



**COUNCIL OF  
THE EUROPEAN UNION**

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**LIMITE**

**ENFOCUSTOM 13**

**NOTE**

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from: Presidency

to: Custom Cooperation Working Party

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Subject: Joint Customs Operations (JCO) “Recommendation monitoring file”

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Delegations will find enclosed the JCO Recommendations monitoring file, updated with the result of the JCOs Matthew II, Athena II, Ulysse and Fireblade which are underlined.

Annexes:

- Annex 1 –General Recommendations
- Annex 2 –Specific Recommendations, Shipping
- Annex 3 –Specific Recommendations, Inland Waterways
- Annex 4 –Specific Recommendations, Air
- Annex 5 –Specific Recommendations, Road
- Annex 6 –Specific Recommendations, Rail
- Annex 7 – Sample checklist.

## GENERAL RECOMMENDATIONS

General recommendations			
A	B	C	D
		A or N/A	Remarks
1	Consider whether it would be beneficial to divide the operational phase of an operation into several parts (Review team 06) (Kalmar 2) (Inbus 08) (Proteus 08)		
2	If necessary, relevant training should be provided before an operation commences (Review team 06) (Pallas 06) (Athena 08) (Toledo III 08)		
3	Ensure effective and secure means of communication (Review team 06) (Inbus 08)		
4	Test communication prior to operation (SCR 02)		
5	All forms of intelligence should be exploited to support and prepare an operation (Review team 06) (Pallas 06)		
6	The opening hours of the OCU/NCP should be consistent with the needs of the operation (Review team 06) (Fireball 06) (Toledo III 08)		
7	The roles and functions of the OCU/NCPs should be clearly defined before the operation. Consideration should be given to delegation of tasks from the OCU to any NCP if appropriate and agreed (Review team 06) (Inbus 08)		
8	Not to use operational objectives which can not be carried out by all participating countries (Compas 06)		
9	Every participating NCP should have the same opening hours (Fireball 06)		
10	European Union assets on mission outside the EU, such as Customs, Police, Military, should be invited to a JCO when deemed appropriate (Fireball 06)		

11	Liaison with SECI-Center should be considered when planning JCOs involving the Western Balkans (Fireball 06)		
12	The fallback procedures which are used in case of technical problems should be completed with templates on the basis of the screens (movement report/comment/seizure report) – to disseminate before the operation to the participating countries (Conquest 2 06)		
13	Delegates to future planning meetings should agree, and specify in the Operational Plan, the preferred methods of control for targeted commodities (Conquest 2 06)		
14	It is advisable to accept all the risk indicators, set out in doc 6989/07 ENFOCUSTOM 20 UD 22 RESTREINT UE, for the purposes of creating Movement Reports or Warning Messages. Availability of the risk indicators information must be made more widely available to achieve this recommendation (Conquest 2 06) (Review 08)		
15	At appropriately timed intervals, a repetition of the operation in a modified form will be encouraged (Red Nose 07) (Inbus 08)		
16	In future operations the organizing country should select a small group from the participants who will discuss, plan and organise in consultation with the WCO the statistical and operational requirements of the virtual OCU for such operations (Red Nose 07)		
17	Detailed information about seizures (e.g. pictures, modus operandi) should be communicated to the OCU by the participants and distributed via the daily reports (Red Nose 07)		
18	It is recommendable that future national reports contain a section where it is possible for the NCP and the national coordinator to evaluate if the objectives set up in the operational plan have been met (Red Nose 07)		
19	The operational objective relating to controlled deliveries in Joint Customs Operation should be the subject to a separate evaluation to identify any legal, administrative or operational constraints which can be improved upon for future operations (Red Nose 07)		

20	Awareness as to the illicit use of chemical precursors in the production of synthetic drugs should be raised among all relevant partners, e.g. within inter-agency working groups and through training programmes using all available training materials (Pallas 06)		
21	The checks performed by law enforcement staff at border checkpoints needs back-up in the form of the technical equipment necessary to identify and detect chemical precursors. All necessary equipment should be easily available at border crossings (Pallas 06)		
22	Other countries (potential sources or final destinations) should be encouraged to participate in similar operations (Pallas 06)		
23	Consideration could be given to granting countries not connected to the AFIS system time-limited access for the duration of the JCO (Pallas 06)		
24	Risk indicators should be revised, taking into account the experience of previous operations. However, in view of the scale of the problem compared to the number of other smuggled goods, the use of a general set of risk indicators will not be effective in combating precursor smuggling (Pallas 06)		
25	It is recommended to create a secure website facility where members could post and view seizure and tactical data in real time – The RILO network could become involved with (Kalmar 2 07)		
26	Changes to the operational plan should be agreed by all involved parties (Brigantine 07)		
27	Coordinator is a different task from Liaison Officer task (Brigantine 07)		
28	Experience and knowledge gained during the operation should be taken into account and used to organise and improve regional or bi-lateral operations organised at short notice and of short duration (1-2 days), in particular the need to agree the communication channels in advance (Matthew 07)		
29	Risk indicators should be revised to take account of experience gained in operations. Where necessary the risk indicators being used should be reviewed if the situation changes significantly (Matthew 07) (Athena 08)		

30	Intelligence from special services such as the Police and Europol is vital to the success of similar operations and organising Member States should undertake the gathering, processing, and transfer, of such data at an early stage so that it is available from the beginning of the operation (Matthew 07)		
31	The CCWP in conjunction with other relevant Council Working Groups should further examine the issues relating to the sharing of information and intelligence identified in this report with the aim of developing solutions to prevent similar problems in the future (Matthew 07)		
32	To ensure the smooth conduct of an operation it is essential that the organising Member State(s) provide for frequent contact between the OCU and the NCPs, this should help with the identification and solving of problems at an early stage (Matthew 07)		
33	Future full-scale operations to target the smuggling of cigarettes are also desirable and Member States should take account of the problems during operation Matthew during the planning process (Matthew 07)		
34	To consider focusing controls, targeting cash, on the reverse of the route followed by the smuggled goods (drugs, cigarettes counterfeit goods, etc.) which generated the money (Athena 08)		
35	For JCOs targeting cash, intensify controls of declared cash transfers in order to establish their legitimacy and thus prevent the use of legal means for transporting criminal funds (double-check the amounts declared, check that the data on the declaration are complete) (Athena 08)		
36	For JCOs targeting mineral oil products it is highly recommended that Member States find a way for their competent authorities to cooperate more closely (Memory 08)		
37	In JCOs targeting mineral oil products it is important to be able to take samples from the Cistern of vehicles which are due to be checked (Memory 08).		
38	Feedback messages must be compulsory and be completed in all fields having been agreed to be obligatory in the operational plan (Toledo III 08)		

39	Limit number of risk origin countries in order to focus risk analysis (Toledo III 08)		
40	The presence / participation of the customs authorities of some of the source countries should be further encouraged in future operations. (Toledo III 08)		
41	The schedule of the JCOs should avoid the concentration of more than one JCO in the same period, in particular at the end of the year (Toledo III 08)		
42	<u>To update the present list of requested and taken actions in the V-OCU (Matthew II 09)</u>		
43	<u>To continue to improve the cooperation and to exchange information and intelligence within the EU and between the EU and non-EU countries in the operational field as much as possible (Matthew II 09)</u>		
44	<u>To extend the test phase with at least a week and to ensure that during this test phase the participating countries exchange messages in English (Ulysse 10)</u>		
45	<u>To provide the operating guide of the communication system online (in the CENcomm) (Ulysse 10)</u>		
46	<u>To provide details on the seizures, express freight operators and subcontractors who have supported a part of the shipment costs in the exchanged message (Ulysse 10)</u>		
47	<u>To increase NCP awareness by sending a feedback message for each warning message (Ulysse 10)</u>		
48	<u>Future JCOs, aimed at detecting the smuggling of counterfeit products in every means of transport, should focus on commercial traffic, because the experiences of this operation confirm that the threat is huge and definitely exists (Fireblade 11)</u>		
49	<u>The analysis and coordination capacities of Europol should be used more, and more frequently. It is suggested that Europol (AWF COPY) become the focal point for national threat assessments and risk analyses prepared on IPR subjects (Fireblade 11)</u>		

50	<u>The possibility of cooperation with the European Observatory on Counterfeiting and Piracy, the agency responsible for the effective utilisation of synergies deriving from the cooperation between the public and the private sector (such as right holders and consumers), should be explored (Fireblade 11)</u>		
51	<u>Training, seminars, courses and programmes, also aiming at exchange of experience, should be organised with the involvement and active participation of right holders in order to ensure that the employees of the authorities taking a significant part and playing key roles in the fight against counterfeit and pirated goods acquire adequate and appropriate qualifications and experience in international cooperation. (Fireblade 11)</u>		
52	<u>In order to foster information exchange in the field of IPR fraud, the current CIGINFO System should indicate whether the consignment in question contained genuine and/or fake tobacco products (...). It should be also considered to store non-cigarette related IPR files in a specific system under the MAB (Fireblade 11)</u>		
53	<u>The questionnaire in the End of Operation report should be assessed for each JCO, amended where needed and clarified and accepted during the briefing meeting (Fireblade 11)</u>		
54	<u>Clear instructions on when to use the request for a check at the place of destination should be agreed during the briefing meeting (Fireblade 11)</u>		
55	<u>Since the results of the operation fully justified the findings of the TA, (...) it is recommended – in accordance with the Guide for JCOs – to conduct a scientific analysis on the scope of action prior to the actual launch of a JCO. (Fireblade 11)</u>		

56	<p><u>Technical recommendations for the AFIS-V-OCU module. The following options should be enabled during future developments:</u></p> <ul style="list-style-type: none"> <li>• <u>Attaching pictures (or other files) to a report;</u></li> <li>• <u>(...) Bulk upload of movement reports (...);</u></li> <li>• <u>(...) System back-up synchronised with the working hours (...);</u></li> <li>• <u>(...) Creation time of a movement report should be indicated;</u></li> <li>• <u>Re-arranging (...) new and open folders (...) to:</u> <ul style="list-style-type: none"> <li>○ <u>show essential information for prioritising the working order;</u></li> <li>○ <u>show own reports in a different colour (for easier monitoring of comments);</u></li> <li>○ <u>introduce tool tips behind a value of a column (...) (for easier overview of movement reports);</u></li> <li>○ <u>keep search result as a subset,</u></li> </ul> </li> <li>• <u>Highlight transport reports upon a positive result and automatically extract seizure information (Fireblade 11)</u></li> </ul>		
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**SPECIFIC RECOMMENDATIONS - SHIPPING**

<b>Shipping</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
		<b>A or N/A</b>	<b>Remarks</b>
1	Timing of operation consistent with objective (X 02)		
2	The concept of activity zones and Hot Spot Areas to be considered (Review team 06)		
3	Ensure provision is made to follow-up all classified vessels beyond the period of the operation (Review team 06)		
4	OLAF/Europol to be involved in post operational analysis where applicable (Review team 06)		
5	Risk indicators for JCOs should take account of data held in the Mar-Info and Yacht-Info systems (Review team) (Conquest 2 06)		
6	ISG North and South should be integrated into planning this kind of operations (CON 03) (HYD 03) (Conquest 2 06)		
7	During container operations feeder ports should be provided with the relevant deep sea manifests (Review team 06) (Conquest 2 06)		
8	In operations targeting container traffic consideration should be given to the deployment of Customs Officers from feeder port to hub ports to facilitate the targeting process (Review team 06)		
9	Limit the operations on 100% controls to just the countries on which selected vessels will call (Compas 06)		
10	Avoid double checks rummaging a vessel. Customs of a port of call should inform the next port of call about the sections of the vessel that were rummaged (Compas 06)		

11	Exchange information about the procedure and working methods used by different countries during the 100 % controls. Information should be used to develop “Best Practise” (Compas 06)		
12	Organize similar maritime surveillance JCOs on a regular basis Encourage the organization of regional operations (Brigantine 07)		
13	The number of LOs at the OCU should be proportional to the expected level of activity (brigantine 07)		
14	The revision of classification of vessels that was made during the operation should be adopted (Brigantine 07)		
15	The procedure concerning “envelope vessels” should be clarified in future operations (Brigantine 07)		
16	The high standard of sightings should be maintained through quality not quantity (Brigantine 07)		
17	Daily briefings should be held early enough to allow to send the daily report in time for follow up at the national level (Brigantine 07)		
18	OLAF should take note of some practical proposals of improvements of the system, such as the inclusion of a geographical map attached to the sightings and adding a new sighting to an existing vessel instead of creating a new one (Brigantine 07)		

**SPECIFIC RECOMMENDATIONS - INLAND WATERWAYS**

<b>Inland waterways</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
		<b>A or N/A</b>	<b>Remarks</b>

## SPECIFIC RECOMMENDATIONS – AIR

Air			
A	B	C	D
		A or N/A	Remarks/Proposal
1	Do not mix courier and conventional airfreight in operations (TLD 99) (Toledo III 08) <sup>1</sup>		
2	Organising Member States should explore what commercial information can be accessed via MoU's etc. (Review team 06)		
3	Use of IATA-codes plus names of Airport (EXP 00)		
4	The use of the virtual OCU and the access to data bases (e.g. Interpol) proved to be successful during the operation and should be used in future passenger air traffic operations (Red Nose 07)		
5	The virtual OCU set up by the CEN-Comm2, should be adapted according to the requirements of each operation (Red Nose) (Review 08)		
6	In future operations the response time of the NCP's should be extended when appropriate (Red Nose 07)		
7	The length of the operational period should be shortened in future measures, taking into account the insights of this operation. Longer breaks between the different phases should be considered (Red Nose 07)		
8	Convenient legal measures should be taken that could grant to the competent law enforcement agencies to have legal access to the passenger list by the airline companies for the purposes of risk analysis in advance of the arrival of the respective flight (Red Nose 07)		

<sup>1</sup> TLD O4 recommendation : "To consider the possibility of covering both modalities dividing the operational phase in different blocks" was implemented in TLD 08, but the experience was not satisfactory enough.

9	Due to the successful cooperation in particular with the Argentinean and Chilean customs authorities it is considered very important to strengthen and further intensify the cooperation and exchange of information with the South American customs authorities (Red Nose 07) (Toledo III 08)		
10	The use of WCO CEN-COMM system is a recommendation for this kind of air operations (Toledo III 08)		
11	<u>To provide details on the seizures, express freight operators and subcontractors who have supported a part of the shipment costs in the exchanged messages (Ulysse 10)</u>		
11	<u>To increase Member States' awareness regarding express freight shipments as a fraud vector (Ulysse 10)</u>		
12	<u>To carry out inspections on all the express freight operators' premises (Ulysse 10)</u>		
13	<u>To increase Member States' awareness regarding routes / methods of concealment and to share information in this area (Ulysse 10)</u>		
14	<u>To develop and follow-up partnerships with express freight operators (Ulysse 10)</u>		
15	<u>To make sure that customs have the legal authority to:</u> <ul style="list-style-type: none"> <li>- <u>Access the express freight operators' databases</u></li> <li>- <u>Facilitate or conduct controlled deliveries in order to dismantle criminal networks (Ulysse 10)</u></li> </ul>		
16	<u>To equip customs administrations with high-performance technology tools (Ulysse 10)</u>		
17	<u>To complete the control mechanism of express freight at international level, in particular within the EU, by strengthening the cooperation between Member States and promoting the implementation of international controlled deliveries (Ulysse 10)</u>		
18	<u>To identify an operational network of existing or dedicated contact points in order to exchange real time alerts regarding express freight parcels suspected of carrying illegal drugs (Ulysse 10)</u>		

19	<u>Countries that have recently adopted regulations on cross-border transfers of money are encouraged to provide training for their staff. These courses should focus on the selection and detection of illegal money transfers. Specific training courses should also be organised in the field of gathering information (especially for declarations in excess of EUR 100 000 or an equivalent amount in other currencies), in order to encourage research (in particular, promoting the consultation of the database in companies to rapidly detect false statements, identify theft, etc); specific courses should also be organised relating to the taking of statements from people who have breached the obligation to declare and the appropriate communication of information to facilitate the subsequent procedure (Athena II 10)</u>		
20	<u>Risk analysis should be developed to establish risk criteria, so that appropriate controls are focused and adapted to the modus operandi of traffickers. After Operation Athena II, controls should focus on the flows of money that are the result of the smuggling of goods (drugs, tobacco, forgery, etc.) (Ahtena II 10)</u>		
21	<u>The contact points in the relevant EU customs administrations fighting against money laundering should be included in a list and be updated every year (Athena II 10)</u>		
22	<u>Operational units must have knowledge of the elements constituting the crime of money laundering (Athena II 10)</u>		
23	<u>Controls reported on money transfers should be intensified in order to establish their legitimacy and therefore address the use of legal means for transporting illegitimate money (Athena II 10)</u>		
24	<u>Cooperation with third countries in the area of illegal cross-border transfers should be increased as it affects a growing number of countries (Athena II 10)</u>		
25	<u>Exchange of operational information should be accelerated when EU citizens are discovered with undeclared cash (Athena II 10)</u>		
26	<u>Cooperation should continue with Europol (SUSTRANS AWF) given the legal restrictions in several Member States relating to the direct exchange of personal data, which should be clarified within the CCWP framework (Athena II 10)</u>		

<u>27</u>	<u>A mechanism should be established for communicating information online, by secure channels, for example through AFIS MAB, and contact points of receipt of that information so that, if considered of interest, checks could be made on arrival if the passenger declares movements of cash (Athena II 10)</u>		
<u>28</u>	<u>This type of operation should be carried out at least once a year, on a permanent basis (Athena II 10)</u>		

**SPECIFIC RECOMMENDATIONS - ROAD**

<b>Road</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
		<b>A or N/A</b>	<b>Remarks</b>
1	Consideration should be given to restricting an operation to a single mode of transport. (Review team 06) (Inbus 08)		
2	If using designated time & locations (Border Crossing Points - BCPs) for 100% reporting of consignments, make sure that selected BCPs having the traffic pattern being targeted (Fireball 06)		
3	If using designated time & locations (BCPs) for 100% reporting of consignments, provide detailed instructions on how to implement such a parameter (Fireball 06)		
4	Forms used for container operations should be adapted for road operations (Pallas 06)		
5	A list of precursors should be prepared in order to avoid erroneous descriptions of precursors (Pallas 06)		
6	Constant contact on the part of the OCU with NCPs to check their readiness should be maintained during all operations (Pallas 06)		
7	The specific functionalities of ViaSur ought to be introduced, in order to apply them to road transport operations (Pallas 06)		
8	The exact time of entering reports into the system and time of sending comments should be inserted into the system (Pallas 06)		
<u>9</u>	<u>To focus any future joint customs operations targeted at detecting the smuggling of cigarettes and tobacco products in road traffic on both commercial and non-commercial means of transport (Matthew II 09)</u>		



10	<u>Countries that have recently adopted regulations on cross-border transfers of money are encouraged to provide training for their staff. These courses should focus on the selection and detection of illegal money transfers. Specific training courses should also be organised in the field of gathering information (especially for declarations in excess of EUR 100 000 or an equivalent amount in other currencies), in order to encourage research (in particular, promoting the consultation of the database in companies to rapidly detect false statements, identify theft, etc); specific courses should also be organised relating to the taking of statements from people who have breached the obligation to declare and the appropriate communication of information to facilitate the subsequent procedure (Athena II 10)</u>		
11	<u>Risk analysis should be developed to establish risk criteria, so that appropriate controls are focused and adapted to the modus operandi of traffickers. After Operation Athena II, controls should focus on the flows of money that are the result of the smuggling of goods (drugs, tobacco, forgery, etc.); (Ahtena II 10)</u>		
12	<u>The contact points in the relevant EU customs administrations fighting against money laundering should be included in a list and be updated every year (Athena II 10)</u>		
13	<u>Operational units must have knowledge of the elements constituting the crime of money laundering (Athena II 10)</u>		
14	<u>Controls reported on money transfers should be intensified in order to establish their legitimacy and therefore address the use of legal means for transporting illegitimate money (Athena II 10)</u>		
15	<u>Cooperation with third countries in the area of illegal cross-border transfers should be increased as it affects a growing number of countries (Athena II 10)</u>		
16	<u>Exchange of operational information should be accelerated when EU citizens are discovered with undeclared cash (Athena II 10)</u>		

17	<u>Cooperation should continue with Europol (Sustrans AWF) given the legal restrictions in several Member States relating to the direct exchange of personal data, which should be clarified within the CCWP framework (Athena II 10)</u>		
18	<u>A mechanism should be established for communicating information online, by secure channels, for example through AFIS MAB, and contact points of receipt of that information so that, if considered of interest, checks could be made on arrival if the passenger declares movements of cash (Athena II 10)</u>		
19	<u>This type of operation should be carried out at least once a year, on a permanent basis (Athena II 10)</u>		
20	<u>In order to cope with the situation where a vehicle has already left the border when important information becomes available, the participants should, during the operation, have access to a system such as A-TIS (which is currently under development to replace the Early Warning System Transit – EWS). The system should be able to trace any consignment, not only sensitive goods as currently defined in the transit regulation, and should be equipped with an alert function notifying important events captured by NCTS during the transport (Fireblade 11)</u>		

**SPECIFIC RECOMMENDATIONS - RAIL**

<b>Rail</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
		<b>A or N/A</b>	<b>Remarks</b>
1	Forms used for container operations should be adapted for rail operations (Pallas 06)		
2	In order to have more time to check consignors and consignees, pre-arrival information on cargo coming in on trains would be very welcome (Pallas 06)		
3	The specific functionalities of ViaSur ought to be introduced, in order to apply them to rail transport operations (Pallas 06)		
4	One week is an insufficient period of time to gain a clear picture of rail freight movements. A period of two weeks would be more beneficial (Kalmar 2 07)		

# CHECKLIST

(To be annexed to the operational plan and final report)

<b>Name of JCO</b>	Name
<b>Mode of transport</b>	Mode of transport
<b>Recommendations</b>	General/Specific
<b>Business Case</b>	Document No.
<b>Operational Plan</b>	Document No.
<b>Lead MS</b>	Country/Administration
<b>Co-runner</b>	Country/Administration
<b>Partners</b>	Country/Administration

PART I Complete column C and D by declaring if available recommendations in the “monitoring file” have been Applied (A) or Not (N/A) for this operation.

PART II Complete column B, C and D with any proposals for new specific recommendation to be included in the “monitoring file”.

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>PART I</b>	<b>Existing specific recommendations (Specify, Shipping, Inland Waterways, Air, Road, Rail)</b>	<b>A or N/A</b>	<b>Remarks /Reason</b>
	(Insert latest applicable recommendations)		

<b>PART II</b>	<b>New specific recommendation proposals (Specify, Shipping, Inland Waterways, Air, Road, Rail)</b>		