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THE COUNCIL

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SEMDOC

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NOTE

from: German delegation

to: Customs Cooperation Group

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Subject: Joint customs surveillance operations
- Operation Boxcar

Introduction

In accordance with the five-year mandate approved by the Council for the implementation of joint customs surveillance operations, the Group agreed to the 1998 annual programme prepared by operational experts on 2 June 1997. Under this programme it was planned that a customs surveillance operation would be carried out in 1998 in the area of rail transport under the direction of the German customs authorities on the basis of the handbook for this type of joint operation. The Netherlands had expressed its willingness to prepare a risk analysis relating specifically to rail transport.

On the basis of the many operational measures carried out this year under the auspices of the Group and especially of other bodies, the Group agreed to the operational experts' proposal that the initial discussions should be held this year while the joint surveillance operation would only start at the beginning of 1999.

Taking account of the Netherlands customs authorities' risk analysis and following assurances of financial support under the OISIN programme, the German customs authorities made the necessary preparations for the customs surveillance operation in the rail transport sector.

Details

Against a background of earlier political changes in Eastern Europe and of the phased transition from formerly state-owned railway companies to private companies an increase in the use of rail transport for cross-border goods traffic can be noted. This applies in particular to container transport. There are plans for considerable simplification of the customs clearance arrangements for incoming foreign consignments which makes it more difficult for the customs authorities to carry out effective physical checks.

At present the customs authorities have no detailed information on the threat regarding goods transport by rail. It has to be recorded that customs authorities have been less successful in seizing drugs in certain areas of transport areas and regions than before. On the other hand, the availability of illegal drugs in the European Union has not changed at all. Given the constant efforts by European customs authorities to control road, sea and air transport, this may be ascribed to drug smugglers' changed methods. However, it may also be that the smugglers are using other routes which so far have not been given sufficient attention by European customs authorities.

Those smuggling illegal drugs from the Middle East and from Central Asia may also be making greater use of goods transport by rail.

That is why the joint customs surveillance operation to be coordinated by the German customs authorities will be restricted to the transport of containers and of lorries (roll-on/roll-off) by rail from sensitive places of origin and of transit of drugs.

Information on such types of transport will be collected at selected points of entry by rail into the European Union. The officers assigned to these points will carry out an initial selection. The data on selected consignments would then be passed on as additional information to the national contact points (NCPs) to be set up in the Member States and for the purpose of deciding on controls at the point of entry or of destination.

Where the transport is intended for another Member State this information/request must be transferred as additional information to the international coordination unit (OCU) to be set up. On the basis of available data, the latter will try to obtain further information from the country of destination, from other points (WCO, Interpol) and from other sources. Where sufficient intelligence is available the transport will be classified as "risky". This will be notified to the country of destination with the help of all available information so that a decision can be taken there on whether or not controls should be carried out. This applies particularly when it is not possible to carry out controls at the point of entry. The results of the inquiry and of any controls should then be passed on to the international coordination unit.

As regards the transport of lorries by rail (rolling road) the information should, if possible, already be collected at the foreign place of departure. The NCPs and the WCO would subsequently be responsible for supplementing the information. In the light of experience with operation TABOO, any controls should in the opinion of the German customs authorities take place at the point of destination of the rail transport.

The operational measures should be finalised at the preliminary discussions scheduled to be held in Hamburg on 3 and 4 December 1998. Invitations have already been sent to the Member States and to the European Commission. The German customs authorities would welcome participation by all the Member States in the customs surveillance operation.

The operation would partly be funded under the OISIN programme both as regards the preliminary and subsequent discussions and the operation of the international coordination unit. Remaining costs would be borne by participating Member States. If during the preliminary discussions other customs authorities from the Member States were to join the German customs authorities in sending experts to neighbouring countries for the purpose of collecting information on the transport of lorries by rail, any expenses would have to be charged to national budgets.
