NOTE

from: Customs Co-operation Working Party

to: K4 Committee

No. prev. doc.: 10236/96 ENFOCUSTOM 37, 10237/96 ENFOCUSTOM 38, 9619/96 ENFOCUSTOM 27

Subject: Joint Customs Surveillance Operations: Revised procedures for future operations
Extended mandate for Joint Surveillance Operations.

The Presidency proposed in its programme of work (doc. 8313/96 ENFOCUSTOM 16) to:

(a) Seek to extend the current annual mandate from Council to carry out Joint Surveillance Operations,

(b) Review current arrangements in place for Joint Customs Surveillance Operations.

As regards (a) above, for several years prior to the entry into force of the Treaty on European Union, Member States' Customs Administrations co-operated together under the auspices of the Mutual Assistance Group (MAG) in carrying out joint air and sea surveillance operations. On the entry into force of the Treaty in November, 1993, these operations fell within the ambit of the Justice and Home Affairs Council and in drawing up its first priority work programme for 1994 (see Doc. 10684/93, JAI 12 of 30 November, 1993) the Council included the following as one of its priority actions viz: "periodic joint surveillance operations on air traffic (e.g. air freight and transit passengers) and sea traffic for which an outline programme for 1994 should be established by 31 December, 1993"

A programme of joint operations was subsequently drawn up by the Customs Co-operation Working Party and was submitted to the Council for its approval; following their completion, a report of the outcome of the 1994 operations was drawn up by the Customs Co-operation Working Party and presented to Council for their information. While the joint air and sea surveillance operations were not specifically mentioned in the Council's Work Programmes for 1995 and 1996, the same procedural arrangements as applied in 1994 were followed viz. a programme of joint operations was drawn up by the Customs Co-operation Working Party in both 1995 and 1996 and was submitted to Council for its "approval", at the beginning of the year during which the operations were to take place; reports of the outcome of the operations were then drawn up by the Working Party with a view to submitting them, through K4, to the Council for their information.

The Customs Co-operation Working Party believes that the current procedure of seeking approval from Council at the beginning of each year for a programme of joint operations to be carried out during that year is not conducive to good planning. This practice of submitting the programme to Council for approval on an annual basis can be a source of delay, difficulty and uncertainty. Annual approval also militates against the establishment of a coherent and integrated series of operations which could yield more beneficial results than the current approach. Seeking budgetary approval at Member State level for operations which take place in the early part of the year can also prove troublesome, particularly if insufficient notice of the operations is given. An extended mandate is all the more essential in view of the increase in the number of such joint operations and their extension to other modes (other than air and sea). The Working Party is of the view therefore that a 5 year mandate to carry out the necessary
operations would be appropriate. The Working Party does not wish to interfere with the current arrangements for reporting the outcome of completed operations to Council. This will continue on an annual basis, a report being made to Council by the Presidency in the first half of each year in respect of operations carried out during the previous calendar year.

The K4 Committee is accordingly requested to approve a 5 year mandate in respect of Joint Surveillance Operations to be carried out by the Member States Customs Administrations.

With regard to (b) above, the Customs Co-operation Working Party has carried out an examination of the current arrangements for such operations with a view to instituting the reforms required to improve their efficiency.

As a result of this review, and taking account of certain weaknesses which have been observed in the existing procedures, a new organisational framework within which future operations will be conducted has been agreed (see Appendix A attached). These new arrangements which will operate for all operations with effect from 1 January, 1997, should help to ensure that future operations will be more productive both in terms of the seizures recorded and in the extent of network building between Customs administrations.

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REVISED PROCEDURES
FOR
JOINT SURVEILLANCE OPERATIONS (JSO's).

MANDATE FOR FUTURE OPERATIONS
a) CCWP to seek 5 year mandate from Council to carry out
Joint Surveillance Operations without having to seek
Council approval each year

FREQUENCY OF CCWP MEETINGS OF OPERATIONAL
EXPERTS
b) At least two CCWP meetings per year to be dedicated to
operational matters - a minimum of one during each
Presidency.

ROLE OF CCWP MEETING OF OPERATIONAL
EXPERTS
c) The CCWP meeting of operational experts to act as the
initiator and overall controller of Joint Surveillance
Operations taking into account the input of both the
"full" CCWP and the views of ad hoc operations groups.
d) The CCWP meeting of operational experts to propose to
the "full" CCWP a programme of operations to be
carried out annually.
e) The CCWP meeting of operational experts to establish
the overall terms of reference for each operation -
identify the specific focus of the operation,
admissions involved, etc.
f) The CCWP meeting of operational experts to assign
each operation to an Individual administration which
volunteers to act as "Operation Co-ordinator".
g) The Operation Co-ordinator to produce a report of the
operation and submit it to the Presidency.
h) Presidency to place discussion of the reports on agenda
for a CCWP meeting of operational experts.
i) The CCWP meeting of operational experts to review reports of operations before passing to a meeting of the "full" CCWP for finalisation/approval.

j) CCWP meetings of operational experts to discuss other topics of operational interest as and when necessary

JOINT SURVEILLANCE OPERATIONS - PROCEDURES MANUAL

k) Each operation to be conducted in accordance with a JSO "Procedures Manual". A first draft of this Manual to be drawn up by a "forerunner" country (Germany), assisted by a number of "co-runner" countries (U.K., Netherlands and possibly Italy), for discussion by CCWP meetings of operational experts and for eventual approval by a meeting of the "full" CCWP.

l) Content of the Procedures Manual to include (inter alia):
   - Overall organisational framework of JSO's (role of "full" CCWP, role of CCWP meetings of operational experts, role of Operation Co-ordinator, etc.)
   - Model "Business Case" for proposed new operations
   - Model Terms of Reference for operations
   - Model Notification to Customs Administrations of upcoming Joint Surveillance Operations
   - Model Debriefing Report

ROLE OF THE "FULL" CCWP

m) The "full" CCWP meeting to approve the programme of operations proposed by the CCWP meeting of operational experts.

n) CCWP to finalise/approve operations reports for K4/Council on an annual basis. Reports in respect of Joint Surveillance Operations carried out in the previous year (January to December) to be ready for presentation to Council during the first half of the following year.