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COVER NOTE

from:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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to:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

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Subject:	COMMISSION STAFF WORKING DOCUMENT [Anti-smuggling Action Plan] Accompanying the document Communication from the Commission to the Council and the European Parliament Stepping up efforts to fight against cigarette smuggling and other forms of illicit trade in tobacco products– A comprehensive EU Strategy

Delegations will find attached Commission document SWD(2013) 193 final.

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COMMISSION STAFF WORKING DOCUMENT

[Anti-smuggling Action Plan]

Accompanying the document

Communication from the Commission to the Council and the European Parliament

Stepping up efforts to fight against cigarette smuggling and other forms of illicit trade in tobacco products– A comprehensive EU Strategy

{COM(2013) 324 final}

COMMISSION STAFF WORKING DOCUMENT

[Anti-smuggling Action Plan]

Accompanying the document

Communication from the Commission to the Council and the European Parliament

Stepping up efforts to fight against cigarette smuggling and other forms of illicit trade in tobacco products– A comprehensive EU Strategy

Action	Description	Timeline	Responsible	Outcome Indicator
1	Measures to decrease incentives			
1.1	Aligning definition of excisable tobacco with customs definitions	Propose revisions of Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco and Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC including aligning the definitions of excisable tobacco products with CN definitions.	Mid- to long term / end 2014	Commission Adoption of Commission proposal
1.2.	Travellers' allowances	Prepare report to the Council on the implementation of the current rules, accompanied by technical guidance on the application of relief thresholds for travellers.	Short-term / second half 2013	Commission Publication of report

1.3	Anti-forestalling	Examine the need for rules limiting forestalling, in particular by organising a workshop to discuss current anti-forestalling measures and related best practice solutions with MS.	Short-term / second half 2013	Commission	Workshop organised
1.4	Awareness raising	Organise targeted public awareness raising actions using modern technologies based on existing good examples emphasising the links between cigarette smuggling and organised crime.	Mid-term / 2014	Commission and interested Member States	Number of awareness raising actions
2.	Measures to secure the supply chain				
2.1	Signature of the FCTC Protocol	Present the proposal for the Council Decision on the signing on behalf of the EU of the FCTC Protocol.	Short-term / June 2013	Commission	Signature
2.2	Conclusion and implementation of the FCTC Protocol	Analyse the necessity of adopting additional EU legislation to ensure compliance with supply chain control provisions of the FCTC Protocol at EU level. Present proposals for a decision of the European Parliament and of the Council to conclude the Protocol and for additional necessary legislative measures to ensure compliance with the FCTC provisions as far as matters falling into EU competences are concerned.	Mid-term / 2014	Commission	Adoption of Commission proposals
2.3	Tobacco Products Directive	Adoption of the proposed Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products	Mid-term / 2014	European Parliament and Council	Adoption

		(COM(2012) 788 final, 2012/0366 (COD)).			
2.4	Delegated acts provided for in the proposed Tobacco Products Directive	Adoption of the delegated acts provided for in the proposed Directive (concerning technical details relating to the compatibility between the tracking and tracing systems, the standardisations for security features and data storage contracts).	Mid- to long term / 2014-2015	Commission	Adoption
3.	Measures to strengthen enforcement				

3.1 Addressing challenges of EU enforcement authorities

Risk Management

3.1.1	Action Plan on EU customs risk management and supply chain security	Preparation of an Action Plan on EU customs risk management and supply chain control following the Council Conclusions (to be adopted under Irish presidency).	Council Conclusions: first half of 2013 Action Plan: mid-term/ 2014	Commission and Member States	Action plan drafted
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Operational actions					
3.1.2	PCA on cigarettes	After the conclusion of the PCA prepare, on the basis of the results, recommendations to strengthen the EU capacity to identify cigarette smuggling.	PCA conclusion: short-term / end 2013 Recommendations: first quarter 2014 Implementation: long-term	Commission and Member States	Recommendations agreed and implemented

3.1.3	JCO at Eastern Border	Analyse the results of the complementary JCO at the Eastern Border in cooperation with Frontex, targeting cigarette smuggling.	Short-term / first half 2013	Commission and Member States	Debriefing on JCO meeting
3.1.4	Consignments from the UAE	Better target illicit consignments sourced from the UAE.	Mid- to long term / 2014 -2015	Commission and Member States	Number of seizures
3.1.5	Targeted action using mobile teams	Coordinate a specific action using EU mobile teams targeting main routes inside the EU.	Mid-term 2014	Commission and Member States	Number of seizures
3.1.6	Suspicious transport companies	Propose a targeted action on suspicious transport companies.	Mid- to long term / 2014-2015	Commission and interested Member States	Action completed
3.1.7	Improvement of JCOs	Resolve the problems and weaknesses identified in the management, financing, coordination and follow-up of JCOs.	Mid-term /2014	Member States and Commission	Recommendations
3.1.8	Samples of cigarettes and other tobacco products seizures made in the MS	Evaluate the information obtained through the analysis of samples of cigarettes and other tobacco products seized in the Member States.	Continuously	Commission	Identify origin of illicit products and analyse quality
3.1.9	Customs Laboratories	Encourage and promote the cooperation and involvement of customs laboratories in the analysis of seized tobacco products.	Mid- to long term	Commission and Member States	Number of samples sent/results received

IT tools and equipment

3.1.10	CIGINFO analysis	Carry out regular analysis of the CIGINFO data and provide a comprehensive report to MS, in order to make better use of existing data and improve data quality.	Long-term and on a yearly basis	Commission	Annual report based on CIGINFO Data
3.1.11	CIGINFO data quality	Improve the quality, the completeness and the timeliness of the reported data which serves as a basis for the analysis.	Long-term / continuously	Commission and Member States	Amount, completeness and accuracy of data reported by Member States
3.1.12	Special COCOLAF meeting on CIGINFO	Organise a special meeting with Member States on how to improve the reporting and the analytical work related to the CIGINFO.	Short-term / second half 2013	Commission	Organisation of the meeting by autumn 2013 and ensuring follow-up
3.1.13	Automated licence plate and container code recognition tool on Eastern Border	Interlink and centralise the information obtained via this tool in order to make it available to the other Member States.	Long-term	Commission	Interconnect the system and ensure access for all Member States
3.1.14	Identification of available programmes to modernise customs	Assist Member States in identifying available programmes to support and modernise customs infrastructure, equipment, services and facilitate the access to the use of available and future funding instruments.	Mid-term / continuously	Commission	Number of assistance requests answered and resolved

3.1.15	Internal coordination in using funding programmes	Improve internal coordination as regards Member States' applications to use available programmes.	Mid-term / continuously	Commission	Number of coordination meetings and recommendations
3.1.16	Identification of available resources for financing equipment for Customs Laboratories	Provide support to Member States in identifying available resources for financing equipment for the Customs Laboratories, mainly to buy equipment for DNA analysis and other sophisticated analytical methods, handheld apparatus, development of mobile laboratories.	Short-term / second half 2013	Commission	Number of assistance requests answered and resolved
Cooperation between authorities					
3.1.17	Exchange of strategic intelligence and threat analysis with FRONTEX	Establish regular exchange of strategic intelligence and threat analysis with FRONTEX with the objective of fighting against cross border crime.	Mid-term/ by 2014 and from then on a yearly basis	Commission, FRONTEX	Number of exchanges
3.1.18	Improved strategic information sharing with INTERPOL	Improve strategic information sharing with Interpol, especially on the organised crime aspect.	Mid-term/2014	Commission, INTERPOL	Number of information exchanges, meetings, conferences
3.1.19	Reform of OLAF Regulation	The pending review of the OLAF Regulation should be adopted as soon as possible.	Short-term / mid-2013	European Parliament and Council	Adoption
3.1.20	Reform of EUROPOL Regulation	Adopt proposed new Regulation.	Mid-term/2014	European Parliament and Council	Adoption

3.1.21	Reform of EUROJUST	Adopt new Regulation to be proposed by the Commission in summer 2013.	Mid-term/ 2014	European Parliament and Council	Adoption
3.1.22	Share intelligence under EUROSUR	Share intelligence between OLAF and FRONTEX under the EUROSUR system and encourage the participation of national customs authorities in this project.	Long-term	Commission, FRONTEX	Regular exchange of intelligence

Specific problem areas

3.1.23	Greece	Address the issue of Greece being a major entry point in the context of the Task Force Greece and assist Greece in the context of the on-going technical assistance to the reform of the General Secretariat for Public Revenue.	Mid-term 2014	Commission	Discussion and recommendations
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Sharing of expertise and best practices

3.1.24	Follow-up of the Project Group 5.1 of the LT delegation.	Ensure consistency with the recommendations of the Project Group 5.1.	Short-term / second half 2013	Member States and Commission	Actions implemented
3.1.25	Specific trainings	Discuss and assess in close cooperation with the Member States the need for specific trainings to be financed under Hercule III and ensure a coordinated approach.	Short-term / second half 2013 and continuously	Commission, Member States, CEPOL, EUROPOL	Training scheme set up
3.1.26	Exchange of best practices in tackling	Assist Member States in sharing best practices in tackling customs crime and corruption including	Mid-term / 2014-2015	Commission	Study/report with recommendations

corruption and staff exchange

through providing financial assistance for staff exchange (under Hercule programme).

3.2. Enhance cooperation with major source and transit countries					
3.2.1	Raising the problem with source countries at political level	Systematically raise the issue of the illicit traffic in tobacco products with the most significant source and transit countries at political level.	Continuous	Commission, EEAS	Number of meetings
3.2.2	Joint Action Plans on fighting the illicit trade in tobacco products	Propose and implement joint action plans between the EU and main source countries.	Long-term	Commission	Action Plans agreed/implemented
3.2.3	Approximation of Eastern neighbours' tobacco excise structure and rates	Monitor closely the approximation of Eastern neighbours' tobacco excise structure and rates to the EU's, both through bilateral dialogue channels and via multilateral initiatives.	Long-term	Commission	Number of meetings, initiatives, exchanges
3.2.4	Strategic Frameworks for Customs Cooperation with Eastern neighbours	Implement the Strategic Frameworks for Customs Cooperation with Russia, Ukraine and Moldova.	Continuous	Commission	Number of meetings, joint actions
3.2.5	Strategic Framework for Customs Cooperation with Belarus	Negotiate and endorse a strategic framework for customs cooperation with Belarus.	Mid-term / 2014	Commission	Strategic framework signed/endorsed

3.2.6	Administrative Cooperation Arrangements (ACAs) with Ukraine and Moldova	Sign legally non-binding ACAs between OLAF and customs authorities of Ukraine and Moldova.	Short-term / July 2013	Commission	Arrangements signed
3.2.7	ACAs with Russia and Belarus	Negotiate ACAs with the customs authorities of Russia and Belarus which will enable sharing of information and closer cooperation in relation to the illicit trade in tobacco products.	Short- to mid term / 2013 -2014	Commission	Arrangements signed
3.2.8	HL seminar on customs cooperation at the EU Eastern border	Organise a high-level seminar on customs cooperation at the Eastern border targeting, among others, the fight against smuggling of highly taxed goods. Its purpose will be to improve operational cooperation and the implementation of the FCTC Protocol.	Short-term / 24-25 October 2013	Council Presidency, with the support of the Commission	Organisation of seminar within the proposed time frame
3.2.9	Technical assistance to key non-EU countries	Provide technical assistance to non-EU countries (European Neighbourhood Countries, Western Balkans and Turkey) within the existing financing instruments for fighting illicit trade.	Continuous	Commission	Number of projects financed
3.2.10	EU liaison officers	Examine the usefulness of posting additional EU liaison officers to important source and transit countries.	Short-term / second half 2013	Commission	Assessment and recommendations
3.2.11	Anti-fraud provisions in relevant international agreements	Negotiate provisions on customs anti-fraud, mutual administrative assistance in customs matters (MAA), and fight against organised crime for Association Agreements (AAs), Partnership and Cooperation Agreements (PCAs) and Free	Continuous	Commission	Number of provisions inserted

Trade Agreements (FTAs) to be concluded with main source countries.					
3.2.1 2	FCCTC signature, ratification and implementation by all the non-EU parties/countries	Promote signature, ratification and implementation of the FCCTC by all the non-EU parties/countries, in particular the main source countries.	Mid- to long term 2014 -2015	Commission	Number of meetings
3.2.1 3	Assistance for FCCTC implementation	Contribute financially and through technical assistance to the WHO FCCTC Secretariat for the implementation of the FCCTC Protocol.	Mid-term/2014	Commission	Assistance implemented

3.3 Strengthening sanctions

3.3.1.	Study on the lack of uniform approach on sanctions and the impact on illicit trade in tobacco products	External study (financed from Hercule funds) analysing existing penalties in the Member States and the way they are applied as well as their impact on the illicit trade in tobacco products, also in order to analyse the transposition of the FCCTC Protocol.	Mid- to long term 2014-2015	Commission and Member States	Presentation of study
3.3.2	Proposal to approximate definitions of customs infringements and non-criminal sanctions	Legislative proposal for approximation of definitions of customs infringements and non-criminal sanctions.	Short-term / second half 2013	Commission	Adoption of Commission proposal
3.3.3	PIF Directive	Adoption of the proposed Directive on the fight against fraud to the Union's financial interests by means of criminal law (COM(2012)363 final).	Mid-term / 2014	European Parliament and Council	Adoption