



COUNCIL OF  
THE EUROPEAN UNION

Brussels, 25 May 1999 (28.05)  
(OR. f)

8022/99

**SEMDOC**

Statewatch European Documentation &  
Monitoring Centre on justice and home  
affairs in the European Union

PO Box 1516, London N16 0EW, UK  
tel: 0181 802 1882 (00 44 181 802 1882)  
fax: 0181 880 1727 (00 44 181 880 1727)

LIMITE

ENFOCUSTOM 22

**NOTE**

---

from	French delegation
to	Customs Cooperation Working Party
No. prev. doc.	12634/98 ENFOCUSTOM 59 PI 61 CRIMORG 171
Subject	Draft action plan to combat Internet fraud - Questionnaire for preparation of the first seminar on the draft action plan

---

**Questionnaire for preparation of the first seminar on the Customs Cooperation Working Party's proposed action plan to combat Internet fraud**

At the meeting of the Customs Cooperation Working Party on 12 February 1999, the French delegation presented document 12634/98 ENFOCUSTOM 59 PI 61 CRIMORG 171 on a proposed multiannual action plan to combat Internet fraud.

In order to prepare for the first seminar on action to combat customs fraud on the Internet, which will be held on 20, 21 and 22 September 1999 in Poitiers (France), delegations are requested to answer the questions below and send their replies to the following address by 1 July 1999:

[name and contact information deleted]

The French delegation would be grateful if the answers could be in French or English as far as possible.

*I. Identification of Internet customs fraud risks and trends*

1. Of the following three categories of fraud likely to be committed on the Internet, which are those on which customs can take action either directly or indirectly to prevent it once found?
  - (a) dissemination of illegal messages or images on the Internet (child pornography, defamation, content inciting racial hatred, etc.);
  - (b) interference with information systems and networks (hacking and computer-related crime);
  - (c) traditional fraud facilitated by use of the Internet (electronic commerce involving goods infringing intellectual property rules, sale of illegal products, incitement to buy these products, etc.).
2. Do you think that the Internet may make it easier to commit those violations of national law which customs is responsible for preventing?
3. Have you already found cases of the Internet being used as a vehicle for illegal activities which customs is responsible for preventing (for example: to obtain counterfeit goods, tobacco and certain narcotic drugs by mail order)?

*II. Study of legal background in individual countries*

4. What powers can (or could) customs officers use when carrying out checks on the Internet?

*III. Treatment of electronic transactions*

5. Are file transfers to and from your country via the Internet deemed to be imports and exports?
6. Can certain third-country goods and services (such as compact audio discs, computer software, videocassettes, business and professional services, etc.) be purchased electronically through the Internet subject to payment of duties and taxes?
- If they can, please indicate what duties and taxes are levied and explain how these are declared and paid by the Internet user.

*IV. Inspection and investigation*

7. Have you introduced a special inspection plan to combat these new risks of fraud?
8. Does your administration use the public information available on the Internet as a source of data or intelligence for the purposes of customs investigation?
9. Has your administration already found that organised networks of international traffickers use the Internet, electronic mail or other on-line systems to facilitate their illegal activities?

10. In your opinion, what consequences will the growth in electronic commerce have on the organisation of customs checks?
11. For checks on mail and express freight are you able to distinguish and subsequently identify consignments resulting from a Web order?
12. Do you advocate new solutions (technological, legal, etc.) to facilitate action by customs services to combat the fraud likely to be generated by the Internet?

*V. Partnership*

13. What kind of partnership might customs develop with global traders who use the Internet for business purposes, in order to help ensure fair trading and consumer safety?
14. What kind of partnership might customs establish with Internet service providers?

*VI. Internet and customs*

15. Is information technology used for communication between domestic customs services?
16. What developments are planned?

