Rationale of country selection
• Project aims
• Comparative analysis of country reports
  • The country reports
  • The comparative analysis
• Selection criteria
• Selected countries
Project aims
Project Aims

• Systematic analysis of all (preventive, repressive) systems implemented to control economic and industrial espionage in the EU + CH
• Empirical scrutiny of both, the areas of reported and unreported crime, in Germany (threat level, modus operandi)
• Determination of in-house detection and prevention strategies
• Search for potential preferable prevention and defense strategies in the selected European legal systems as well as their evaluation from the viewpoint of the relevant stakeholders (SME, law enforcement authorities, scientific organisations)
• Survey of the economy‘s perception of the cooperation between businesses and state authorities
• Development of custom-tailored, coordinated prevention and defense concepts for our stakeholder groups
Project Aims

**Economic espionage in Germany and Europe**

**M1 | Field description**

**Country screening**
- Descriptive, normative
- Focus: EEA (EU 28 + CH)

- A1 | Socio-cultural background:
  - (Changing) relationship between state and economy
  - International relations (friend/foe)
  - European Law (national economy as a viable asset in a common market)

- A2 | Normative background:
  - Definitions, areas, legal assets
  - Criminal law, supplement, legal provisions, competition law, other
  - Fines, other sanctions (e.g., restraint of competition, criminal liability of legal entities etc.)
  - Characteristic (e.g., state-imposed restrictions on prosecution)

- A3 | Procedural background:
  - Jurisdictions
  - Organizational regulations
  - Criteria for statistical registration

- A4 | Descriptive presentation of published statistical data

**M2 | Problem analysis**

**Multi-level evaluation**
- Qualitative, quantitative
- Focus: GER plus 5-7 (selection frame: M1)

- A5 | Literature and document analysis:
  - Scientific studies
  - Policy and stakeholder publications (e.g., KPMG, PWC, Gefahrenbarometer etc.)
  - Press
  - Statistics

- A6 | Case research and analysis:
  - Exemplary case studies
  - File analysis (GER only)

- A7 | Fieldwork: problem analysis, solution approaches:
  - Phenomenology (actors and methods)
  - Perceptibility, generation of suspicion, demarcation to other forms of cybercrime
  - Prevention strategies and risk management (staff, organizational, technical)
  - Reactions, cooperation with public authorities
  - Problems from the perspective of governmental actors (internally and externally)

**M3 | Validation**

**Extended survey of unreported crime**
- Quantitative
- Focus: GER

- A8.1 | 'Classical' survey of unreported crime:
  - Abstract risk assessment
  - Specific suspicion cases, cases of loss
  - Amount of damage, other consequences
  - Reactions
  - Motives for (not) reporting the incident

  Data collection via the periodic company survey conducted by ISI

- A8.2 | Inquiry regarding selected problem descriptions and solution approaches resulting from M2:
  - Prevention strategies
  - Problems regarding cooperation
  - Other experiences, 'lessons learnt'

- A8.3 | Extended questions:
  - General attitudes towards the usefulness of the protection of know-how and business secrets

**A9 | Publications:**
- M1, M2, M3, LP, LU, LW
Comparative analysis of country reports
The country reports

- 27 international experts for 28 country reports (EU+CH)
- Selection and invitation of experts
- Request for reports
- Author questions and feedback
- Reports received
- Revision conducted
- Results (see trial copy)
## The country reports

<table>
<thead>
<tr>
<th>Country</th>
<th>Author(s), institution(s)</th>
<th>Type of institution</th>
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</table>
| Austria          | 1. **Prof. M.J. Hilf**, University of Bern  
                     2. **Dr. C. Konopatsch**, University of Bern                                   | research, teaching                         |
| Belgium          | 1. **K. De Schepper**, University of Hasselt  
                     2. **E. Vandebroek**, University of Hasselt  
                     3. **Prof. F. Verbruggen**, KU Leuven & University of Hasselt       | research, teaching                         |
| Bulgaria         | 1. **Dr. T. Petrova**, Ministry of the Interior  
                     2. **Dr. D. Yordanova**, University of Sofia  
                     3. **S. Petrov**, Supreme Cassation Prosecutor's Office  
                     4. **P. Boyadjiyski**, Commission for Prevention and Ascertainment of Conflict of Interests | ministry, research, teaching, justice     |
| Croatia          | 1. **Dr. M. Dragičević Prtenjača**, Universität Zagreb                               | research, teaching                         |
| Cyprus           | 1. **A. Christou**, Elias A. Stephanou LLC  
                     2. **Prof. N. Courakis**, Universität Nikosia  
                     3. **Prof. D.Sorvatzioti**, Universität Nikosia  
                     4. **Dr. A, Plevri**, Universität Nikosia  
                     5. **Dr. V. Polyzoidou**, Universität Nikosia | free economy, research, teaching           |
| Czech Republic   | 1. **Dr. P. Škvain**, Academy of Sciences of the Czech Republic & University of West Bohemia | research, teaching                         |
| Denmark          | 1. **Prof. Dr. E. Afsah**, University of Copenhagen                                   | research, teaching                         |
| Estonia          | 1. **Prof. J. Saar**, University of Tartu                                            | research, teaching                         |
| France           | 1. **Prof. C. Harbulot**, École de guerre économique  
                     2. **Dr. O. de Maison Rouge**, own law office  
                     3. **T. Janier**, Prometheus                  | free economy, teaching                     |
## The country reports

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<tr>
<td>Finland</td>
<td>1. M. Rudanko, MPICC Freiburg&lt;br&gt;2. Prof. R. Lahti, University of Helsinki</td>
<td>research, teaching</td>
</tr>
<tr>
<td>Greece</td>
<td>1. Prof. Dr. A. Pitsela, University of Thessaloniki&lt;br&gt;2. T. Chatzispyrou, University of Thessaloniki</td>
<td>research, teaching</td>
</tr>
<tr>
<td>Great Britain</td>
<td>1. Prof. M. Button, University of Portsmouth&lt;br&gt;2. Prof. Dr. A. Wakefield, University of Portsmouth&lt;br&gt;3. K. Larkins, University of Portsmouth</td>
<td>research, teaching</td>
</tr>
<tr>
<td>Hungary</td>
<td>1. Dr. Csaba Győry, Hungarian Academy of Sciences &amp; ELTE University</td>
<td>research, teaching</td>
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<tr>
<td>Ireland</td>
<td>1. Prof. Dr. G. Coffey, University of Limerick</td>
<td>research, teaching</td>
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<tr>
<td>Italy</td>
<td>1. Prof. Dr. A. Nisco, University of Bologna</td>
<td>research, teaching</td>
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<td>Latvia</td>
<td>1. Prof. A. Vilks, University of Riga</td>
<td>research, teaching</td>
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<tr>
<td>Lithuania</td>
<td>1. A. Kalinauskaitė, Lithuanian Upper Administrative Court</td>
<td>justice</td>
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<tr>
<td>Luxembourg</td>
<td>1. A. Gudmannsson, Arendt &amp; Medernach &amp; University of Luxembourg</td>
<td>free economy</td>
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<tr>
<td>Malta</td>
<td>1. Dr. E. Dalmas, Mediterra Group&lt;br&gt;2. Dr. A. Ghirlando, Mediterra Group</td>
<td>free economy</td>
</tr>
<tr>
<td>Netherlands</td>
<td>1. E. van Luijk, University of Utrecht</td>
<td>research, teaching</td>
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<tr>
<td>Poland</td>
<td>1. Dr. W. Dadak, University of Cracow&lt;br&gt;2. Prof. K. Krajewski, University of Cracow</td>
<td>research, teaching</td>
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| Portugal     | 1. Prof. C. Da Agra, University of Porto  
2. Prof. Dr. A. Lamas Leite, University of Porto  
3. Prof. Dr. P. Sousa, University of Porto | research, teaching      |
| Romania      | 1. G. Zlati, Sergiu Bogdan & Associates, Cluj Bar Association & University of Cluj        | free economy, research, teaching |
| Slovakia     | 1. Prof. Dr. T. Strémy, University of Bratislava                                         | research, teaching      |
| Slovenia     | 1. Prof. Dr. S. Zgaga, University of Maribor                                           | research, teaching      |
| Spain        | 1. Dr. A. I. Blanco García, University of Valencia                                    | research, teaching      |
| Sweden       | 1. G. Almkvist, University of Uppsala                                                 | research, teaching      |
| Switzerland  | 1. Prof. Dr. M.J. Hilf, University of Bern  
2. Dr. C, Konopatsch, University of Bern  
3. M. Rentsch, University of Bern  
4. P. Stocker, University of Bern     | research, teaching      |
The comparative analysis
The comparative analysis

• Perceived observation of economic and industrial espionage

• Perceived relevance of economic and industrial espionage
The comparative analysis

- Punishability of economic espionage

- Punishability of industrial espionage
The comparative analysis

- Sanctioning of economic and industrial espionage

- Responsible authorities
The comparative analysis

Findings

• Economic + industrial espionage comprehensively observed but not comprehensively punishable in EU+CH
• China and Russia are considered as the primary threat
• Differentiation between economic and industrial espionage common – as well as the fragmented regulation
• Espionage is a “non-issue“ in the smaller states of the south → corresponds with economic power
• Prosecution of industrial espionage only upon victim complaint
• Economy is generally unwilling to cooperate with law enforcement authorities in this area → corresponds with low reporting rate
• Nearly ubiquitous incomplete statistical basic data
Selection criteria
Selection criteria

Legal criteria
- Common Law or Civil Law
- EU or EFTA

Economic criteria
- Export strength
- Innovative capacity
- Competitiveness
- SME-structure
- GDP

Overlapping area
- Relationship between economy and the nation state
- Victimization
Selection criteria

• **Further criteria:**
  – Geographical situation within Europe:
    • Northern, Central, Eastern and Western Europe
  – Availability of statistical basic data
    • Sufficient cases for M 2
• **Exclusion of Southern Europe:**
  – Spain: no sufficient SME-structure
  – Greece
  – Italy
  – Malta
  – Cyprus

No (sufficient) statistical basic data available
Selected countries
Countries selected for comparison /1

1. Bulgaria
   • Civil law
   • EU member
   • Eastern or Southeastern Europe (former socialist country)
   • **Development of SME structure post 1990**
   • Low export strength and competitiveness
   • Availability of basic statistical data
   • Punishability of economic and industrial espionage

2. Denmark
   • Civil Law
   • EU member
   • Northern Europe
   • Intermediary competitiveness
   • Availability of basic statistical data
   • Punishability of economic and industrial espionage
   • **Traditionally positive relations between state and economy**
Countries selected for comparison /2

3. United Kingdom
   • Common Law
   • EU member
   • Western Europe
   • weak SME-structure
   • No punishability of economic and industrial espionage

4. Austria
   • Civil Law
   • EU member
   • Central Europe
   • Punishability of economic and industrial espionage: Industrial espionage subject of private prosecution
   • Strong economic relationship to Eastern Europe
   • Good SME-structure
   • Availability of basic statistical data
Countries selected for comparison /3

5. Switzerland
   - Civil law
   - Non-EU; EFTA member
   - Central Europe
   - Developed industry and service structure
   - Punishability of economic and industrial espionage, but: *criminal law for corporations*
   - Availability of basic statistical data
Thank you for your attention.

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