



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 December 2012**

**17977/12**

**ENFOCUSTOM 143**

**OUTCOME OF PROCEEDINGS**

of:	Customs Cooperation Working Party (Experts meeting and Plenary meeting)
on:	11-12 December 2012
Subject:	Summary of discussions

**CCWP/Experts meeting 11 December 2012**

**1. Adoption of the agenda**

The meeting adopted the agenda as set out in doc. CM 5666/1/12 REV 1 with the deletion of point 10 (presentation transferred to the Plenary Meeting on 12 December 2012) and the addition of an information point by the NL delegation and the GSC.

**2. Information from the Presidency**

The CCWP was updated about some recent events of relevance to customs authorities enumerated in doc. DS 1826/12.

### 3. JCOs and other customs operations

#### - Operation Dragon and Operation Replica

OLAF presented the main points of Operation Dragon and Operation Replica. With regard to Dragon, there was a meeting with the Chinese anti-smuggling bureau and the negotiations concerning the draft operational plan were ongoing. A list of codes that could be included in the operation was presented. Written comments by Member States should be sent to OLAF.

The NL delegation expressed some concerns about the legal basis for the operation and stated that its participation to the operation would depend on the clarifications on the matter.

OLAF explained that the operational plan would include the reference to the legal basis.

With regard to Replica, ASEM invited OLAF to coordinate a third operation. OLAF accepted the proposal and received a mandate based on declarations of the customs directors. A new name and a new approach would be followed and a coordination with EUROPOL and other bodies would be envisaged. The scope of the operation would concern the introduction in the EU or in the ASEM of products infringing Intellectual Property Rights. The draft operational plan would be submitted to Member States.

#### - JCPO Athena III

The DK delegation presented an overview about JCPO Athena III, carried out in the period 16-27/10/2012 and mainly focused on the movements of large amounts of cash. A significant number of seizures on cash and jewellery was effected, together with the application of the relevant fines.

The WCO communication system was used for the exchange of information. The detailed final report will be available at the beginning of 2013. The deadline for submitting the national reports is 31 December 2012. The DK delegation also referred to the draft press release circulated during the meeting and asked MS to provide comments. The final draft would be sent to the national contact points.

- JCO Victory

The CY delegation presented information about JCO Victory, a customs operation in the Mediterranean sea based on controls on suspicious sea and airfreight cargo of the participating countries, with the aim of detecting illicit traffic of counterfeited / pirated goods. It was coordinated by the CY Customs, with the collaboration of the RILO WE (Regional Intelligence Liaison Officers West Europe) and the support of the WCO Secretariat.

RILO WE presented the details and statistics about the positive outcome of the operation.

- Operation Opson II

EUROPOL presented Operation Opson II, concerning the detection of violation of intellectual property rights and consumer protection in the food sector.

#### **4. Programme Archeo**

RILO WE presented Archeo, a real-time communication tool for information exchange and cooperation in the area of cultural heritage border protection. Archeo aims to share best practices within the network, provide training materials, exchange information on seizures and possible on-going trafficking, facilitate assistance by experts and cooperation between customs administration and competent organizations.

#### **5. Advanced Detection of Stolen Vehicles Training Tool (ADESVET)**

FRONTEX presented the tool ADESVET for the specialised training in the field of detection of stolen vehicles. The training tool until now has facilitated the detection of about 1000 stolen vehicles and case studies are used as best practices to be shared.

## **6. Draft final report on JCPO Radar**

The Presidency explained that the draft report could not be approved during the meeting as some comments had arrived very late. The FR and SE delegations asked for an extension of the period for sending comments concerning the report and, together with the IE delegation, proposed some changes to the document.

A version taking into account these modifications will be submitted to the CCWP Experts under the next Presidency.

## **7. Update of the multiannual overview of JCOs**

No significant changes were proposed to the multiannual overview of JCOs.

## **8. Results of the questionnaire for transit passengers and proposal for a threat assessment**

The CY delegation presented document DS 1830/12, which is a continuation of the proposal for the preparation of a threat assessment on air transit passengers presented at CCWP Plenary meeting on 13 July 2012 (doc. DS 1483/12). This proposal was accompanied by a questionnaire sent to the Member States (doc. CM 3743/12).

The analysis took into account the answer from 23 Member States and HR.

The majority of the Member States indicated that the current legal instruments for the control of air transit passengers are sufficient. However, several Member States indicated the need for a legal basis that will enable customs authorities to have access to the Passenger Name Record (PNR).

Almost all Member States indicated that they came across cases of air transit passengers that have used unusual routes so as to avoid customs checks. Cocaine was considered to be the highest risk area, followed by tobacco products and synthetic drugs.

It appeared that the exchange of information needs to be improved and that the creation of a threat analysis document on air transit passenger would be of benefit to the customs authorities.

The CCWP agreed to create a project group on the above mentioned threat analysis under the leadership of CY. CY would start to work on a draft mandate and present it possibly at the next CCWP meeting.

## **9. Customs Internet Crime Units**

The CZ delegation made a presentation on the techniques applied by customs to tackle customs related cybercrimes. It provided an overview of the situation of customs internet crime units and specialists in the Member States, as well as of the areas covered. It presented a case study and explained the approach and relevant tools (software and hardware).

The FR delegation made a presentation on its cybercrime team (Cyberdouane).

The NL delegation made a presentation focused on the tools available for searches of internet sale of illegal products on the web and on the social media.

## **10. EnviCrimeNet Network**

This point was withdrawn from the agenda and inserted in the agenda of the CCWP Plenary meeting of 12 December 2012.

## **11. The priorities of the Irish Presidency CCWP Experts**

The IE delegation presented its priorities for the next semester. It explained that a joint meeting of the CCWP/LEWP would be replaced by presentations from the respective Chairs at each Working Party.

The priorities in the CCWP Experts are the implementation of the Annual Review of the JCO Library and Guide, the coordination of JCOs and JCPOs as well as the management of the Coordination mechanism for JCOs with LEWP, FRONTEX, Europol and other parties.

A High Level Seminar would take place in Dublin on 26-27 March 2013 to explore strategies and structures for risk management in order to lead to an increased harmonisation of security controls and of the levels of performance in all Member States.

## **12. AOB**

After the presentation of last June by the BE delegation, the point concerning the production and coordination of risk analysis products at CCWP Expert meetings was pending. The experts decided to add it to the electronic library and OLAF was requested to create a file in the library in order to deal with this issue. The file has been created.

The Presidency explained the view of FRONTEX about the coordination mechanism and the possible synergies resulting from the cooperation, following a meeting held on 13 November 2012. The focus was on different areas of risk and a cooperation with FRONTEX could be useful for all the parties.

The NL delegation presented briefly the Operation "Good Eye" carried out together with Europol and Interpol in November 2012.

The GSC invited delegations to provide documents and presentations well ahead of the meeting in order to facilitate the organisation of the meetings.

## CCWP Plenary meeting 12 December 2012

### **1. Adoption of the agenda**

The meeting adopted the agenda as set out in doc. CM 5666/1/12 REV 1 with the addition of the presentation on EnviCrimeNet that was removed from the agenda of the Experts meeting of 11 December.

### **2. Information from the Presidency**

The Presidency updated the group about some recent events of relevance to customs authorities enumerated in doc. DS 1826/12. Furthermore, it informed the CCWP that the Council had endorsed the strategy prepared by the WP and presented a brief information about the Experts meeting.

### **3. Fifth Action Plan (July 2011 - December 2012) to implement the Council Resolution of 23 October 2009 on a reinforced strategy for customs cooperation**

The Presidency gave an overview of the points of the action plan.

With reference to action 5.1, the LT delegation explained that it was still considering the answers to the questionnaire and that an update would follow in the next meetings.

Actions 5.2 and 5.6 were dealt with as a separate point on the agenda.

With reference to action 5.3, the issue of training would be followed under future Presidencies.

With reference to Action 5.4, the Presidency recalled the presentation by OLAF on MAB mail at the CCWP November meeting as well as the opinion on the matter of the Council Legal Service, reported in the outcome of proceedings of that meeting.

The final report of Action 5.5 had been already adopted.

The mandate for Action 5.8 was adopted at the November meeting and the work has begun. The PL delegation will be in touch with the participants Member States for the development of the relevant actions.

With reference to action 5.9, the PL delegation stated that an update would be presented during the IE Presidency.

With regard to Action 5.10, the DE delegation explained that the preparation of the report was ongoing and should be finished by the end of January 2013.

**4. Draft Final Report on Action 5.2 “To examine the working/investigative techniques applied by customs and other law enforcement authorities to combat customs related crime, including organized crime, through the Internet, and to explore the current situation regarding the existence of customs Internet crime specialized unit”**

The CZ delegation presented the draft report on the action (doc. 17225/12 ENFOCUSTOM 137 ENFOPOL 406), explaining the importance of raising awareness of the situation and to establish specialised units in order to tackle the use of Internet for criminal purposes. An improved cooperation and an exchange of best practices between the existing specialised units of the Member States and the use of new working methods and investigative techniques will also be essential in the fight against illicit trafficking of goods by Internet.

Delegations were generally supportive of the document but entered reservations so as to examine it more thoroughly.

The Presidency gave a deadline until 21 December for written comments. A revised draft would be on the agenda of the next meeting.



## **5. Draft Final Report on Action 5.6 “To explore in greater detail the legal and operational possibilities of coordinated activities involving customs for detection, prevention and investigation of crime at the external borders”**

The HU delegation presented the draft report on Action 5.6 (doc. 15423/12 ENFOCUSTOM 109 ENFOPOL 409 FRONT 176) for approval. Several delegations requested more time for the proper evaluation of the document.

The Presidency gave a deadline until 21 December for written comments. A revised draft would be on the agenda of the next meeting.

## **6. Coordination of Member States' actions within CCWP**

The NL delegation explained the main changes from the last discussion.

Some delegations were supportive of the document and appreciated in particular the trial period, while other delegations had still doubts about the scope and usefulness of the proposed coordination. Some clarifications would still be needed, in particular on how to deal with the business cases and how to define the role of the Presidency, also in the framework of contacts with other international organisations. Time constraints to put in place the procedure described in the document should also be considered. The NL delegation would prepare a revised draft to be presented at the next meeting. With reference to the question on the coordination in international bodies, it clarified that this aspect is out of the scope of the document under discussion. With reference to timing constraints, it referred to the possibility to introduce a written procedure.

The objective of the exercise would not be to create an unnecessary procedure, but to strengthen the cooperation further by discussions between the relevant actors.

One delegation asked if in the planning of JCOs also DG TAXUD, WCO and other relevant bodies would be involved. The Commission explained that OLAF, and not TAXUD, organises JCOs and first will refer to the Mutual Assistance committee.

The Presidency observed that progress has been made on this point and that an updated document will be prepared for the next meeting. The delegations were invited to submit comments in writing.

**7. Report on the inspection of the Customs Information System conducted in October 2011 by the inspection team appointed by the Customs Joint Supervisory Authority**

A representative of the Joint Supervisory Authority presented the report, which was focused on three aspects, namely security, functioning and content. The security does not present any significant issue.

With reference to functioning, the report highlighted that some Member States were not using the system and did not connect to it in the last two years.

Taking into consideration the content, a manual deletion of data should take place regularly, however this deletion process has not been effected in every case. In general, the evaluation of this point was positive.

As a general remark, the representative of the JSA pointed out that the system, that had been in place for ten years, was not being used at the expected level, and added that Member States should consider whether it was worth to keep the system up and running.

OLAF commented that an implementation of the recommendations of the Joint Supervisory Authority had been done and that the use of the system varied highly throughout the year, consequently the methodology used for the assessment was not completely representative.

It observed that the use of the system was not optimal and suggested a discussion between Member States to analyse the reasons for its under-use, to find ways to improve it and finally to decide whether to keep it or not.

A presentation about CIS and FIDE followed.

The Presidency explained that due to time constraints it was not possible to continue the discussion and that the point would need to be further discussed at one of the next meetings.

## **8. Information from the incoming Irish Presidency**

The IE delegation made a presentation explaining the priorities of its Presidency.

The priorities will concern the resolution of the outstanding elements from the 5<sup>th</sup> Action Plan, the implementation of the Strategy for Future Customs Law Enforcement Cooperation through the launch of the 6<sup>th</sup> Action Plan, the promotion of JCOs and JCPOs, the exploration of new opportunities for enhanced engagement by Customs with the EU policy cycle, the review of CCWP governance and working methodology and the revision of Council Decision 2009/917/JHA (Potential Mutual Assistance Regulation).

## **9. AOB**

EUROPOL made a presentation on the EnviCrimeNet.