



Brussels, 5 October 2016  
(OR. en)

12582/16

JAI 781  
ENFOCUSTOM 139

## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
On: 23 September 2016  
To: Customs Cooperation Working Party (Experts)  
Subject: Summary of discussions

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### 1. Adoption of the agenda

The agenda was adopted as set out in CM 3821/16.

### 2. Information from the Presidency

The Presidency gave a comprehensive picture of customs relevant documents issued in different fora and of past and forthcoming meetings. Several of these were also mentioned during the CCWP Plenary on 12 September (Outcome of proceedings set out in 12159/16).

The following **new documents** were presented: the Draft Council Conclusions on the Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management (12164/16), the survey on information exchange on weapons (CM 3817/16), the timeline for the EU Policy Cycle activities in 2016 and first half 2017 (5300/1/16 REV 1), the revised version of the Renewed European Union Internal Security and Counter-Terrorism Implementation Paper: second half of 2016 (11001/1/16 REV 1), Europol's updated contribution on its short-term activities in the implementation of the Roadmap on information exchange and interoperability (11495/1/16 REV 1), the Communication from the Commission - Enhancing security in a world of mobility: improved information exchange in the fight against terrorism and stronger external borders (12307/16).

Among the **past meetings**, the meeting of Customs DGs (Europol, 14 September 2016) and the European Police Chiefs Convention (Europol, 15 September 2016) as well as the half-day joint meeting of the EMPACT Drivers, Co-Drivers and Action leaders of the 8th Action Plan (Europol, 21 September 2016) were presented with a certain level of detail. Regarding the forthcoming meetings, the followings were highlighted:

- the Frontex / Eurosur Fusion Services seminar awareness session for Drivers/Co-Drivers and Action leaders in selected EMPACT priorities (29 - 30 September 2016, Frontex Headquarters in Warsaw, Poland);
- the PCCC Conference (11 – 12 October 2016, Europol);
- 9th meeting of the Heads of Central Coordination Units (24 – 25 November 2016, Bratislava, Slovakia);
- OAP drafting meetings (September and October 2016, Europol).

### **3. Coordination Mechanism for Joint Customs Operations - update**

The Presidency informed the delegates that the meeting of the Coordinating Mechanism for JCOs will take place in Brussels on 19 October 2016. Member States were also requested to send the necessary information for updating the document containing the Overview of JCOs (5109/2/1 REV 2) via the appropriate channels.

#### 4. Joint Customs Operations and other operations

**Poland** presented a state of play of Joint Customs Operation **Chess Knight IV** focusing on excise duties for mineral oils. Its findings will feed into the discussions to be held during the High Level Meeting of the Directors General of Customs (25 October 2016). **France** presented a state of play of JCO **Octopus** and **Greece** briefed the delegates about the activities undertaken in the framework of JCO **Orion**. Both operations deal with fraud regarding customs procedure 42.00.

**Frontex** presented its new mandate and competences and the possible synergies with customs were analysed. Examples were given regarding seizures of cigarettes, drugs and weapons made by Frontex during its migrant smuggling related operations. Frontex also announced that it recently joined the EMPACT priority for excise goods and stated its involvement in the Joint action Days.

Finally, **WCO** presented its operation "**Sports bag**" dealing with drug shipments from South America using the "rip on/rip off" method (drugs hidden in legal shipments). The operation aims are:

- to improve operational cooperation and information exchange via the WCO ContainerComm secure communication system among the participating countries / ports (South America) in the operation;
- to deliver tangible results in terms of seized goods;
- to identify possible new smuggling methods, routings and trends;
- to enhance supply chain security for containerized cargo and cooperation with the trading community;
- to apply port-to-port communication and cooperation;
- to test and promote “controlled delivery” concepts for rip on seizures in order to disrupt arrest and prosecute criminals;

- to evaluate the operational environment of the Port Control Units and make recommendations for its improvement, and
- to promote practical cooperation with different law enforcement agencies contributing to the operation.

**5. Cigarettes smuggling: outcome of the Conference of the Task Group Cigarettes (Riga, June 2016)**

**OLAF** briefly informed the delegates with respect to several of the aspects discussed during the **conference of the Task Group Cigarette** which took place in Riga in June 2016:

- the necessity to avoid multiple delivery of information during investigations;
- new cigarettes smuggling routes via North Africa and Belarus;
- roll your own tobacco and water pipe tobacco produced in the UK but smuggled from China; and
- cheap whites fictitious exports from EU territory and possible corruption cases at border crossing points.

**6. Fight against terrorism from customs perspective, common analytical and enforcement centres**

**Slovakia** gave a general presentation on the way the **National Security and Analytical Centre** is organised and on its mandate and competences. **Europol** presented its **European Counter Terrorism Centre**, its activities and latest statistics. The speaker mentioned the fact that for counter-terrorism the level of confidentiality for SIENA was raised to EU Confidential. Regarding SIENA, it was also mentioned that asset recovery has a closer user group and the same could be done for customs if customs authorities from more Member States started using this channel of communication. In this context, the Commission invited customs authorities to engage more with Europol/ECTC as it is important to include customs expertise in counter-terrorism activities.

WCO's presentation focused on **the way customs role shifted towards security** during the past years as the movement of persons and goods brought terrorism in the realm of customs authorities. With respect to the role of customs, the speaker underlined the fact that the outcomes of activities like risk analysis and risk profiling feed into the intelligence picture and made a distinction between:

- a leading role, with a designated mandate for counter-terrorism related activities, for controls and seizures of goods like precursors, radiological goods, weapons etc.; and
- a support role of other agencies/authorities for activities related to the control of persons for example.

The speaker also presented the WCO Security Programme, which aims at strengthening Customs administrations' capacity to deal with security related issues at the national level and at facilitating the global Customs community's ability to deal with these threats at the international level:

- Passenger controls/FTFs - API and PNR,
- Programme Global Shield - improvised explosive devices,
- Strategic Trade Control Enforcement (STCE) Project - weapons of mass destruction (WMD), conventional weapons, and related items involved in the development, production or use of such weapons and their delivery systems,
- SALW Project - Small Arms and Light-Weapons, and
- Terrorist financing.

Under this item, **Germany** presented its **Joint Terrorism Centre**, which has a flexible structure and offers a good example of inter-agency cooperation. **France** briefed the delegates with respect to the **changes in customs tasks after the terrorist attacks**. The speaker explained that it was not a radical change of customs mandate, as these authorities had been involved in counter-terrorism activities for several years, but rather an enhancement of their role. The highlighted the recent legislative developments which enhanced customs powers in areas like cash controls, essential for the fight against terrorism financing. In this context, among others, the law adopted on the 3 June 2016 allows a partial reverse of the burden of proof for money laundering offences. Similar developments took place with respect to seizures of cultural goods. The routine use of tools like PNR, ICS - Import Control System (PNR for merchandise), SIS II and APNR - Automatic Number Plate Recognition by French customs also contributes to delivering results in this area.

## 7. AOB

No point was raised under this item.

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