



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 January 2013

5208/13

LIMITE

ENFOCUSTOM 7

NOTE

From:	Cyprus delegation
To:	Customs Cooperation Working Party
Subject:	Threat assessment on air transit passengers – Mandate for the project group

1. Introduction

The following draft mandate for the project group to create a threat assessment on air transit passengers is proposed in accordance with the guidelines stipulated in the final report of the Project Group of Action 4 (doc. 15609/1/09 REV 1 ENFOCUSTOM 124). According to the aforementioned document, if a Member State foresees the need for a threat assessment at European level, a proposal should be put forward to the CCWP experts. Furthermore, it states that CCWP experts should decide who will coordinate the drafting of the threat assessment. It is hereby worth noting that within the framework of the CCWP, no threat assessment has been carried out specifically on air transit passengers.

According to the Strategy for the future of customs law enforcement co-operation as endorsed by the Council on 6-7 December 2012 (doc 17778/12 ENFOCUSTOM 142 COSI 131), with a view to further develop and complement existing risk analysis and threat assessments customs authorities in co-operation with relevant Council preparatory bodies will prepare customs threat assessments and update existing threat assessments in co-operation, as appropriate, with other relevant organisations and agencies.

2. Justification

The present draft mandate aroused as a result of the proposal of the Cyprus Presidency for the preparation of a threat assessment on air transit passengers which was presented at CCWP Plenary meeting on 13 July 2012 (DS 1483/12). The proposal was also accompanied by a questionnaire aimed at collecting information from Member States on the matter (doc. CM 3743/12).

In particular, the aim of the questionnaire was to find out whether a common approach is applied towards air transit passengers by the Member States. It also aimed at identifying any problems encountered while controlling air transit passengers that are related to customs procedures, customs controls, information exchange, risk analysis, type of fraud, and means of controls etc. 24 Member States and Croatia responded to the questionnaire. The responses were processed and the outcome was as follows:

In brief, the analysis of the questionnaire revealed that in general, Member States consider the current community legal instruments as sufficient but access to PNR is considered to be crucial in order to perform effective risk analysis and control on air transit passengers. In addition, almost all Member States came across cases of air transit passengers using complicated (unusual) routes so as to avoid customs controls. The highest risk is attributed to the areas of cocaine, tobacco products and synthetic drugs. As identified, the main weaknesses in the control procedures at transit airports are: insufficient number of employees, insufficient equipment, and not having access to the pre arrival information of transit passengers. Also, it was indicated that the need for exchange of information should be improved.

A thorough analysis of the questionnaire (DS 1830/12) was presented at the CCWP Experts meeting on 11 December 2012 where it was agreed that a project group will be created under the leadership of CY.

3. Aims and Objectives

The objective of the assessment is to obtain a wider knowledge and overview of the situation in the air transit sector and the resulting threats for the European Union. The project will also provide a clear picture of the current situation in the European Union, in order to evaluate the current trends, the routes used by air transit passengers and the modus operandi regarding illicit trafficking. Furthermore, based on the need identified through the questionnaire, aim of the project group will also be to further analyze the possibilities of obtaining access to the Passengers Name Records (PNR) and to the Advance Passenger Information (API). In addition, another aim of the project will be to enable customs authorities to find out new ways of improving exchange of information including the creation of a list of contact points for the main airports of each Member State.

4. Procedure

The threat assessment will be prepared on the basis of all available information. A relevant questionnaire will be drafted and distributed to Member States. The responses will be analyzed in order to obtain an overall picture of illicit activities as regards air transit passengers.

Following the receipt of Member States replies, the information collected will be evaluated in order to produce a final threat assessment report.

The project group to be formed will meet at least twice, for an initial meeting, possibly in Brussels, in order to start the process and discuss the questionnaire and the way forward, and for a final meeting, possibly in Cyprus, in order to discuss the draft report to be presented to the CCWP. In the meantime in order to save money and time the project group will mainly carry out its work by email and telephone. Also, there might be a possible interim meeting which will include a visit at a participating Member State's airport.

5. Schedule of Action (preliminary)

16 January 2013	Presentation and possible adoption of the mandate to produce the threat assessment on air transit passengers
31 January 2013	Deadline for nominations of participants
March / April 2013	Initial Meeting of the project group
September 2013	Final meeting of the project group
October 2013	Presentation of the draft final report to the CCWP

6. Participants

The Cyprus delegation has volunteered to lead this project and seeks for the support of the Member States as well as the European Commission and Europol. Member States were kindly requested to express their interest in participating to the project group by 4 January 2013. Austria, Belgium, Bulgaria, Finland, Hungary and Portugal have already indicated interest in participating to the project group. Additional Member States willing to participate in the project group are invited to inform the contact point mentioned below of their participation by **31 January 2013**.

7. Contact Points

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