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LIMITE

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NOTE

from : the Presidency

to : the Customs Co-operation Working Group

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ENFOPOL 130 + COR 1; OJ No C 375, 12.12.1996, p. 1

Subject : **Report to the Council on the implementation of the Council Resolution of 29
November 1996 on the Drawing up of Police/Customs Agreements in the fight
against drugs**

Introduction

- 1.1. On 29 November 1996 the Council adopted the above Resolution. The Council recognised that a high degree of co-operation between police and customs, and where appropriate, other law enforcement agencies at national level would contribute to increased efficiency and effectiveness in the fight against drug trafficking at European Union level. In adopting the Resolution the Council set itself the objective of further promoting the existing forms of collaboration between police forces and customs services by means of formal agreements or arrangements at national level, which take account of the broad guidelines laid down in the Resolution.
- 1.2. Under paragraph 4 of the Resolution, Member States were asked to inform the Council through the General Secretariat of progress within a year of the measures they have taken following the Resolution. This report meets this request by informing the Council of

measures taken by Member States in response to the Resolution and makes recommendations for further action.

Evaluation and Reporting

- 2.1. The Luxembourg Presidency prepared a questionnaire for completion by Member States. The questionnaire sought details of both existing agreements in place before the Resolution (referred to as pre-Resolution) and new agreements introduced since the date of the Resolution (referred to as post-Resolution).
- 2.2. Questionnaires were sent to Member States on 4 June 1997 (Enfocustom 36 and Cor 1 refer). A summary of replies in the form of a table and short report was then prepared by the Luxembourg Presidency and sent to Member States on 27 November 1997 (Enfocustom 59 refers). Member States were asked to check the accuracy of this at the Customs Co-operation Working Group meeting on 22 January 1998 and notify any amendments to the Presidency as soon as possible. A revised version of this table has been prepared to reflect amendments received and is attached in the annex.
- 2.3. This report evaluates the replies to this questionnaire and is divided into two sections to fit in with the structure of the original questionnaire. Firstly a brief evaluation is given of pre-Resolution agreements and then a review of new agreements concluded post-Resolution. Conclusions are then made and recommendations suggested for further action.

Position pre-Resolution

- 3.1. All 15 Member States had in existence either formal or informal agreements at national level governing co-operation between police forces and customs authorities. These varied from being informal local agreements to national legislative measures.
- 3.2. The agreements focused heavily on defining roles and responsibilities and the exchange of information. For example:
 - over 70% of Member States had agreements that included detail of delineation/competency;

- over 80% had agreements involving the exchange of relevant information; and
- over 70% of Member States indicated that agreements included co-operation in the issuing of joint press statements.

3.3. The agreements were less well focused on procedural and technical matters such as the application of risk analysis techniques, joint task forces and training programmes. In fact only 40% of Member States reported having co-operation on training included in agreements.

3.4. Close liaison at local level also featured less prominently with only 40% of Member States reporting that existing agreements included this.

Position post-Resolution

4.1. The Resolution has prompted many to set up projects or form working parties with the task of reviewing agreements already in place. 10 Member States have either concluded or are in the process of consulting on new co-operation agreements

4.2. New agreements also have an emphasis on defining roles and responsibilities and the exchange of information with 80% of Member States indicating that agreements included these matters.

4.3. Responses indicate that advances have been made in the areas of co-operation in the use of risk analysis techniques and liaison arrangements at a local level. 60% of Member States indicated that agreements concluded since the Resolution included these areas of co-operation. However, overall procedural or technical matters still continue to feature less prominently in agreements.

Conclusions

5.1. All 15 Member States have in existence either formal or informal co-operation agreements between police forces and customs authorities. The Resolution has prompted a review by

many Member States of existing agreements with a view to examining whether these are sufficient to meet the terms of the Resolution.

- 5.2. The emphasis of agreements to date has been on defining roles and responsibilities and on the exchange of information.
- 5.3. Progress in procedural/technical area has been made with more Member States indicating that post-Resolution agreements include co-operation on some procedural and technical areas such as the use of risk analysis techniques. These findings are encouraging, but the Presidency feels that further progress can still be made in these areas.

Proposals for further action

- 6.1. It would be worthwhile Member States considering further action in:
 - developing liaison at a local and headquarters level where this does not already exist;
 - co-operation in the technical and procedural areas such as sharing information on the application of risk techniques; and
 - joint police-customs task forces for intelligence and/or investigation purposes which could consider establishing joint operational procedures and joint training programmes.
- 6.2. Consideration could be given to the sharing of best practice by Member States who have experience of joint police-customs operations and practices. This could be carried forward by a smaller group of experts from these Member States. The group could be tasked with producing a brief report on activities undertaken for distribution to other Member States.
- 6.3. It is noted that a number of Member States have established working parties to review existing agreements and/or procedures. Any innovative recommendations from these working parties could be circulated to other Member States for their information and consideration.
- 6.4. It is proposed that Member States endorse these findings and instruct the Customs Co-operation Working Group to take forward work in the areas outlined at points 6.1 to 6.3.

6.5. It is also proposed that a further report be made to Council within a year which should address particularly the progress that has been made against the areas in Section 6 of this report.

QUESTIONNAIRE ON AGREEMENTS OR OTHER ARRANGEMENTS BETWEEN POLICE FORCES AND CUSTOMS SERVICES
IN THE FIGHT AGAINST DRUGS

COUNTRY	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	S	FIN	UK
1. Agreements or other arrangements established at national level between police forces and customs departments <u>since</u> the adoption of the Resolution (Annex 1)	NO	YES	NO	NO	YES	YES	YES	C ⁽¹⁾	C	YES	YES	NO	NO	NO	YES
2. Provisions contained in such agreements or arrangements between police forces and customs departments:	⁽¹⁾										⁽¹⁾		⁽¹⁾		
(a) precise delineation of and respect for the competences of each of the two services,	+	+			⁽¹⁾			+		+	+				+
(b) exchange and sharing of relevant information,	+	+			+	+		+	+	+					+
(c) exchange of information on the operating methods of drug traffickers,	+	+			+			+	+	+					+
(d) exchange of information on the application of risk analysis techniques,	+	+			+			+		+					+
(e) exchange of liaison officers at HQ level of the two services,	+	+						+	+	+					+

⁽¹⁾ C - consultations between the competent Ministers have begun.

⁽²⁾ Agreements are however being drafted to deal with the subjects indicated.

⁽³⁾ Meeting of the coordination office to settle this issue on a case-by-case basis if necessary.

⁽⁴⁾ Account will be taken of the provisions of the Resolution in agreements and administrative provisions to be drawn up.

⁽⁵⁾ However, a review of existing agreements is due to be made in the near future and all the points contained in the Resolution will be looked into.

COUNTRY	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	S	FIN	UK
(f) establishment of close contacts at local level,	+	+				+		+	+						+
(g) jointly agreed press statements,	+	+			+					+					+
(h) special police/customs task forces for intelligence and/or investigation purposes,	+	+			(¹)	+				+					+
(i) jointly agreed procedures for operational matters,		+				+			+	+					+
(j) police/customs mobile patrol squads,		+				+				+					
(k) joint police/customs training programmes,	+	+						+							+
(l) sharing of equipment by police and customs,	+	+			+			+	(¹)	+					+
(m) other matters,		+(¹)								(¹)					

(⁶) Meeting of the coordination office to settle this issue on a case-by-case basis if necessary.

(⁷) Precursors; joint secondment of liaison officers outside the Nordic countries; coordination in meetings.

(⁸) A project is in progress to set up a joint radiocommunications frequency.

(⁹) Colleagues made available.

COUNTRY	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	S	FIN	UK
3. Agreements or other arrangements between police forces and customs departments already existing at national level for combating the drugs problem <u>before</u> the adoption of the Council Resolution of 29 November 1996? (Annex 2)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4. What are the provisions of the agreements or other arrangements between police forces and customs departments mentioned in the answer to question 3?															
a) precise delineation of and respect for the competences of each of the two services	+	+	+	+	(¹)	+	+			+	+	+			+
b) exchange and sharing of relevant information	+	+	+	+		+	+		+	+	+	+	+	+	+
c) exchange of information on the operating methods of drug traffickers	+	+	+	+		+	+		+	+		+		+	+
d) exchange of information on the application of risk analysis techniques		+	+	+		+	+			+				+	+
e) exchange of liaison officers at HQ level of the two services		+	+	+			+			+		+	+	+	+
f) establishment of close contacts at local level		+	+						+	+		+			+

(¹) Meeting of the coordination office to settle this issue on a case-by-case basis if necessary.

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COUNTRY	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	S	FIN	UK
g) jointly agreed press statements	+	+	+	+	+	+	+			+	+			+	+
h) special police/customs task forces for intelligence and/or investigation purposes	+	+	+	+	(¹)		+			+				+	+
i) jointly agreed procedures for operational matters		+	+	+			+		+	+		+		+	+
j) police/customs mobile patrol squads	+	+		+			+			+	+			+	
k) joint police/customs training programmes		+	(¹)	+								(¹)		+	+
l) sharing of equipment by police and customs		+	(¹)							+		+		+	+
m) other matters		+	(¹)							+(¹)				+	

(²) Not provided for in the police/customs agreement but nevertheless applicable to joint police/customs investigation task forces operating at regional level.

(³) Not provided for in the police/customs agreement but nevertheless applicable to joint police/customs investigation task forces operating at regional level.

(⁴) Not provided for in the police/customs agreement but nevertheless applicable to joint police/customs investigation task forces operating at regional level.

(⁵) Meeting of the coordination office to settle this issue on a case-by-case basis if necessary.

(⁶) Colleagues made available.

(⁷) Provision made for this in legislation.