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NOTE

From: Presidency and Greek Delegation
To: Delegations
Subject: Draft 7th Action Plan, reflective of the EU Policy Cycle

The CCWP project group on Action 6.4, led by the delegations of Greece and Lithuania, and consisting of the Netherlands, the Slovak Republic, Italy, Germany, Spain, Belgium, Finland, Ireland, Sweden and the UK, was mandated "to analyse in detail the major crime threats outlined in the SOCTA and to formulate the CCWP response through developing the 7th Action Plan" for submission to COSI (doc. 9384/2/13 REV2 ENFOCUSTOM 83).

The outcome of the Project group work is set out in the Annex where the proposed initiatives to be advanced by the CCWP are listed.

The proposed 7th Action Plan contains 11 actions which cover one or more of the following work areas:

- intelligence,
- operational cooperation,
- IT systems,
- training,
- inter agency and institutional cooperation.

In the Action Plan, the column:

- ✓ “Proposed action” indicates the title of the action;
- ✓ “Chair /participants” indicates the leader of the action and MS, which volunteered to participate;
- ✓ “Possible outcome(s)” refers to the final improvements and benefits that the completion of each action would mean; and
- ✓ “Structure” indicates the way how a certain action will be developed.

Taking into account the assessment of the Policy Cycle the project group agreed that the duration of 7th Action Plan should be two years.

Although the 7th Action Plan will be the framework of the short term future work of the CCWP, it does not exclude the right of the Member States or the Commission to propose further initiatives if necessary.

The Presidency encourages all MS to take part in one or more proposed actions.

The MS that have not submitted comments on the 7th draft Action Plan, will be asked at the CCWP Plenary Meeting on 11 October 2013 to present their general opinion on presented document and indicate which proposed action respective MS will participate in or will take the leading role.

	Proposed action	Chair /participants	Possible outcome(s)	Structure
7.1.	To analyse the current situation on excise fraud in the customs context and identify available tools, best practices, weaknesses and needs ¹ .	IT / MT, BG, HU, UK, CZ (tbc), <u>SI, DE</u>	<p>a. Analysis of the current situation on excise fraud –mainly from the customs perspective and identification of:</p> <ul style="list-style-type: none"> (i) current best practices in customs enforcement activity based on strengths highlighted by MS; (ii) current weaknesses based on the outcome of customs operations and activities to date; (ii) appropriate customs cooperation tools (e.g. Naples II Convention) necessary to tackle threats and explore harness opportunities. <p>b. Based on the outcomes of the analysis undertaken, identification of priority areas for cooperation, including joint operations:</p> <ul style="list-style-type: none"> (i) between customs authorities at EU level; (ii) between customs authorities and other law enforcement agencies at national and EU level in cooperation with tax authorities where necessary. 	Project group

¹ The following documents should be taken into consideration: Draft Multi Annual Strategic Plan (MASP) related to EU crime Priority “MTIC/Excise fraud” (doc. 12623/13); Communication from the Commission "Stepping up the fight against cigarette smuggling and other form of illicit trade in tobacco products - A comprehensive EU Strategy" (doc. 11014/13) and anti-smuggling Action Plan, accompanying Commission Communication on cigarette smuggling (doc. 11014/13 ADD1).

7.2	To explore ways to improve cooperation with public authorities and private organizations in the field of counterfeit goods which are dangerous to public health and safety, taking into account the enforcement of the new IPR Regulation ² .	/ EL, HU, UK, <u>SK</u>	<p>a. Exploring ways to <u>enhance</u> customs law enforcement cooperation in the field of intellectual property rights (IPR), taking into account Regulation No 608/13 of the European Parliament and Council concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003;</p> <p>b. Identification of:</p> <ul style="list-style-type: none"> (i) <u>priority areas of activity</u> for customs law enforcement cooperation in the area of IPR; (ii) competent authorities, bodies, institutions, organizations and businesses involved; (iii) best practice for effective communication and cooperation with other authorities, bodies, institutions and trade; (iv) where appropriate <u>potential subjects for joint operations</u>; (v) priorities for specific actions, which require customs law enforcement cooperation among Member States, and if relevant, with other authorities, bodies, institutions, organizations . 	Project group
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² The following documents should be taken into consideration: EU Customs Action plan to combat IPR infringements for the years 2013-2017 (doc. 16349/1/12); draft Multi Annual Strategic Plan (MASP) related to EU crime Priority “Counterfeit goods” (doc. 12371/13); findings of JCO with ASEM countries in the area of IPR should also be considered.

7.3	To examine the working/investigative techniques applied by customs and other law enforcement authorities to combat customs related crime, including organized crime, through the Internet, and to explore the current situation regarding the existence of customs specialised units dealing with those crimes and to ensure follow-up to Action 5.2. ³	DE / BG, HU, FR, SK	<ul style="list-style-type: none"> a. <u>Assistance to the Member States which plan to set up a structure within Customs authorities which would deal with monitoring of customs-related Cybercrime comprising possible training focused on how to best equip operational customs personnel;</u> b. <u>Sharing of experience and exchange of best practices comprising identification of new working methods and investigative techniques in the fight against illicit trafficking of goods facilitated by the use of Internet</u> c. <u>Improved cooperation between existing specialized customs cybercrime units</u> d. <u>Based on thorough discussion and following delivery of the relevant training, possible organisation of a joint customs action.</u> 	Project group
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³ Following documents should be taken into consideration: recommendations listed in Draft report of Action 5.2 "To examine the working/investigative techniques applied by customs and other law enforcement authorities to combat customs related crime, including organised crime, through the Internet, and to explore the current situation regarding the existence of Customs Internet Crime specialised units" (doc. 17225/1/12 REV1), and also draft Multi Annual Strategic Plan (MASP) related to EU crime Priority "Cybercrime" (doc. 12759/13).

7.4	Customs law enforcement aspects of regime 42 frauds, which are associated with VAT fraud and organised crime. To identify tools for information exchange and analyse problems arising from enforcing the existing legal framework ⁴ .	EL / MT , UK, <u>SI, DE</u>	<p>a. Analysis of the current situation on Customs regime 42 VAT Fraud and identification of:</p> <ul style="list-style-type: none"> (i) current best practices and weaknesses; (ii) appropriate tools necessary to address threats and harness; opportunities; and for information exchange. <p>b. Based on the outcomes of the analysis undertaken, identification of priority areas for cooperation, including joint operations:</p> <ul style="list-style-type: none"> (i) between customs authorities at EU level; (ii) between customs authorities and other law enforcement agencies at national and EU level. 	Project group
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⁴ Taking into consideration all related actions and projects recently carried out in other forums on this topic, e.g.: Eurofisc network activities, Fiscalis 2013 Working group on customs and tax authorities cooperation, report of the European Court of Audit.

7.5	<p>To identify the need for new models of cooperation between customs and other agencies / joint customs operations.</p> <p>To implement the strategy of the future customs law enforcement co-operation within the context of the EU policy cycle while taking into account the link with the tax authorities.⁵</p>	/ HU, UK, SK, DE	<p>Exploring opportunities to take forward CCWP activities in <u>conjunction with COSI and other relevant fora</u> in the context of the EU Policy Cycle for organised and serious international crime <u>with a view to</u>;</p> <ul style="list-style-type: none"> (i) identification and assessment of <u>the effectiveness of</u> current models for law enforcement cooperation; (ii) <u>listing</u> the areas where successful cooperation has taken place and those where cooperation has not taken place providing the reason, especially if it is due to current models being inappropriate or inadequate; (iii) identification of new or adapted models to complement or supplement existing models and <u>suggesting</u> how to put them <u>into</u> practice. 	Project group
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⁵ Taking into account outcomes of project group on identification of learning points arising from operations outside of the direct auspices of CCWP (doc. DS1525/13), LEWP and COSI should be considered as other concerned parties.

7.6	To explore possible benefits in establishing links among the relevant IT systems and legal instruments for exchange of information between customs authorities with a view to improving the effectiveness of their response in fighting cross-border organised crime ⁶ .	/ EL, HU	<ul style="list-style-type: none"> a. List of the existing IT systems and legal instruments which are being used for exchange of information between customs as law enforcement authorities and of those that could be interlinked; b. Identification of added value and the need to establish such a link as <u>single entry and query system</u>; 	Project group
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⁶ Taking into consideration: Communication from the Commission on Strengthening law enforcement cooperation in the EU: the European Information Exchange Model (EIXM), doc. 17680/12, and the Council Conclusions following the Commission Communication on the European Information Exchange Model (EIXM), doc. 9811/13.

7.7	To analyse the problem of undervaluation from the point of view of the possible involvement of the organized crime in this type of fraud, to evaluate existing tools and best practices to counter this phenomenon (legal/operational) and to propose adoption of new ones if needed ⁷ .	IT / UK	<p>a. A detailed study from the perspective of customs law enforcement cooperation:</p> <ul style="list-style-type: none"> (i) the priority issues which are causing problems; (ii) how, why and where these problems are arising; (iii) the impact of each problem identified; (iv) potential approaches to address each problem in a systematic manner. <p>b. Based on the findings of the study, formulation of detailed proposals to address the problems identified, including international and multi-agency cooperation where appropriate.</p>	Project group
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⁷ Taking into consideration findings of completed PCA "Discount" and future JCO "Snake" in this area.

7.8	To improve the exchange of information and intelligence between Central Coordinating Units as well as the practical implementation of mutual assistance and cooperation.	IT – 2014 (tbc) - 2015	<p>a. Pursuit of the objectives:</p> <ul style="list-style-type: none"> (i) to maximise the benefits of CCU meetings; (ii) to ensure continuity of CCU meetings especially as regards the topics discussed; (iii) to supervise the functioning of the library on mutual assistance and the exchange of information including best practises; and (iv) to assist CCWP on specific subjects in relation to the mutual assistance in customs matters in accordance to the Naples II Convention. <p>b. The objectives set above will be achieved inter alia through the following activities:</p> <ul style="list-style-type: none"> (i) drafting the agenda proposals for CCU meetings; (ii) provision of opinions and solutions to practical problems; (iii) regular revision of the Mutual Assistance Library content; (iv) assisting the Presidency or volunteering Member State in organising CCU meetings; (v) organising CCU meetings if no Member State volunteers to take the lead; (vi) preparing an evaluation report on CCU meetings by 2015. 	Steering group
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7.9	To explore the available training possibilities for customs law enforcement officials at EU level and to examine the areas in which such training does not exist but would be required ⁸ .	/ HU	<ul style="list-style-type: none"> a. <u>List of areas where training is provided;</u> b. <u>Identify those areas where training is not provided but which would be suitable</u> subjects for trainings for EU customs law enforcement officials; c. Identification of topics which training programmes should contain; d. Exploration options for exchanging experience, best practice, etc. or other alternatives and platforms for improving training. 	Project group
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⁸ Taking into consideration Commission Communication regarding EU Law Enforcement Training Scheme (LETS), doc. 8230/13.

7.10	To identify the fields for customs law enforcement cooperation such as joint operations, in the fight against environmental crime (e.g. hazardous waste, ozone, CITES, links to organized groups).	/ HU, UK, FR, <u>DE</u>	<ul style="list-style-type: none"> a. Definition of environmental issues which are priorities for customs law enforcement in a specific period e.g. the coming four years; b. In respect of each priority defined, identification of: <ul style="list-style-type: none"> (i) aspects which will provide optimum scope for new customs actions; (ii) agencies or competent authorities involved; (iii) best practice for effective communication and cooperation with other actors; (iv) best practice for the conduct of joint operations; (v) specific actions which can be undertaken at a national and/or EU level in partnership with other agencies/authorities. 	Project group
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7.11	To improve capacities of law enforcement agencies in the fight against new psychoactive substances ⁹ .	/ <u>UK (tbc)</u>	<p>a. Analysis of the current situation from Customs point of view regarding <u>the control of the new psychoactive substances (NPS)</u>:</p> <p>(i) Challenges of detection and identification NPS;</p> <p>(ii) <u>Tools and systems which could lead us for effective physical control, detection and further analysis of NPS.</u></p> <p>b. Other actions which can be undertaken at a national and/or EU level for strengthening control measures (intelligence, scheduling of NPS, , cooperation with private sector etc. information exchange systems)</p> <p>c. Establish recommendations for MS for common EU approach.</p>	Project group
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⁹ The following documents should be taken into consideration: EU Drugs Strategy 2013-2020, doc. 17547/12; EU Action Plan on Drugs 2013-2016, doc. 9963/13; Draft Multi Annual Strategic Plan (MASP) related to EU crime Priority “Synthetic drugs” doc. 12061/13.