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**EUROPEAN UNION
THE COUNCIL**

Brussels, 29 June 1999

SEMDOC

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7602/2/99

REV 2

LIMITE

ENFOCUSTOM 20

TRANSLATION SUPPLIED BY THE PRESIDENCY

NOTE

from :	Presidency
to :	Customs Cooperation Group
No. prev. doc.:	OJ C 193, 24.6.1997, p. 4; 7170/99 ENFOCUSTOM 18; 7602/1/99 ENFOCUSTOM 20 REV 1
Subject :	Handbook for Joint Customs Operations

Introduction

With its Resolution of 9 June 1997, the Council approved a Handbook for Joint Customs Surveillance Operations carried out by the customs administrations of the EU Member States. The resolution provides expressly for the possibility of amendments to the handbook based on the experience gained from operations.

Numerous operations have meanwhile been carried out within the framework of the five-year mandate also approved by the Council (10607/96 ENFOCUSTOM 42).

The German Presidency listed in its note 5523/99 ENFOCUSTOM 5 various reasons for the necessity of updating the handbook, and submits hereunder a proposal to the Working Party for an up-to-date approach to the implementation of such operational projects:

HANDBOOK FOR JOINT CUSTOMS OPERATIONS (JCOs)

I. General organisational structure and definition of JCOs

1. JCOs are carried out under the management of the competent Customs Cooperation Working Party (CCWP) of the Council. The CCWP devotes at least four meetings a year to operational matters (expert meetings), it being understood that each Presidency schedules at least two meetings on this subject.
2. In the handbook, the term "joint Customs operations" means operational, targeted measures of a limited duration by a minimum of five customs administrations of EU Member States for combating the smuggling of sensitive and other goods. The handbook does not cover joint customs operations by fewer than five Member States' customs administrations. The content of the handbook is considered to represent best practise and should be taken into account when planning and implementing such operations.
3. Joint customs operations in particular and other operational matters are initiated and agreed at meetings of the Group of Experts. Periodically, but in any case by the end of each year, the Group of Experts draws up a final list of the operations to be carried out in the following year, taking account of the multiannual plans for certain categories of operations. To ensure adequate planning a provisional list should be available in time for the third meeting of the Group of Experts. The CCWP approves the final list of operations agreed at the meeting of the Group of Experts. If required, operations can also be directly initiated and approved by the CCWP.

4. When planning JCOs, the Group of Experts ensures that as a rule four operations per year are planned in which all Member States or a majority of them are involved. Operations of other bodies in which the customs administrations of the Member States are to be involved due to their responsibilities in the surveillance of cross-border movements of goods and the prosecution of contraventions, should be coordinated by those bodies with the Working Party in order to achieve adequate planning.
5. Additional JCOs can be initiated by agreement between the customs administrations of the Member States. To ensure adequate planning there should be a period of at least six month before their implementation.
6. The nature, extent, objectives and timing of all JCOs are to be agreed by the Group of Experts and taken into consideration in its annual planning. Precedence shall be given to JCOs in which the majority of the customs administrations of the EU Member States participate.
7. The Group of Experts also ensures that the periods of implementation of the JCOs are staggered in order to avoid overburdening the control staff by too tight a sequence.
8. For each operation, a business case containing details of the operation is drawn up for discussion in the Group of Experts. The business case must take account of any relevant conclusions and recommendations from previous JCOs. Final approval for any JCO is dependent on the business case being discussed and endorsed by the Group of Experts. A model business case specifying the items to be included is attached to this handbook (section II).

9. The terms of reference laid down during the briefing set out the background and aims of the operation and other details, including the available support for the operations to be provided by the European Commission by the AFIS system in the field of communications, and a draft press release. A model specifying what the terms of reference should include is annexed to this handbook (section III). The terms of reference also include an expenditure budget. "Expenditure" covers the costs of briefing and debriefing meetings and the running costs of the Operation Coordination Unit (OCU) in connection with room hire, interpreting, equipment, communications, etc. and other costs. Also to be included are references to intended financing through Council or Commission programmes.
10. The business case and the terms of reference should include a risk-analysis-based threat assessment which provides a clear definition of the objectives of the operation, especially for operations concerned with smuggling under the guise of legitimate trade.
11. At the meeting of the Group of Experts, each operation is assigned to the customs administration of the Member States which volunteered to act as coordinator for the JCO. In addition, another customs administration may be designated to organise the briefing and debriefing meetings. If no customs administration of the Member States volunteers to act as coordinator, the customs administration of the Member State holding the Presidency will act as coordinator.
12. The expert meeting can also recommend that a JCO be implemented by an existing body of the customs administrations of Member States. In this case one EU Member State in that group should act as coordinator.

13. The terms of reference are to be treated as confidential by all the bodies involved and shall not be published. Only the business case for the operation should be included in the collection of Council documents and should be classified "CONFIDENTIAL". It is recommended that the precise dates of the JCOs be announced as late as possible, if possible after the briefing meeting.
14. If necessary, the coordinator sets up an appropriate Operation Coordination Unit (OCU) for the JCO. In setting up the OCU, account is taken of the nature and scope of the operation. The OCU's operational parameters are laid down in the terms of reference.
15. Non-EU customs administrations and other law enforcement agencies may be invited by the operation coordinator to take part in JCOs **following a decision by the Group of Experts**. Non-EU countries taking part in operations are not entitled to attend the meetings of the Working Party. They are free, however, to attend briefing and debriefing meetings connected with operations in which they are involved.
16. Efforts should be made to obtain the maximum amount of EU funding for JCOs. Applications for financing from EU funds shall be made by the coordinator with support of the Working Party. The relevant representatives of the Member States should support the planned joint operations in the agreed priority order at the competent finance committee meetings.
17. The coordinator of the operation is responsible for inviting States of forthcoming briefings. A model notification is annexed to this handbook (section IV).

18. If it is desirable for the proper running of the operation for liaison officers to be included in the OCU, each participating State sends one or more liaison officers if possible. The interests of a State which does not send any liaison officers are looked after by the coordinator of the operation, if so desired and as far as possible. The liaison officers maintain contacts with their national contact points.
19. The operation coordinator is responsible for organising briefings. Ideally the briefing meeting is to be held 2/3 months ahead of the JCO. If no briefing is required for a particular operation, this should be stated in the business case and also in the terms of reference.
20. To enable the participating States to prepare themselves for the operation, general information on the duration and the expected scheduling of the JCO is provided beforehand. Specific information on objectives will be decided during the briefing. To ensure confidentiality the final dates of the JCO will be announced as late as possible. If no briefing is held, the coordinator ensures that this information is passed on in some other way. Confidentiality must be guaranteed at all times.
21. The coordinator is responsible for drawing up a draft report for discussion in the debriefing meeting after an operation has been completed. The report is drawn up, and the debriefing is held, within two months of the completion of the JCO. A model report is annexed to this handbook (section V). The report is provisionally approved at the debriefing meeting, after any amendments or additions have been made.
22. As a basis for the final report the customs administrations of the participating States send national final reports to the coordinator within a time limit to be fixed, at the latest within four weeks. The structure of national final reports should be laid down by the coordinator and should be agreed during the briefing.

23. The report on the operation must always include assessments of the procedures and difficulties encountered, the results of the operation and its cost-effectiveness so that these experiences can be taken into account for future operation. In addition the report should contain a recommendation on whether or not further methodical analysis is required.
24. If the coordinator is a State other than that holding the Presidency, it submits the report to the Presidency within three months of the completion of the operation. The Presidency places the discussion of the report on the agenda for a meeting of the Group of Experts. Further amendments and additions to the report can be made at that meeting. Finally, the Working Party finalises and approves the definitive report and forwards it to the Funding Programme Manager.
25. The Group of Experts draws up a list of addresses of the JCO contact points and ensures that it is continually updated.

II. Model business case for proposed JCOs¹

- Introduction
- Justification
 - general, including reference to conclusions and recommendations from previous JCOs
 - threat assessment
 - objectives
 - participating States
 - procedures

¹ This model is intended to ensure that proposals for new operations are presented in a way that facilitates appropriate decisions.

- Preparation
- Forecast of the costs of the JCO
 - expenditure
 - financing
- Reporting

III. Model terms of reference for JCOs¹

- Background to the proposal, including reference to conclusions and recommendations from previous JCOs
- Codename of the JCO
- Type of operation: (sea, air, land, etc.)
- Further details (type of vehicles, mode of transport, type of goods)
- Information on the assessment of the threat
- Purpose of the operation
- Legal area/types of offences targeted by the operation (prohibitions & restrictions, highly-taxed goods, etc.)
- Details of practical arrangements
 - expected participants
 - duration of the operation
 - communications arrangements
 - working language(s)
 - classification of the risk for the selected target objects
 - operational parameters of the OCU
 - tasks of the national contact points
 - abbreviations and codes
 - other logistical requirements
 - model press release
 - special equipment
 - financing

¹ As soon as a proposal has been adopted, this model should be used to formulate the terms of reference for the operation.

- Criteria for assessing the results of the operation
- Guidelines for national contributions to the final report
- Briefing and debriefing plans

IV. Model notification to Customs administrations of forthcoming JCOs¹

- Type and purpose of the operation
- Date and place of briefing
- Further details concerning the officials expected at the briefing
- Agenda for the briefing
- Financing

V. Model debriefing report²

- Framework within which the operation took place
- Coordinator of the operation
- Participating countries and liaison officers
- Objectives of the operation
- Summary of the results
- Statistics
- Costs (OCU, briefing, debriefing)
- Assessment of the operation:
 - generally, including an assessment of missing consignments and surveillance weaknesses, etc
 - in view of necessary improvements for future operations
 - recommendations for future improvements

¹ This model should be used for notifying customs administrations of forthcoming operations.

² This model is intended to ensure appropriate assessment of the operation.



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Brussels, 15 July 1999

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REV 2 COR 1

LIMITE

ENFOCUSTOM 20

CORRIGENDUM TO THE NOTE

from :	Presidency
to :	Customs Cooperation Group
No. prev. doc.:	7602/2/99 ENFOCUSTOM 20 REV 2
Subject :	Handbook for Joint Customs Operations

1. **Page 4, paragraph 9**

Line 2 reads as follows :

"... including the available support for the operations to be sought from the European Commission..."

2. **Page 5, paragraph 17**

Line 1 reads as follows :

"17. The coordinator of the operation is responsible for inviting States to forthcoming briefings..."

3. **Page 8**

Title III reads as follows :

"III. Model terms of reference for JCOs"

(The abbreviation should be used in the other languages).

4. Page 9

- Title IV reads as follows :
« *IV. Model notification to Customs administrations of forthcoming JCOs* »
(The abbreviation should be used in the other languages).

 - Title V, seventh indent, reads as follows :
« - *Costs (OCU, briefing, debriefing, special equipment, etc.* »
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