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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 20 May 2015
To: Customs Cooperation Working Party (Experts)
Subject: Summary of discussions

1. Adoption of the Agenda

The agenda was adopted as set out in CM 2537/1/15 REV 1, three interventions (OLAF, Europol, Estonia) being added under AOB.

2. Information from the Presidency

The Presidency briefed the delegates about the recently held meetings, events and initiatives relevant for customs, among which were the meeting of the National Coordinators for Drugs (Riga, April 2015) and the High Level Seminar on Customs Matters (Riga, May 2015). The Presidency announced that, in view of the JCOs which will be organised in the second half of the year, a coordination meeting between all relevant stakeholders will take place on 16 June 2015.

3. The Seventh Action Plan: progress report:

- **Action 7.5 “To identify the need for new models of cooperation between customs and other agencies/joint customs operations. To implement the strategy of the future customs law enforcement cooperation within the context of the EU policy cycle while taking into account the link with the tax authorities”**

The Presidency briefly presented document 8659/15 detailing the activities undertaken in the framework of Action 7.5 under Latvian Presidency - sharing of best practices by means of presentations delivered by different speakers during CCWP meetings. In this sense, the following topics have been dealt with during the Latvian mandate:

- physical cash movements by criminal groups as a facilitator for money laundering (Europol),
- the way the Schengen Information System works in the context of customs control (DG Home),
- SPECIFICS forum - the first regional forum on the strategic and proactive efficient financial investigation of cigarette smuggling (Latvia),
- EUROFISC network - a group dedicated to the fight against VAT fraud (France),
- the technical equipment used in the fight against smuggling at the EU's eastern border (Latvia),
- the use of data mining to detect possible violations within the competence of customs authorities (Lithuania),
- the activities of the Visegrad Group aimed at fighting mineral oil tax evasion (Slovakia).

The Latvian Presidency expressed its readiness to support Luxembourg in the preparation and drafting of the final report for Action 7.5.

4. Tobacco Seizure Management Application (ToSMA) – Introduction, state of play and future plans

OLAF presented the Tobacco Seizure Management Application (ToSMA), which was launched on 1 July 2014. The application allows a clearly structured and secure communication between OLAF and the Member States, enables its users to follow the state of play of a file, helps building a common repository of seizures reported under the Agreements signed with the multinational tobacco companies and generates statistical reports. A new version of ToSMA is currently being prepared. Its main goal is to bring the added value of having all the data related to tobacco seizures available in one single repository (ToSMA), which would also allow OLAF to respond to requests for information coming from various stakeholders.

5. Use of modern technology supports Customs controls

DG Taxud's presentation focused on the detection technology used by customs to assist in the separation of illicit from legitimate goods when checks are being undertaken. Such technology typically generates an image, a number, a spectrum or a signal that is interpreted by customs officers. On this basis, as well as on the basis of customs declarations and intelligence, the decision to release the goods or to retain for further inspection is made. Training programs for the use of such technologies are necessary for customs officers.

6. Improving the means of fighting trafficking of firearms from a customs perspective:

- **Cooperation between Customs and Police to reduce illegal trafficking of firearms (SE)**
- **Firearms at UK border, Border Force Activity 2014-2015**

Sweden and UK gave two presentations on the way they handle, at national level, the problem of firearms (trafficking, trade etc). Practical aspects of this issue were discussed: the relatively easy way to obtain an illegal weapon and the significant increase of the number of public shootings in the past years (Sweden), the fact that the detection of firearms becomes more complicated as the modi operandi change (e.g. the components of weapons are sent in very small parcels), the fact that the soldiers coming back from Afghanistan often bring with them war trophies (weapons) etc. Both speakers underlined that a permanent cooperation with the police, Ministry of Defence and other stakeholders is necessary for an efficient action in this field.

7. The annual risk assessment 2015 and 2014 situational overview

Frontex presented a situational overview for 2014 and the annual risk assessment for 2015 in terms of illegal migration. The speaker highlighted the following aspects: new modi operandi (large cargo ships, involvement of merchant ships in rescue), increased ruthlessness of facilitators, ever growing migratory pressure and increased risk of small arms smuggling for Western Balkans. The underlying threat of terrorism for the entry/exit of persons engaged in conflicts (foreign fighters in Syria) was also emphasised.

8. JCOs and other customs operations: JCO Warehouse II

Italy presented a brief preliminary report on Joint Customs Operation Warehouse II which was aimed at combating smuggling, excise and VAT fraud and disrupting organized crime networks in trade on excisable products (tobacco products and alcohol). The speaker briefed the delegates on the results achieved (seizures, identification of new threats, disruption of criminal gangs), the increase of the enforcement capabilities and the level of cooperation among Customs authorities of Member States as well as in the candidate Countries participating in Joint Customs Operations, the facilitation of the exchange of information between customs and tax authorities, the promotion of the exchange of information among customs and tax authorities and the reinforcement of gathering of information from economic operators where appropriate. The speaker underlined the need to organise similar types of operations in cooperation with third countries since this could increase the overall effectiveness and success of Joint Customs Operations.

9. New psychoactive substances: example of cooperation between Customs and other Law enforcement authorities

The Presidency presented the Latvian experience in dealing with the new psychoactive substances (NPS). The speaker underlined the fact that the use of such substances began to spread in 2008 and the legislation had to be constantly modified to follow the changes on this market. He also emphasised the practical difficulties related to the attempts to control this sector: new substances are constantly emerging, they are sold in specialized shops (opened without investments - e.g. a room or basement in a block of flats or small selling point in the market) and on Internet, they are labelled as plant food, cleaning products or incense with notification “not for consumption” and packed in simple zip bags without logos or brand names. The speaker underlined the fact that, for the success and effectiveness of any action tackling NPS, cooperation with police and other authorities was indispensable.

10. Revision of Tactical objectives and risk areas and revision of the Guide for Joint Customs Operations

The Presidency presented DS 1176/1/15 REV 1 (Tactical objectives and risk areas) and DS 1125/2/15 REV 2 (Guide for Joint Customs Operations). The Tactical objectives and risk areas were adopted and will be presented to the CCWP Plenary on 17 June. As delegates requested more time to examine the changes to the Guide for Joint Customs Operations, a short deadline was given (27 May).

11. AOB

In their interventions, OLAF and Europol briefly informed the delegates about the Joint Customs Operations to be organised and the operations which will take place in the framework of the Joint Action Days, emphasising the need of coordination between the different stakeholders in order to avoid any overlaps and emphasise synergies.

Estonia had a brief information point about the Workshop on EU eastern border management which took place in Estonia at Narva, on 12 and 13 March 2015.