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## **GUIDE FOR JOINT CUSTOMS OPERATIONS (JCOs)\***

### **General introduction**

#### **Background**

1. The Customs Administrations of the Member States play a crucial role in the fight against cross border criminality. Therefore it is of the utmost importance that there is a developed co-operation between both Member States and the Commission as well as between these parties and countries outside the European Union with emphasis on the Candidate Countries.

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\* Further development of Council Resolution of 9 June 1997 concerning a handbook for joint customs surveillance operations (OJ C 193, 24.6.1997,p.4) and Document 11562/99 ENFOCUSTOMS 48, Handbook for Joint Customs Operations (JCOs)

The Customs Co-operation Working Party (CCWP) has, for a number of years, successfully contributed to this co-operation by implementing Joint Customs Operations (JCOs). These are carried out with the overall objective to encourage and improve the effectiveness of operational co-operation between Member States administrations engaged in combating infringements of Customs legislation.

It is the intention that this Guide shall form the basis for the future of this work and ensure a proper application of Article 29 of the Treaty on the European Union. Furthermore, it reflects conclusions laid down in the Tampere and Vienna declaration and supports the aim of the Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee concerning a strategy for the Customs Union (COM (2001) 51 final, Brussels 08.02.2001).

## **Purpose**

2. The purpose of this Guide is to improve the preparatory and selection processes for JCOs, ensure their implementation, improve their subsequent evaluation and make more effective the feed-back of experience gained into the selection and planning processes for future operations.

## **Structure**

3. This Guide is structured as follows:

General introduction	<i>Pages 1 - 4</i>
Part I: Manual for establishing the strategic and tactical objectives for Joint Customs Operations	<i>Pages 5 - 6</i>
Part II: Operational handbook for Joint Customs Operations	<i>Pages 7 - 12</i>
Annexes	<i>Pages 13 - 19</i>

## **Definition of JCOs**

4. In the Guide the term “Joint Customs Operations” means operational, targeted measures of a limited duration for combating the smuggling of sensitive and other goods. These can be implemented either as a "Full Scale JCO" by a minimum of five Customs administrations of EU Member States, or as a "Limited JCO" by a minimum of three Customs administrations of EU Member States. The Guide does not cover Joint Customs Operations by fewer than three Member States' Customs administrations but considered to represent best practice and should be taken into account when planning and implementing such operations.

## **General description of JCOs**

5. JCOs are carried out under the management of the competent Customs Co-operation Working Party (CCWP) of the Council. The CCWP devotes at least four meetings a year to operational matters (Group of Experts), it being understood that each Presidency schedules at least two meetings on this subject.
6. When planning JCOs, the Group of Experts ensures that at least four "Full Scale JCO" per year are planned, with the ambition to involve as many Member States as necessary in each of those operation. The number of "Limited JCOs" is for the Group of Experts to decide. Operations of other bodies in which the Customs administrations of the Member States are involved, due to their responsibilities in the surveillance of cross-border movements of goods and the prosecution of contravention, should be taken into account by the Working Party in order to achieve adequate planning.
7. Additional JCOs can be initiated by agreement between the customs administrations of the Member States. To ensure adequate planning there should be a period of at least six months before their implementation.

## **Procedures for selection of JCOs**

8. The annual selection of the JCOs is based on three different levels. Firstly the strategic level, where long term strategic objectives are established by the CCWP. Secondly, the tactical level where tactical objectives are established by the CCWP after a proposal from the Group of Experts on the basis of the strategic objectives, and thirdly the operational level, where concrete JCOs are proposed by the Group of Experts and approved by the CCWP. Those concrete JCOs shall be based on both the strategic and the tactical objectives.
9. Preceding the first meeting of the Group of Expert each year, the CCWP verifies the strategic objectives. At the beginning of each year, the Group of Experts agrees on relevant tactical objectives for the following three (3) years, based on the strategic objectives. These tactical objectives are submitted to the CCWP for approval.
10. On the basis of the approved strategic and proposed tactical objectives, the Group of Experts initiates and agrees on JCOs. In accordance with the procedure, the Group of Experts draws up a final list of the operations to be carried out in the following year. The CCWP approves at the end of the first semester, (or at latest in time to meet the funding deadlines), the final list of operations agreed and proposed by the Group of Experts. If required, decisions on tactical objectives and on operations can also be directly taken by the CCWP.

# Part I

## Manual for establishing of strategic and tactical objectives for Joint Customs Operations

### General

1. The strategic level shall ensure that Joint Customs operations are carried out with the overall objective to encourage and improve on the effectiveness of operational co-operation between Member States' administrations engaged in combating infringements of Customs legislation.
2. Furthermore, it aims to ensure a proper application of Article 29 of the Treaty on the European Union, reflect the conclusions laid down in the Tampere and Vienna declaration, and support the aim of the Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee concerning a strategy for the Customs Union (COM (2001) 51 final, Brussels 08.02.2001).

### Establishment of strategic objectives

3. The JCOs shall contribute to the realisation of the long-term strategic objectives established and verified by the CCWP (see Annex 1). It is the responsibility of the Presidency to request the CCWP to verify the strategic objectives well in time for the first meeting of the Group of Experts every year. The CCWP shall then take into account developments which might have any impact on the work of Customs.
4. In the light of item 1, each JCO should fulfil as many as possible of the strategic objectives identified in Annex 1.

## **Establishment of tactical objectives**

5. The CCWP shall establish tactical objectives for the JCOs.
6. The Presidency shall initiate the process for considering tactical objectives. The Group of Experts shall discuss these proposals in the beginning of each semester or whenever the need arises, and after reaching agreement shall make proposals to CCWP on tactical objectives for the following three- (3) years. The proposals shall be based on the parameters identified in Annex 3.
7. The CCWP shall, after having received the proposal on tactical objectives, establish the tactical objectives. This must be done before the deadline finalising the JCOs for the following year. The list of tactical objectives shall be attached to this Guide (Annex 2).
8. After having agreed the tactical objectives, the Group of experts begins the process of identifying relevant JCOs for the following year.

## Part II

### Operational handbook for Joint Customs Operations (JCOs)

#### Proposals for JCOs

1. The Member States and the European Commission are, on the basis of the strategic and tactical objectives, invited to propose JCOs to the Group of Experts. Proposed JCOs shall be in the format of business cases containing details of the JCO for discussion in the Expert Group. The business case must take account of any relevant conclusions and recommendations from previous JCOs. Final approval for any JCO is dependent on the business case being produced and endorsed by the Group of Experts. A model business case specifying the items to be included is attached to this Guide (Annex 4).
2. By the end of the first semester, or at the latest in good time to meet the funding deadlines, the Group of Experts shall agree and make a proposal to the CCWP for at least four relevant JCOs for the following year. In order to avoid duplication or conflicting operations, the proposal must take into account any relevant operations in other groups. The Group of experts shall also ensure that the proposed JCOs are staggered to avoid overburdening control staff. The proposal, on the basis of business cases, shall be approved by the CCWP by the end of the first semester, or at the latest in good time to meet the funding deadlines.
3. Following the approval by the CCWP on the business cases, the Group of Experts shall initiate the drawing up of detailed terms of reference for the JCOs (Annex 5).

## Co-ordination

4. As a general rule each operation is assigned to the Customs administration of the Member State which volunteers to act as co-ordinator for a JCO. The Group of Experts can also recommend that a JCO be implemented by an existing body of the Customs Administrations of the Member States. In this case one EU Member State in that group shall act as co-ordinator. If no Customs administration of the Member States volunteers to act as co-ordinator, the Customs administration of the Member State holding the Presidency will act as co-ordinator. Due to efficient use of resources, the possibility of shared co-ordination, fore-runner and co-runner, should also be considered.
5. The co-ordinator draws up the terms of reference for the JCO. The terms of reference set out the background and aims of the operation and other details, including the available support for the operations to be sought by the European Commission e.g. in the field of communications, and by drafting press releases. A model specifying what the terms of reference should include is annexed to this Guide (Annex 5).
6. The business case and the terms of reference shall include a risk analysis based threat assessment, which provides a clear definition of the objectives of the JCOs, especially for JCOs concerned with smuggling under the guise of legitimate trade. Criteria for assessing the results of the operation shall also be identified.
7. The terms of reference are to be treated as confidential by all the bodies involved and shall not be published. Only the business case for the operation should be included in the collection of Council documents and should be classified "CONFIDENTIAL". It is recommended that the precise date of the JCOs be announced as late as possible, if possible after the briefing meeting.

8. If necessary, the co-ordinator sets up an appropriate Operation Co-ordination Unit (OCU) or Virtual Co-ordination Unit (VCU) for the JCO. In setting up the OCU/VCU, account is taken of the nature and scope of the operation. The operational parameters of the OCU/VCU are laid down in the terms of reference.
9. Non-EU Customs administrations as well as other relevant organisations may be invited by the operation co-ordinator to take part in JCOs. Non-EU countries and external organisations taking part in operations are not entitled to attend the meetings of the Working Party. They are free, however, to attend briefing and debriefing meetings connected with operations in which they are involved.
10. The co-ordinator is responsible for notifying participating administrations and organisations of forthcoming operations. A model notification is annexed to this handbook (Annex 6).
11. If it is desirable for the proper running of the operation for liaison officers to be included in the OCU, each participating State sends one or more liaison officers if possible, or appoints a liaison officer for the VCU. The interests of a State that does not appoint any liaison officers are looked after by the co-ordinator of the operation, if so desired and as far as possible.
12. The operation co-ordinator is responsible for organising briefings. Ideally the briefing meeting is to be held 2/3 months ahead of the JCO. If no briefing is required for a particular JCO, this should be stated in the business case and also in the terms of reference.
13. To enable the participating administrations and organisations to prepare themselves for the JCO, general information on the duration and the anticipated month of the JCO is provided beforehand. Specific information on objectives etc will be decided during the briefing. To ensure security the final dates of the JCO will be announced at the latest possible time. If no briefing is held, the co-ordinator ensures that this information is passed on in some other way. Confidentiality is to be guaranteed at all times.

14. The Group of Experts draws up a list of addresses of the JCO contact points and ensures that it is continually updated.

## **Evaluation**

15. The co-ordinator is responsible for drawing up a draft report for discussion in the debriefing meeting after a JCO has been completed. The report is drawn up, and the debriefing is held, within two months of the end of the JCO. A model report is annexed to this handbook (Annex 7). The report is provisionally approved at the debriefing meeting, after any amendments or additions have been made.
16. As a basis for the report the Customs administrations of the participating Member States send national reports to the co-ordinator within a time limit to be fixed, and at the latest within four weeks. The structure of national reports should be laid down by the co-ordinator and should be agreed during the briefing.
17. The report on the JCO must include whether the aims and objectives were achieved, any difficulties encountered, lessons to be learned and a value for money assessment. In addition the report should contain a recommendation whether or not a further scientific analysis is required.
18. If the co-ordinator is a State other than the one holding the Presidency, it submits the report to the Presidency within three months of the end of the JCO. The Presidency places the discussion of the report on the agenda for an expert meeting. At this meeting, further amendments and additions to the report can be made. Finally, the Working Party finalises and approves the definitive report.

19. At the end of each year, the Group of Experts evaluates JCOs that have been implemented since the last evaluation. The result of this evaluation shall be submitted to the CCWP as input to the establishment of new strategic and tactical objectives.
20. The Group of Experts meets to examine at the end of the year following the operations the implementation by participating countries of the recommendations emanating from the JCOs carried out in the previous year. This in order to ensure that the recommendations are implemented and that they can be taken into account in the planning of future operations.

### **Financial aspects**

21. With a view to fulfilling the objectives of the joint Customs operations, it is important that participating Member States allocate sufficient resources in the various phases of the operations.
22. The resources available to the Customs administrations of the Member States are limited. Consequently, cost-efficiency should be aimed for in the planning, carrying out, evaluation and follow-up of joint Customs operations. The scope for improving cost-efficiency by way of co-ordination with joint operations initiated by other international bodies should as well be examined. The overall objectives and the importance of the operations planned should be proportionate to the resources required for each operation.
23. Efforts should be made to obtain the maximum amount of EU funding for JCOs. Applications for financing from EU funds shall be made by the co-ordinator with the support of the Working Party. The relevant representatives of the Member States should support the planned joint operations in the agreed priority order at the competent finance committee meetings.

24. Planning of Joint Customs Operations should be made in such good time as to allow, where applicable, for funding to be sought from the relevant Community programmes, e.g. OISIN, or other possible sources of funding (see para 10 of the General Introduction).
25. The terms of reference laid down during the planning of JCOs shall include an expenditure budget. Expenditures shall cover the costs of briefing and debriefing meetings and the running costs of the Operation Co-ordination Unit or Virtual Co-ordination Unit in connection with room hire, interpreting equipment, communications, et cetera and other costs. Also to be included are references to intended financing through Council of the European Union or Commission programmes.

### **Reporting**

26. The attention of the EU institutions concerned, as well as that of the general public, media and economic operators, should be drawn to the fact that Joint Customs Operations are an exemplary, practical form of operational co-operation among Member States. Such attention is encouraged i.a. by results from operations in the form of seizures, improved co-operation between Member States, more efficient exchange of intelligence, threat identification etc.
27. It is the responsibility of the Presidency in the CCWP to continuously inform all relevant parties on planned, ongoing and finalised operations and the results achieved.

## Strategic objectives for Joint Customs Operations

The CCWP has agreed the following long term strategic objectives for JCOs:

- Improve practical co-operation between Customs administrations, between Customs and other administrations, with the European Commission, with the World Customs Organisation (WCO) and any other relevant organisation to combat organized crime and cross-border smuggling.
- Deliver tangible result in terms of e.g. seizures, identification of new threats and disruption of criminal gangs.
- Increase the enforcement capabilities of Customs administrations.
- Demonstrate the need for legislative improvements.

## Tactical Objectives for Joint Customs Operations

*To be established by the CCWP...*

## **Model for proposal of tactical objectives for JCOs**

- Introduction
- Description and content of tactical objectives
- Relation with strategic objectives
- Expected contribution
- Result of risk analysis
- Nature and volume of the expected risk
- Previous experience by the Member States
- Relation with external stakeholders such as business community, manufactures, traders and freight forwarders.
- Legalisation involved
- Expected result

## Model business case for proposed JCOs

This model is intended to ensure that proposals for new operations are presented in a way that facilitates appropriate decisions.

- 1) Introduction
- 2) Justification
  - relation with the strategic- and tactical objectives
  - general, including reference to conclusions and recommendations from previous JCOs
  - threat assessment (based on risk analysis)
  - objectives
  - participating States
  - procedures
  - preparation
- 3) Forecast costs of the JCO
  - expenditure
  - financing
- 4) Reporting

## Model terms of reference for JCOs

As soon as a proposal has been adopted this model should be used to formulate the terms of reference for the operation.

- Background to the proposal including reference to the business case and to the conclusions and recommendations from previous JCOs
- Code name of the JCO
- Type of operation (sea, air, land, etc.)
- Further details (type of vehicles, mode of transport, type of goods)
- Information on the threat assessment
- Purpose and objectives of the operation
- Legal area/types of offences targeted by the operation (prohibitions & restrictions, highly taxed goods etc.)

- Details of practical arrangements
  - expected participants
  - duration of the operation
  - communication arrangements
  - working language(s)
  - classification of the risk for the selected targets
  - operational parameters of the OCU/VCU
  - tasks of the national contact points
  - abbreviations and codes
  - other logistical requirements
  - model press release
  - special equipment
  - financing
  
- Criteria for assessing the results of the operation
  
- Guidelines for national contributions to the final report
  
- Briefing and debriefing plans

## **Model notification to Customs administrations of forthcoming JCOs**

This model should be used for notifying Customs administrations of forthcoming operations

- Type and purpose of the operation
- Date and place of briefing
- Further details concerning the officials expected at the briefing
- Agenda for the briefing
- Financing

## Model debriefing report

This model is intended to ensure appropriate assessment of the operation

- Framework within which the operation took place
- Co-ordinator of the operation
- Participating countries and liaison officers
- Objectives of the operation
- Summary of the results
- Statistics
- Costs (OCU/VCU, briefing, debriefing, special equipment, etc.)
- Assessment of the operation:
  - ⇒ Level of realisation of the objectives of the JCO
  - ⇒ Generally, including an assessment of missing consignments and surveillance weaknesses etc.
  - ⇒ With a view to necessary improvements for future operations
  - ⇒ Recommendations for future improvements