



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 June 2004

10238/04

LIMITE

**ENFOCUSTOM 39
ENFOPOL 70**

NOTE

from: Presidency

to: Customs Cooperation Working Party

No. prev. doc. : 15315/2/03 ENFOCUSTOM 41 REV 2, 7218/04 ENFOCUSTOM 16,
7906/04 JAI 100

Subject : Action plan to take forward customs counter-terrorism initiatives
- Report from the informal working group

1. In Council document 7218/04 ENFOCUSTOM 16 dated 10 March 2004, the United Kingdom delegation recommends several actions that can be taken by Customs administrations to support the fight against international terrorism. The Customs Cooperation Working Party (CCWP) agreed that a small group of Member States be established to develop those actions and to produce an action plan for consideration.
2. The informal customs counter-terrorism working group met on 11 May. The group comprised representatives from France, Germany, Italy, the Netherlands, Portugal, Sweden, the United Kingdom, Europol and the Commission (DGs JAI & TAXUD).

3. The working group had a very useful and constructive meeting talking through the issues outlined in ENFOCUSTOM 16. The discussion identified that the key areas for development are:

- counter-terrorism awareness training;
- the collection and exchange of intelligence;
- threat assessments
- intelligence-led multi-agency operations and
- the funding of terrorism.

In addition, the group agreed that the areas for action must include:

- the external frontier of the Community
- export as well as import
- movements between Member States (under Article 30 of the Treaty establishing the European Community – national security).

The working group stressed the importance of taking note of other developments and activities in the field of counter-terrorism, such as the Proliferation Security Initiative.

Training

4. Is existing training sufficient to meet the new threat? To be able to counter the threat "you need to know your enemy". This begs a number of questions, including:

- do officers "know their enemy"?
- do they know the terminology – for example, what is a MANPAD?
- would they recognise a detonator?

Intelligence

5. This is the key to success; however, how do you identify the needle in the haystack or indeed the needle in the entire field ? The exchange of intelligence between Customs administrations and other relevant agencies is vital.

Threat assessments

6. Some customs-oriented threat assessments to counter international terrorism are available, but not for all modes of transport and not for all Member States. There is a need to identify what threat assessments are avail

Operations

7. The working group proposes that the CCWP, using the threat assessments, should organise multi-agency operations against high-risk targets.

Actions

8. A draft action plan is attached for approval by the CCWP. First and Third Pillar issues are identified on the plan, as a comprehensive, coordinated Customs approach is required. Work will be taken forward while respecting the Pillar competencies.
9. It is recommended that the current working group continues and reports to the CCWP.

ACTION PLAN

ACTION	DEADLINE	1 st / 3 rd PILLAR INPUT	CURRENT POSITION
1. Terrorism Threat Assessments (TTAs)			
1.1. Establish in each Member State what customs-related TTAs currently exist for external frontier and intra-EU movements	End of October 2004	1 st /3 rd	
1.2. Commission TTAs for missing areas: - Air, sea & land CBRNEs* by mode - Cash/money laundering Goods supporting terrorism Weapons of mass destruction/disruption & dual-use goods	End of November 2004	1 st /3 rd	
- Passengers & their baggage 1.3. Consider the development of an EU-wide TTA for Customs services	End of October 2004	1 st (3 rd for intra-EU)	

<p>2. Cooperation on and coordination of data exchanges with other 1st, 2nd & 3rd Pillar groups & law enforcement agencies</p>			
<p>2.1. Establish which 1st, 2nd & 3rd Pillar groups are dealing with counter-terrorism and their plans for the future</p>	<p>End of September 2004</p>	<p>1st/ 3rd [and 2nd]</p>	
<p>2.2. Ensure that communication lines between the CCWP and other relevant groups are robust</p>	<p>Ongoing</p>	<p>1st/3rd</p>	
<p>2.3. Establish what counter-terrorism data is currently:</p> <ul style="list-style-type: none"> - collected by Customs administrations obtained from other law enforcement agencies 	<p>Ongoing</p>	<p>1st/3rd</p>	

3. Counter-Terrorism Data Exchange			
3.1. Establish the suitability of Customs Information System software and hardware for counter-terrorism data transfers	End of 2004	1 st /3 rd	
3.2. Establish the present procedures for dissemination of counter-terrorism data within Customs administrations	End of 2004	1 st /3 rd	
3.3. Identify areas which (both within the EU and between EU & 3 rd countries) prevent: <ul style="list-style-type: none"> - sharing of data; and - collection & transfer of data 	Ongoing	1 st /3 rd	
3.4. Report to Directors General and Council on any legal and practical constraints to data exchange	1 st report: End of March 2005 2 nd report: End of November 2005	1 st /3 rd	

<p>4. Training</p> <p>4.1. Identify training needs to ensure awareness of terrorism threat</p> <p>4.2. Prepare training modules</p> <p>4.3. Carry out identified training needs</p>	<p>End of 2004</p> <p>End of June 2005</p> <p>End of 2006</p>	<p>1st</p> <p>1st</p> <p>1st</p>	
<p>5. Equipment</p> <p>5.1. Establish what CBRNEs* detection equipment is already available and what can be bought</p> <p>5.2. Establish research and development needs for new equipment</p> <p>5.3. Explore the possibility of joint research & development between Member States, with the Commission & with 3rd countries</p> <p>5.4. Explore the feasibility of multi-agency threat and risk assessments (MATRAs) in and between Member States</p>	<p>End of 2004</p> <p>End of 2004</p> <p>End of 2004</p> <p>End of March 2005</p>	<p>1st</p> <p>1st</p> <p>1st</p> <p>1st</p>	

<p>6. Operations</p>			
<p>6.1. In order to verify and inform TTAs and to support work underway in other groups, carry out targeted operations with other law enforcement agencies to tackle:</p> <ul style="list-style-type: none"> - money laundering - weapons of mass destruction/disruption - trade in other terrorist-related material (explosives/firearms) - goods that support terrorism (counterfeit goods, tobacco goods, prohibited goods (ie drugs) <p>at both import and export from and to high-risk countries for both EU & intra-EU traffic under the following categories:</p> <ul style="list-style-type: none"> - road and rail transport - sea containers - air cargo - passengers and their baggage - general aviation 	Ongoing	3 rd	
<p>6.2. Evaluate effectiveness of joint mobile Customs teams, sharing equipment, resources etc</p>	End of 2004	3 rd	

* CBRNEs = Chemical, biological, radiological & nuclear material and explosives.