

# Germany: Plans for Punishing Criminal Trading Platforms on the Internet



## News

**Thomas Wahl**

On 10 February, the German Federal Government passed a [draft law on the criminal liability of operating criminal trading platforms on the internet](#) and providing corresponding server infrastructures. To this end a new provisions is to be included into the German Criminal Code: Anyone who operates a trading platform on the internet whose purpose is to enable or promote the commission of certain illegal acts, such as child pornography, trafficking in drugs and weapons or making business with stolen data, is to be liable to a custodial sentence of up to five years or a fine. Likewise, anyone who knowingly or intentionally provides server infrastructures for corresponding trading platforms is to be punished. If the trading platform is operated on a commercial or gang basis or if the perpetrator knows that crimes are enabled or promoted by the platform, the penalties are to be higher.

In addition to the introduction of the new offence, effective investigation possibilities are to be created. For this purpose, the qualifying offences, which require acting on a commercial or gang basis or the targeted promotion of crimes, are to be included in the catalogue of offences for which telecommunications surveillance, online searches and traffic data collection is allowed. In the view of the Federal Government, the new criminal law regulations are necessary because the existing rules on aiding and abetting have often proven insufficient against this crime phenomenon.

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