- Poor cooperation among public authorities (national and cross border)
- Poor cooperation among private entities
- Other (please specify below)

3.1. Please provide here more details on the **obstacles** that you encounter when **fighting against and investigating** non-cash payment fraud, and any other relevant comment:

*2000 character(s) maximum*

4. Please evaluate the effectiveness of the mechanisms for **cross-border operational cooperation** for law enforcement in the EU:

	Very effective	Effective	Slightly effective	Not effective	I don't know
Joint investigation teams	<input type="radio"/>				
EU Policy Cycle	<input type="radio"/>				
Europol support	<input type="radio"/>				
Bilateral cooperation	<input type="radio"/>				
Other (please specify below)	<input type="radio"/>				

4.1. Please provide here more details about the effectiveness of the mechanisms for **cross-border operational cooperation** for law enforcement in the EU, and any other relevant comment:

5. Do you systematically collect **statistics** on the following (please select all that applies):

- Reports of alleged non-cash payment fraud received by the police
- Criminal complaints of alleged non-cash payment fraud resolved by the prosecution services
- Resolved court cases involving non-cash payment fraud
- Data on the outcome of court cases involving non-cash payment fraud (convictions and acquittals)
- Other (please specify below)

5.1. Please provide here more details about other **statistics** on non-cash payment fraud that you systematically collect, and any other relevant comment:

*2000 character(s) maximum*

6. In your opinion, what **role should Europol play** in the fight against non-cash payment fraud? (please select all that applies)

- Facilitate operational cooperation
- Enhance information sharing among law enforcement authorities
- Develop public-private cooperation
- Facilitate reporting
- Other (please specify below)
- Europol has no role to play in this area

6.1. Please provide here more details about other **roles that Europol should play** in the fight against non-cash payment fraud, and any other relevant comment (e.g. ideas on specific ways to play that role):

## C. Legislation

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The questions in this section evaluate the need for more coherent **legal definitions and penalties** across the EU. For each question, please choose all the answers that apply.

7. Do you think it's necessary to have more similar **definitions of non-cash means of payment** in criminal law across the EU?

- No, the definition of non-cash means of payment has no impact on my work
- No, current EU legal instruments already provide a precise definition
- No (other reason, please specify below)
- Yes, different definitions across EU Member States hamper cross-border cooperation
- Yes (other reason, please specify below)

7.1. Please provide here more details on other reasons why more coherent **definitions of non-cash means of payment** are needed or not needed across the EU, and any other relevant comment:

*2000 character(s) maximum*

8. Do you think it's necessary to have more coherent **definitions of offences** related to non-cash means of payment across the EU?

- No, the definitions of offences related to non-cash means of payment have no impact on my work
- No, current EU legal instruments already provide precise definitions
- No (other reason, please specify below)
- Yes, differences in definitions of offences across EU Member States hamper cross-border cooperation
- Yes, there is a need to better define at EU level some of the currently defined offences (please specify below)
- Yes, there is a need to criminalize at EU level other offences related to non-cash payment fraud (e.g. identity theft... please specify below)
- Yes (other reason, please specify below)

8.1. Please provide here more details on other reasons why more coherent **definitions of offences** related to non-cash means of payment are needed or not needed across the EU, and any other relevant comment:

*2000 character(s) maximum*

9. Do you think it's necessary to have more coherent **level of penalties** for offences related to non-cash means of payment across the EU?

- No, the level of penalties for offences related to non-cash means of payment has no impact on my work
- No, current EU legal instruments already provide sufficiently similar levels of penalties
- No (other reason, please specify below)
- Yes, different levels of penalties across EU Member States may result in **different prioritisation** of cases at national level, hampering cross-border cooperation
- Yes, different levels of penalties across EU Member States may create "**safe havens**" for criminals
- Yes, different levels of penalties across EU Member States may create **insufficient deterrence**
- Yes, different levels of penalties across EU Member States may create **inadequate protection of consumers** across the EU
- Yes (other reason, please specify below)

9.1. Please provide here more details on other reasons why more coherent **level of penalties for offences** related to non-cash means of payment are needed or not needed across the EU, and any other relevant comment:

*2000 character(s) maximum*

10. Focusing now on the **national level**, do you think it is necessary to modify the **legislation of your country** concerning non-cash means of payment?

- No, the current national legislation is well adapted to my needs
- No (other reason, please specify below)
- Yes, there is a need to adapt the **definitions of non-cash means of payment** (e.g. include new means of payment, make the definitions more precise,... please explain below)
- Yes, there is a need to adapt the **definitions of offences** related to non-cash means of payment (e.g. include new criminal acts, make the definitions more precise,...please explain)
- Yes, there is a need to adapt the **level of penalties** for offences related to non-cash means of payment (e.g. make them higher / lower... please explain)
- Yes (other reason, please specify below)

10.1. Please provide here more details on other reasons why it is necessary (or not) to **modify the legislation of your country** related to non-cash means of payment, and any other relevant comment:

*2000 character(s) maximum*

## D. Public-private cooperation

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The questions in this section look at **examples** of public-private cooperation that you may be aware of and the **obstacles** to create successful public-private cooperation. The final set of questions in this section look at a specific case of public-private cooperation: **reporting** of fraud by private entities to law enforcement.

11. Please indicate established **public-private cooperation mechanisms** that you are aware of to fight against the different types of fraud of non-cash means of payment:

	Online bank transfer fraud	Card payment fraud	Identity theft	Phishing	Malware	Compromised ATM or point of sale	Other (please specify below)
Established network of points of contact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Virtual platforms for information exchange	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operational cooperation based on periodical meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operational cooperation based on ad-hoc meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operational cooperation based on secondment of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strategic cooperation based on periodical meetings	<input type="checkbox"/>						
Strategic cooperation based on ad-hoc meetings	<input type="checkbox"/>						
Strategic cooperation based on secondment of staff	<input type="checkbox"/>						
Other (please specify below)	<input type="checkbox"/>						

11.1. Please provide here more details about the **public-private cooperation** you are aware of (e.g. name, location, participating organizations, what makes it successful, etc...):

*2000 character(s) maximum*

12. In your country, public-private cooperation to fight against non-cash payment fraud is (in general):

- Very satisfactory
- Satisfactory
- Unsatisfactory
- Very unsatisfactory
- No opinion

13. What are the **obstacles for a successful cooperation** (including information sharing) between public authorities (e.g. law enforcement) and private entities that you encounter within your country and when one of the actors is based in another EU country?

	Within your country	Within the EU
Legislation	<input type="checkbox"/>	<input type="checkbox"/>
Misalignment of priorities	<input type="checkbox"/>	<input type="checkbox"/>
Lack of trust	<input type="checkbox"/>	<input type="checkbox"/>
Practical/organizational issues (e.g. incompatibility of information systems, internal organizational policies, language barrier, etc... please specify below)	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify below)	<input type="checkbox"/>	<input type="checkbox"/>

13.1. Please provide here more details about the **obstacles for a successful public-private cooperation** indicated above, and any other relevant comment:

*2000 character(s) maximum*

14. In your opinion, **under-reporting** of non-cash payment fraud in your country is:

- A large scale problem
- A limited problem
- Not a problem
- I don't have an opinion

15. If **reporting to law enforcement** of non-cash payment fraud is not compulsory in your country, should it be?

	Already compulsory	It should be made compulsory
For citizens	<input type="radio"/>	<input type="radio"/>
For financial institutions	<input type="radio"/>	<input type="radio"/>
For others (please specify below)	<input type="radio"/>	<input type="radio"/>

15.1. Please provide here more details about the need to **make reporting to law enforcement compulsory** for other stakeholders:

*2000 character(s) maximum*

16. Please indicate the information **currently included** and the information that **should be included** in the reports of non-cash payment fraud to law enforcement:

	Currently reported	Should be reported
IBAN of payer/order	<input type="radio"/>	<input type="radio"/>
IBAN of payee/beneficiary	<input type="radio"/>	<input type="radio"/>
Name of payer/order	<input type="radio"/>	<input type="radio"/>
Name of payee/beneficiary	<input type="radio"/>	<input type="radio"/>
Date of fraudulent transaction	<input type="radio"/>	<input type="radio"/>
Time of fraudulent transaction	<input type="radio"/>	<input type="radio"/>
IP address of payer/order	<input type="radio"/>	<input type="radio"/>
Amount of fraudulent transaction	<input type="radio"/>	<input type="radio"/>
Outcome of suspicious wire transfer (OK/blocked)	<input type="radio"/>	<input type="radio"/>
Lost amount	<input type="radio"/>	<input type="radio"/>
Retrieved amount	<input type="radio"/>	<input type="radio"/>
Credit card PAN	<input type="radio"/>	<input type="radio"/>
Credit card expiration date	<input type="radio"/>	<input type="radio"/>
Credit card owner	<input type="radio"/>	<input type="radio"/>
Fake URLs (phishing)	<input type="radio"/>	<input type="radio"/>
Compromised ATMs or points of sale identifiers	<input type="radio"/>	<input type="radio"/>
Other electronic payment systems (PayPal, Neosurf, ...)	<input type="radio"/>	<input type="radio"/>
Other (please specify below)	<input type="radio"/>	<input type="radio"/>

16.1. Please provide here more details about other **information currently reported or that should be reported** to law enforcement about non-cash payment fraud, and any other relevant comment about reporting (e.g. ways to improve quantity and quality of reporting, etc...):

*2000 character(s) maximum*

## E. Document upload and final comments

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Please feel free to upload a concise document, such as a position paper. The maximal file size is 1MB.

*Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.*

If you wish to add further information - within the scope of this questionnaire - please feel free to do so here.

*2000 character(s) maximum*