COMMISION STAFF WORKING DOCUMENT

[Anti-smuggling Action Plan]

Accompanying the document

Communication from the Commission to the Council and the European Parliament

Stepping up efforts to fight against cigarette smuggling and other forms of illicit trade in tobacco products—A comprehensive EU Strategy

{SWD(2013) 324 final}
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Stepping up efforts to fight against cigarette smuggling and other forms of illicit trade in tobacco products– A comprehensive EU Strategy

<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Timeline</th>
<th>Responsible</th>
<th>Outcome Indicator</th>
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<tbody>
<tr>
<td>1</td>
<td>Measures to decrease incentives</td>
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<tr>
<td>1.2</td>
<td>Travellers' allowances</td>
<td>Prepare report to the Council on the implementation of the current rules, accompanied by technical guidance on the application of relief thresholds for travellers.</td>
<td>Short-term / second half 2013</td>
<td>Commission</td>
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<tr>
<td>1.3</td>
<td>Anti-forestalling</td>
<td>Examine the need for rules limiting forestalling, in particular by organising a workshop to discuss current anti-forestalling measures and related best practice solutions with MS.</td>
<td>Short-term / second half 2013</td>
<td>Commission</td>
</tr>
<tr>
<td>1.4</td>
<td>Awareness raising</td>
<td>Organise targeted public awareness raising actions using modern technologies based on existing good examples emphasising the links between cigarette smuggling and organised crime.</td>
<td>Mid-term / 2014</td>
<td>Commission and interested Member States</td>
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</tbody>
</table>

### 2. Measures to secure the supply chain

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<tbody>
<tr>
<td>2.1</td>
<td>Signature of the FCTC Protocol</td>
<td>Present the proposal for the Council Decision on the signing on behalf of the EU of the FCTC Protocol.</td>
<td>Short-term / June 2013</td>
</tr>
<tr>
<td>2.2</td>
<td>Conclusion and implementation of the FCTC Protocol</td>
<td>Analyse the necessity of adopting additional EU legislation to ensure compliance with supply chain control provisions of the FCTC Protocol at EU level. Present proposals for a decision of the European Parliament and of the Council to conclude the Protocol and for additional necessary legislative measures to ensure compliance with the FCTC provisions as far as matters falling into EU competences are concerned.</td>
<td>Mid-term / 2014</td>
</tr>
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</table>
(COM(2012) 788 final, 2012/0366 (COD)).

| 2.4 | Delegated acts provided for in the proposed Tobacco Products Directive | Adoption of the delegated acts provided for in the proposed Directive (concerning technical details relating to the compatibility between the tracking and tracing systems, the standardisations for security features and data storage contracts). | Mid- to long term / 2014-2015 | Commission | Adoption |

### 3. Measures to strengthen enforcement

#### 3.1 Addressing challenges of EU enforcement authorities

**Risk Management**


**Operational actions**

| 3.1.2 | PCA on cigarettes | After the conclusion of the PCA prepare, on the basis of the results, recommendations to strengthen the EU capacity to identify cigarette smuggling. | PCA conclusion: short-term / end 2013 Recommendations: first quarter 2014 Implementation: long-term | Commission and Member States | Recommendations agreed and implemented |
| 3.1.3 | JCO at Eastern Border | Analyse the results of the complementary JCO at the Eastern Border in cooperation with Frontex, targeting cigarette smuggling. | Short-term / first half 2013 | Commission and Member States | Debriefing meeting on JCO |
| 3.1.4 | Consignments from the UAE | Better target illicit consignments sourced from the UAE. | Mid- to long term / 2014 -2015 | Commission and Member States | Number of seizures |
| 3.1.5 | Targeted action using mobile teams | Coordinate a specific action using EU mobile teams targeting main routes inside the EU. | Mid-term 2014 | Commission and Member States | Number of seizures |
| 3.1.6 | Suspicious transport companies | Propose a targeted action on suspicious transport companies. | Mid- to long term / 2014-2015 | Commission and interested Member States | Action completed |
| 3.1.7 | Improvement of JCOs | Resolve the problems and weaknesses identified in the management, financing, coordination and follow-up of JCOs. | Mid-term /2014 | Member States and Commission | Recommendations |
| 3.1.8 | Samples of cigarettes and other tobacco products seizures made in the MS | Evaluate the information obtained through the analysis of samples of cigarettes and other tobacco products seized in the Member States. | Continuously | Commission | Identify origin of illicit products and analyse quality |
| 3.1.9 | Customs Laboratories | Encourage and promote the cooperation and involvement of customs laboratories in the analysis of seized tobacco products. | Mid- to long term | Commission and Member States | Number of samples sent/results received |
## IT tools and equipment

<table>
<thead>
<tr>
<th>3.1.10</th>
<th>CIGINFO analysis</th>
<th>Carry out regular analysis of the CIGINFO data and provide a comprehensive report to MS, in order to make better use of existing data and improve data quality.</th>
<th>Long-term and on a yearly basis</th>
<th>Commission</th>
<th>Annual report based on CIGINFO Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1.11</td>
<td>CIGINFO data quality</td>
<td>Improve the quality, the completeness and the timeliness of the reported data which serves as a basis for the analysis.</td>
<td>Long-term / continuously</td>
<td>Commission and Member States</td>
<td>Amount, completeness and accuracy of data reported by Member States</td>
</tr>
<tr>
<td>3.1.12</td>
<td>Special COCOLAF meeting on CIGINFO</td>
<td>Organise a special meeting with Member States on how to improve the reporting and the analytical work related to the CIGINFO.</td>
<td>Short-term / second half 2013</td>
<td>Commission</td>
<td>Organisation of the meeting by autumn 2013 and ensuring follow-up</td>
</tr>
<tr>
<td>3.1.13</td>
<td>Automated licence plate and container code recognition tool on Eastern Border</td>
<td>Interlink and centralise the information obtained via this tool in order to make it available to the other Member States.</td>
<td>Long-term</td>
<td>Commission</td>
<td>Interconnect the system and ensure access for all Member States</td>
</tr>
<tr>
<td>3.1.14</td>
<td>Identification of available programmes to modernise customs</td>
<td>Assist Member States in identifying available programmes to support and modernise customs infrastructure, equipment, services and facilitate the access to the use of available and future funding instruments.</td>
<td>Mid-term / continuously</td>
<td>Commission</td>
<td>Number of assistance requests answered and resolved</td>
</tr>
<tr>
<td>3.1.15</td>
<td>Internal coordination in using funding programmes</td>
<td>Improve internal coordination as regards Member States' applications to use available programmes.</td>
<td>Mid-term / continuously</td>
<td>Commission</td>
<td>Number of coordination meetings and recommendations</td>
</tr>
</tbody>
</table>
### 3.1.16 Identification of available resources for financing equipment for Customs Laboratories

Provide support to Member States in identifying available resources for financing equipment for the Customs Laboratories, mainly to buy equipment for DNA analysis and other sophisticated analytical methods, handheld apparatus, development of mobile laboratories.  

**Short-term / second half 2013**  
**Commission**  
**Number of assistance requests answered and resolved**

### Cooperation between authorities

| 3.1.17 | Exchange of strategic intelligence and threat analysis with FRONTEX | Establish regular exchange of strategic intelligence and threat analysis with FRONTEX with the objective of fighting against cross border crime. | Mid-term/ by 2014 and from then on a yearly basis | Commission, FRONTEX | Number of exchanges |
| 3.1.18 | Improved strategic information sharing with INTERPOL | Improve strategic information sharing with Interpol, especially on the organised crime aspect. | Mid-term/2014 | Commission, INTERPOL | Number of information exchanges, meetings, conferences |
| 3.1.19 | Reform of OLAF Regulation | The pending review of the OLAF Regulation should be adopted as soon as possible. | Short-term / mid-2013 | European Parliament and Council | Adoption |
| 3.1.20 | Reform of EUROPOL Regulation | Adopt proposed new Regulation. | Mid-term/2014 | European Parliament and Council | Adoption |
| 3.1.21 | Reform of EUROJUST | Adopt new Regulation to be proposed by the Commission in summer 2013. | Mid-term/ 2014 | European Parliament and Council | Adoption |
| 3.1.22 | Share intelligence under EUROSUR | Share intelligence between OLAF and FRONTEX under the EUROSUR system and encourage the participation of national customs authorities in this project. | Long-term | Commission, FRONTEX | Regular exchange of intelligence |

**Specific problem areas**

| 3.1.23 | Greece | Address the issue of Greece being a major entry point in the context of the Task Force Greece and assist Greece in the context of the on-going technical assistance to the reform of the General Secretariat for Public Revenue. | Mid-term 2014 | Commission | Discussion and recommendations |

**Sharing of expertise and best practices**

| 3.1.24 | Follow-up of the Project Group 5.1 of the LT delegation. | Ensure consistency with the recommendations of the Project Group 5.1. | Short-term / second half 2013 | Member States and Commission | Actions implemented |

| 3.1.25 | Specific trainings | Discuss and assess in close cooperation with the Member States the need for specific trainings to be financed under Hercule III and ensure a coordinated approach. | Short-term / second half 2013 and continuously | Commission, Member States, CEPOL, EUROPOL | Training scheme set up |

| 3.1.26 | Exchange of best practices in tackling corruption and staff exchange | Assist Member States in sharing best practices in tackling customs crime and corruption including through providing financial assistance for staff exchange (under Hercule programme). | Mid-term / 2014-2015 | Commission | Study/report with recommendations |
### Enhance cooperation with major source and transit countries

<table>
<thead>
<tr>
<th>3.2.1</th>
<th>Raising the problem with source countries at political level</th>
<th>Systematically raise the issue of the illicit traffic in tobacco products with the most significant source and transit countries at political level.</th>
<th>Continuous</th>
<th>Commission, EEAS</th>
<th>Number of meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.2</td>
<td>Joint Action Plans on fighting the illicit trade in tobacco products</td>
<td>Propose and implement joint action plans between the EU and main source countries.</td>
<td>Long-term</td>
<td>Commission</td>
<td>Action Plans agreed/implemented</td>
</tr>
<tr>
<td>3.2.3</td>
<td>Approximation of Eastern neighbours' tobacco excise structure and rates</td>
<td>Monitor closely the approximation of Eastern neighbours' tobacco excise structure and rates to the EU's, both through bilateral dialogue channels and via multilateral initiatives.</td>
<td>Long-term</td>
<td>Commission</td>
<td>Number of meetings, initiatives, exchanges</td>
</tr>
<tr>
<td>3.2.4</td>
<td>Strategic Frameworks for Customs Cooperation with Eastern neighbours</td>
<td>Implement the Strategic Frameworks for Customs Cooperation with Russia, Ukraine and Moldova.</td>
<td>Continuous</td>
<td>Commission</td>
<td>Number of meetings, joint actions</td>
</tr>
<tr>
<td>3.2.5</td>
<td>Strategic Framework for Customs Cooperation with Belarus</td>
<td>Negotiate and endorse a strategic framework for customs cooperation with Belarus.</td>
<td>Mid-term / 2014</td>
<td>Commission</td>
<td>Strategic framework signed/endorsed</td>
</tr>
<tr>
<td>3.2.6</td>
<td>Administrative Cooperation Arrangements (ACAs) with Ukraine and Moldova</td>
<td>Sign legally non-binding ACAs between OLAF and customs authorities of Ukraine and Moldova.</td>
<td>Short-term / July 2013</td>
<td>Commission</td>
<td>Arrangements signed</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Details</td>
<td>Timeframe</td>
<td>Responsible</td>
<td>Evaluation</td>
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<td>3.2.7</td>
<td>ACAs with Russia and Belarus</td>
<td>Negotiate ACAs with the customs authorities of Russia and Belarus which will enable sharing of information and closer cooperation in relation to the illicit trade in tobacco products.</td>
<td>Short- to mid term / 2013 -2014</td>
<td>Commission</td>
<td>Arrangements signed</td>
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<td>3.2.8</td>
<td>HL seminar on customs cooperation at the EU Eastern border</td>
<td>Organise a high-level seminar on customs cooperation at the Eastern border targeting, among others, the fight against smuggling of highly taxed goods. Its purpose will be to improve operational cooperation and the implementation of the FCTC Protocol.</td>
<td>Short-term / 24-25 October 2013</td>
<td>Council Presidency, with the support of the Commission</td>
<td>Organisation of seminar within the proposed time frame</td>
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<td>3.2.9</td>
<td>Technical assistance to key non-EU countries</td>
<td>Provide technical assistance to non-EU countries (European Neighbourhood Countries, Western Balkans and Turkey) within the existing financing instruments for fighting illicit trade.</td>
<td>Continuous</td>
<td>Commission</td>
<td>Number of projects financed</td>
</tr>
<tr>
<td>3.2.10</td>
<td>EU liaison officers</td>
<td>Examine the usefulness of posting additional EU liaison officers to important source and transit countries.</td>
<td>Short-term / second half 2013</td>
<td>Commission</td>
<td>Assessment and recommendations</td>
</tr>
<tr>
<td>3.2.11</td>
<td>Anti-fraud provisions in relevant international agreements</td>
<td>Negotiate provisions on customs anti-fraud, mutual administrative assistance in customs matters (MAA), and fight against organised crime for Association Agreements (AAs), Partnership and Cooperation Agreements (PCAs) and Free Trade Agreements (FTAs) to be concluded with main source countries.</td>
<td>Continuous</td>
<td>Commission</td>
<td>Number of provisions inserted</td>
</tr>
<tr>
<td>3.2.12</td>
<td><strong>FCTC signature, ratification and implementation by all the non-EU parties/countries</strong></td>
<td>Promote signature, ratification and implementation of the FCTC by all the non-EU parties/countries, in particular the main source countries.</td>
<td>Mid- to long term 2014 -2015</td>
<td>Commission</td>
<td>Number of meetings</td>
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<td>3.2.13</td>
<td><strong>Assistance for FCTC implementation</strong></td>
<td>Contribute financially and through technical assistance to the WHO FCTC Secretariat for the implementation of the FCTC Protocol.</td>
<td>Mid-term/2014</td>
<td>Commission</td>
<td>Assistance implemented</td>
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<tr>
<td>3.3</td>
<td><strong>Strengthening sanctions</strong></td>
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<td>3.3.1</td>
<td><strong>Study on the lack of uniform approach on sanctions and the impact on illicit trade in tobacco products</strong></td>
<td>External study (financed from Hercule funds) analysing existing penalties in the Member States and the way they are applied as well as their impact on the illicit trade in tobacco products, also in order to analyse the transposition of the FCTC Protocol.</td>
<td>Mid- to long term 2014-2015</td>
<td>Commission and Member States</td>
<td>Presentation of study</td>
</tr>
<tr>
<td>3.3.2</td>
<td><strong>Proposal to approximate definitions of customs infringements and non-criminal sanctions</strong></td>
<td>Legislative proposal for approximation of definitions of customs infringements and non-criminal sanctions.</td>
<td>Short-term / second half 2013</td>
<td>Commission</td>
<td>Adoption of Commission proposal</td>
</tr>
</tbody>
</table>