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Subject: Guide for Joint Customs Operations (JCOs)

Delegations will find below an updated version of the Guide for Joint Customs Operations (JCOs) prepared by the Danish delegation reflecting the latest changes of the “Joint Customs Operations (JCO) Recommendation monitoring file”¹ and the revised tactical objectives and risk areas approved at the CCWP/Experts meeting held on 12 June 2012.

¹ Doc. 6975/12 ENFOCUSTOM 13

List of abbreviations

AFIS	Anti-Fraud Information Services
CCWP	Customs Cooperation Working Party
CENcomm	Customs Enforcement Network Communication
CONSUR	Container Surveillance Communication Module
COSI	Standing Committee on Operational Cooperation on Internal Security
COSPOL	Comprehensive Operational Strategic Planning for the Police
Europol	European Police Office
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
JCO	Joint Customs Operation
JCPO	Joint Customs and Police Operation
JHA	Justice and Home Affairs
LEWP	Law Enforcement Working Party
MARSUR	Maritime Surveillance Communication Module
NCP	National Contact Point
OCTA	Organised Crime Threat Assessment
OCU	Operation Coordination Unit
OLAF	European Commission European Anti-Fraud Office
RILO	Regional Intelligence Liaison Office
ROCTA	Russian Organised Crime Threat Assessment
SPOC	Single Point of Contact
V-OCU	Virtual Co-ordination Unit
VIASUR	Road Traffic Surveillance Communication Module
WCO	World Customs Organization

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1. Introduction

1.1. Background

The customs authorities of the Member States play a crucial role in the fight against cross-border crime. Therefore it is of the utmost importance that there is developed cooperation between both Member States' customs authorities and the Commission as well as between these parties and other competent authorities, including those in third countries, especially those neighbouring the European Union, and with relevant international organisations.

The Customs Cooperation Working Party (CCWP) has, for a number of years, successfully contributed to this cooperation by implementing Joint Customs Operations (JCOs). These are carried out with the overall objective of encouraging and improving the effectiveness of operational cooperation between Member States' administrations engaged in combating infringements of customs legislation.

It is the intention that this Guide should form the basis for this work and ensure the proper application of Article 87 of the Treaty on the Functioning of the European Union. Furthermore, it is in line with the priorities of the Stockholm Programme (OJ C 115, 4.5.2010, p. 1) and the Commission Action Plan (doc. 8895/10 JAI 335) to implement it. It is also in line with the Council Resolution of 23 October 2009 on a reinforced strategy for customs cooperation (OJ C 260, 30.10.2009, p. 1) and the revised strategy for customs cooperation in the third pillar (doc. 15198/09 ENFOCUSTOM 118 ENFOPOL 272). Finally, the document also helps to implement the Council conclusions setting the EU priorities for the fight against organised crime based on the organised crime threat assessment (OCTA).

The purpose of this Guide is to improve the preparatory and selection processes for JCOs, ensure their implementation, improve their subsequent evaluation and increase the effectiveness of the feedback of experience gained into the selection and planning processes for future operations.

In this Guide the term “Joint Customs Operations” means operational, coordinated and targeted measures implemented by the Member States customs authorities of a limited duration of time, approved by CCWP, for combating cross-border illicit trafficking in goods. This implies that the participating Member States ensure that sufficient resources are allocated to control the selected objects.

Regional operations, organised by a limited number of the Member States customs authorities in order to face a specific regional threat, are not subject to the general procedures established in this Guide, but should be reported to the CCWP/Experts.

The Guide is considered to represent best practice and should be taken into account when planning and implementing such operations.

1.2. JCO Library

A secure website (“JCO Library”), containing documents relevant to JCOs for the benefit of the customs authorities of the Member States, has been established and installed with the support of OLAF, as a complement to the Guide. The library contains important documents and appropriate links that could further assist the Member States concerned when considering and planning future operations. Access to the JCO Library is restricted and accessible only by nominated persons with user ID and password. The Commission (OLAF) is responsible for the management and technical support of the library.

Contact point in the European Commission:

European Commission
European Anti-Fraud Office (OLAF)
Directorate C – Operational & Policy Support
Unit C3 – Mutual Assistance & Intelligence
Office: J30 03/01
Rue Joseph II, B-1049 Brussels (Belgium)
Phone: +32 2 295 7969
E-mail: OLAF-AFIS-JCOLIBRARY@ec.europa.eu
<http://olaf.europa.eu>

1.3. JCO logo

The idea to have a single CCWP logo for JCOs was presented by the CCWP JCO Library Project Group 2009.

During the Swedish Presidency of the CCWP in the second half of 2009, a competition was organised to find a logo to be used in connection with JCOs.

Many inspiring entries were received and they were all put to a vote so that Member States could decide which one they found to be the best. The winner was announced in January 2010 and was an entry from the Lithuanian customs authority.

The unique logo for JCOs is inspirational and reflects the fact that JCOs are unique tools for strong cooperation between the Member States and between them and third parties participating in a JCO. The logo will save time and effort for the operation coordinators as new logos do not have to be made for every JCO. The JCO logo will become a trademark for JCOs organised under the auspices of the CCWP.

The agreed logo for JCOs:



1.3.1. JCO symbol



1.3.2. Guidelines for the use of the JCO logo and JCO symbol

The logo should be used on all JCO-related documents and in the JCO Library as follows:

- on the relevant pages of the JCO library;
- on invitations to briefings and debriefings for JCOs;
- on operational plans and operational reports for JCOs;
- on all other documents and forms drawn up/issued in connection with a JCO.

The JCO logo exists in two versions: one version with the text “JOINT CUSTOMS OPERATIONS” and one version without the text (JCO symbol). It is recommended that the JCO symbol be used for smaller formats and for websites. The JCO logo may be used in colour or in black and white depending on what is most readable. Templates with the logo for operational plans and other documents will be found in the JCO Library. The logo is stored in the JCO Library for the aforementioned use.

1.4. Financial aspects

The resources available to the customs authorities of the Member States are limited. Consequently, cost-efficiency should be aimed for in the planning, execution and evaluation of and follow-up to a JCO. The scope for improving cost-efficiency by way of coordination with joint operations initiated by the EU or other international bodies should be examined within the framework of the Coordination Mechanism (see 2.1.5). The overall objectives and importance of the operations planned should be proportionate to the resources required for each operation.

Even though co-financing of JCOs is not a prerequisite, efforts should be made to obtain the maximum amount of EU funding for a JCO. Applications for financing from EU funds should be made by the operation's coordinator with the support of the CCWP.

Planning of JCOs should be made in good time in order to allow, where applicable, for funding to be sought from the relevant EU or Community programmes, or other possible sources of funding.

1.4.1. Prevention of and Fight against Crime (ISEC)

The co-funding programme "Prevention of and Fight against Crime" (ISEC) is one example of such co-funding programmes administered by the European Commission. When considering co-funding for a JCO, it is necessary to study the annual work programme and the priorities mentioned therein, the deadlines for applications ("call for proposal") and the guide for applicants. Information on the ISEC programme can be found on the Commission's website http://ec.europa.eu/home-affairs/funding/isec/funding_isec_en.htm.

It is recommended that advice be sought at an early stage from the coordinators of JCOs with experience of co-funding programmes and from bodies responsible for co-funding programmes.

1.4.2. Hercule II programme

Another co-funding programme is the Hercule II programme administered by the European Commission. The programme is established under Decision of the European Parliament and of the Council 804/2004/EC (OJ L 143, 30.4.2004, p. 9) amended and extended by Decision 878/2997/EC (OJ L 193, 25.7.2007, p. 18) and promotes activities in the field of protection of the EU financial interests. Information on the Hercule II programme can be found on the website http://ec.europa.eu/anti_fraud/programmes/index_en.html .

1.4.3. Council Regulation 515/97

Subject to the prior approval of the Mutual Assistance Committee (Article 43 of Council Regulation 515/97 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters, OJ L 82, 22.03.1997, p. 1), full expenses (transport, accommodation and daily allowance costs) generated by the participation of representatives of the Member States taking part in the JCOs organised by or jointly with the Commission will be pre-paid or reimbursed for JCOs organised jointly with the European Commission according to Article 42a of the aforementioned Council Regulation as amended by Regulation (EC) No 766/2008 of the European Parliament and of the Council (OJ L 218, 13.8.2008, p. 48).

1.4.4. Customs 2013 programme

The Customs 2013 programme (2008-2013) supports Member States' measures to guarantee that the internal market is working efficiently in the area of customs. It is recommended that contact be sought with the national customs 2013 coordinator for information about co-funding possibilities for activities related to JCOs. Information about the programme can be found on the website http://ec.europa.eu/taxation_customs/customs/cooperation_programmes/customs_2007/index_en.htm .

1.4.5. Sufficient resources

With a view to fulfilling the objectives of the JCO, it is important that participating Member States allocate sufficient resources in the various phases of the operations. An active participant is expected to allocate sufficient resources by implementing the operation nationally, preferably via a national operational plan, developed in cooperation with other concerned national authorities, if appropriate.

Other measures should include;

- the appointment of an official with overall responsibility for the operation,
- the appointment of a national contact point (NCP) with sufficient staffing,
- gathering of intelligence and other necessary information,
- the provision of information to the staff concerned before, during and after the operation,
- allocation of resources to check selected objects,
- evaluation and national reporting after the operational phase.

2. Role of the Presidency

2.1. Strategic plan for JCOs

Joint Customs Operations are carried out under the management of the CCWP. The CCWP devotes at least four meetings a year to operational matters in a subgroup, the Group of Experts, it being understood that each Presidency schedules at least two meetings on this subject.

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/Plenary. Secondly, the tactical level, where tactical objectives are established by the CCWP/Plenary 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/Plenary. Those concrete JCOs must be based on both the strategic and the tactical objectives. At least two JCOs related to the priorities set by the Council (Council conclusions on the “Organised Crime Threat Assessment / OCTA”) should be organised, when necessary in coordination with COSPOL projects.

The strategic level should ensure that JCOs are carried out with the overall objective of encouraging and improving the effectiveness of operational cooperation between Member States' administrations engaged in combating infringements of customs legislation.

Strategic plan for JCOs: Working schedule for CCWP/Plenary and CCWP/ Experts

The annual strategic plan for JCOs comprises the following actions.

Year X	Order	Actions in chronological order	
		CCWP/Plenary	CCWP/Experts
January-June	1	Revision of strategic objectives	
	2		Annual review of the JCO Library
	3		Discussion on tactical objectives and risk areas for years X+1, X+2
	4	Approval of tactical objectives and risk areas for years X+1, X+2	
	5		Coordination Mechanism meeting for joint operations (CCWP, LEWP, FRONTEX, Europol)
	6		Annual review of the Guide for JCOs
	7		Consider the Council Conclusions setting the EU priorities for the fight against organised crime based on the OCTA and the ROCTA (published every second year, 2011, 2013, etc.)
July-December	8		Proposal of JCOs for year X+1
	9	Approval of JCOs for year X+1	
	10		Coordination Mechanism meeting for joint operations (CCWP, LEWP, FRONTEX, Europol)
	11		Evaluation of JCOs executed since the last evaluation
	12		Updating the JCO Recommendation monitoring file
	13	Report on the results of JCOs of year X-1 to COSI	

2.1.1. Revision of strategic objectives

The JCOs must contribute to the realisation of the long-term strategic objectives established and reviewed by the CCWP/Plenary (see Annex 1). It is the responsibility of the incoming Presidency to request the CCWP/Plenary to verify the strategic objectives in good time for the first meeting of the Group of Experts every year. The CCWP/Plenary must then take into account any developments which might have an impact on the work of Customs.

2.1.2. Annual review of the JCO Library

The CCWP/Experts, together with the Members States' national contact points for JCOs, are responsible for an annual review of the JCO Library and its content, i.e. identification of new documents and links relevant for the library.

2.1.3. Discussion on tactical objectives and risk areas

The Presidency must initiate the process for considering tactical objectives and risk areas. The Group of Experts must discuss these proposals in the beginning of each year or whenever the need arises, and after reaching agreement must submit proposals to the CCWP/Plenary on tactical objectives for the following two (2) years. The proposals must be based on the parameters identified in Annex 3.

2.1.4. Approval of tactical objectives and risk areas

The CCWP/Plenary should, after having received the proposal on tactical objectives and risk areas, discuss and (possibly) approve them. This must be done before the deadline of finalising the JCOs for the following year. The list of tactical objectives and risk areas is attached to this Guide (Annex 2).

2.1.5. Coordination Mechanism meeting CCWP/LEWP/FRONTEX/Europol

A Coordination Mechanism for joint operations (doc. 13077/2/10 REV 2 COSI 54 ENFOPOL 230 ENFOCUSTOM 73 FRONT 123) is established with the aim of avoiding overlapping operations in terms of aim, geographical area or time. The participants in the Mechanism are the Chairs of the CCWP/ Experts and LEWP, as well as representatives from FRONTEX and Europol. These Single Points of Contact (SPOCs) gather general information relating to aim, geographical area and time of planned operations in their respective entities, including the state of play of the operational activities.

Where there is a risk of overlap of operations, the relevant SPOCs will establish contact between the involved coordinators of the operations, who will reach a conclusion on how to deal with the overlap, e.g. merge or change operations. Where necessary, the national delegations of the COSI Support Group and/or COSI could be involved in order to reach a solution.

The contact details of the SPOCs will be exchanged and updated via the General Secretariat of the Council. At the request of the Presidency, periodical meetings of the SPOCs take place at least once per Presidency.

2.1.6. Annual review of the Guide for JCOs

If the outcome of project groups set up under the responsibility of the CCWP for carrying out the Customs Action Plan has an effect on the content of the Guide for JCOs, it is the responsibility of the Presidency to incorporate those recommendations or remarks in this Guide. Amendments as a result of the annual review of the objectives and risk areas for JCOs are also to be included.

2.1.7. Council Conclusions setting the EU priorities for the fight against organised crime based on the OCTA and the ROCTA

The CCWP/Experts should consider the EU priorities for the fight against crime in the JCO selection process. The Council decides on the EU priorities for the fight against organised crime, based on the OCTA and the ROCTA, published by Europol every second year.

2.1.8. Proposal of JCOs

Joint Customs Operations should be based on a thorough threat analysis, unless specific circumstances suggest otherwise (e.g. lack of intelligence in an area; a JCO is conducted to test a potential threat). This threat analysis has to be transformed into clearly defined strategic and operational objectives for a JCO by qualified experts on the specific subject; the expertise of other fora/institutions should play a part in this process, where appropriate.

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 should be in the format of business cases containing details of the JCO for discussion in the Group of Experts. The business case must take account of any relevant conclusions and recommendations from previous JCOs (see 2.1.12). The final approval of 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 5).

When planning a JCO, the Group of Experts must ensure that, if possible, two or more JCOs per year are planned, with the aim of involving as many Member States as possible in each of those operations. At least two JCOs per year should be based on the Council conclusions setting the EU's priorities for the fight against organised crime based on the OCTA and the ROCTA. Additional JCOs and regional operations are encouraged, but have to be based on identified threats or to support COSPOL projects. Operations of other bodies in which the customs authorities 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 CCWP in order to ensure proper planning.

The Group of Experts must agree on and submit a proposal to the CCWP/Plenary for at least two 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 such as Interpol and WCO. The Group of Experts must also ensure that the proposed JCOs are scheduled to avoid overburdening staff resources and facilitate coordination with entities/structures, such as LEWP, FRONTEX, European Commission, in order to avoid overlaps and interferences and in line with the Coordination Mechanism (see 2.1.5).

2.1.9. Approval of JCOs

On the basis of the approved strategic and proposed tactical objectives, the Group of Experts initiates and agrees on the JCOs. In accordance with the procedure, the Group of Experts updates the multiannual plan of JCOs. The CCWP/Plenary then approves the JCOs and the multiannual plan.

Proposals for Joint Customs and Police Operations (JCPO) should also be presented as a business case to the LEWP for approval.

2.1.10. Coordination Mechanism meeting CCWP/LEWP/FRONTEX/Europol See 2.1.5.

2.1.11. Evaluation of JCOs

At the end of each year, the Group of Experts evaluates JCOs that have been executed since the last evaluation. The result of this evaluation must be submitted to the CCWP/Plenary as input to the annual review of the strategic and tactical objectives/risk areas.

2.1.12. Updating the JCO Recommendation monitoring file

The JCO Recommendation monitoring file is updated by the Presidency at the end of each year, on the basis of the JCOs' final reports approved by the CCWP. The updated file should be made available in the JCO Library.

2.1.13. Report on the results of JCOs to COSI

The attention of the EU institutions concerned, and in particular the JHA Council, as well as that of the general public, media and economic operators, should be drawn to the fact that JCOs are an exemplary, practical form of operational cooperation among Member States. Such attention is encouraged i.a. by results from operations in the form of seizures, improved cooperation between Member States, more efficient exchange of intelligence, threat identification, etc.

It is the responsibility of the Presidency in the CCWP to keep all the relevant parties continually informed about planned, ongoing and finalised operations and the results achieved.

At the end of the year, the Presidency of the CCWP must report to COSI on the results of JCOs carried out in the previous year.

3. Role of the operation's coordinator

3.1. Planning

As a general rule each operation is assigned to the customs authority of the Member State which volunteers to act as coordinator for a JCO. If no customs authority of the Member States volunteers to act as coordinator, the Presidency, in consultation with the Member States, will review the reasons for failing to find a coordinator and propose solutions. The organisational work relating to JCOs should be appropriately distributed among coordinator and co-runner/s.

For certain regularly recurring JCOs (e.g. drug smuggling along the Balkan route) with more or less standardised procedures, the CCWP has decided on certain JCO Planning Modules for such operations to reduce formal documentation obligations on the operation coordinator.

JCO Planning Modules approved by the CCWP/Experts are available in JCO Library.

The operation's coordinator is responsible for the planning, execution and evaluation of the JCO. The co-runner/s supports the operation's coordinator during all phases of the JCO.

The workflow of the operation's coordinator comprises the following basic steps:

Workflow of the operation's coordinator (basic steps)	
Action	Timing
3.1 Planning	
3.1.1 Co-funding (optional)	Consider co-funding at an early stage. See part 1.4 Financial aspects
3.1.2 Business case	
3.1.3 Reservation of OCU facilities and communication	
3.1.4 Draft operational plan	
3.1.5 Invitation	
3.2 Execution	
3.2.1 Briefing meeting (optional)	Ideally 6-8 weeks before the JCO
3.2.2 Communication set-up (test, training)	
3.2.3 OCU setup	
3.2.4 Pre-operational phase (optional)	
3.2.5 Operational phase	Consider not starting on a Monday
3.2.6 Post-operational phase (optional)	
3.3 Evaluation	
3.3.1 National reports	Within four weeks of the JCO
3.3.2 Debriefing meeting (optional)	Within three months of the JCO
3.3.3 Draft final report to the CCWP	Within four months of the JCO
3.3.4 Press release (optional)	

A comprehensive workflow can be found in Annex 4.

3.1.1. Co-funding (optional)

When considering co-funding, the time required for processing the application and the administration related to the co-funding should be borne in mind. See part 1.4 Financial aspects.

3.1.2. Business case

The proposal for a JCO should be presented to CCWP/Experts as a business case. A model business case is annexed to the Guide (Annex 5).

3.1.3. Reservation of OCU facilities and communications

If necessary, the coordinator sets up an appropriate Operations Co-ordination Unit (OCU) or Virtual Co-ordination Unit (V-OCU) for the JCO. In setting up the OCU/V-OCU, account is taken of the nature and scope of the operation. The operational parameters of the OCU/V-OCU are laid down in the operational plan. Europol, OLAF and WCO have facilities for OCUs. It is recommended that contacts be made in good time before the planned operational phase in order to reserve the OCU facilities and communications.

A single communications system should be used for each JCO; a combination of different communications systems is undesirable for technical reasons. The choice of the most appropriate communications system is made by the coordinator and the co-runners of the operation. Among the communications systems available are AFIS (OLAF) with modules for containers (Consur), road (Viasur), vessels (Marsur) and CENcomm (WCO).

Reporting templates for CENcomm can be modified to fit the requirements of the particular JCO.

3.1.4. Draft operational plan

The coordinator draws up the operational plan for the JCO. The operational plan sets out the background and aims of the operation and other details. The operational plan should include the relevant risk indicators to be applied during the course of the operation; the list of risk indicators produced by the CCWP (doc. 6989/07 ENFOCUSTOM 20 UD 22) should be used as guidance to identify the most appropriate risk indicators for the planned operation. The list of WCO risk indicators SRAs (Standardised Risk Assessments) could be considered as well. A “ready-to-use” model operational plan is annexed to this Guide (Annex 6).

The coordinator takes into consideration the possibility of a broader coverage regarding risk areas, where appropriate.

Recommendations from previous JCOs should be considered during the planning of a JCO.

Therefore, it is recommended that the checklist of JCO Recommendation monitoring file in Annex 6.1 be completed with recommendations from the current JCO Recommendation monitoring file and labelled as having been applied or not applied, along with comments/reasons. The checklist should be annexed to the operational plan.

The coordinator establishes operational objectives in order to contribute to the achievement of both the strategic and tactical objectives. In order to make the operational objectives measurable for evaluation purposes, it is recommended that these objectives be translated into concrete and measurable terms and activities in the operational plan.

The business case and the operational plan should include a risk analysis-based threat assessment, which provides a clear definition of the objectives of the JCO, especially in the case of JCOs concerned with smuggling under the guise of legitimate trade. Criteria for assessing the results of the operation must also be identified.

The operational plan is to be treated as confidential by all the bodies involved and must not be published. Only the business case for the operation should be included in the collection of Council documents and should be classified appropriately. It is recommended that the precise date of the JCO be announced by code as late as possible, after a possible briefing meeting, taking into account the time necessary to carry out preparations at local operational level.

3.1.5. Invitation

Non-EU customs authorities as well as other relevant organisations may be invited by the operation's coordinator to take part in a JCO. Non-EU countries taking part in operations are not entitled to attend the meetings of the CCWP. They are, however, invited to attend possible briefing and debriefing meetings connected with operations in which they are involved.

The coordinator is responsible for notifying the participating administrations and organisations of forthcoming operations. In order to give the participants sufficient time to plan and implement a JCO, the timing of the JCO must be considered at an early stage in the planning process. A model notification is annexed to this Guide (Annex 7).

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 as late as possible, taking into account the time necessary to prepare at local operational level. If no briefing is held, the coordinator ensures that this information is passed on in some other way. Confidentiality has to be guaranteed at all times.

3.2. Execution

3.2.1. Briefing meeting (optional)

The operation's coordinator is responsible for determining the need for a briefing and debriefing meeting. As a general rule, JCOs should be organised without briefing and debriefing meetings. Only JCOs which follow new approaches or which are of a complex nature as regards their implementation will require a briefing/de-briefing mechanism. This should be outlined in the business case for discussion in the CCWP/Experts. Ideally the briefing meeting is to be held 6-8 weeks 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 operational plan.

3.2.2. Communications set-up (training, test)

The operation's coordinator should consider if training on communications is necessary. The communications should be tested before the operational phase. Basic documents for the operation could be uploaded on the communications library and templates could be created for daily briefings and newsletters.

3.2.3. OCU set-up

If it is desirable for the proper running of the operation, liaison officers could be included in the OCU. Regional representation should be encouraged in order to involve all Member States concerned by the subject of the operation. Liaison officers from participating third countries and organisations could also be included in the OCU.

3.2.4. Pre-operational phase (optional)

The pre-operational phase is optional and may include targeting of consignments on the basis of intelligence provided by various services. Member States should undertake the gathering, processing and transfer, of such data at an early stage to that it is available from the beginning of the operation.

3.2.5. Operational phase

The coordinator is responsible for day-to-day work at the OCU, either physical or virtual, during the operational phase. This responsibility includes planning the work schedule for the liaison officers at the OCU, leading daily briefings at the OCU, monitoring the flow of information between the NCPs and the OCU and issuing and publishing daily newsletters.

The operational phase may be divided into several operational phases, where appropriate, as recommended from previous JCOs.

The opening hours of the OCU and the NCP should be consistent with the needs of the operation. Furthermore, all NCPs should have the same operational opening hours and therefore the opening hours should be given in CET time.

3.2.6. Post-operational phase (optional)

The post-operational phase is optional and may include checks and reports on consignments selected during the operational phase. OLAF/Europol/WCO/RILO could be involved in post-operational analysis where applicable.

It is important to ensure a more systematic and coherent follow-up to JCOs in order to make sure of the experience gained.

3.3. Evaluation

3.3.1. National reports

The coordinator of the organising Member State collects data concerning the performance of the activities carried out by the participating Member States. Particular attention will be paid to human resources, materials and equipment. Data will be provided in a standardised format in order to make it possible to analyse this management information.

As a basis for the report, the customs administrations of the participating Member States should send national reports to the coordinator 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 coordinator and should be agreed on during the briefing. The national report should contain a section in which the NCPs and the coordinator can evaluate whether the objectives set for the operation have been met.

3.3.2. Debriefing meeting (optional)

The coordinator is responsible for drawing up a draft report for discussion in the debriefing meeting (when required) after a JCO has been completed. The report is drawn up, and the debriefing held, within three months of the end of the JCO.

A model report is annexed to this Guide (Annex 8). The report is provisionally approved by the participating Member States (by means of electronic consultation or at the debriefing meeting), after any amendments or additions have been made.

3.3.3. Draft final report to CCWP

The report on the JCO must include whether the aims and objectives were achieved, any difficulties encountered, lessons to be learned and an assessment of the added value and usefulness of the operation for customs cooperation. Only an honest and critical assessment of the positive and negative results of a JCO can generate added value for future activities and has the potential to improve the overall JCO concept. In addition, the report should contain a recommendation of whether or not further scientific analysis is required (see Annex 8).

The checklist of JCO Recommendation monitoring file in Annex 8.1 should be annexed to the draft final report. The checklist should repeat the annotated recommendations as annexed to the operational plan and contain proposed new recommendations for the JCO Recommendation monitoring file, if any.

If the coordinator is a Member State not holding the Presidency, it should submit the report to the Presidency within four months of the end of the JCO. The Presidency places the discussion of the report on the agenda for a CCWP/Experts meeting. At this meeting, further amendments and additions may be made to the report. Finally, the CCWP/Plenary finalises and approves the definite report.

3.3.4. Press release

In order to familiarise the general public with JCOs as a practical form of operational cooperation among Member States, the results of JCOs could be set out through e.g. press releases approved by participating Member States. The press release should not be issued prior to the debriefing meeting or the final report approved by the CCWP.

4. ANNEXES

Annex 1 - Strategic objectives for JCOs

Annex 2 - Tactical objectives and risk areas for JCOs

Annex 3 - Model for proposal of tactical objectives for JCOs

Annex 4 - Workflow JCO

Annex 5 - Model business case for proposed JCO

Annex 6 - Model operational plan for JCOs and checklist of JCO Recommendation monitoring file
(Annex 6.1)

Annex 7 - Model notification to Customs administrations of forthcoming JCO

Annex 8 - Model debriefing report and checklist of JCO Recommendation monitoring file
(Annex 8.1)

Annex 9 – Conceptual recommendations for JCOs

Strategic objectives for JCOs*

The CCWP has agreed the following long term strategic objectives for JCO with the aim to combat organised crime and cross-border smuggling:

- 1) Contribute to the further development of an area of freedom, security and justice, in particular by combating terrorism in line with the competences of customs authorities and by supporting the implementation of the EU policy cycle.
- 2) Improve practical cooperation, including exchange of information, between customs authorities, between customs and police/other law enforcement authorities, between customs and judicial authorities, with the Commission (especially OLAF), with Europol, with the World Customs Organization (WCO), with Frontex, with Eurojust and any other relevant organisation keeping in mind in particular the special forms of cooperation available under the Naples II Convention.
- 3) Deliver tangible results especially in terms of seizures, identification of new threats and disruption of criminal gangs, and analyse the need for, and then identify, appropriate key improvements in legislation and operational areas.
- 4) Increase the enforcement capabilities and the level of cooperation of customs authorities, in the Member States as well as in the candidate countries and third countries participating in JCOs, notably by developing their operational capacities.
- 5) Promote the exchange of information between customs authorities, with a special emphasis on sharing analytical information in the preparatory phase of JCOs, and, when appropriate, reinforce the gathering of information from economic operators.

* These strategic objectives for JCOs were approved at the CCWP of 21 May 2012 (doc. DS 1143/4/12 REV 4 ENFOCUSTOM).

Tactical objectives and risk areas for JCOs*

1. Tactical objectives

The tactical objectives of JCO are based on the strategic objectives established in Annex 1 to this Guide, and should be as follows:

- 1.1. to increase seizures in terms of both weight and numbers especially through an improved use of controlled deliveries as foreseen under the Naples II Convention;
- 1.2. to make a valuable contribution in order to identify and eliminate criminal organisations in particular with regard to the EU policy cycle priorities;
- 1.3. to achieve a situation of level playing field within the EU in the context of both control methods and exchange of information;
- 1.4. to enhance and encourage the cooperation and the exchange of information between (national and international) enforcement services and any other relevant organisation/authority and to foster cooperation with candidate countries and other third countries;
- 1.5. to improve the efficiency of customs authorities through the sharing of innovative techniques and the use of the secure means of information exchange;
- 1.6. to promote the development and use of IT systems for the exchange and enrichment of the information;
- 1.7. to obtain additional information, which cannot be obtained by the normal operational activity;
- 1.8. to update existing threat assessment (based on risk analysis) referred to in the applicable business case for the JCO in order to define the existing risk, or to test a potential threat in areas where there is a lack of intelligence and/or threat assessment.

2. Risk Areas

The risk areas which have been identified from the Customs perspective are the following.

- 2.1 Heroin;
- 2.2 Cocaine;
- 2.3 Cannabis;
- 2.4 Synthetic drugs;
- 2.5 Other kinds of drugs and similar prohibited products (for example, illicit, unlicensed or counterfeit medicines);
- 2.6 Tobacco and tobacco products;
- 2.7 Alcohol and alcoholic products;
- 2.8 Money laundering (including terrorism funding and other illicit activities);
- 2.9 Illicit trafficking and diversion of drug precursors;
- 2.10 Arms and ammunition; explosives and explosives' precursors;
- 2.11 Weapons of mass destruction (nuclear, radiological, biological and chemical weapons), their components, precursors and their means of delivery such as ballistic missiles;
- 2.12 Mineral oils;
- 2.13 Intellectual property rights / IPR;
- 2.14. Stolen vehicles.

* These tactical objectives and risk areas for JCOs were approved by the CCWP on 12 June 2012.

Model for proposal of tactical objectives for JCOs

1. Introduction
2. Description and content of tactical objectives
3. Relation with strategic objectives
4. Expected contribution
5. Result of risk analysis
6. Nature and volume of the expected risk
7. Previous experience by the Member States
8. Relation with external stakeholders such as business community, manufactures, traders and freight forwarders
9. Legalisation involved
10. Expected result

Workflow of JCOs

NB! If you are planning a JCO which requires funding from EU funding programmes, bear in mind the time needed for processing funding applications.

I. The planning phase



A. Any JCO

1. Reference to the JCO Library.
2. Operation decided by CCWP? No: Go to 12.
3. Study of strategic information (OCTA etc.).
4. Mandate of the CCWP/Table of JCOs.
5. Create business case (especially: situation, scale of operation, objectives, implementation). See Annex 5 of the Guide for JCOs.
6. Adoption of the business case in the CCWP.
7. Electronic copy of business case to the JCO Library.
8. Funding? No: Go to 12.
9. Decision on funding programme.
10. Funding/consultation with partners/partnership declarations.
11. Application for funding.
12. Invitation to the participants to join the operation.
13. Publish invitation on the JCO Library Notice Board.
14. Planning for/reservation of communication and OCU.
15. Create operational plan (especially: threat assessment, designation and time line, participants, scope, objectives (strategic and tactical), risk indicator, implementation, organisation, communication, evaluation). See Annex 6 of the Guide for JCOs.
16. Request for operational analysis (optional).
17. Funding/budget scrutiny.
18. Briefing? No: Go to: 28.
19. Funding/signing of grant agreement (contract).

B. Regularly recurring JCOs (on the basis of JCO Planning Modules)

1. Reference to the JCO Library.
12. Invitation to the participants to join the operation.
13. Publish invitation on the JCO Library Notice Board.

II. The execution phase



A. Any JCO

20. Delivery of operational analysis (if requested).
21. Check the JCO Library for operations' calendar (Table of JCOs).
22. Check timing of operational phase/s (with the Chair of CCWP/Experts).
23. Organise briefing.
24. Invitation to the participants including draft operational plan.
25. Publish invitation on the JCO Library Notice Board.
26. Briefing (especially: presentation of and discussion on the operational plan, adoption of the operational plan). Consider the special forms of cooperation according to the Naples II Convention and the Handbook with National factsheets available at <http://www.consilium.europa.eu/showPage.aspx?id=991&lang=en>.
27. Funding/reimbursement of travel expenses (briefing).
28. Send out the final operational plan.
29. Publish the operational plan on the JCO Library Notice Board.
30. Implementation of the operation on a national level.
31. Communication set-up (templates, library, test, training).
32. OCU set-up.
33. Pre operational phase (optional).
34. Operational phase.
35. Publish request for National Reports on the JCO Library Notice Board.
36. Post-operational phase (optional).

B. Regularly recurring JCOs (on the basis of JCO Planning Modules)

25. Check timing of operational phase/s (with Chair of CCWP/Experts).
28. Send out the final operational plan (classification of the risk for the selected target).
29. Publish the distribution of the risk criteria on the JCO Library Notice Board.
32. OCU set-up.
33. Pre-operational phase (optional).
34. Operational phase.

III. The evaluation phase



A. Any JCO

37. Funding/reimbursement of travel expenses (OCU).
38. National reports.
39. Draft the final report.
40. Send out the draft final report to the participants.
41. Debriefing? No: Go to: 47.
42. Organise debriefing (e.g. hotel, transfer).
43. Invitation to the participants.
44. Publish invitation on the JCO Library Notice Board.
45. Debriefing (especially: presentation of and discussion on the final report, adoption of the final report).
46. Funding/reimbursement of travel expenses (related to debriefing).
47. Send out the final plan report to the participants.
48. Funding? No: Go to: 50 or 54.
49. Preparation of financial statement and other necessary documents for funding.
50. Operation decided by CCWP? No: Go to 54.
51. Presentation of results to the CCWP. See Annex 8 of the Guide for JCOs.
52. Adoption of the final report by the CCWP.
53. Publish the adopted final report on the JCO Library Notice Board.
54. End of operation.
55. Operation documents to the JCO Library (mandate, operational plan, final report).

B. Regularly recurring JCOs (on the basis of JCO Planning Modules)

51. Presentation of the results to the CCWP.
52. Adoption of the final report by the CCWP.
53. Publish the adopted final report on the JCO Library Notice Board.
54. End of operation.
55. Operation documents to the JCO Library (final report).

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



2010-11-01

OPERATIONAL PLAN

JCO XXXXXXXXXX

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1. INTRODUCTION

Background, including reference to the business case and to the conclusions and recommendations from previous JCOs (checklist of JCO Recommendation monitoring file).

2. CODENAME OF THE OPERATION

3. THE LEGAL/CRIMINAL AREA IN WHICH THE OPERATION WILL BE IMPLEMENTED

Legal area/types of offences targeted by the operation (prohibitions & restrictions, highly taxed goods etc.).

4. LEGAL FRAMEWORK

Legal framework for exchange of information, investigation and special forms of cooperation (e.g. Naples II Convention).

5. PARTICIPANTS

EU Member States	Third countries	Organisations

6. ABBREVIATIONS AND ACRONYMS

7. NATURE AND DIRECTION OF THE OPERATION

Mode of transport, type of goods.

8. INFORMATION ON THREAT ASSESSMENT

9. OBJECTIVES OF THE OPERATION

9.1 Strategic objectives

9.2 Tactical objectives

10. PRACTICAL IMPLEMENTATION

10.1 Time schedule

10.1.1 Briefing

10.1.2 Pre-operational phase

10.1.3 Operational phase

10.1.4 Post-operational phase

10.1.5 Debriefing

10.2 Operation Coordination Unit (OCU)

10.2.1 OCU contact information

10.2.2 Opening hours

10.2.3 Liaison officers

10.2.4 Technical support

10.2.5 Daily newsletters

10.2.6 Daily briefings

10.3 National Contact Point (NCP)

10.3.1 Tasks of the NCP

10.4 Risk indicators

10.5 Communication

10.6 Financing

10.7 Working language

10.8 Coordinator's contact information

11. CRITERIA FOR ASSESSMENT OF THE OPERATION'S RESULTS

12. GUIDELINES FOR NATIONAL INPUT TO FINAL REPORT

13. PLANS FOR PRELIMINARY AND CONCLUDING DISCUSSIONS

14. OTHER

ANNEXES

- Checklist of JCO Recommendation monitoring file
- NCP identification form
- National report form

CHECKLIST

As set out in the JCO Recommendation monitoring file

(To be annexed to the operational plan)

Name of JCO	Name
Mode of transport	Mode of transport
Recommendations	General/Specific
Business Case	Document No.
Operational Plan	Document No.
Lead MS	Country/Administration
Co-runner/s	Country/Administration
Partners	Country/Administration

Complete column C and D by declaring if general recommendations available in the monitoring file have been applied (A) or not (N/A) for this operation.

A	B	C	D
No.	Existing general recommendations¹	A or N/A	Remarks /Reason

¹ Copy from the checklist annexed to the operational plan.

Complete column C and D by declaring if specific recommendations available in the monitoring file have been applied (A) or not (N/A) for this operation.

A	B	C	D
No.	Existing specific recommendations (specify: shipping, inland waterways, air, road, rail)¹	A or N/A	Remarks /Reason

¹ Copy from the checklist annexed to the operational plan.

Complete column A and B with any proposals for new general recommendations to be included in the monitoring file.		
A	B	C
No.	Proposals for new general recommendations	Remarks /Reason

Complete column A and B with any proposals for new specific recommendations to be included in the monitoring file.		
A	B	C
No.	Proposals for new specific recommendations (specify: shipping, inland waterways, air, road, rail)	Remarks /Reason

Model notification to Customs administrations of forthcoming JCOs

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

1. Type and purpose of the operation
2. Date and place of briefing
3. Further details concerning the officials expected at the briefing
4. Agenda for the briefing
5. Financing

Model debriefing report

This model is intended to ensure appropriate assessment of the operation

1. Framework within which the operation took place
2. Co-ordinator of the operation
3. Participating countries and liaison officers
4. Objectives of the operation
5. Summary of the results
6. Statistics
7. Costs (OCU/V-OCU, briefing, debriefing, special equipment, etc.)
8. 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 and need for further analysis

CHECKLIST

As set out in the JCO Recommendation monitoring file

(To be annexed to the draft final report)

Name of JCO	Name
Mode of transport	Mode of transport
Recommendations	General/Specific
Business Case	Document No.
Operational Plan	Document No.
Lead MS	Country/Administration
Co-runner/s	Country/Administration
Partners	Country/Administration

Complete column C and D by declaring if general recommendations available in the monitoring file have been applied (A) or not (N/A) for this operation.

A	B	C	D
No.	Existing general recommendations¹	A or N/A	Remarks /Reason

¹ Copy from the checklist annexed to the operational plan.

Complete column C and D by declaring if specific recommendations available in the monitoring file have been applied (A) or not (N/A) for this operation.

A	B	C	D
No.	Existing specific recommendations (specify: shipping, inland waterways, air, road, rail)¹	A or N/A	Remarks /Reason

¹ Copy from the checklist annexed to the operational plan.

Complete column A and B with any proposals for new general recommendations to be included in the monitoring file.		
A	B	C
No.	Proposals for new general recommendations	Remarks /Reason

Complete column A and B with any proposals for new specific recommendations to be included in the monitoring file.		
A	B	C
No.	Proposals for new specific recommendations (specify: shipping, inland waterways, air, road, rail)	Remarks /Reason

CONCEPTUAL RECOMMENDATIONS FOR JCOs

The following table lists a set of recommendations that do not fall within the categories specified in the JCO Recommendation monitoring file due to their universal nature and impact on the concept for JCOs as a whole. Therefore they do not form part of the JCO Recommendation monitoring file and should not be taken into consideration when preparing and planning a new JCO.

Conceptual recommendations	
A	B
No.	Recommendation
1 (ex 31)	The CCWP in conjunction with other relevant Council Working Groups should further examine the issues relating to the sharing of information and intelligence identified in this report with the aim of developing solutions to prevent similar problems in the future (Matthew 07)
2 (ex 33)	Future full-scale operations to target the smuggling of cigarettes are also desirable and Member States should take account of the problems during operation Matthew during the planning process (Matthew 07)
3 (ex 43)	To continue to improve the cooperation and to exchange information and intelligence within the EU and between the EU and non-EU countries in the operational field as much as possible (Matthew II 09)
4 (ex 48)	Future JCOs, aimed at detecting the smuggling of counterfeit products in every means of transport, should focus on commercial traffic, because the experiences of this operation confirm that the threat is huge and definitely exists (Fireblade 11)
5 (ex 52)	In order to foster information exchange in the field of IPR fraud, the current CIGINFO System should indicate whether the consignment in question contained genuine and/or fake tobacco products (...). It should be also considered to store non-cigarette related IPR files in a specific system under the MAB (Fireblade 11)
6 (ex 56)	Technical recommendations for the AFIS-V-OCU module. The following options should be enabled during future developments: <ul style="list-style-type: none"> • Attaching pictures (or other files) to a report; • (...) Bulk upload of movement reports (...); • (...) System back-up synchronised with the working hours (...); • (...) Creation time of a movement report should be indicated; • Re-arranging (...) <i>new</i> and <i>open</i> folders (...) to: <ul style="list-style-type: none"> ○ show essential information for prioritising the working order; ○ show own reports in a different colour (for easier monitoring of comments); ○ introduce tool tips behind a value of a column (...) (for easier overview of movement reports); ○ keep search result as a subset, • Highlight transport reports upon a positive result and automatically extract seizure information (Fireblade 11)
7 (ex 12 Shipping)	Organize similar maritime surveillance JCOs on a regular basis Encourage the organization of regional operations (Brigantine 07)
8 (ex 18 Shipping)	OLAF should take note of some practical proposals of improvements of the system, such as the inclusion of a geographical map attached to the sightings and adding a new sighting to an existing vessel instead of creating a new one (Brigantine 07)
9 (ex 16 Air)	To make sure that customs have the legal authority to: <ul style="list-style-type: none"> - Access the express freight operators' databases - Facilitate or conduct controlled deliveries in order to dismantle criminal networks (Ulysse 10)

Conceptual recommendations	
A	B
No.	Recommendation
10 (ex 18 Air)	To complete the control mechanism of express freight at international level, in particular within the EU, by strengthening the cooperation between Member States and promoting the implementation of international controlled deliveries (Ulysse 10)
11 (ex 19 Air)	To identify an operational network of existing or dedicated contact points in order to exchange real time alerts regarding express freight parcels suspected of carrying illegal drugs (Ulysse 10)
12 (ex 20 Air, ex 10 Road)	Countries that have recently adopted regulations on cross-border transfers of money are encouraged to provide training for their staff. These courses should focus on the selection and detection of illegal money transfers. Specific training courses should also be organised in the field of gathering information (especially for declarations in excess of EUR 100 000 or an equivalent amount in other currencies), in order to encourage research (in particular, promoting the consultation of the database in companies to rapidly detect false statements, identify theft, etc); specific courses should also be organised relating to the taking of statements from people who have breached the obligation to declare and the appropriate communication of information to facilitate the subsequent procedure (Athena II 10)
13 (ex 21 Air, ex 11 Road)	Risk analysis should be developed to establish risk criteria, so that appropriate controls are focused and adapted to the modus operandi of traffickers. After Operation Athena II, controls should focus on the flows of money that are the result of the smuggling of goods (drugs, tobacco, forgery, etc.) (Athena II 10)
14 (ex 22 Air, ex 12 Road)	The contact points in the relevant EU customs administrations fighting against money laundering should be included in a list and be updated every year (Athena II 10)
15 (ex 23 Air, ex 13 Road)	Operational units must have knowledge of the elements constituting the crime of money laundering (Athena II 10)
16 (ex 24 Air, ex 14 Road)	Controls reported on money transfers should be intensified in order to establish their legitimacy and therefore address the use of legal means for transporting illegitimate money (Athena II 10)
17 (ex 25 Air, ex 15 Road)	Cooperation with third countries in the area of illegal cross-border transfers should be increased as it affects a growing number of countries (Athena II 10)
18 (ex 26 Air)	Exchange of operational information should be accelerated when EU citizens are discovered with undeclared cash (Athena II 10)
19 (ex 27 Air)	Cooperation should continue with Europol (SUSTRANS AWF) given the legal restrictions in several Member States relating to the direct exchange of personal data, which should be clarified within the CCWP framework (Athena II 10)
20 (ex 29 Air)	This type of operation should be carried out at least once a year, on a permanent basis (Athena II 10)
<u>21</u>	<u>To focus future operations targeting illicit trafficking of cultural goods on controls of passengers (air, road, sea), air freight and mail traffic (postal/express courier). (Colosseum 11)</u>