



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 September 2004

**10238/2/04
REV 2**

LIMITE

**ENFOCUSTOM 39
ENFOPOL 70
COTER 57
UD 125**

NOTE

from: Presidency
to: Customs Cooperation Working Party, Committee on Terrorism and Customs
Union Group

No. prev. doc. : 15315/2/03 ENFOCUSTOM 41 REV 2
7218/04 ENFOCUSTOM 16
7906/04 JAI 100

Subject : Action plan to take forward customs counter-terrorism initiatives
- Report from the informal working group

Introduction

1. This report was discussed and agreed at the Customs Cooperation Working Party (CCWP) meeting on 14 September 2004; requested and agreed additions have been inserted in the present text.
2. International terrorism is a threat to us all. Since the 11 September 2001 attacks on New York and Washington there have been attacks in Kenya, Bali, Tunisia, Istanbul, Morocco, Saudi Arabia and Madrid. Terrorist cells have been discovered throughout the European Union including cells in Germany, France, The Netherlands, Italy, Spain and the United Kingdom.

The Threat and the Role of Customs

3. The international terrorist threat comes in many different forms but the areas of direct Customs interest are:
 - the smuggling across national frontiers of weapons of mass destruction or mass disruption (WMDs) or their components. These can range from a nuclear device, radioactive substances that when combined with conventional explosives could form a so called dirty bomb, to chemical or biological agents such as Anthrax or the poison Ricin;
 - conventional weapons and explosives;
 - other terrorist related equipment, e.g. timing devices;
 - false passports, credit cards, large sums of money, documents detailing movements of money.
4. Customs plays an important role in increasing supply chain security, detecting and deterring the movement of terrorist weapons and related materials, detecting terrorist related funds and providing intelligence and information to the competent national authorities.

The Informal Working Group & its Action Plan

5. In Council document 7218/04 ENFOCUSTOM 16 dated 10 March 2004, the United Kingdom delegation recommends several actions that can be taken by Customs administrations to support the fight against international terrorism. The Customs Cooperation Working Party (CCWP) agreed that a small group of Member States be established to develop those actions and to produce an action plan for consideration.
6. The informal customs counter-terrorism working group first met on 11 May 2004. The group now comprises representatives from France, Germany, Italy, the Netherlands, Poland, Portugal, Spain, Sweden, the United Kingdom, Europol and the Commission (DGs JAI & TAXUD). The group recognizes that the EU Plan of Action on Combating Terrorism (Document 10586/04 JAI 237 dated 15 June 2004) must be the starting point for any customs counter-terrorism initiatives and will ensure that its activities are consistent with the EU Plan.

7. The working group had a very useful and constructive meeting talking through the issues outlined in ENFOCUSTOM 16. The discussion identified that the key areas for development are:

- counter-terrorism awareness training;
- the collection and exchange of intelligence;
- threat assessments;
- intelligence-led multi-agency regional operations (mode- and threat-specific); and
- the funding of terrorism.

In addition, the group agreed that the areas for action must include the detection and prevention of the terrorist threat through controls on suspect goods at import and export or on persons who transport them and cross the external and internal frontiers of the EU (land, sea and air). These controls should be proportionate to the perceived risk. Controls on intra-Community movements will be based on Article 30 of the Treaty establishing the European Community.

The working group stressed the importance of taking note of other developments and activities in the field of counter-terrorism, such as the Proliferation Security Initiative.

8. As the key areas cover First, Second and Third Pillar competencies, it is of the utmost importance to promote a co-ordinated approach. The action plan provides for a separate action to draw up a list of counter-terrorism activities (currently covered by various First and Third Pillar working groups) in order to avoid duplication of work.

Training

9. Is existing training sufficient to meet the new threat? To be able to counter the threat "you need to know your enemy". This begs a number of questions, including:

- do officers "know their enemy"?
- do they know the terminology – for example, what is a MANPAD?
- would they recognise a detonator?

Intelligence

10. The customs role with regards to intelligence is one of assistance and support. A good relationship between Customs and intelligence services is essential for effective counter-terrorism support. Intelligence is the key to success; however, how do you identify the needle in the haystack or indeed the needle in the entire field? The exchange of intelligence between Customs administrations and other relevant agencies is vital.

Threat assessments

11. Some customs-oriented threat assessments to counter international terrorism are available, but not for all modes of transport and not for all Member States. There is a need to identify what threat assessments are available and up-to-date and to commission threat assessments to fill the gap.

Operations

12. The working group proposes that the CCWP, using the threat assessments, should organise multi-agency operations against high-risk targets.

Actions

13. A draft action plan is attached for approval by the CCWP. First and Third Pillar issues are identified on the plan, as a comprehensive, coordinated Customs approach is required. Work will be taken forward while respecting the Pillar competencies. It is recognised that the Customs administrations of some Member States do not have competency in certain actions covered by this plan. They may therefore feel that they are unable to participate in those actions, although participation by other agencies from that Member State would not necessarily be ruled out.

14. At the CCWP meeting of 11 June 2004, it was agreed that work could begin on the plan pending formal approval of this document. The informal working group met on 7 July 2004 and agreed an initial allocation of work, which is reflected in the “Current Position” column of the plan.

15. It is recommended that the current working group continues and reports through the Presidency to other relevant groups.

ACTION PLAN

ACTION	DEADLINE	1 st / 3 rd PILLAR INPUT	CURRENT POSITION
<p>1. Terrorism Threat Assessments (TTAs)</p> <p>1.1. Establish in each Member State what customs-related TTAs currently exist for external frontier and intra-EU movements</p> <p>1.2. Commission TTAs for missing areas:</p> <ul style="list-style-type: none"> - Air, sea & land CBRNEs* by mode - Cash/money laundering - Goods supporting terrorism - Weapons of mass destruction/disruption & dual-use goods - Passengers & their baggage <p>1.3. Consider the development of an EU-wide TTA for Customs services</p>	<p>End of October 2004</p> <p>End of November 2004</p> <p>End of October 2004</p>	<p>1st/3rd</p> <p>1st/3rd</p> <p>1st (3rd for intra-EU)</p>	<p>Europol has provided their TTAs UK to obtain existing TTAs from Member States and find out if they are prepared to share them with Europol DG TAXUD to obtain TTA on sea containers from 1st Pillar EC/US Expert Group on Security Standards Europol has provided study on cash couriers</p> <p>France & UK to consider a high-level TTA template using existing TTAs</p>
<p>2. Cooperation on and coordination of data exchanges with other 1st, 2nd & 3rd Pillar groups & law enforcement agencies</p> <p>2.1. Establish which 1st, 2nd & 3rd Pillar groups are dealing with counter-terrorism and their plans for the future</p>	<p>End of September 2004</p>	<p>1st/ 3rd [and 2nd]</p>	<p>DG JAI has obtained the Terrorism Working Group action plan and a list of relevant groups</p>

ACTION	DEADLINE	1 st / 3 rd PILLAR INPUT	CURRENT POSITION
2.2. Ensure that communication lines between the CCWP and other relevant groups are robust	Ongoing	1 st /3 rd	CCWP Chairman to meet Terrorism Working Group on 10 September; Presidency to arrange meetings with other groups
2.3. Establish, monitor and analyse what counter-terrorism data is currently: - collected by Customs administrations - obtained from other law enforcement agencies	Ongoing	1 st /3 rd	Netherlands to report to informal working group on Copenhagen/Oslo PSI meetings; Germany has reported on Operation Hawkeye Member States to provide information via a questionnaire and UK to summarise replies
3. Counter-Terrorism Data Exchange 3.1. Establish the suitability of Customs Information System software and hardware for counter-terrorism data transfers 3.2. Establish the present procedures for dissemination of counter-terrorism data within Customs administrations 3.3. Identify areas which (both within the EU and between EU & 3 rd countries) prevent: - sharing of data; and - collection & transfer of data	End of 2004	1 st /3 rd	Netherlands to carry out this work (with OLAF)
	End of 2004	1 st /3 rd	Informal working group members to report findings
	Ongoing	1 st /3 rd	Informal working group members to report findings

ACTION	DEADLINE	1 st / 3 rd PILLAR INPUT	CURRENT POSITION
<p>4. Training</p> <p>4.1. Identify training needs to ensure awareness of terrorism threat</p> <p>4.2. Prepare training modules</p> <p>4.3. Carry out identified training needs</p>	<p>End of 2004</p> <p>End of June 2005</p> <p>End of 2006</p>	<p>1st</p> <p>1st</p> <p>1st</p>	<p>Europol has provided their training modules and information on the Knowledge Management Centre UK to obtain MS modules</p> <p>Germany to find out if their Officers' Guide to Terrorism can be made available to the informal working group</p>
<p>5. Equipment</p> <p>5.1. Establish what CBRNEs* detection equipment is already available and what can be bought</p> <p>5.2. Establish research and development needs for new equipment</p> <p>5.3. Explore the possibility of joint research & development between Member States, with the Commission & with 3rd countries</p> <p>5.4. Commission and monitor research and development initiatives</p>	<p>End of 2004</p> <p>End of 2004 & ongoing</p> <p>End of 2004</p> <p>Ongoing</p>	<p>1st</p> <p>1st</p> <p>1st</p> <p>1st</p>	<p>UK to establish from WCO & EU equipment catalogues what equipment can be bought</p> <p>UK to establish the research and development agreement with the USA</p>

* CBRNEs = Chemical, biological, radiological & nuclear material and explosives.

ACTION	DEADLINE	1 st / 3 rd PILLAR INPUT	CURRENT POSITION
7. MATRAs Explore the feasibility of multi-agency threat and risk assessments (MATRAs) in and between Member States	End of March 2005	1 st	UK to give presentation on MATRAs to informal working group
8. Reports Report through CCWP to Directors General and Council on any legal and practical constraints	As required	1 st /3 rd	