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#### NOTE

From:	Presidency
To:	Delegations
Subject:	Detection of illicit wholesale trafficking of drugs and drug precursors at EU points of entry and exit

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (15.06.2023)**

According to the EU SOCTA 2021, trade in illicit drugs continues to dominate serious and organised crime in the EU. Much of the violence associated with serious and organised crime is related to the trade in illicit drugs. Drugs trafficking being increasingly global and adaptive in nature, EU ports, airports, and land entry and exit points are essential targets for criminal networks, who use them for the wholesale trafficking of drugs and drug precursors into and out of the EU.

Europe's ports are key locations<sup>1</sup> for criminal networks, which rely on maritime transport for high-volume drug trafficking. Europol in partnership with the ports of Antwerp, Hamburg, and Rotterdam concluded<sup>2</sup> that the large number of containers in the major EU ports (over 90 million) handled each year, and the low percentage (between 2 and 10 %) that can be physically inspected, makes detection of illicit goods extremely challenging. Recently, the use of misappropriated container reference codes (PIN code fraud) has gained traction. It is estimated that in the last few years, at least 200 tonnes of cocaine have been trafficked through the two major EU ports alone using this modus operandi, and criminal networks continue to look for loopholes in port procedures and gaps in security.

The large ports have at the same time become hotspots for increasing violence related to the trafficking of illicit drugs. This is only the most obvious result of the power of the organised crime groups operating the illicit drug trade. This is equally linked to problems with infiltration and corruption, which pose a threat to the functioning of democratic society.

Therefore, it is crucial to increase the detection of illicit drug trafficking at EU points of entry and exit, in particular at EU ports, and to address their vulnerabilities while preparing for changing trafficking routes. This is one of the strategic priorities of the EU Drugs Strategy 2021-2025<sup>3</sup>, and is also addressed by other instruments and tools. In this framework, particular actions have been carried out recently. Nevertheless, recent shifts in criminal trafficking routes, emerging modus operandi, new narcotics and drug precursors, require adaptability in a continuous cooperation between all involved stakeholders. The Presidency deems it timely to explore whether on the basis of the existing framework and actions, more could be done.

In this context, it is crucial that the law enforcement community remains vigilant regarding the possible displacement of smuggling routes, potentially targeting other or smaller ports within the EU or ports outside of the EU that may become points of transit. The present paper aims to support this discussion.

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<sup>1</sup> Sea transport in terms of quantity accounted for nearly 76 % of EU exports and 73 % of EU imports in 2021 [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=International\\_trade\\_in\\_goods\\_by\\_mode\\_of\\_transport](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=International_trade_in_goods_by_mode_of_transport)

<sup>2</sup> 8873/23

<sup>3</sup> EU Drugs Strategy (2021-2025) (OJ C 102I of 24.3.2021, p. 1)

## I. Policy framework and recent actions

### The EU Drugs Strategy and the EU Drugs Action Plan 2021-2025

The EU Drugs Strategy 2021-2025 provides the political framework for the EU's drug policy and takes an evidence-based, integrated, balanced and multidisciplinary approach to the drugs phenomenon. Its strategic priority 2 aims at increasing the detection of illicit wholesale trafficking of drugs and precursors at EU points of entry and exit. To implement this priority, the EU Drugs Action Plan 2021-2025<sup>4</sup> (see a summary of relevant actions in the Annex) calls for a number of actions, inter alia, relating to the police and customs risk analysis and investigation methods, development of effective screening technologies, cooperation with relevant civil aviation and maritime authorities, between customs and relevant EU agencies, role of MAOC-N<sup>5</sup>, drug intelligence fusion platform at Europol, concluding agreements between the EU and third countries where drug trafficking hubs are located.

In addition, the EU Drugs Action Plan foresaw the transformation of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) into the **European Union Drugs Agency**. The revised mandate of the Agency is expected to be adopted shortly and would strengthen its monitoring and threat assessment capabilities and its ability to react to new challenges. The new mandate of the Agency will explicitly cover drug markets and supply, including illicit production and trafficking, which could notably provide additional opportunities for inter-agency cooperation on these issues.

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<sup>4</sup> EU Drugs Action Plan (2021-2025) (OJ C272 of 8.7.2021, p. 2)

<sup>5</sup> Maritime Analysis and Operation Centre Narcotics, whose mission is to enhance criminal intelligence and coordinate law enforcement action on the high seas.

Lastly, the EU Drugs Strategy and the Action Plan underline the importance of **international cooperation**, which involves enhancing information exchange and investigative actions with third countries and regions constituting major sources or transit hubs for drugs and concluding agreements between the EU and third countries, where appropriate. EU dialogues and meetings are held regularly in particular with the CELAC region in the framework of the **EU-CELAC** Coordination and Cooperation Mechanism on Drugs, and bilaterally with for example Colombia and Brazil, as well as with other partners such as **China** and the **Western Balkans region**. Another important forum for international cooperation is the **EU-US dialogue on drugs**. A bi-regional operational working group on drugs was set up in the framework of the EU-CLASI cooperation<sup>6</sup>. Cooperation with the international organisations, such as **WCO** and **UNODC**, in the area of information exchange and operational coordination of targeting and control activities at the seaports and airports of source or transit countries should also be noted.

### **EMPACT – Drugs priority and High-Risk Criminal Networks (HRCN)**

Drug trafficking is one of the EU crime priorities under the EMPACT. This priority includes two operational action plans (OAPs) addressing the production, trafficking and distribution of cannabis, cocaine and heroin (CCH) and the production, trafficking and distribution of synthetic drugs and new psychoactive substances (SYD-NPS). The Operational Actions under these priorities cover a wide variety of topics and are built around clear strategic goals that aim to build the criminal intelligence picture, conduct investigations and ensure the judicial response, perform coordinated controls and cyber operations, address money laundering and document fraud, increase capacity building through training, networking and innovation, prevent crimes and assist victims, and cooperate with non-EU partners. Many of these operational actions are linked to the EU points of entry and exit, especially relating to logistical hubs (harbours and airports), maritime vectors, trafficking routes, general aviation, fast and postal parcels, and modus operandi.

The Operational Action Plan tackling High-Risk Criminal Networks (HRCN) completes the multidisciplinary response against this phenomenon by identifying and disrupting criminal networks active in the EU, such as mafia-type, ethnic and family based organisations and other structured networks, and individuals with critical roles in these networks, which are responsible for the infiltration, corruption, and increased use of violence related to those large scale drug trafficking criminal challenges.

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<sup>6</sup> CLASI (Latin America Internal Security Committee) was created in 2022, following the model of COSI.

## Actions implemented recently

- **Roadmap to combat drug trafficking<sup>7</sup>**, agreed by COSI in 2022: calls for stepping up maritime surveillance, ensuring the stability of MAOC(N) beyond 2026, involving it in the cooperation of EU Member States with third countries, and establishing a list of Member State contact points willing to exchange information regularly and voluntarily.
- **Presidency conclusions on Cocaine<sup>8</sup>**, prepared by HDG in 2022 under the French Presidency: call for accelerating cooperation on maritime and port intelligence and strengthening cooperation with the source countries of trafficking, particularly in Latin America. In addition, in the 11th Action Plan of the Law enforcement Working Party (Customs) 2022-2023, an action on the trafficking of cocaine in maritime consignments aims for better identification of trends, risks and modus operandi. This action is included in the EMPACT Operational Action Plan of Drugs (Cannabis, Cocaine and Heroin) for 2023.
- Ongoing thematic **Schengen evaluation** of Member States' national capabilities to fight drug trafficking into the EU, which will also cover the priorities on ports identified in the EU Drugs Strategy and Action Plan and the European Integrated Border Management concept. Early 2024, the Commission will adopt the final evaluation report and make a proposal to the Council to adopt a recommendation calling Member States to consider the implementation of the best practices identified during the thematic Schengen evaluation.
- The initiation of the process of concluding **EU agreements with five Latin-American countries** - Bolivia, Brazil, Ecuador, Mexico, and Peru - on the exchange of personal data with Europol, given that the EU SOCTA highlights the unprecedented quantities of illicit drugs trafficked to the EU from Latin America.

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<sup>7</sup> 9625/22

<sup>8</sup> 9316/1/22 REV 1

II. **DELETED**



### **III. Questions for discussion**

- 1. What could be done to further enhance/operationalise the implementation of the actions already agreed under the existing frameworks?**
- 2. In light of the increasingly flexible market and the new *modus operandi*, what additional activities at EU level could be developed to be more resilient and better prepared for new developments?**
- 3. How can Member States prepare for any displacement effects in smuggling routes following increased security measures in the large entry ports? Is there a need for a minimum level of working methods and security measures across EU ports?**
- 4. What are the new opportunities for law enforcement and inter-agency cooperation related to the new mandate for the future European Union Drugs Agency?**

**EU Drugs Action Plan: summary of actions relating to the strategic priority 2:****“Increase the detection of illicit wholesale trafficking of drugs and drug precursors at EU points of entry and exit”**

- Action 10: reinforce **police and customs risk analysis, investigation methods**, ensuring **structured cooperation** and **real-time exchange of crime intelligence** and **coordinated investigations by using the services of Europol and Frontex**. Ensure that real-time information exchange among competent authorities at the entry/exit points is directly connected to SIENA.
- Action 11: support Member States in the development of effective **screening technologies** capable of detecting drugs and drug precursors for containers, trucks and ships, focusing on major ports, airports, train stations and major land border crossings.
- Action 12: improve **structured cooperation between customs and Frontex, Europol and EMCDDA**. Increase the customs expertise within Europol and reinforcing the capability of Frontex border guards to detect drug trafficking at the EU’s borders.
- Action 13: develop **cooperation with relevant civil aviation and maritime authorities**, including internationally with those in key partners countries along major drug trafficking routes, where appropriate through formal agreements.
- Action 14: continue financing **MAOC-N<sup>9</sup>** and provide it with a sustainable governance model.

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<sup>9</sup> Maritime Analysis and Operation Centre Narcotics, whose mission is to enhance criminal intelligence and coordinate law enforcement action on the high seas.



- Action 15: further develop the **drug intelligence fusion platform** at Europol, and facilitate information exchange with Member States' **liaison officers** at the geographical drugs hubs.
  - Action 16: conclude agreements between the EU and third countries where drug trafficking hubs are located, enabling Europol and Frontex to exchange information and data.
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