



**RAT DER
EUROPÄISCHEN UNION**

**Brüssel, den 24. Juni 2013 (25.06)
(OR. en)**

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FIN 358

ÜBERMITTLUNGSVERMERK

Absender: Herr Janusz LEWANDOWSKI, Mitglied der Europäischen Kommission
Eingangsdatum: 24. Juni 2013
Empfänger: Herr Brian HAYES, Präsident des Rates der Europäischen Union

Betr.: Mittelübertragung Nr. DEC 14/2013 innerhalb des Einzelplans III –
Kommission – des Gesamthaushaltsplans für 2013

Die Delegationen erhalten in der Anlage das Kommissionsdokument DEC 14/2013

Anl.: DEC 14/2013



BRÜSSEL, DEN 19/06/2013

GESAMTHAUSHALTSPLAN – HAUSHALTSJAHR 2013
EINZELPLAN III - KOMMISSION TITEL 24

MITTELÜBERTRAGUNG Nr. **DEC 14/2013**

EUR

HERKUNFT DER MITTEL

KAPITEL – 40 01 RESERVEN FÜR VERWALTUNGSAusGABEN

ARTIKEL 40 01 40 – 24 01 06 Europäisches Amt für Betrugsbekämpfung (OLAF)

NGM

- 3 929 200

BESTIMMUNG DER MITTEL

KAPITEL – 24 01 Verwaltungsausgaben des Politikbereichs „Betrugsbekämpfung“

ARTIKEL - 24 01 06 Europäisches Amt für Betrugsbekämpfung (OLAF)

NGM

3 929 200

I. AUFSTOCKUNG

a) Bezeichnung der Haushaltslinie

24 01 06 - Europäisches Amt für Betrugsbekämpfung (OLAF)

b) Zahlenangaben (Stand: 5.6.2013)

| | NGM |
|---|------------------|
| 1A. Bewilligte Mittel des Haushaltsjahres (ursprünglicher Ansatz + BH) | 53 727 800 |
| 1B. Mittel des Haushaltsjahres (EFTA) | 0 |
| 2. Übertragungen | 0 |
| <hr/> | |
| 3. Endgültige Mittel des Haushaltsjahres (1A+1B+2) | 53 727 800 |
| 4. Inanspruchnahme dieser Mittel | 48 625 170 |
| <hr/> | |
| 5. Nicht verwendete/verfügbare Mittel (3-4) | 5 102 630 |
| 6. Bedarf bis Ende des Haushaltsjahres | 9 031 830 |
| 7. Beantragte Aufstockung | 3 929 200 |
| 8. Anteil der Aufstockung an den Mitteln des Haushaltsjahres (7/1A) | 7,31% |
| 9. Anteil der kumulierten Aufstockungen im Sinne von Artikel 26 Absatz 1 Buchstaben b und c der HO, berechnet gemäß Artikel 14 der AB, an den endgültigen Mitteln des Haushaltsjahres | entfällt |

c) Einnahmen aus Einziehungen (aus dem Vorjahr übertragene Mittel) (C5)

| | NGM |
|--------------------------------------|------------|
| 1. Verfügbare Mittel am Jahresanfang | 14 923 |
| 2. Verfügbare Mittel am 5.6.2013 | 14 923 |
| 3. Ausführungsrate [(1-2)/1] | 0,00% |

d) Begründung

Bei der Erstellung des Haushalts 2013 hat die Haushaltsbehörde einen Betrag von 3 929 200 EUR für die Haushaltslinie A3 01 01 (Ausgaben für Personal im aktiven Dienst) aus der Haushaltslinie 24 01 06 (Europäisches Amt für Betrugsbekämpfung) in die Reserve eingestellt.

Dieser Betrag entspricht mehr als 10 % der Mittel bei der Haushaltslinie A3 01 01, die dazu benötigt werden, die Ausgaben im Zusammenhang mit den Bezügen der Bediensteten bis zum Jahresende zu decken.

Die Bedingung zur Freigabe der Reserve ist folgende: „3 929 000 EUR werden aus der Reserve freigegeben, sobald das OLAF den Mitgliedern des Europäischen Parlaments in einem gesicherten Lesesaal Einsichtnahme in die Verwendung der vom OLAF kofinanzierten Mittel im Rahmen des Programms Hercule II in den Mitgliedstaaten gewährt hat. Dabei soll das OLAF offenlegen, welche Infrastruktur kofinanziert wurde, welche technischen Geräte vorhanden sind und ob sie funktionsfähig sind, und welche Ergebnisse erreicht wurden.“

Im Anhang sind genaue Informationen über die Schritte enthalten, die zur Erfüllung dieser Bedingung unternommen wurden, und auf dieser Grundlage fordert die Kommission die Haushaltsbehörde auf, die vorgeschlagene Mittelübertragung zu genehmigen.

II. ENTNAHME

a) Bezeichnung der Haushaltslinie

**40 01 40 – VORLÄUFIG EINGESETZTE MITTEL FÜR VERWALTUNGS-AUSGABEN– Artikel
24 01 06 - Europäisches Amt für Betrugsbekämpfung (OLAF)**

b) Zahlenangaben (Stand: 7.6.2013)

| | NGM |
|--|------------------|
| 1A. Bewilligte Mittel des Haushaltsjahres (ursprünglicher Ansatz + BH) | 3 929 200 |
| 1B. Mittel des Haushaltsjahres (EFTA) | 0 |
| 2. Übertragungen | 0 |
| <hr/> | |
| 3. Endgültige Mittel des Haushaltsjahres (1A+1B+2) | 3 929 200 |
| 4. Inanspruchnahme dieser Mittel | 0 |
| <hr/> | |
| 5. Nicht verwendete/verfügbare Mittel (3-4) | 3 929 200 |
| 6. Bedarf bis Ende des Haushaltsjahres(*) | 0 |
| 7. Beantragte Entnahme | 3 929 200 |
| 8. Anteil der Entnahme an den Mitteln des Haushaltsjahres (7/1A) | 100,00% |
| 9. Anteil der kumulierten Entnahmen im Sinne von Artikel 26 Absatz 1 Buchstaben b und c der HO, berechnet gemäß Artikel 14 der AB, an den endgültigen Mitteln des Haushaltsjahres (*) Nicht zutreffend bei Reservelinien | entfällt |

c) Einnahmen aus Einziehungen (aus dem Vorjahr übertragene Mittel) (C5)

| | NGM |
|--------------------------------------|------------|
| 1. Verfügbare Mittel am Jahresanfang | 14 923 |
| 2. Verfügbare Mittel am 7.6.2013 | 14 923 |
| 3. Ausführungsrate [(1-2)/1] | 0,00% |

d) Begründung

Siehe genaue Begründung im Anhang.

DETAILED JUSTIFICATIONSInformation already provided: the Hercule annual overview 2011

- Information was sent first of all by e-mail on 25 October 2012¹. This consisted of tables and statistical information on the results of the Hercule II programme in 2011, such as the number and amounts of grants and contracts awarded in 2011.
- On 11 December 2012, OLAF sent a Commission Staff Working Document (SWD)², containing more detailed information including, examples of the results achieved with technical equipment funded under the programme.
- The overview includes a list of the beneficiaries of the grants and contracts, broken down by sector of activity and Member State. It also includes information on the multi-annual impact of the funded actions for which the results have become available in 2011 and that were funded under budgets of previous years.
- This Commission Staff Working Document was transmitted to the European Parliament and to the Council by means of the normal procedure (e-Grefte) and in parallel sent together with a personal letter³ from Mr Kessler to Mr Klaus Welle, SG of the European Parliament.
- The Commission Staff Working Document provides, in a comprehensive way, detailed information on beneficiaries and contractors that received grants or contracts funded under the Hercule II programme. This document complements the information that is already published and accessible on the Commission's Financial Transparency System⁴ website. The Commission (OLAF) is preparing the 2012 overview on Hercule which will provide additional information on the implementation in 2012 of the Hercule II programme (see hereafter).

Use of money in the Member States under the Hercule Programme in 2011

The EP request for information focuses on the technical equipment co-funded under the Hercule programme through grants. The overview 2011 contains tables on the global figures on the division of Hercule monies among the Member States (page 10 of the overview). The following information gives an overview of technical equipment funded.

- Technical equipment investigation support

The overview 2011 indicates that, under the grant call for proposals procedure in 2011, **14 Member States** received a grant for technical equipment to support investigations to protect the EU financial interests (Table on pages 11, 12 and 13 of the overview).

Technical equipment made available ("infrastructural facilities"):

1. technical support to strengthen inspections of containers and trucks at the EU's external borders, including the fight against cigarette smuggling and counterfeiting.
2. automated container-code recognition systems;
3. automated number-plate recognition systems;
4. technical equipment for electronic surveillance (cameras, computers, listening devices, radio surveillance electronic equipment, etc.);
5. technical equipment for mobile surveillance (tracking and tracing devices, audio and video transmission equipment, etc...);

1 Sent by Ms Arwidi to Ms Grässle on behalf of Mr Kessler.

2 SWD(2012)445 of 11 December 2012.

3 ARES(2012)1541623 of 21 December 2012. This letter was copied to Mr Theurer, Chairman of the CONT, Ms Ivanova, MEP, Rapporteur for the Hercule III proposal and to the CONT Secretariat.

4 See: http://ec.europa.eu/beneficiaries/fts/index_en.htm

6. technical equipment for the acquisition and analysis of digital evidence (computers, specialised software, etc...);
7. technical equipment for encrypted communications (computers, specialised software, etc.);
8. equipment and devices to detect smuggled and counterfeited goods on the basis of the scent characteristics of the smuggled and counterfeited goods (canine units).

Results:

The supported activities led to substantial qualitative improvements in existing technical systems used for investigative and operational activities by national and regional administrations. The grants also covered specific technical training for staff to ensure optimal use, maintenance and management of the equipment. Many of the grants signed in 2011 were not yet finalised with a final report indicating the results achieved with the equipment (this takes usually some years). Nevertheless the following examples provide a good indication of the results obtained and the added value (page 25 of the overview).

Grant awarded to a Polish law enforcement agency under sector 7.1.2. - Technical support for detecting the presence of cigarettes and tobacco. In the 12 months following its acquisition, the technical equipment was efficiently used in 20 tobacco-related investigations with 112 persons and 32 illicit goods seized.

Grant awarded to a Slovak law enforcement agency under sector 7.1.1. – Technical support for national authorities. In the first half of 2012 the equipment purchased was used in many routine customs operations and led to the seizure of illicit goods totalling around EUR 2 million.

- Technical equipment for the detection of illegal cigarettes

The overview 2011 indicates that, under the grant call for proposals procedure in 2011, **5 Member States** received a grant for technical equipment to support investigations on cigarette smuggling and cigarette counterfeiting (Table on page 14 of the overview).

Technical equipment made available ("infrastructural facilities"):

9. X ray scanners
10. Mobile surveillance equipment
11. Laboratory equipment

Results:

The following example provides a good indication of the results obtained and the added value (page 25 of the overview), bearing in mind that the final reports on the results obtained have not yet been prepared by the beneficiaries.

A grant awarded to a Romanian law enforcement agency enabled the purchase of technical equipment that was used in a large number of routine and special operations to fight crime groups specialised in the smuggling of tobacco, cigarettes and other commodities. These groups also bribed custom and police officials. The operations eventually led to the arrest of a large number of criminals and corrupt law enforcement staff as well as the seizure of substantial amounts of smuggled tobacco, cigarettes, liquors and other commodities.

- IT support

The Hercule Program, in addition to funding technical equipment, funds the access for Member States to (risk analysis) intelligence information contained in (external) databases in support of their investigations. OLAF procures this access on behalf of the Member States.

The information concerns, for example, specific company information, ship manifests, vessel movements, import and export information on (big) third countries and trade statistics to support customs- and fraud investigations (page 21 of the overview).

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| OLAF has furthermore concluded a framework contract with SOI (Scottish Ocean Institute), which provides Member States a chemical analysis of seized tobacco and cigarettes with a view to identify the origin. In 2011 SOI analysed 100 samples of cigarette packs. |
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Information Report 2012

The overview of 2012 is in preparation and will be presented to the EP and Council as an annex to the Article 325 Report for 2012 of the Commission. The adoption of the Article 325 report is scheduled for July 2013. For 2012 **20 Member States** received a grant for technical support and **11 Member States** have received a grant for technical support to fight cigarette smuggling. Some examples of the equipment financed and the results obtained can be found in the attached annex.

Evaluation Hercule II 2014

By 31 December 2014, the Commission (OLAF) shall present the EP and to the Council a (formal) report on the achievement of the objectives of the programme.

Case studies 2012

The grant was awarded to a **Lithuanian law enforcement agency** for the purchase of technical equipment (upgraded software and hardware for computer forensic investigation and forensic duplicator). The procured tools were used in several operations to investigate illicit activities by legal entities, fraudulent management of accounts, documents forgeries and illicit or irregular use of financial EU support provided under the Common Agricultural Policy (CAP), Cohesion policy, Trans-European Networks (TEN) funds. The equipment is used in almost all on-going pre-trial investigations and undercover operations in Lithuania. The software and hardware for digital forensic examinations was successfully used investigations, which led to the identification of 38 suspects, and a financial impact estimated at EUR 19.6 million.

A grant awarded to a **Spanish law enforcement agency** enabled this agency the purchase special devices to track, monitor and detect vehicles and individuals suspected of involvement in cigarette smuggling (cameras and transmission devices). The equipment was used in operations dedicated to the fight of smuggling of cigarettes via containers delivered in Spain and Portugal. In addition the equipment was used in a case regarding imports of hydrocarbons and petrol in the EU that saw the arrest of 31 people, and an estimated financial impact of EUR 60 million. Surveillance equipment was used in a case concerning fraud to obtain refunds of VAT via a virtual trade of olive oil for which 14 people were arrested and the financial impact is estimated to be EUR 5 million. The equipment was also successfully used in an operation concerning counterfeiting of euro notes and coins by a transnational criminal organisation that led to the arrest of 9 people. Its financial impact is estimated at EUR 240 050.

Estonia, Latvia and Lithuania were able to complete the interfacing project of their respective vehicle tracking systems also thanks to the financial support (EUR 100 030) provided by the Hercule II Programme. The linking of the systems allows mutual visibility for transport registered in the three countries. In addition, alert messages would be transferred from one system to another and therefore be accessible at all the borders of the three Baltic States. The objective of this project was enhancement of the customs control efficiency. Improvement of the fight against illicit trafficking of goods, in particular tobacco products, and strengthening of cooperation in collection of excise duties. As it is an on-going project, tangible results will be available in the future. A further benefit is that the linked system might be extended it to other Member States, thereby creating a wide network of exchange of information and active collaboration in the fight against counterfeiting and smuggling of cigarettes and tobacco.

The grant awarded for the purchase of technical equipment for investigators within a **Finnish law enforcement agency** proved very efficient and useful for its end users. The aggregated financial impact of one of the operations investigating corruption and bribery in a big municipality, amounts to almost EUR 200 000 and will bring to court up to 10 suspects. The equipment was also used in collaboration with the Finnish national custom authority, which was then able to make a major case against cigarettes smugglers. The equipment allowed the authorities to seize at least 4 million cigarettes, with a financial impact of approximately EUR 900 000. As clearly mentioned by the beneficiary, these investigations could not have taken place in the same successful way without the support from Hercule that enabled the purchase of the technical equipment.

A **Romanian law enforcement agency** received a grant for the purchase of technical equipment for investigators. The aggregated financial impact of the operations, in which Hercule-funded equipment was used, amounts to almost EUR 300 000. One operation related to an investigation involving 14 members of the staff of a public authority who were suspected of falsifying documents in order to obtain European Funds. The value of the suspected fraud amounts to EUR 3 million. The second operation related to the abuse of an amount of EUR 5 million of EU funds given to build the first section of a motorway. The investigations could not have taken place in the same successful way without the support of Hercule in the purchasing of the technical equipment.

The **Danish law enforcement agency** was awarded a grant used to purchase 6 scanners used in operations dedicated mostly to the fight of smuggling of cigarettes and other illicit activities, at airports and harbours. The equipment was put to use in December 2011 and for the following six months carried out in total almost 30 000 scans and controls and made 370 hits. As a result of those hits, the law enforcement agency was able to retrieve 87 220 cigarettes and almost 24 kg of smoking tobacco. In addition, thanks to the scanners, the authority was able to seize drugs (30 000 tabs of ecstasy, 8 kg of marihuana and 91 kg of qat) and medicines (almost 10 000 items).