

Open-ended Intergovernmental Working Group on Prevention
Seventh Meeting

Information on certain aspects of corruption prevention
GERMANY

Preface

This document reflects only some of the measures in relation to the use of information and communications technologies for the implementation of the Convention in Germany, i.e., it is non-exhaustive. Information is provided mainly on the basis of the guidance note provided in Annex I to UNODC document with the reference CU 2016/70(A)/DTA/CEB/ISS.

Furthermore, it should be noted that this document, in order to keep it rather comprehensive, only reflects federal laws and measures related to the federal administration. Albeit the laws which are relevant within the context of this document are mostly federal laws, the organization of administrative bodies, as well as internal guidelines and directives, is a matter of autonomous discretion of the German federal states within the framework of federal laws. The federal government does not enjoy any authority to instruct the federal states (Länder) on how to organize their administration. Also, the federal competencies to enact laws on the organization of the Länder administration are very limited.

The UN Convention Against Corruption is binding Germany as a whole, this including Länder authorities. Municipalities are regarded as Länder authorities.

In order to keep this document short, references to legislation are provided as internet URLs, as far as an English translation of legislation is available on the internet.

I. Information requested from States parties and signatories in relation to the use of information and communications technologies for the implementation of the Convention in order to facilitate public sector transparency and combat corruption

- 1. Please describe (cite and summarize) the measures/steps your country has taken, if any (or is planning to take, together with the related appropriate time frame) to use information and communication technologies (ICT) to ensure full compliance with the Convention.**

In relation to integrity in public procurement and management of public finances (article 9), States parties and signatories may wish to provide information on measures that:

- Utilize online platforms for the distribution of information relating to public procurement and tenders as a way to prevent corruption, enhance transparency and ensure competition and objective criteria in procurement decision-making.

Information sought may, in particular, include the following:

- Description of any electronic system of public procurement, including, for example:
 - The means by which tender invitations are published;
 - The inclusion of all pertinent information on the award of contracts;
 - Ways in which applications may be submitted (including the use of electronic procurement platforms); and
 - Ways in which the criteria to be used for selection and award are publicized.

When providing information on the use of ICT to increase the transparency of procurement processes, States parties and signatories may wish to refer to their submissions for the sixth intersessional meeting of the Working Group, held in 2015.

With regard to the use of information and communication technologies (ICT) to increase the transparency of procurement processes, Germany has taken the following measures:

The reform of public procurement legislation, which entered into force on 18 April 2016, makes the use of ICT obligatory for all public procurement procedures above the EU-thresholds, for central-level as well as for sub-central procurement and for utilities. This is an important step to enhance the transparency of public procurement processes and thereby also to prevent corruption and ensure fair competition.

The principle of e-procurement is laid down in Article 97 para. 5 of the new Act against Restraints of Competition (GWB), which states that for sending, receiving, transferring and recording of data in procurement procedures, contracting authorities as well as bidders have to use electronic means. This general principle is laid down in more detail in the Regulation on Public Procurement (VgV). Tender invitations, selection and award criteria and all other pertinent information on the award of a public contract are published in the European online platform TED (Tender European Daily). The same applies to notifications of awards and notifications of changes of public contracts. Applications and tenders have to be submitted to the contracting authority by electronic means. The obligatory use of e-procurement will enter into force at the latest on 18 October 2018. Before this date electronic means can be used voluntarily by contracting authorities. In addition to TED, there exist further electronic procurement platforms in Germany, e.g. from certain Bundesländer (regions).

Information on the public procurement legal framework (Act against restraints of competition and Ordinances) are published online e.g. at: <https://www.gesetze-im-internet.de/cgi-bin/htsearch>.

In relation to public reporting (article 10), States parties and signatories may wish to provide information on measures that:

- Make available online, including in open data formats, government information relating to the implementation of the Convention, in order to foster greater transparency, accountability and efficiency;
- Promote the use of online platforms or portals to enhance transparency in public administration, including information on the organization, functioning and decision-making processes of the public administration and on decisions and legal acts.

Information sought may, in particular, include the following:

- Use of websites, online libraries, online archives or other means by which information on the organization, functioning and decision-making processes of the public administration is made available to the general public;
- Outline of the laws, procedures or regulations allowing members of the general public to obtain information on the organization, functioning and decision-making processes of the public administration through information and communications technologies;
- Description of the type of information to be proactively made available and automatically published by the Government through online platforms and websites, including details of:
 - The types of bodies required to publish information;
 - The scope of the information that is published;
 - The means by which the information is published;
 - How often the information is updated;
- Description of the types of information to be made available upon request by a member of the public (i.e. legislation on freedom of information or access to information);

- Standards to protect privacy and personal data in the disclosure of such information;
- Description of online initiatives to raise public awareness with regard to the information available and how it can be accessed online;
- Examples of proactive publication of information online without a special request.

Information on the organization, functioning and decision-making process of the public administration can be found on the websites of the public bodies and the government website www.bund.de. Most public bodies also provide some of the information in English. The Ministries and other administrative bodies usually provide organizational charts and a basic introduction about their tasks. The German Government is committed to provide as much information as possible in an accessible version.

By dialing 115, individuals and businesses can get answers to all their questions about public administration services regardless of the government level concerned whether federal, state or local (http://www.bmi.bund.de/EN/Topics/Administrative-Reform/Single-Government-Service-Number-115/single-government-service-number-115_node.html). 115 is the public administration's customer service. What started in 2009 with a few municipalities has developed into the service standard of many German authorities. 115 is one of the most important driving forces of a modern and efficient administration close to citizens' needs. The aim is to introduce this service throughout Germany. The federal public authorities are contributors to this service.

Legal acts are published in the Federal Law Gazette (<https://www1.bgbli.de/>) and all Federal Laws can be found under <https://www.gesetze-im-internet.de/>, provided by the Federal Ministry of Justice and Consumer Protection.

With regard to corruption prevention and thus with regard of information relating to the implementation of the Convention, information can be found in the relevant section of the BMI website (http://www.bmi.bund.de/DE/Themen/Moderne-Verwaltung/Korruptionspraevention-Sponsoring-IR/korruptionspraevention-sponsoring-ir_node.html, http://www.bmi.bund.de/EN/Topics/Administrative-Reform/Integrity/integrity_node.html), including temporary initiatives such as the public consultation of the Council of Europe on recommendations on legal regulations of lobbying in April 2016. Brochures such as the "Rules on Integrity" and other specialist information can be downloaded free-of-charge. Some of the reports as well as other information are available on the Open Data Portal (<https://www.govdata.de/>; http://www.bmi.bund.de/SharedDocs/Downloads/DE/Broschueren/2014/aktionsplan-open-data.pdf?__blob=publicationFile).

The public can obtain information in consulting websites and on request under the Freedom of Information Act (http://www.gesetze-im-internet.de/englisch_ifg/). The Freedom of Information Act grants all natural persons and legal entities under private law the unconditional right to access official information held by federal authorities. An information request can only be rejected if one of the exceptions provided for in the Freedom of Information Act is fulfilled. Information concerning the activities of the Federal Commissioner for Data Protection and Freedom of Information are available under <http://www.bfdi.bund.de> including regular reports to the German Parliament.

Since 2005, the Federal Government has submitted an annual written report to the German Parliament on the development and the results of corruption prevention in the federal administration. The report can be downloaded free-of-charge from the website of the Federal Ministry of the Interior (<http://www.bmi.bund.de/DE/Themen/Moderne-Verwaltung/Korruptionspraevention-Sponsoring->

IR/Korruptionspraevention/korruptionspraevention_node.html;jsessionid=63C03270D0629D5DC2027F8184908F07.2_cid287). The report includes data from the annual reports submitted by all federal ministries to the Federal Ministry of the Interior, which bears the lead responsibility in this context. In their reports, the ministries provide information on the implementation status of the directive on corruption prevention within their remit and their executive agencies. Suspected cases of corruption are also reported. Giving due regard to the decisions of the Auditing Committee of the German Bundestag, the Federal Government presents and assesses essential issues in its annual reports, such as the identification and evaluation of areas of activity especially vulnerable to corruption. It also draws conclusions for the future. Furthermore, the annual reports provide an overview of corruption prevention in general. Moreover, public authorities try to keep their staff informed. For example, authorities organize agency-specific awareness-raising activities on the occasion of certain events such as Christmas, and the Federal Ministry of the Interior publishes newsletters that are accessible to anyone who is interested.

In relation to participation of society (article 13), States parties and signatories may wish to provide information on measures that:

- Establish e-government mechanisms, online platforms, smartphone applications, mobile telephone-based reporting and social media to enhance the effective and efficient participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;
- Enhance the transparency of, and promote the contribution of the public to, decision-making processes, in particular through the use of online platforms to facilitate consultation with the public on issues relating to the prevention of and fight against corruption;
- Promote public information activities, including through the use of information and communications technologies, that contribute to non-tolerance of corruption, as well public education programmes;
- Respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, in particular through online mechanisms;
- Provide public access, including through online mechanisms, to relevant anti-corruption bodies for the reporting, including anonymously, of any incidents that may constitute an offence established in accordance with the Convention.

Information sought may, in particular, include the following:

In relation to enhancing the transparency of and promoting the contribution of the public to decision-making processes (article 13 (1) (a)):

- Description of how ICT is used to promote citizen and stakeholder involvement in decision-making processes, such as through large-scale consultations, online platforms, working groups, task forces, citizen referendums and community meetings, and measures to promote such involvement;
- Description of ICT measures adopted to promote an institutional culture of transparency, open data, open-door policies and regular communication between the Government and civil society;
- Description of ICT measures adopted to allow members of the public to decide or contribute to decisions on how to allocate parts of the public budget in specific institutions;
- Description of ICT measures adopted to provide opportunities for individuals and groups outside the public sector to be consulted during legislative drafting processes;
- Description of the ways in which ICT is used to facilitate public consultations before regulations or other administrative policies are issued, and of any consequences of failure to adhere to the requirement to facilitate such public participation.

In relation to ensuring that the public has effective access to information (article 13 (1) (b)):

- Legislation, regulations, policies and procedures regarding public access to information through ICT, such as online platforms, including details regarding:
 - Means by which requests may be submitted (in writing, via Internet, by telephone);
 - The types of bodies required to publish information;
 - The scope of the information published;
 - Any information that must be submitted by the requester as part of the request for information;
 - Costs charged to submit a request
- Applicable time limits within which the Government must respond to the request;
- Grounds on which a request by a member of the public for information may be denied;
- Description of staff or entity responsible for administering access to information requests;
- Description of steps taken to ensure that existing laws, regulations, policies and procedures regarding access to information are widely known and accessible to the public;

- Description of the means by which the public is informed of how to access information.

In relation to undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula (article 13 (1) (c)):

- Description of public information (education and awareness-raising) activities that contribute to non-tolerance of corruption, particularly those using ICT, including specific initiatives targeting groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations;
- Description of various means and/or technologies that have been used for the purposes of undertaking public information activities;
- Description of the use of ICT in educational courses or modules that have been introduced in primary and secondary schools that include components on corruption or related issues such as ethics, civil rights or governance;
- Description of the use of ICT in university courses or modules that include components on corruption or related issues such as public administration, public procurement, ethics, criminal law or corporate governance.

In relation to respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption (article 13 (1) (d)):

Outlines of the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption, in particular using ICT. States parties and signatories may wish to include the following information, if applicable:

- The extent to which such information is proactively and systematically published by the Government online;
- The extent to which such information is available upon online request for access to information by a member of the public;
- Any restrictions applicable to exercise of the freedom to seek, receive, publish and disseminate such information, in particular using ICT, including:
 - Restrictions necessary for respect of the rights or reputations of others (libel and defamation laws, etc.);
 - Restrictions necessary for the protection of national security or *ordre public* or of public health or morals;
- Description of how such restrictions are applied in practice;
- Description of procedures that allow a member of the public to apply for review of, or appeal against, the application of such a restriction by the Government.

In relation to taking appropriate measures to ensure that the relevant anti-corruption bodies are known to the public and providing access to such bodies for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with the Convention (article 13 (2)):

- Description of online public information campaigns that promote awareness of the existence of anti-corruption bodies;
- Description of the means by which members of the public are provided with access to such bodies, particularly through ICT, for the reporting of acts of corruption;
- Description of the operational mechanisms and applicable procedures for such reporting channels, including reporting obligations, information to be provided and whether reports may be made anonymously.

The Federal Government has adopted several decisions to foster participatory decision-making.

On 28 March 2012, the Federal Cabinet decided that draft bills of the Federal Government will be published online after they have been adopted by the Federal Cabinet and that, wherever suitable, the Federal Government intends to engage in broader public information or consultation prior to a Cabinet decision than is presently the case, with involvement of groups directly affected by the intended legislation. On 4 June 2014, the Federal Cabinet decided that the Federal Government will in future take even greater account of the experience of those affected when it develops new legislative proposals. According to the decision of the Federal Cabinet of 4 June 2014, the Federal Government frequently performs statistically representative surveys on the perception of the quality of the cooperation of citizens and the business sector with the public administration and the quality of the given legal framework. The website of the Federal Government initiative "amtlich einfach" contains additional feedback functionalities for the public on specific life events, the legal framework, and the performance of the public and state administrations.

The Federal Government is further developing its approach to take part in the new consultation approach of the European Commission for planned European initiatives.

Dialogue and participation processes

Transparency, participation and close cooperation with citizens and civil society organizations (CSOs) are core principles of policy making in Germany. To foster better engagement with citizens and the voluntary sector, multiple dialogue processes have been established:

- Dialogue process "Charter for the Future"
- Dialogue process "Well-being in Germany – what matters to us"
- Dialogue process "Energy Grids"
- Participation process "Federal Transport Infrastructure Plan"
- Energy Transition Platforms
- Consultations within the framework of the Green/White Paper "Electricity Market for the Future"
- Sectoral dialogues "Strengthening the competitiveness of the German industry"

Live-streaming of public debates and public hearings in the German Bundestag (<https://www.bundestag.de/tv>) gives the opportunity to follow the public decision making process in a direct and transparent way.

The public can obtain information on request under the Freedom of Information Act (http://www.gesetze-im-internet.de/englisch_ifg/). The Freedom of Information Act grants all natural persons and legal entities under private law the unconditional right to access official information held by federal authorities. Costs are laid down in the relevant regulation. (<http://www.gesetze-im-internet.de/ifggebv/index.html>). Requests can be submitted by email. An information request can only be rejected if one of the exceptions provided for in the Freedom of Information Act is fulfilled. Members of the public who requested information under the Freedom of Information Act may apply for review, if their request has been rejected, and may appeal to an administrative court (see sec. 9 para. 4 of the Freedom of Information Act, http://www.gesetze-im-internet.de/ifg/_9.html).

The public relations work of the Federal Government has long helped raise public awareness of corruption. Amongst internal training means (seminars, e-learning, circulars), public information activities on anti-corruption are part of the Government's information strategy.

On its website (www.bmi.bund.de), the Federal Ministry of the Interior provides information on corruption prevention and the Freedom of Information Act. Relevant material can be downloaded free-of-charge on the BMI-Website. The Federal Ministry's brochure "Rules on Integrity" for example lists the relevant regulations and contains general information, sample texts and a fact sheet. At the annual open house days the BMI is informing up to 8.000 visitors on the anti-corruption strategy and presents interactive learning and quizzes. The BMI regularly receives German and international visitor groups that are particularly interested in anti-corruption measures. At www.bmwi.bund.de, the Federal Ministry for Economic Affairs and Energy provides the business community with specific information on corruption. Together with the Federal Ministry of Justice and Consumer Protection, the Federal Ministry for Economic Affairs and Energy also published a small brochure, "Preventing Corruption", on bribery of foreign officials that is addressed to businesses operating abroad.

Information concerning corruption is also published by the Federal Criminal Police Office in its annual Corruption Situation Report. (http://www.bka.de/nn_193376/DE/Publikationen/JahresberichteUndLagebilder/Korruption/korruption_node.html?_nn=true), the Police Crime Statistics (http://www.bka.de/EN/Publications/PoliceCrimeStatistics/2014/pcs2014_node.html?_nn=true) - also partly available on the Open Data Portal - and the annual report "Preventing corruption in the Federal Administration" (http://www.bmi.bund.de/SharedDocs/Downloads/EN/Broschueren/2015/corruption-prevention-report-2014.pdf?_blob=publicationFile).

At university, the curricula for law and business studies include workshops on the basic principles of public service. The Federal University of Applied Administrative Sciences also provides its students with such workshops, and public service trainees are offered such courses during their training.

Furthermore, new public employees are regularly informed about basic principles and the relevant rules of conduct in on-the-job orientation sessions. In many ministries and authorities, corruption prevention has become a key element of these orientation sessions. Pursuant to Article 7 of the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration, employees are informed of the risk of corruption and the consequences of corrupt behavior when taking the oath of office or agreeing to abide by the requirements of their position. Staff members working in or transferred to areas especially vulnerable to corruption are supposed to be given additional, job-specific instruction at regular intervals. More and more public authorities also offer special in-house workshops for such staff members.

Since 2000, the fight against corruption has been an integral part of various advanced training courses offered by the Federal Academy of Public Administration (BAKöV). This also helps alert public service staff to the risk of corruption. Furthermore, the ministries and their executive agencies offer in-house training sessions.

Restrictions applicable to exercise of the freedom to seek, receive, publish and disseminate information concerning corruption are provided for by the German Constitution. Article 5 para. 1 of the German Constitution protects the freedom of opinion and information in Germany. Pursuant to Article 5 para. 2 of the Constitution, this freedom finds its limits in the provisions

of general laws, in provisions for the protection of young persons, and in the right to personal honor. The freedom of opinion and information may also find its limits in conflicting constitutional provisions.

The bodies responsible for preventing corruption are known to the wider public. For example, the fact sheet of the Federal Ministry of the Interior and the above mentioned brochure "Rules on Integrity", which is available online, contain information on these bodies. The wider public also knows that local police offices and public prosecutors offices are responsible for prosecuting corruption offences. Anyone who is aware of a criminal offence or has reason to believe that such a crime has been committed can contact the law enforcement authorities. Reports can also be made anonymously.

Not only public service staff but also members of the public can report corruption cases online or by phone to the contact person on corruptions prevention, appointed in public authorities due to the Directive concerning the prevention of corruption. Some public authorities have commissioned ombudsmen for anonymous reporting or provide anonymous reporting online platforms such as the BKMS Compliance System.

II. Information requested from States parties and signatories in relation to promoting good governance in sport and mitigating the risk of corruption that sport faces globally

1. In the context of prevention, please describe (cite and summarize) the measures/steps your country has taken (or is planning to take, together with the related appropriate time frame) to promote good governance and mitigate the risk of corruption in sport.

Information sought may, in particular, include the following:

• Legislation and policy

- Good governance and/or anti-corruption legislation or policies (strategies, codes or other policies) that have been developed by the State party;

On 6 April 2016, the Federal Cabinet adopted the draft of an "Act to Amend the Criminal Code – Criminal Liability for Sports Betting Fraud and the Manipulation of Professional Sports Competitions." It will now be introduced into the legislative process and will be forwarded to the Bundesrat and the Bundestag for consultations.

The Federal Government's draft bill provides for the introduction of two new criminal offences. The criminal offence of sports betting fraud will cover agreements to manipulate results of sports competitions upon which a sports bet is to be placed; the offence of manipulation of professional sports competitions is designed to criminalise agreements to manipulate high-level professional sporting events. Further, the draft legislative initiative for both new offences includes the introduction of presumptive examples for particularly serious cases. The legislative initiative with regard to the new offences also provides for authorisation to intercept telecommunications if special conditions have been met.

Sports betting fraud (section 265c Criminal Code – *Strafgesetzbuch*, StGB) criminalises agreements to manipulate in connection with a sports bet. It includes all competitions in organised sports without limitation, because according to experience, sports betting occurs especially in the case of (manipulated or fixed) matches in the lower leagues and/or amateur sports.

Manipulation of professional sports competitions (section 265d StGB) includes agreements to manipulate even without a connection to sports betting if the agreement relates to high-level professional sporting events and may therefore have a palpable financial impact especially on sportsmen/women and clubs/associations.

For both offences, it is sufficient that the manipulation and, in the case of section 265c StGB, the sports bet as well are the subject of an illicit agreement. Proof of an actual bet or actual manipulation of a game/match need not be shown. In terms of passive bribery, the new criminal offences cover athletes, trainers and persons of a similar status, such as sports directors and association managers. They also cover referees, umpires and adjudicators. In terms of active bribery, the offences cover everyone. The draft bills provide for imprisonment of up to three years or a fine.

- Training of relevant officials and stakeholders in good governance and/or anti-corruption policies relevant to sport;
- Risk assessments of areas or sectors related to good governance and corruption in sports;
- Establishment of policy implementation, institutional or coordination mechanisms (allocated budget, designated responsible institutions, establishment of coordination structures, etc.).

An important objective of the Federal Government's sport policy is the efficient fight against corruption and manipulation of sports competitions at national and international level. For this

reason the Federal Government has contributed vigorously to the Council of Europe and UNESCO bodies dealing with the fight against manipulation of sports competitions. Germany was among the first states, which signed the Council of Europe Convention on the Manipulation of Sports Competitions on 18th September 2014. The Convention also contains measures in the context of prevention. The Federal Government intends to implement and ratify the Council of Europe Convention. Therefore the Government cooperates with all relevant stakeholders (e.g. public authorities, sport organizations and sport betting operators). In September 2015 the Federal Ministry of the Interior organized a national expert meeting to discuss inter alia measures in the field of prevention. It turned out that the German Football League (DFL), the German Football Association (DFB) had initiated a project entitled "Gemeinsam gegen Spielmanipulation" (joining forces against match-fixing). In addition to offering comprehensive education and information programs, the DFB and the DFL have also appointed an ombudsman as a neutral point of contact for all those who encounter match-fixing. Thus, players, coaches and referees can obtain advice even in cases where there is only an initial suspicion, and can help fight manipulation in football.

- **Partnerships and inter-institutional coordination**

- Description of how the participation of relevant stakeholders is promoted, including whether they are consulted and involved in the development, implementation, coordination and monitoring of policies;
- Measures to promote cooperation, coordination and exchange of information between law enforcement authorities, sports governing bodies and/or the private sector in relation to integrity in sport;
- Description of partnerships with relevant stakeholders (e.g. educational institutions, local communities and the private sector) to use sport to promote core values, in particular accountability, transparency and integrity.

With regard to the partnerships and inter-institutional coordination mentioned in the guidelines, we refer to the Match-Fixing Contact Office established at the Bundeskriminalamt in 2013, even though this office operates primarily in a punitive rather than a preventive capacity. The Match-Fixing Contact Office is intended to intensify cooperation between the law enforcement authorities and sports federations. In the context of this contact office, strategic partnerships have been formed with selected high-performance sport federations (DFB, the German Olympic Sports Confederation, the German Handball League and the German Basketball League). These partnerships include expert police advising and initial assessment of suspicious incidents; the office also establishes contact with the responsible law enforcement authority in the relevant federal state.

2. In the context of enforcement, please describe (cite and summarize) the measures/steps your country has taken (or is planning to take, together with the related appropriate time frame) to ensure the detection, investigation and prosecution of criminal offences linked to sport integrity.

Information sought may, in particular, include the following:

- Examples of criminal cases involving offences linked to integrity in sport (corruption, money-laundering, organized crime, match-fixing, etc.);
- Criminalization of sport-specific offences such as match-fixing, competition manipulation, illegal betting and betting manipulation;
- Activities and training to develop the capacity of investigators, prosecutors and other relevant officials in relation to criminal offences linked to integrity in sport;

- Establishment of specialized law enforcement or prosecutorial units responsible for dealing with offences relating to integrity in sport;

As part of addressing corruption in sport, in Germany criminal investigations may also be opened. The main aspects of the FLANKENGOTT investigation are described in the following:

The Flankengott investigation is an extremely complex and far-reaching investigation which the Bochum criminal investigations division has been conducting since 2009. In question are conspiracies to fix football matches for the purpose of committing betting fraud. So far, the Bochum regional court has convicted 17 persons of fraud committed on a commercial or gang basis and sentenced them to a total of roughly 45 years in prison.

Simply stated, the group relied almost entirely on a team with professionals paid by the network losing by as wide a margin as possible, or on many goals being scored in a previously agreed match. Large bets were placed on the Asian market using the Internet or by phone through an intermediary. Betting offices in Germany and abroad were used to make smaller and medium-sized bets. The leaders of the group, which was made up of five persons, used a functional level consisting of intermediaries for match-fixing in many different European countries. The aim was to use this structure to combine and expand the possibilities for manipulation in order to increase profits and the chances of winning. One leading member of the network even posed as a players agent and manager in order to operate undetected in football circles, looking for frustrated or poorly paid players who might be open to participating in match-fixing. Posing as a business, the network was also able to buy shares in football clubs and place in these and other clubs players willing to help fix matches. Investigators found that payments totaling €1.75 million had been made to fix matches, with individual payments ranging from €250 (A-level youth) to €100,000 per match.

The criminal network was found to have made net profits of €5.1 million. More than €2 million of that was seized and declared forfeited as part of asset recovery measures.

For the Flankengott investigation, led by the Bochum public prosecutor's office, the Bochum criminal investigations division set up a special investigating team. Various criminal procedural measures, including searches, arrests and telecommunications surveillance, were used in the investigation.

Investigators conducted extensive international correspondence. The case involved a number of different countries and led to the founding of the Interpol Match Fixing Task Force and Europol's Focal Point Sports Corruption. The Bochum public prosecutor also initiated two Joint Investigation Teams with the participation of several countries as well as Eurojust and Europol to investigate the case quickly and in a coordinated way.

Measures in the field of Good Governance were also discussed in the above mentioned national expert meeting (see number II. 1.), inter alia:

- prohibiting competition stakeholders from betting on sports competitions in which they are involved,
- prohibiting the misuse or dissemination of inside information,
- the requirement for competition stakeholders to report immediately any suspicious activity, incident, incentive or approach which could be considered an infringement of the rules against the manipulation of sports competitions.

The Federal Ministry of the Interior is considering to make the financial support of sports organization conditional on whether the respective sport organization will implement corresponding rules in its internal statutes.

- Development of cooperation and coordination mechanisms to promote interaction between law enforcement authorities and relevant stakeholders, such as sport organizations or private-sector entities, in relation to criminal offences relating to sport.

In 2014 and 2015 the Federal Ministry of the Interior participated in the working group on good governance of the German Olympic Sports Confederation (DOSB), the umbrella organization of German sport, in an advisory capacity. This working group, in which Transparency International Deutschland e.V. was also represented, drew up some basic documents (cf. enclosures) which will be used not only by the DOSB, but also by its member organizations. Furthermore, the DOSB recently set up an external ombudsperson's office (lawyers bound to observe secrecy), to which, among others, confidential reports of cases of suspected corruption and violations against the integrity guidelines in clubs and associations can be addressed.

https://www.dosb.de/fileadmin/fm-dosb/downloads/dosb/exemplary_Code_of_Conduct_EN.pdf

https://www.dosb.de/fileadmin/fm-dosb/downloads/dosb/GGinGermanSports_EN.pdf

Sports associations receiving financial assistance by the Federal Ministry of the Interior are required, among others, to implement "sound management standards" and observe "codes of conduct for corruption prevention" (cf. enclosures). The competent authority (The Federal Office of Administration) conducts random checks to control compliance with these rules.

http://www.bva.bund.de/SharedDocs/Downloads/DE/Beratung/Orgportal/20131018_Broschueren_Ordnungsgemaesse_Geschaeftsfuehrung.html

http://www.bva.bund.de/SharedDocs/Downloads/DE/BVA/Zuwendungen/bva_korruptionspraevention.html