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## NOTE

From:	Presidency
To:	Delegations
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Subject:	Deeper involvement of customs in Europol activities

### 1. Introduction

Deeper involvement of customs administrations into Europol activities has been one of the priorities of the Czech Presidency in the Law Enforcement Working Party - Customs (LEWP-C).

Strengthening cooperation between customs administrations and Europol is a long-term challenge for LEWP-C. The aim is to involve customs more closely in the EU's internal security through a multi-agency and multi-disciplinary approach and to use the specific competences and experience of customs administrations in the fight against serious and organised crime.

The added value of the participation of customs authorities in European Multidisciplinary Platform Against Criminal Threats (EMPACT) actions is widely acknowledged. Moreover, there is a consensus on the need for customs administrations to actively engage in the preparation of the Serious and Organised Crime Threat Assessment (SOCTA) report and to be represented to a greater extent at the meetings of SOCTA Advisory Group.

To support its efforts, the Czech Presidency chose topics for the LEWP-C meetings that would shed light on existing Europol activities related to the mission of customs, the development of the SOCTA report as well as EMPACT operational action plans and capacity-building opportunities.

## 2. Activities of the Presidency

### 2.1 Status of recommendations on Actions 9.7 and 10.7

There has been a significant improvement thanks to many efforts over the past few years. The results of Action 9.7 on better integration of customs in the EU SOCTA and Action 10.7 on customs-Europol cooperation on the CCWP Action Plans are worth mentioning. Both actions mapped the situation and proposed concrete steps for further improvement. There are also ongoing efforts to align the process and methodology for the establishment of LEWP-C action plans and the SOCTA. Further progress can be now expected in connection with the permanent expert group in charge of the Customs Threat Assessment document currently proposed by the prefigurative subgroup led by France (15277/22).

It is important to monitor the implementation of recommendations adopted by LEWP-C. A brief overview of the current status of recommendations set out in the final reports on Actions 9.7 (10241/2019) and 10.7 (6855/1/2022) is provided hereunder:

1. *Better integration of customs in the EU SOCTA, including creation of the SOCTA manual, development of indicators and the weighting model in the SOCTA methodology, better access to SIENA, participation of customs representatives in all meeting with the SOCTA Advisory group*, is being continuously developed by Europol. The SOCTA Advisory Group can currently be attended by two representatives (a police analyst and a customs representative) from each MS with expenses covered. With regard to the SOCTA questionnaires, the number of contributions to SOCTA 2021 was up by around 60 % compared to SOCTA 2017. However, the exact number of customs contributions cannot be quantified because some MS send their contributions together for both organisations.
2. *Training on how to fill in the SOCTA and how to interpret the SOCTA methodology* is not yet available but is being prepared by Europol and is to be introduced before the next SOCTA questionnaire.

3. *Information campaign to implement the above with a special focus on the operational management level of MS' customs authorities and Europol staff in relation to handling customs-related intelligence* is an ongoing process run by different stakeholders. It is being achieved within LEWP-C by placing Europol's topics on the agenda of the meetings, and possibly by including a dedicated action in the LEWP-C Action Plan. There is a plan to include information on SOCTA and its role in an existing CEPOL webinar devoted to customs officers.

Furthermore, Europol enables customs experts to be employed in Europol and exchange know-how with other law enforcement officers.

Participation by customs administrations in the **European Police Chiefs' Convention** (EPCC) is also continuously increasing. This important event allows the directors-general of customs administrations to share their experiences with Europol in a customs-oriented meeting, while having the possibility to meet in plenary with the police chiefs to exchange information on current trends and challenges in the area of serious and organised crime.

**The creation of the European Financial and Economic Crime Centre** (EFECC) in 2020 had a significant impact on customs expertise in Europol. Europol's Joint Customs Task Force (J-Customs) also promotes the added value of customs and continuously works on spreading information about the work of customs.

The recent **Ad hoc working group on mutual support of customs risk management and criminal intelligence of other law enforcement authorities** (Ad hoc working group) is a good example of police-customs cooperation. One of its outcomes is the creation of several SNE (Seconded National Expert) positions within Europol with expertise in the field of customs risk analysis.

4. *Increasing the activities of customs in EMPACT OAPs* is being fulfilled continuously. In Operational Action Plans (OAPs) for 2023, customs are a leading authority in 28 operational actions (OAs) with the largest involvement in OAPs on Excise Fraud (12 OAs), Missing Trader in the Chain (4 OAs), Intellectual Property Crime, Counterfeit Goods and Currencies (2 OAs), Criminal Finances, Money Laundering and Asset Recovery (3 OAs), Organised Property Crime (1 OAs), High-Risk Criminal Networks (2 OAs), Cocaine Cannabis Heroin (2 OAs), and Synthetic Drugs/New Psychotropic Substances (2 OAs). Detailed information on the previous customs participation in EMPACT priorities is available in the 2020 Strategic Review on Customs-Europol Cooperation, set out in 5449/21. At the same time, in the 11<sup>th</sup> Action Plan, explicit reference was included allowing the actions to be implemented via EMPACT. Some of the actions can be run in parallel and in close cooperation and coordination by customs under the LEWP-C Action Plan and by police under EMPACT, and can complement each other. Action 11.4 Illicit Cash Movements and Operational Action 2.2 of EMPACT OAP Criminal Finances, Money Laundering and Asset Recovery are an example of this.
5. *Recruitment of customs into Europol* is in progress. Action 10.7 evaluated, via a questionnaire, a proportion of Europol Temporary Agents (TAs) and Seconded National Experts (SNEs) with a background in customs. This revealed that there were 11 TAs and 2 SNEs in June 2019. 18 MSs already seconded a customs liaison officer to Europol.

## **2.2 Raising the profile of customs-Europol cooperation**

With the aim of raising the profile of the existing cooperation and facilitating discussion on its further development, the Presidency has placed the following topics on the agenda of the LEWP-C meetings:

### **11 July 2022:**

- European Financial and Economic Crime Centre – presentation by Europol
- Enforcement of sanctions against Russia and Belarus – presentation of operation OSCAR by Europol

- Activities of the Customs Liaison Officers at Europol – presentation by the CZ liaison officer at Europol
- Discussion on the involvement of customs in Europol activities – discussion document 10797/22 was issued

**19 October 2022:**

- Ad hoc Working Group on mutual support of customs risk management and criminal intelligence of other law enforcement authorities – presentation by Europol at the joint LEWP meeting, discussion document 13396/22 was issued
- SOCTA and the customs contribution – presentation by Europol

**8 November 2022:**

- Strategic Trade Investigations – Europol’s support – presentation by Europol

**8 December 2022:**

- Poss. 2022 review of multi-disciplinary Europol cooperation – presentation by Europol
- CEPOL activities geared towards SOCTA and EMPACT – presentation by CEPOL

In addition, it is necessary to mention two major events that are closely related to this topic:

On 4 and 5 October, the annual meeting of the **European Police Chiefs Convention (EPCC)** was held at Europol HQ in The Hague. The Czech Presidency contributed to the preparation of the event’s agenda by proposing the topic of Strategic Trade Investigation, which, in the context of the ongoing war in Ukraine, was of great importance. The organisation of workshops where customs and police topics were intertwined was a step forward. Finally, an exhibition of the Czech customs and police equipment also took place on this occasion..

On 25 October, during the **National EMPACT Coordinators (NEC) meeting**, the LEWP-C chair gave a presentation on the synergies between the existing 11<sup>th</sup> Action Plan and EMPACT activities. The positive response confirmed the value of efforts in this area.

### 3. Contributions from the Member States

To facilitate discussions during the LEWP-C meeting of 11 July, the Presidency prepared 10797/22, which invited delegations to share their opinion on the following questions:

*1)(a) What do you see as the biggest benefit of having your customs liaison officer at Europol?*

*(b) For those MS that do not yet have a customs liaison officer at Europol: are you considering seconding a liaison officer in the foreseeable future?*

*2) What task/activity would you add to the work of the J-Customs working group, or do you have any recommendations for its leadership?*

*3) Where do you see gaps in the cooperation between your customs administration and Europol and vice versa?*

*4) Are there any new methods or activities that could increase cooperation with Europol and the role of customs administrations in Europol?*

A total of 15 responses were received from the Member States and, for the purpose of drawing conclusions, it is very significant that there was a consensus among the Member States on the essential points.

Based on the Member States' experience, having a customs liaison officer at the Europol headquarters is a considerable advantage. The reasons are obvious:

- it facilitates and speeds up communication, especially in operational activities with Europol and other countries participating its activities
- the SIENA platform can be used even where there is no direct access in the capital

Another benefit is the involvement of platforms such as J-Customs and Heads of Europol National Units.

Some MS are considering seconding a liaison officer, but financial and organisational issues may be an obstacle.

- **J-Customs:** in general, there are no new concrete tasks to be assigned to this platform. The work of the group should concentrate on reducing the risk of customs being seen as a separate entity in the law enforcement community and should strive to ensure that customs authorities are seen as an equal law enforcement partner. Besides strategic matters, the emphasis should be put on the operational side of cooperation between J-Customs and other relevant units of Europol, including the sharing of new trends and *modi operandi* within the remit of customs. It is necessary to continuously explain what competences and experience customs can offer to both Europol and other law enforcement agencies (although customs' competences differ across the EU), especially in the fight against cross-border crime. It was also mentioned that J-Customs activities should be presented to the Member States. However, this is not only the case of this group. The opinion of many contributors is that there is room for improvement in Europol's communication with the Member States.
- **SOCTA and EMPACT:** deeper engagement of customs authorities is more than desirable. In the development of SOCTA, MS would welcome more help from Europol and ENUs in completing the questionnaires leading to the production of this report.
- A need to improve the exchange of information and coordination of operational activities between Europol and other relevant EU institutions (e.g. OLAF) was noted.
- There is a need to **increase the number of customs experts in Europol**.
- Development of cooperation between Europol and Member States in the **area of risk analysis** was highlighted in the comments as well. This objective has been partially implemented by the aforementioned Ad hoc working group. It was stressed that cooperation in the area of data exchange should be mutually beneficial.
- A suggestion to invite the LEWP-C chair to the Europol Management Board meetings, on matters relevant to customs, was also made.
- Finally, it is perceived that there is still some room for Europol to present itself more clearly as a law enforcement agency.

#### 4. Conclusions

In conclusion, great efforts have already been made but there is still a wide range of possibilities which could be exploited – the use of liaisons officers and involving them in relevant formations such as J-Customs, the use of training programmes, greater exchange of information within the law enforcement community via the SIENA platform or highlighting of specific competences and experience within the framework of the SOCTA report. It is important that the Member States and Europol continue to take long-term, systematic steps towards involving customs authorities more deeply in the EU's internal security through Europol's activities and that they remain committed to this goal.

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