

**BETTER MANAGEMENT
OF EU BORDERS
THROUGH COOPERATION**



CENTER FOR
THE STUDY OF
DEMOCRACY

BETTER MANAGEMENT OF EU BORDERS THROUGH COOPERATION

**STUDY TO IDENTIFY
BEST PRACTICES ON THE COOPERATION
BETWEEN BORDER GUARDS AND
CUSTOMS ADMINISTRATIONS WORKING
AT THE EXTERNAL BORDERS OF THE EU**



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DEMOCRACY**

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LIST OF ABBREVIATIONS¹

BG	Border Guards
BCP	Border Crossing Point
CA	Crown Agents
CCPD	Police and Custom Cooperation Centres
CCWP	Customs Cooperation Working Party
CIS	Customs Information System
CRATE	Central Record of Available Technical Equipment
CSD	Centre for the Study of Democracy (Bulgaria)
EPN	European Patrols Network
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
DG HOME	Directorate General Home Affairs (EC)
IBM	Integrated Border Management
LEA	Law enforcement agency
MOU	Memorandum of understanding
MoI	Ministry of (the) Interior
MS	Member State
RABITs	Rapid Border Intervention Teams
SIS	Schengen Information System
DG TAXUD	Taxation and Customs Union Directorate General
ToR	Terms of Reference
TEU	Treaty of the European Union
UNODC	United Nations Office on Drugs and Crime
WCO	World Customs Organization





























¹ There are numerous acronyms in the annexes, which contain 12 country studies. Each country study has its own list of acronyms.

REFERENCING GUIDE

A large share of the data and related analysis come from electronic questionnaires, interviews and field visits. No quotes are attributed to interviewees. Instead the reference includes only the Member State's abbreviation, if the source is an electronic questionnaire (EQ), an interview with border guard officer (BGI), an interview with Customs officer (CI) or the abbreviation 'CS' if one of the twelve case studies is quoted.

For example, a statement that is supported by evidence from the electronic questionnaire from Germany will be abbreviated as '(EQ-DE)'; if the source is an interviewee from a BG agency in France it will be quoted as '(BGI-FR)'. A statement that is supported by evidence from the case study on France will be quoted as '(CS-FR)'. The interviews with EU institutions (e.g. Frontex), will be quoted as '(I-EU)'. All other citations follow standard academic practices. The table below includes the country abbreviations used.

TABLE 1. COUNTRY ABBREVIATIONS

AT		Austria	IT		Italy
BE		Belgium	LT		Lithuania
BG		Bulgaria	LU		Luxembourg
CY		Cyprus	LV		Latvia
CZ		Czech Republic	MT		Malta
DE		Germany	NL		Netherlands
DK		Denmark	PL		Poland
EE		Estonia	PT		Portugal
EL		Greece	RO		Romania
ES		Spain	SE		Sweden
FI		Finland	SI		Slovenia
FR		France	SK		Slovakia
HU		Hungary	UK		United Kingdom
IE		Ireland	EU		across-EU

EXECUTIVE SUMMARY

Since the adoption of the concept of ‘integrated management system for external borders’ by the Laeken European Council in 2001, a number of policy documents have drawn attention to the need for increased inter-agency cooperation at the EU’s external borders. Following the *Commission Communication of 7 May 2002 on integrated border management²* and the *Feasibility study of 30 May 2002 on a European Border Police³*, the Seville European Council approved an ‘Action Plan on the Management of External Borders of the European Union’ (2002). Later, the 2005 Hague Programme⁴ built upon the Tampere Programme, setting out the objectives and mapping the development of a ‘second generation’ of measures designed to strengthen management of the external borders in general.

Some of the achievements of putting into practice these policy visions and programmes included the establishment⁵ of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex); and the adoption of the EU Community Code on the rules governing the movement of persons across borders (2006).⁶ In addition, the 2005 Community Customs Code (CCC)⁷ established a number of systems aiming at tightening security requirements for the movement of goods across international borders.

Despite the extensive development of common standards in the management of the EU’s external borders, **the forms and extent of cooperation between Customs and Border Guards has been left to the individual Member States.** As a result, the forms and extent of cooperation differ greatly, as some countries either have very extensive and substantial cooperation, or have even merged institutions (as in the UK), while in others relations between the two agencies are characterised by a deep divide, competition, and lack of communication.

The present report analyses, for the first time, the existing forms of cooperation between Customs and Border Guards, and the obstacles to effective cooperation between them. National, geographic, institutional and

² Commission Communication: Towards integrated management of the external borders of the Member States of the European Union, COM(2002) 233 final, Brussels, 7.5.2002.

³ The result of the study – the International Airports Plan – was elaborated in Council’s classified communication.

⁴ Commission Communication: The Hague Programme: ten priorities for the next five years. The Partnership for European renewal in the field of Freedom, Security and Justice, COM(2005) 184 final, Brussels, 10.5.2005.

⁵ The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union was established by Council Regulation (EC) 2007/2004/ (26.10.2004, OJ L 349/25.11.2004)“2007/2004/ (26.10.2004, OJ L 349/ 25.11.2004).

⁶ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

⁷ Regulation 648/2005 and its implementing provisions.

cultural factors determine the diversity in border management practices and inter-agency operational modes across the EU. Nevertheless, best practices need to be reviewed and applied, to improve the protection and management of the EU's external borders.

The purpose of this study is both to identify best practices and the obstacles to cooperation between the Border Guard (BG) and Customs agencies and to make recommendations to the European Commission (EC), the Member States (MSs) and BG and Customs administrations working at the external borders for improving their efficiency and effectiveness through enhanced cooperation.

Best practices and obstacles to cooperation were identified based on the information collected from an electronic survey of BG and Customs officers in 26 MSs,⁸ 230 interviews, and 25 site visits to 12 MSs. In addition to the analysis of the legal and operational aspects of cooperation, the underlying institutional, political and cultural contexts in which Customs and BG operate were examined.

Key findings

Eleven areas of cooperation in Member States were examined: *Strategic planning, Communication and information exchange, Coordination of workflow of Border Crossing Points (BCP), Risk analysis, Criminal investigations, Joint operations, Control outside BCPs, Mobile units, Contingency/emergency, Infrastructure and equipment sharing, and Training and human resource management.* In addition, the report studied the present state of and possibilities for cooperation at the EU level. The degree of cooperation varies greatly among these 11 areas. It depends both on the institutional set-up in the MS, and the specific competencies of the institutions.

In each of the 11 areas examined, a comprehensive survey of cooperation mechanisms was carried out. In addition, some cooperation mechanisms have been selected as 'best practices'. These suggestions, though, are based on limited information for several reasons. Hardly any of the countries suggested any practices in the electronic survey as 'best practices' (i.e. those that have improved efficiency and/or effectiveness). None of the institutions, where 'best practices' were identified was able to provide data or evidence that efficiency or effectiveness were improved after the adoption of certain cooperation practices. In addition, it should be kept in mind that the 'transferability' of some of the best practices identified is limited only to states with a similar institutional set-up, or where institutions have similar competencies. Also, some of the best practices presented are specific to a particular type of border or border crossing point (land, air, or maritime).

To best understand why certain forms of cooperation exist and whether best practices might be transferable to particular Member States, it is necessary to understand the **diversity that exists across the EU**. Three

⁸ Luxembourg did not participate as it has only one external BCP, where only one agency is active.

characteristics best describe this diversity and explain the forms and intensity of cooperation:

1. The **institutional set-up**: In addition to tasks carried out by the specialised BG and Customs organisations In some MSs, police have border guard competencies, in others the gendarmerie, or financial police are also involved.
2. The **powers/competencies** of BG and Customs: in some MSs the Customs or BGs do not have investigational powers; in others they might not have any maritime patrol competencies, or any competencies outside border-crossing points (BCPs).
3. The **legislative basis** on which cooperation is based should also be taken into account: while there is comprehensive legislation in some MSs, in others local, or need-based agreements, or informal cooperation govern cooperation.

Below, each of the 11 areas of cooperation and their related best practices is discussed.

Strategic planning

The cooperation in setting overall strategic direction is very limited in Member States. Some MS rather reported on cooperating in setting 'strategic (i.e. long-term) plans' in specific areas of cooperation: mobile groups, risk analysis, or collection of intelligence. In many MS there are **coordination/management inter-agency structures** (such as working groups or inter-departmental committees). Twenty-one MSs reported having such bodies. In some MSs high-level representatives are part of these structures; apart from the ministries of the interior and finance, other ministries who deal with BCPs may be included. These inter-institutional bodies usually meet two or more times per year but they usually focus on operational and shorter-term issues, rather than setting strategic directions for cooperation.

The best practice presented is from Lithuania. The heads of Border Guards, Customs and Police approve an annual plan of activity for the Joint Centre for Analysis of Criminal Information. Although, the development of the agencies' strategies are not coordinated, the strategic analysis that shapes each agency's priorities is done jointly: each agency suggests priority areas to the Centre's annual workplan.

Communication and information exchange

The communication practices and the exchange of information between Customs and BG is one of the most fundamental aspects of successful cooperation. The exchange of information examined is related to almost all areas of cooperation: flow of passengers and cargo; investigations; risk analysis; patrolling; and special operations. At least four different categories along the wide spectrum of cooperation of information exchange can be discerned: 'on request'; 'ad hoc'; 'periodic'; and 'continuous exchange through joint databases'. **The prevailing approach is 'ad hoc'**, used in 16 MSs. Exchanges take place only when there are 'incidents'

(CY), 'special identified cases' (AT) or cases of investigations (EE), or if specific intelligence information (e.g. regarding irregular immigration) is seen to be of use to the other agency (SK). A small number of MSs make use of joint databases – five for data about vehicles, and six for data about persons. In most countries, however, Customs and BG have exclusive access to national databases that are not shared with the other agency. The existence of various cooperation mechanisms (such as joint analysis, intelligence, or investigations centres) is often the means by which information is shared.

The best practice presented is of the German police information system INPOL: it stores information on persons, property and criminal investigations. All important reports on crimes and criminals of regional or national significance are stored in INPOL. This system constitutes the IT backbone of the investigative network of the German police forces. The Federal Police and the Customs officers who carry out police and border guard-like functions have direct access.

Coordination of workflow of BCPs

Control of the transnational flow of goods and persons, along with protection and surveillance duties, constitute the core elements of the management of the external borders. A number of factors determine the specific cooperation needs at BCPs. The management structure might differ significantly according to the type of BCP (land, airport, sea port), its size, or its institutional set-up (it may also include more than two law enforcement agencies at the BCP (IT, ES).

In the daily operations, the most common cooperation activities are the coordination of **available space**, the coordination of checks of persons and vehicles that need special attention (**detailed checks**), and the coordination of **specialised personnel** (e.g. sniffer dog handlers). The coordination of shifts is the least common activity, reported in 12 out of 25 MSs. This may present a problem during joint operations, when personnel from one agency need to be changed in the middle of the operation due to shift schedules.

Cooperation between Customs and BG is somewhat different at sea ports, where officers of the two (or more) agencies are usually located in separate buildings and have limited direct contact with each other in their daily work.

The best practice presented in this section is from Finland. At land BCPs in Finland, heavy commercial traffic is processed at one line. A single Customs officer processes the declaration of import of goods and the driver's travel documents. To support these checks, the officer has access to both the Customs and Border Guard Risk Management Databases. Customs officers have been trained by Border Guard to inspect ID documents and visas, among other procedures. Border guards have received basic Customs training, which includes search of vehicles and recognition of prohibited and restricted goods, e.g. drugs, alcohol and counterfeit items.

Risk analysis

The risk analyses⁹ that Customs and BGs develop are generally different in scope. BGs focus their analysis primarily on immigration, trafficking of human beings, and the use of false documents. Customs' risk analysis, on the other hand, is focused on protecting EU and national financial interests, excisable goods, and on security and safety risks such as drugs, counterfeit goods and dual-use goods. In all MSs, there is some level of either formal or informal cooperation. There are two common forms of cooperation in risk analysis: one institution **shares the results** with the other, or they **conduct a joint risk analysis**. Practically, in all MSs, the risk analysis is shared in some way – either informally at the lower levels, or formally (centrally or locally disseminated) at the BCP level. Joint risk analysis is usually limited in scope, and takes place only either at specific locations (high-risk BCPs), or on specific topics (e.g. drugs or cigarettes). Joint risk analysis is done nationally or regionally only in Finland, Sweden and the UK.

The report presents the best practice from Finland, where the National Bureau of Investigations in Helsinki (one of the main units of the Finnish Police) manages the Police-Customs-Border Guards National Crime Intelligence and Crime Analysis Centre. The centre carries out daily monitoring of crime situations; and produces ad hoc memos on targets, threats and trends. The operation and control system of the PCB relies on officers from both Customs and BG working alongside their Police colleagues.

Criminal investigations

The criminal investigations that Customs and BG carry out often relate to different categories of crime. Typically, Customs investigate crimes that violate the customs regime (i.e. drugs or customs fraud). Border Guard investigates migration crime or trafficking in human beings. Across the EU, though, there is significant variation in the competencies and powers of Customs and BGs, the resources they have, and the institutional arrangements (e.g. the existence of Financial Police, or the merging of BG with the Police).

Survey data indicates that EU **Member States do not maintain permanent joint investigation structures**, such as Joint Investigation Centres or permanent joint teams. Instead, ad hoc Joint Investigative Teams are reported by 14 MSs. These teams are set up on a case-by-case basis when a need is identified. Another example of effective **cooperation is the coordination centres for investigative information**. They comprise not only Customs and BG, but also include Police, Coast Guard, or other investigative services. The roles that these units typically play are in the coordination of investigations (thus avoiding duplication), sharing of intelligence information, supporting investigations, and conducting crime

⁹ Risk analysis means the process of identifying a risk, the collection and analysis of data and information related to the risk ('risk assessment'), as well as developing options for solutions and decisions ('risk management').

analyses. Examples of such structures are: the centres for the fight against drug trafficking (IT, EL, FR); centres to combat organised crime (HU, ES); and coordination intelligence centres (FI, SE, LT).

The best practice for investigations comes from Sweden. There is cooperation between law enforcement agencies (LEAs) in Sweden at all levels: strategic, operational and tactical. At the **strategic** level, the National Cooperation Council (which includes the Police, Customs, Tax Agency, among others) is responsible for overall cooperation. At the **operational** level, the National Criminal Intelligence Centre and Regional Intelligence Centres (where all LEAs are represented) provide joint intelligence. At the **tactical** level: Customs and Border Guard offices submit proposals for joint investigations to the National Operational Council, which then approves the ones suitable for a joint action.

Joint operations

Joint operations (JOs) between BGs and Customs are important as they provide opportunities for effective and efficient cooperation. Institutions across the EU might define differently the term 'joint operation', but it generally refers to a range of activities that are **not** carried out on a routine basis but are planned and take place over a longer period of time, with a greater degree of complexity/coordination, or over a wider geographic area.

Customs and BG carry out joint operations most often over issues that involve their common competencies, such as drugs smuggling and excise goods (cigarettes, alcohol, or fuel). Fewer MSs have joint operations related to irregular immigration. There are various benefits of joint operation, both in terms of effectiveness and in terms of efficiency. The greater effectiveness is usually achieved by the fact that all institutions participating can contribute intelligence or resources that can make the impact much greater. Some of the efficiencies noted were the pooling of personnel and equipment, or saving time on formalities related to the exchange of information or to the transferring of the case between one agency and another.

Two best practices in this area should be highlighted: in Germany a comprehensive system for evaluating joint operations has been implemented. It analyses the operational results, the allocation of personnel, and information exchange. The second best practice comes from Poland, where joint operations are planned in detail, including specific task allocation, control procedures, joint use of equipment, and the respective financial contributions of the participating agencies.

Mobile units

There are various purposes for which 'mobile units' could be used, and there is no strict definition of the term. Member States were asked about the coordination of mobile units or the existence of joint mobile units, related to **control of external borders outside BCPs** or in **special operations**. The use of mobile units often depends on the geographic

specifics of the Member State. Countries without external land borders (e.g. SE, CZ, AT, PT) make little or no use of mobile border patrols or joint mobile units.

When agencies focus on their own duties within joint mobile units, each agency usually manages its own members of the unit (FI, DE, HU) separately. With larger mobile units, coordination may be shared between Customs and BG, or agencies may take turns in leading the mobile units (DE). In some countries, mobile units are led either by the agency that initiates a given operation (BG, LT, PL, RO, SK), or by the agency under whose competence the operation falls most closely. Typically, each agency uses its own specialised equipment.

The best practice in this section comes from Bulgaria, where joint Customs-Border Guard mobile units have been established to control the 'green' land borders with Turkey, Macedonia and Serbia. These mobile units primarily focus on the control of goods violating the customs regime. In this case, the institutions have a shared interest, because while Border Guards are responsible for green border controls (including the smuggling of goods that fall under control of the Customs), the involvement of Customs increases the expertise and saves time when processing the case.

Control outside BCPs

Some form of cooperation, already discussed, such as 'joint operations' and 'mobile groups' may take place often outside BCPs. In addition, however, other forms of cooperation related to control outside BCPs were identified. Joint patrols, surveillance and inspections along external maritime (*blue*) and land (*green*) borders¹⁰ were singled out as the most frequent occasions for cooperation outside BCPs. Some Member States, where customs or border guards do not have competencies on protection of green or blue border, or where there are no external blue or green borders, there is no scope for cooperation.

The two best practices from Germany focus on maritime control. The first one relates to the coordination of the surveillance measures in the maritime area via the **Joint Operational Centre Sea** in Cuxhaven. The second one relates to the controls of smaller ports (ports, marinas and piers) which are without permanent inspection facilities. There, a joint risk analysis is carried out within the context of the so-called Port/Harbour Index.

Contingency/emergency

Although they are rare instances, emergency situations can be seen as one of the most telling tests of cooperation between state authorities. In reality, cooperation between Customs and BG in cases of emergency is not done on a bilateral basis. The emergency plans for BCPs normally

¹⁰ *Green* border is the external land borders outside BCP areas. *Blue* border is any external water border (maritime, river, or lake).

include all the authorities that are present at the BCP. **The multi-institutional approach, and the infrequent nature of this area of cooperation,** made the identification of a best practice very difficult. At airports, the Chicago Convention mandates the establishment of a detailed security plan that in most cases includes the whole country. Sea ports also normally have emergency plans developed by port and local/regional authorities.

Customs and BGs have developed joint emergency plans in 13 Member States. Denmark and Portugal seem to be exceptions, where Customs is not part of the emergency resources. In 15 MSs Customs and BG participate in specialised state bodies in emergency situations. The distribution of tasks in emergency situations follows the principal functions of each of the two agencies: BG/Police has the responsibility for immigrants, terrorism and accidents; and Customs is responsible for pandemics involving animals or goods.

Infrastructure and equipment sharing

The survey data and site visits indicate that **sharing of equipment** occurs relatively seldom, and primarily on the basis of an ad hoc request by the other agency. **Sharing of common facilities,** such as buildings, largely depends on the type of BCP (sea, air or land) and the actual location (e.g. major or minor border crossing point). In smaller countries, at small BCPs, or in countries with limited financial resources, the pressures to share equipment and facilities are greater. In larger countries, sharing is perceived as an obstacle, as it might deprive agencies of their flexibility.

The best practice presented is from Poland, where the establishment of one-stop processing and the construction of joint processing facilities at land BCPs has yielded a 30% reduction in processing time. Another best practice is from Finland, where the sharing of common premises and equipment at Nuijamaa and Vaalimaa BCPs has been introduced. Each authority has a designated role in the servicing and maintenance of these facilities.

Training and human resource management

Cooperation in training is important because it could have an impact on all other areas of cooperation. Training of Customs and BG officers ranges from formal courses provided in BG academies and Customs schools to regular seminars and workshops, and occasional exchanges of know-how between the two agencies. The report provides a lengthy list of training courses that the Customs and Border Guards have provided to each other or have carried out jointly. These cover almost all the areas of competency of both agencies. A number of countries reported that they routinely cross-train their personnel to improve cooperation, or efficiency (e.g. by using only one agency at smaller or temporary BCPs).

The best practices presented are the Nuija project in Finland, which included an extensive training programme for all officers stationed at the

BCP, in order to provide them with a range of skills to further speed up the border management process. The other example is from Germany, where the Federal Police and Customs agencies both use the Education and Training Centre for Maritime Policing. Officers from both institutions go through the same training before joining the naval units.

Cooperation at the EU level

The current state of cooperation between BG and Customs authorities at EU level could be described as **fragmented and reactive**, despite many efforts and initiatives in the past decade. One of the reasons for the absence of cooperation, that policy-makers have most often referred to, is that border policing and customs matters have not been governed by a common regulatory framework, and customs regulation was separated into two pillars of the pre-Lisbon EU policy-making system. Customs criminal enforcement (including operations) was discussed under the ‘third pillar’, while customs procedures, customs controls, and customs risk management were dealt with under the ‘first pillar’.

Another reason for the lower degree of cooperation at EU level concerns the role of Frontex. The agency does not have a partner EU-level agency that represents the law enforcement aspects of MSs’ Customs agencies. So far, most attempts at such high-level cooperation have been made through the Customs Cooperation Working Party (CCWP). The ‘coordination mechanism’ that has been put in place between CCWP and Frontex, however, is in practice limited to exchanging information on joint operations (JOs) that Frontex or the CCWP have carried out independently (I-EU).

Challenges to cooperation

To identify challenges to the cooperation between Customs and BG, a series of questions was included in the survey and in the country studies. However, respondents to the survey and interviewees were very cautious in sharing this type of information, and in some countries the topic was altogether dismissed. As a result, for some countries the information is insufficient, and for others it could not be verified. The report examines three broad sets of obstacles: operational issues (technical, legal, or administrative/financial); institutional culture; and political influence.

Operational challenges

Challenges to cooperation in four areas are examined: exchange of information; joint operations; joint mobile units; and sharing of equipment and infrastructure.

The most readily admitted challenges to the sharing and exchange of information were the **legal obstacles relating to privacy, data protection and confidentiality of trade information**. This obstacle highlights the underlying problem created by the historical separation of border management between two or more agencies that are forced to constantly exchange information to keep pace with the current state of crime.

Technical incompatibility and lack of financing were the two other significant obstacles to sharing and exchanging information. In the official answers to the survey, mistrust was not mentioned as an obstacle, while in more informal communication during site visits, and in some follow-up interviews, the issue of various degrees of mistrust was mentioned by interviewees in several countries (BG, RO, PL, IT).

In the area of **financial planning and cost sharing**, there seems to be **practically no cooperation**, as a result of the rigid financial relationships between institutions belonging to different ministries. Even in cases of joint operations or investigations, each agency bears its own costs of the operation. When one agency provides equipment or services to the other outside of joint actions, in most countries no cost-sharing agreements are involved. The lack of such cost sharing was reported by a number of countries as an obstacle to equipment sharing.

Institutional cultures

The institutional cultures could often prevent informal, or even undermine formal forms of cooperation. Customs agencies in the EU Member States usually have a very different institutional history from BG and other LEAs with BG functions, such as the Civil Guard Corps (ES), the Guardia di Finanza (GDF) (IT), the Gendarmerie Maritime (FR), or the Coast Guard (EL). Most often, Customs is part of the Finance Ministry and its institutional culture is very close to that of the civil administration. Customs officers usually graduate from local universities and have completed some additional professional Customs training. The BG, and other LEA institutions with similar functions, belong in most countries to the Ministry of the Interior and their organisational culture is close to that of the Police. In certain MSs, the BG is historically linked to the Defence Ministry. In the majority of countries, although the military hierarchical structure is no longer applicable, the Police has retained some form of military culture.

These **two cultures – civil and law enforcement/military** – can present challenges to the communication and cooperation of Customs and BG. In Italy, for instance, the setting up of joint units of the GDF and Customs failed because the two agencies could not agree who would lead the units; the GDF (which is a military organisation) was reluctant to be commanded by a civilian. Customs, for its part, sometimes found it difficult to communicate with the GDF because of its ‘military nature’, and the apparently rigid nature of its decision-making process. In cases where urgent decisions need to be taken, the GDF agent is usually not capable of doing so without involving his superiors, which may take a long time (CS-IT). Interviewees from the French Gendarmerie, the Spanish Civil Guard, and the Bulgarian and Polish Border Guards alluded to a similar cultural incompatibility.

Another cultural difference between Customs and BG stems from the fact that Customs officers, who are in constant contact with import and export companies, have better chances of finding **employment in the private sector**, should they decide to quit their job (BG, SL, EL, PL).

However, these contacts also make them more vulnerable to corruption, and may generate suspicion among BG officers (BG, SL, EL).

The cultural differences are reflected in some **functional and organisational inequalities** that produce tensions between Customs and BG officers. In some countries (EL, ES, IT and PL), BG are not entitled to strike, while Customs officers have this right. As a result, when Customs officers go on strike, their duties might have to be performed by BG.

The most significant differences between the two border agencies are in the models of **recruitment, education and career paths**. Almost all MSs have separate systems for the recruitment and training of Customs and BG officers. In their career development, officers of one agency are very unlikely to switch to the other. All the data collected during this study suggests that very few MSs have common training programmes for both Customs and BG officers.

The strict definition of competencies, that excludes any overlap of tasks and functions, is considered a cornerstone of the efficient operation of border agencies (FR, DE). This approach, however, has its negative side. It discourages officers from learning more about the other agency, and from acquiring skills that would allow them to assist and cooperate better with the other agency. Education and training in the area of the other agency is regular and common only in a few countries (e.g. NL, FI, UK).

The clear distinction made between the competencies of Customs and BG should be analysed both in light of the history of the two agencies, and the recent attempts to cut the expenses of border management by reducing personnel and administrative structures. Following the establishment of a Customs Union, the Schengen Area and the enlargement of the EU with 12 new MSs, Customs and Border Guard agency personnel were cut as many BCPs were closed down. In addition, the economic crisis of 2008–2009 increased the pressure to cut the number of state employees (BG, EL, DE). In some countries a large number of border guard officers employed at the old external borders were laid off (DE, PL, SL).

Cross-training of officers is already well established in several MS (e.g. FI, FR, NL, DE, UK). This has created efficiencies as smaller BCPs could be managed only by one agency. In other countries, though, attempts to cross-train employees are often perceived as though they might lead to cuts in personnel. Thus, it seems that the separation of tasks may be artificially emphasised to preserve the existing organisational structures and institutions. An example of the continuing degree of operational separation between the services is provided at Rotterdam Port where, in the event of an incident during a joint patrol, Customs and the BG (ZHP) file separate reports of the same event. There is no subsequent joint investigation leading to criminal or civil proceedings.

Despite the existing legislation and inter-institutional MOUs that are in place in many MSs, cooperation is most often based on informal con-

tacts, often shaped by subjective factors. In one case, information and support may be provided, and in the next this may not happen. There are **no systems for control and evaluation of the degree of cooperation**. There are no specified consequences for officers who do not cooperate or who avoid cooperation. Cooperation, therefore, is left on a shaky ground, without instruments to either encourage or enforce it.

Political considerations

A thorough evaluation of the political influence over border agencies in the MSs is possible only for the 12 countries included in the case studies. When discussing politicisation, interviewees in these countries have in mind very different degrees of political influence. In five MSs (FI, FR, LT, SL and NL) the interviewed officers claimed that there is no political influence on border agencies. In countries such as Germany and the UK, politicisation is understood not as political influence on appointments but rather as the discussion among political parties of the role of border agencies. Thus, in 2010, political debate focused on the impact of UKBA's policy and its effectiveness in controlling migration. In Germany, politicisation is perceived as a potential attempt by the central government remove policing responsibilities from the federal states (Bundesländer) and shift them to the central state level.

Spain seems to occupy a middle ground: political influence is not directly felt at lower levels (for instance, the Heads of the CDG or CNP at the BCPs visited had held their positions for many years, during different governments). At the highest level, though, this is not necessarily true, as there is a direct relation between the heads of CNP, CDG or Customs and politicians and political appointees. On several occasions, interviewees at the BCP level explained the lack of certain forms of cooperation by pointing out that decisions about cooperation needed to be made first at the political and highest management levels (CS-ES).

Bulgaria, Poland, and Greece are the MSs where political influence over border agencies is most clearly felt. In Bulgaria, for instance, between 2000 and 2010, the Head of the Customs Agency was replaced six times, and the Head of Border Police four times. In Poland, between 2002 and 2008, the Customs Service had five different Heads. Similarly, in Greece the Heads of the border agencies are appointed by the government and are usually replaced when a new government is elected. For example, the Director General of Customs and Excise acts as the link between the organisation and the political leadership of the Ministry of Economy and Finance, and is appointed to this position by the Official Council (CS-BG, CS-PL, CS-EL).

The political influence over border agencies presents two challenges to cooperation. Vertical political loyalty (Customs towards the Ministry of Finance and Border Guards towards the Ministry of the Interior) entails suspicion of, and avoidance of cooperation with, the agencies of a competing ministry. The second challenge is that frequent changes in the agencies destroy the informal contacts and trust developed between their top managements (CS-BG).

Country Studies

The 12 detailed country studies introduce the institutional set-up of the country, and the context of the specific sites that were visited. They explore customs and border guard cooperation in each of the 11 areas. Best practices are also identified.

Bulgaria

In process of accession to the EU, the EU Customs Union, and the Schengen Area, Bulgaria went through the most significant restructuring of its border management system since the early 1990s. In the process of achieving these objectives, however, some major impediments from the past still undermine cooperation between border agencies: mistrust and mutual suspicion of links with organised crime, and different institutional cultures. These only add to a number of deficits of financial and technical resources. In parallel, however, some positive trends are also increasingly visible. Cooperation, therefore, remains very limited, as political obstacles and institutional rivalry between the Ministry of Interior and the Customs Agency have prevented the development of cooperation initiatives. A special cooperation agreement between Border Police and Customs Agency remains largely on paper. The best practice that the study identified is the establishment and operation of joint mobile units along the green border.

Finland

The three main organisations managing the Finnish Border are the Customs Department, the Border Guard and, in some cases, the Finnish Police, under the Police, Customs, Border Guard (PCB) cooperation agreement. There is a long history of a high degree of cooperation between all three services, and established coordination mechanisms and structures at national and regional levels. Most recently, a successful pilot programme for dual-purpose and multi-agency border control was introduced at the Nuijamaa BCP on the border with Russia. The project has provided cross-skills training to Customs and Border Guard, and introduced 'one-stop' checks of commercial traffic, whereby one officer, usually from Customs, inspects both transported goods and travel documents. In 2009, cooperation between the agencies was strengthened further with the introduction of a Joint Criminal Intelligence and Information System, and in 2010 by a new Act of Parliament. Joint agency enforcement units have been established, which include officers from the three main organisations under the PCB agreement. This initiative provides a reliable and regular channel for information exchange, more efficient border management and targeting of organised crime.

France

The cooperation between France's Border Guards and Customs is limited, as the two have very clearly defined tasks and powers with little or no overlap. The Border Guards focus on document checks, and they do not have the power to inspect luggage or cargo. Customs focuses solely on the detection of taxable, prohibited and restricted goods. The two

agencies cover the full range of activities required at a BCP, but without duplication or competition. Outside BCPs, on France's maritime borders, the Border Guard has no tasks, and the Customs need to cooperate with the Gendarmerie and the Navy. Since 1995, Border Guards have been withdrawn from a number of smaller BCPs, which are now operated by Customs alone, who carry out both immigration and customs control. This has enabled the Border Guards to retain their focus on inland immigration activity and higher-risk BCPs. The cooperation that does exist is limited to strategic-level cooperation on setting priorities, sharing centrally some risk-analysis information, and occasional joint operations. As Border Guards have no investigative functions (except for immigration crime), there is no cooperation in this area either.

Germany

The relations and cooperation between the German Federal Police (fulfilling border guard duties) and the Customs Administration appear to be genuinely good, with no inter-agency disputes being observable at the local and regional levels. The main reason for the absence of disruptive inter-agency rivalries appears to be the clear delineation and separation of tasks and responsibilities. So far, a number of arrangements have been introduced or are currently being tested to maintain and further the good level of cooperation. At the time this report was written, a federal commission was reviewing Germany's entire law enforcement architecture, with the aim of further increasing the efficiency and effectiveness of the relevant bodies. It has to be emphasised that given Germany's highly decentralised federal structure, cooperation related to the safety and security of external EU borders does not remain limited to the Federal Police and Customs Administration, but in many cases also involves others bodies, such as relevant state police forces (on land and sea), the Federal Water and Shipping Administration, and so on.

Greece

In Greece, the operational reality is that there is a limited, primarily informal and ad hoc cooperation between the Customs Administration and the Border Guards (Police and Coast Guard). This is due to the relatively clear boundaries between the duties of the Customs and the Border Guards, with the exception of some duties that both agencies have at sea BCPs. The main areas of cooperation include some information exchange, special equipment sharing, and joint operations which aim at *facilitating* the flow of passengers and cargo through specific BCPs. On rare occasions the two agencies cooperate on joint inspections of suspicious vehicles and passengers. In addition, there are ad hoc teams, involving officers from several agencies, in the context of the Central Anti-drug Coordination Unit–National Intelligence Unit (SODN-EMP) on drugs and drug trafficking. However, these practices have not been properly evaluated, and their impact on managing the external borders of the country is unclear. Cultural differences and an inadequate legislative basis seem to be the key obstacles to cooperation between Customs and Border Guards.

Italy

Cooperation between Customs, on the one hand, and State Police (PDS) and Financial Guard (GDF), on the other, is marked by a complex, evolving legal framework, and a changing institutional environment. The mere existence of two different agencies with police responsibilities is indicative of the existing legal challenges. Even recent legal changes, such as the widening of the Customs Administration functions, are not perceived have given the expected results so far. Formal cooperation, not to mention strategic planning and long-term regional cooperation, is limited and sporadic. Overlapping responsibilities and different institutional affiliations may produce added value in terms of countering corruption, but on the other hand are making joint action more difficult. This leaves much room for informal cooperation on the spot – at the BCPs and in their immediate vicinity – and emphasises the importance of personal relationships between local heads of control agencies at the borders. Chief among institutional constraints is the traditional mistrust and/or the communication difficulties between the civilian Customs and the Police/military (PDS, GDF) agencies, pertaining to their different work cultures.

Lithuania

In Lithuania there appears to be a good degree of both formal and informal cooperation between Customs and Border Guards. Cooperation has been fairly clearly regulated by several legal documents introduced in the early 2000s. The Joint Centre for Analysis of Criminal Information, although still in the process of development and with no permanent premises, has provided a good forum for the exchange of information and the setting of strategic priorities by border management agencies and the police. Some infrastructure is also managed jointly, showing fairly good cooperation. One area where cooperation has met with some difficulties is that of criminal investigations. Since the creation of the Customs Criminal Investigations Service in 2002, there have been some instances of overlapping investigations. In other areas, such as strategic planning, control beyond BCPs, training, or coordination of BCP workflow, there are no notable joint cooperation activities.

Netherlands

The Royal Marechaussee (KMar), Rotterdam Sea Port Police (ZHP), and Customs are responsible controlling Netherland's external borders. KMar controls immigration, while Customs controls goods and passengers' baggage. Apart from Amsterdam Schiphol airport and the ports, there is little cross-over in terms of functionality. The positive Customs-KMar cooperation initiatives include a number of inter-agency passenger-control operations, increased information sharing, and cross-training of staff from each service to perform each other's tasks. At the port of Rotterdam immigration control is the responsibility of the Rotterdam Sea Port Police (ZHP). ZHP and Customs operate joint controls at the sea border, exchange information and share equipment and resources. The ZHP also cooperates with Customs on the 'Hit and Run' team, which is seen as providing an effective and successful level of joint control of

containerised traffic. In terms of extended control of the sea border, the Dutch Coast Guard/Kustwacht (KW) provides both a sea and airborne surveillance capability to enhance the Dutch border control function, using equipment and manpower resources of the Kmar, ZHP, and Customs as well as that of other ministries.

Poland

Preparations for Poland's accession to the EU and the Schengen Area caused substantial changes in the functioning of the present external EU border and in the legal framework governing border management in Poland. It has also entailed adaptations in the organisational structure of the Border Guard and Customs Service. Extension and augmentation of the powers of both agencies fosters closer cooperation, as do common facilities used for one-stop control, sharing of specialist equipment, establishment of joint working groups and mobile units, and reciprocal provision of training courses. Joint operations, even though these still include an element of competition, are nonetheless more common, which in turn fosters a healthy culture of cooperation. Although cooperation between the two agencies has improved substantially, restrictions in access to databases, incompatible IT systems, and restrictions on the exchange of information imposed by national legislation still create some obstacles. Other challenges include sharing the cost of infrastructure maintenance, procuring specialist equipment, and participation in joint operations. Cooperation is also impeded by frequent reshuffles of the Heads of organisations, especially within the Customs Service, as well as low remuneration, sub-optimal staffing levels in both agencies, and scarce opportunities for development and promotion.

Spain

The case of Spain is very specific due to the unique institutional arrangement and powers of the three institutions involved in border management: the National Police, the Customs, and the Civil Guard. The National Police carries out immigration control. The Civil Guard, which also has police powers, provides a service to the Customs, by carrying out passenger and cargo checks, in addition to risk analysis and criminal investigations. The Customs have a significant maritime presence, and cooperate with the Civil Guard, which patrols the external borders beyond BCPs. The National Police and Customs, therefore, cooperate only on drug-related criminal investigations and operations. The cooperation between Customs and the Civil Guard, on the other hand, is much broader. There is cooperation in joint risk analysis, joint investigations, or joint operations, motivated above all by an interest in increasing effectiveness in the prevention of cross-border crimes or customs violations. Formal cooperation, though, is limited either to critical BCPs or to significant criminal cases. The informal relations compensate to some extent for the lack of more encompassing formal agreements. The biggest obstacles to undertaking more of what already seems to be good cooperation, are the lack of a political vision for closer cooperation, and entrenched institutional interests.

Slovenia

The management of the EU external border in Slovenia is carried out by the Police (under the authority of the Ministry of the Interior) and the Customs (part of the Ministry of Finance). Each agency has its respective responsibilities and tasks at the BCPs. Generally, the falling levels of corruption, and the process of growing professionalism relieved from political influences, have contributed to improving cooperation over the past decade. Closer forms of cooperation between the two institutions include information exchange (via liaison officers), periodic exchange of trainings, and ad hoc joint operations against smuggling of drugs or arms. On the other hand, at some BCPs, mutual suspicion and mistrust continue to hamper cooperation at the low-level. In addition to personal frictions and lack of trust, some of the obstacles to cooperation identified include institutional-cultural differences along the civil/law enforcement divide.

UK

Unique throughout the EU in structure, the United Kingdom Border Agency (UKBA) is a single agency employing approximately 25,000 staff, both in the UK and worldwide. It was created following the formal transfer to the new agency not only of front-line customs from Her Majesty's Revenue & Customs (HMRC) but also immigration staff from the Borders and Immigration Agency (BIA). The Agency gained full executive status on 1 April 2010. The merger process is still not entirely completed, as technical issues of merging of IT systems and complete access to databases Home Office and HMRC are still not finalised. Cross-training programmes and more efficient processing of travellers crossing borders are some of the immediate benefits that the merger has brought. Some of the longer-term challenges identified include the clash of professional cultures of former immigration and customs officers.

Recommendations

The best practices are presented throughout the report and are therefore not included in the present section. They can, however, also be considered as recommendations. Several other types of recommendations are provided here, addressed to the EC, to Frontex, national governments, and BG and Customs.

The recommendations below aim to suggest ways to intensify cooperation at both EU and national levels. At present, cooperation at national level, especially in certain MSs, is far more intensive than at the EU level.

Recommendations to the European Union

- **Generate political will:** The Commission should use policy instruments (communications, public debates, impact assessment) to generate political will at EU level to further the Customs and BG cooperation agenda. At present there is not sufficient political will to overcome the institutional interests that prevent further cooperation, either at EU level or in most Member States. The experience of the UK or Finland,

or even the United States, where strong political will seems to have been generated in recent years, could serve as models.

- **Use political mediation to overcome institutional interests:** Political leadership could stimulate closer cooperation even if entrenched institutional resistance is present.
- **Conduct external ex-ante evaluation of possible cooperation at the EU level:** Such evaluation should include the institutional as well as the operational aspects. To properly assess the scope for cooperation and possible synergies in terms of information exchange or joint activities, the assessor will need to have a significant degree of access to technical and confidential information otherwise there is a risk that recommendations will be either technically unfeasible, or too general. The advantage of an external evaluation is that the assessor would not be constrained by institutional interests. An alternative to an external evaluation would be a more intensive **consultation process** to increase cooperation between the Commission (DG TAXUD), the Council (CCWP) and Frontex in specific areas (e.g. risk analysis, intelligence information, operational cooperation, investigations).
- **Inclusion of Customs-BG cooperation issues in Commission annual reports:** The inclusion of such analysis in the regular reporting process could include a number of indicators, such as reporting on overall cooperation initiatives, on the number of operations that involved both BGs and Customs, on the number of meetings; implementation of new initiatives – exchange of information (e.g. intelligence, or risk analysis). This would allow monitoring the progress in cooperation activities at EU level.
- **Implement pilot projects:** Impact assessments of Frontex have already suggested the introduction of pilot projects for Frontex-led joint operations involving cooperation with Customs (EC, 2008: 22). During the present research, although one instance of involving Customs in a Frontex-led operation was mentioned (with French Customs), it seems that a more comprehensive pilot project still has not taken place. A pilot project could provide a good opportunity to test cooperation mechanisms in a 'controlled environment', and to examine the value-added impact of Customs-BG cooperation. Pilot projects that involve Frontex, CCWP/ COM/national Customs could be undertaken in a range of areas – from risk analysis to joint operations, or surveillance.
- **Expanding Frontex's capacity for customs cooperation:** At present Frontex is staffed solely by representatives of MSs' Border Guards, who have limited knowledge of customs issues. Attempts to increase Frontex's capacity to cooperate with MSs' customs administrations, or to involve them in operations, could profit from the presence at Frontex of officers with a Customs background, as 'liaison officers'. Some Member States (e.g. ES, FI) have 'liaison' officers from Customs working alongside border guards, and vice versa. Such cases could serve as models to improve EU-level cooperation between Customs and BGs.

- **Replicating the Police and Customs Cooperation Centres (PCCC) along EU external borders:** At present such centres exist at borders between ‘old MSs’. These centres represent an existing infrastructure for information exchange that could help overcome the institutional barriers that still exist in many MSs. The EC could further encourage MSs to adopt common standards for the operation of PCCCs. There are many locations where such centres could improve cooperation along the external borders. The eastern EU external land border provides various opportunities where such centres could play a role (for instance, Greek-Bulgarian cooperation along borders with Turkey or Macedonia, Romanian-Hungarian-Slovak cooperation along the Ukrainian border, or Baltic countries’ cooperation along Russian and Belorussian borders).
- **Joint training:** The Commission has developed, with MSs in the Customs Training Management Steering Group, and internationally with the World Customs Organisation, joint training programmes and modules for Customs which can be used also by any other law enforcement authority. Frontex, on the other hand, provides training that is limited to Border Guards. As the present report shows, a wide range of joint trainings has been implemented in many Member States. The areas of joint training that Frontex would carry out could be explored. Both BG and Customs officers could participate in the same training and trainees could come from both organisations. Joint training would also offer the exchange of best practices between BGs and Customs.
- **Support research and development for multifunctional equipment that facilitates cooperation:** At present, border management technologies are purchased separately by Customs or Border Guards. As a result, companies have little incentive to develop multifunctional equipment that could simultaneously serve the needs of both institutions. The EC should support the research and development for multifunctional technologies. Detection technology, for instance, presently aims either at verifying the cargo content for Customs purposes or detecting irregular immigrants or CBRN (chemical, biological, radiological, nuclear) materials for BG purposes. The development of multifunctional equipment that could serve the needs of both agencies should be supported. Identity verification equipment, such as ‘automated credibility assessment’¹¹ technologies, allows for such equipment to serve the needs of Customs agencies as well. The EC could also financially support joint procurement of such multifunctional equipment by MS Customs and Border Guards.

Recommendations to Member States

Many of the recommendations suggested at the EU level could be replicated at the MS level. The best practices listed in this report might not be appropriate to all MSs, as the institutional competencies and set-ups differ.

¹¹ This is in effect a sophisticated automated lie detector using facial recognition software, which asks the truck driver, for instance, questions and then monitors the answers. Therefore, questions relevant to Customs could also be asked.

- **Use political mediation to overcome institutional interests:** In many MS, there is not only institutional but also political opposition to Customs-BG cooperation, coming from the respective ministers of the interior or finance. In MSs where the law enforcement agencies are more politically independent, political leadership could stimulate closer cooperation even if entrenched institutional resistance is present. This process of politically mediated cooperation could initially include formulating a strategic vision for increased cooperation, and the arguments of budget savings and increased security should be promoting such cooperation. A starting point would be establishing (or tasking the existing) high-level inter-agency councils to formulate a strategic direction and implementation programme for cooperation. In many Member States, such councils already exist, but they rarely seem to provide a strategic direction for cooperation. The experience of some Member States (SE, FI) could help in initiating such a process.
- **Conduct impact evaluations on cooperation between BG and Customs:** the present study showed that even in MSs with a high degree of cooperation between Customs and BG, or in the UK where there is a single border agency model, the impact of cooperation has not been fully evaluated. There is a need for independent and comprehensive impact evaluation of existing cooperation mechanisms. It might be common sense that effectiveness is increased, for instance, once information barriers between Customs and Border Guards are lifted. Nevertheless, there are so many factors that influence effectiveness that only a systematic evaluation could provide convincing evidence to support a particular cooperation practice.

Recommendations to Customs and Border Guards

- **Transfer of best practices:** The transfer of the best practices described in this report should be considered, while taking into account the national contexts. The transfer and implementation of best practices should also go along with diligent consideration of the technical details of the practices. The present study came across a number of instances where cooperation mechanisms had been mechanically transferred, without being properly adapted to local realities. This was especially true for 'new' MSs that, typically in the process of Customs Union or Schengen accessions, transferred a number of cooperation mechanisms. Some of these had either proven to be without value, or their impact remains largely unknown. In some cases they have even damaged cooperation (CS-BG). The main reason behind the failure is that the practices were only partially transferred, and small but important details were overlooked. Another common reason for failure is that they were transferred only at the highest management level, without ensuring the support of the middle or lower-level management.
- **Implement pilot projects on cooperation:** Pilot projects on specific cooperation mechanisms could be a cheap and quicker way to implement/test particular cooperation mechanisms. They could range from conducting a pilot joint investigation to doing a pilot risk analysis for

a particular BCP, to carrying out a joint operation. The advantage of the pilot project is that it is a form of ‘controlled experiment’. Therefore, it is much cheaper and easier to undertake an assessment of the impact/value added of the specific cooperation practice before it is rolled out on a larger scale.

- **Increase customs cooperation with Frontex:** Frontex-led operations at EU external borders could certainly profit from partnership with national customs administrations. Although irregular migration is not the responsibility of national customs administrations, the present report shows a number of examples where such cooperation has proved useful in terms of risk analysis, patrols outside BCPs, and the organisation of shifts. The country studies indicated that normally when a Frontex operation is in place at a BCP, the customs administration is usually informed. The information, though, usually remains only at top level, and opportunities for synergies are not examined.
- **Evaluate cooperation mechanisms:** Evaluation (either ex-ante or ex-post) of cooperation mechanisms is challenging, as numerous factors might have an impact on the effectiveness or efficiency of cooperation. As noted above, a pilot project, accompanied by impact-monitoring mechanisms, could be one of the possible approaches. Nevertheless, in some MSs, existing or newly implemented cooperation mechanisms between Customs and BGs have not been evaluated, and their value-added is not clear. Some Border Guard/Customs do not carry out formal policy evaluations (and do not have evaluation units). In cases where such practices exist, self-evaluation is one way to assess the value-added of cooperation. If such practices do not exist, there are state institutions (e.g. audit offices), or evaluation departments in related ministries (Ministry of Finance or the Interior), that could carry out such evaluations, at least in terms of the efficiency, if not the effectiveness of cooperation.

1. INTRODUCTION

1.1. EU policies on Customs and Border Guard cooperation

Almost ten years ago the European Union introduced a new concept, i.e. 'the **integrated management system for external borders**', included in the Conclusions of the **Laeken European Council** (14 and 15 December 2001). This concept is based on the idea that better management of the Union's external border control will help in the fight against terrorism, irregular immigration and trafficking in human beings. The concept covers all activities exercised by the public authorities of the Member States (MSs) with the aim of accomplishing border management for the movement of persons, analysing the risks, and anticipating personnel and facility needs.¹² The European Commission was assigned to develop a proposal for an action plan for the better management of the external borders of the Union.

In this context, based on a *Commission Communication of 7 May 2002 on integrated border management*¹³ and a *feasibility study of 30 May 2002 on a European Border Police*,¹⁴ the Seville European Council of 21 and 22 June 2002 approved an 'Action Plan on the Management of External Borders of the European Union'. This document sets out measures concerning inter-agency cooperation to be taken at national level:

- **legislative:** recommendations for adopting a 'common body of legislation';
- **operational:** recommendations for implementing joint operations between national services responsible for external border control and surveillance.

The **Hague Programme**, adopted by the European Council on 4 November 2005,¹⁵ built upon the Tampere Programme, setting out the objectives for the following five years and mapping the development of a 'second generation' of measures designed to strengthen management of the external borders in general. The Hague Programme stated that an optimal level of protection in the areas of freedom, security and justice requires concerted action both at EU level and at national level between the competent law enforcement authorities, especially Police, Customs and Border Guards (BG).

In practice, EU level customs cooperation has developed in its own sphere since the foundation of the customs union in 1968. Accomplished through implementation of the Community Customs Tariff (CCT), re-

¹² Conclusions of the Laeken European Council of 14-15 December 2001.

¹³ Commission Communication: Towards integrated management of the external borders of the Member States of the European Union, COM(2002) 233 final, Brussels, 7.5.2002.

¹⁴ The result of the study, the International Airports Plan, was elaborated in Council's classified communication.

¹⁵ Commission Communication: The Hague Programme: ten priorities for the next five years. The Partnership for European renewal in the field of Freedom, Security and Justice, COM(2005) 184 final, Brussels, 10.5.2005.

removal of barriers and approximation of national laws, the customs union was brought under a single legislative framework along with initiatives on border police cooperation between Member States; a parallel strand of **Customs cooperation** was developed by legal and recommendatory acts. In 1992, the **Community Customs Code (CCC)** laid down the uniform scope and detailed rules for implementing customs provisions, procedures and control for the whole of the EU, and replaced already existing law in this field for the purpose of increasing transparency.

The 2005 amendments of the CCC,¹⁶ which is the EU implementation into law of the World Customs Organisation Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework), codified the systems aimed at tightening security requirements for movements of goods across international borders. It has introduced a layered approach to security risk management, including the requirement of advance electronic risk information on all cargo, a programme of authorised operators to differentiate low-risk traders, and a Common Risk Management Framework, coordinated at EU level, which has to be applied equally and fully in all MS. The Member States were required to use risk-analysis methods based on uniform criteria for identifying risks for control purposes.

After the Amsterdam Treaty (1997), in addition to the provisions of the Customs Union, other provisions have been added specifically on customs cooperation, covering administrative forms of customs cooperation (i.e. 'administrative assistance') and customs cooperation included under the former 'third pillar' (cooperation between law enforcement authorities).

The Vienna Action Plan of 1998 set out more specific aims for 'third pillar' customs cooperation, in particular the ratification of instruments such as the **Convention on mutual assistance and cooperation between Member States** (Naples II)¹⁷ and the **Convention on the use of information technology for Customs purposes** (CIS Convention).¹⁸ Other information-exchange mechanisms, such as the information system Customs Files Identification Database, were also put in place later on.

In 2003, the Commission issued a Communication on the role of Customs in the integrated management of external borders, where many aspects of cooperation between Customs and other border agencies were emphasised, notably the development of common risk profiles and analysis, exchange of information and cooperation on fraud cases. In the *Strategy for the Evolution of the Customs Union* of April 2008, supported by the ECOFIN Council and the European Parliament, cooperation and coordination with other border agencies is highlighted as an important component of the evolution and modernisation of the EU customs administrations, although the document does not elaborate on envisioned modalities and mechanisms for such cooperation. The latest Council Res-

¹⁶ Regulation 648/2005 and its implementing provisions.

¹⁷ Council Act 98/C 24/01 of 18 December 1997 drawing up, on the basis of Article K3 of the Treaty on European Union, the Convention on mutual assistance and cooperation between Customs administrations.

¹⁸ Council Act 95/C316/02 of 26 July 1995 drawing up the Convention on the use of information technology for Customs purposes.

olution on a reinforced strategy for Customs cooperation (2009/C260/01) also refers to this strategy.

The Customs cooperation framework to date has not defined a single body to coordinate the management of the Customs Union,¹⁹ as Frontex does for border management, for example. Frontex is responsible for coordination of operational cooperation between Member States in the field of management of external borders.

In the Council of the European Union, matters related to the border management are mainly discussed in the Frontiers Working Party, in the Working Party on Frontiers/False documents which is the sub-group for Frontiers Working Party, and in the higher level Strategic Committee on Immigration, Frontiers and Asylum. Matters related to Customs administration are discussed in different fora. Primarily they are dealt with in the context of the Customs Policy Group (CPG, a policy group composed of the European Commission and 27 Directors General of Customs), and at the Customs Union Group of the Council of the European Union. On matters specifically relating to criminal law enforcement, they have been coordinated in the Customs Cooperation Working Party (CCWP) at of the Council of the European Union. Where implementation of existing EU legislation involves the comitology²⁰ procedures (for example in the area of risk management and risk rules), matters are coordinated within (the 13 sub-committees of) the Customs Code Committee. Furthermore, the Customs 2013 programme framework and the CPG coordinates and funds a wide range of expert groups and activities that aim at better harmonised Customs activity and Customs cooperation among the Commission and EU Member States and with third countries on issues such as international supply chain security.

The EU has contemplated measures and modes of cross-border or Member State cooperation between MS, and between MS and the Commission, but has not regulated inter-agency cooperation between BG and Customs at national level, which remains a sovereign right and competence of national governments²¹.

The Justice and Home Affairs (JHA) Council, in a series of conclusions and action plans, has recommended the improvement of national inter-agency cooperation, particularly in terms of exercising joint crime intelligence and risk analysis. The instruments adopted so far have been predominantly based on 'soft law', such as resolutions or recommendations.

In the Commission communication of May 2004²² dealing with cross-border cooperation and partly with inter-agency cooperation at national

¹⁹ The implementation of the Customs Union is an EU competence and, as such, is implemented in accordance with the Treaty provisions.

²⁰ *Comitology* in the European Union refers to the committee system which oversees the delegated acts implemented by the European Commission.

²¹ For Customs, acting as a single administration is a legal requirement, and by 2013, the EU customs administrations will provide pan-EU customs services.

²² Commission Communication: Enhancing police and Customs cooperation in the European Union – I. Report on achievements since the entry into force of the Treaty of Amsterdam – II. Proposals for improvements, COM(2004) 376 final, Brussels, 18.5.2004.

level between border authorities, the European Commission identified a series of issues obstructing more effective interaction between the competent agencies. It argued that cooperation between customs and police appeared to work for Member States at international level, albeit not in uniform ways, while at national level a comprehensive cooperation did not exist in many MSs.

A number of factors were listed as adversely affecting police and customs cooperation:

- the nature of police work (also different procedures, institutional culture and officials' backgrounds, and competition existing between the agencies);
- the lack of a strategic approach towards issues of border management;
- the proliferation of non-binding instruments, which end up only rarely used;
- conflict between national interests and the unanimity principle of the decision making process in the former Third Pillar;
- insufficient implementation of legal instruments adopted by the Council;
- the lack of empirical research on police and customs cooperation that addresses the deficiencies in integrated border management of the Union's external borders;
- non-integration of and inoperability between databases and communication systems in Europe (SIS, CIS, etc).

1.2. Purpose and Scope of the Study

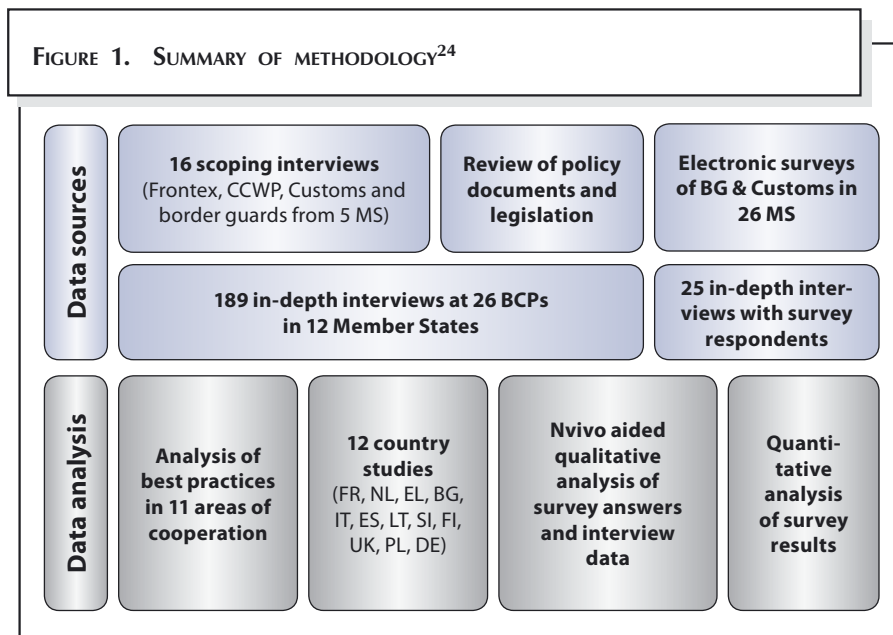
The present report is an assessment of the current state and opportunities for improvement in cooperation between border guards (hereafter also 'BG') and Customs in regard to their work at the external borders of the European Union.²³ The study has the following specific objectives:

- To collect information from a select number of Member States on how the cooperation between BGs and Customs is organised at national and border crossing point (BCP) level.
- To assess the added value of the cooperation between the relevant national authorities.
- To identify best practices in all areas related to external border management where BG and Customs cooperate.
- To find out the main factors that affect cooperation, both positively and negatively.
- To find out what role EU institutions and agencies (in particular Frontex) could play to enhance the cooperation between the relevant authorities.

²³ External borders means the MSs' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders (The Schengen Borders Code (SBC) Article 2(2)). In this specific case, the term 'external border' will be applied to the land and sea/river border of an EU full MS with a third non-EU country, and to the airports that are point of entry by third country nationals. The external border will be defined by EU MSs that are part of the Schengen and Customs Union territories. The UK, Ireland, Bulgaria and Romania also are considered as constituting external borders, although they are not part of Schengen (or do not fully implement the Schengen Acquis), but are full members of the Customs Union.

1.3. Methodology

To accomplish the above objectives, the study needed to take into account the complex and diverse political and institutional environments in MSs. The structures and competencies of the agencies responsible for border management differ greatly across the EU. To ensure that the identified best practices of BG and Customs cooperation reflect this variety, the Project One EOOD has selected data collection methods that aim to have (1) wide geographic coverage, (2) depth, and (3) balanced reflection of Customs and BG views. Figure 1 presents the components of the methodological approach in both phases of the project – the **collection** of the data and its analysis. (A complete description of the methodology is provided in Annex 1 to the present report.)



One of the most important baseline definitions, clarified at the outset, was the definition of **'best practice'**. 'Best practice in cooperation between BGs and Customs authorities working at the external borders of the EU' was defined as the *working methods/practices or measures (legislative or operational)* that lead to:

- **improved efficiency** and/or cost-effectiveness of the agency's operations (either Customs or BG or both), or
- **improved efficiency** of processing goods or people, or
- **increased effectiveness** in

countering, discovering, or preventing criminal or terrorist activities.

It was concluded that these three aspects captured all possible impacts of a best practice.

1.3.1. Data collection tools

The data collection was based on three main instruments:

- an electronic survey of all Customs and BG institutions in 26 MSs
- a series of in-depth telephone interviews to obtain detailed answers from the survey respondents
- in-depth interviews at 26 border crossings in 12 countries

Before starting, a review of the available studies and policy reports was carried out, as well as a number of scoping interviews.

²⁴ After an official response from the Customs in Luxembourg it was decided that it would not be included in the study, as it has only one BCP where only Customs are present (Communication with Mr. Jean-Claude Nilles, Director, Customs and Excise Administration).

The **electronic survey** was seen as the most effective instrument for data collection on the regulatory and legislative set-up of cooperation between BG and Customs across the EU. The survey was sent via email to contact points identified by official institutions. Two separate questionnaires were developed: one for BGs and one for Customs. Only **the leading BG authorities** were to be included in the study. Therefore, some coast guard authorities and local police forces with BG functions were not approached.

The questionnaire (see Annex 4 and Annex 5 of this report) includes two types of questions – multiple choice and open-ended questions. Open questions were used because of the diversity of institutional arrangements and powers of Customs and BGs. The open-ended questions allowed the respondents to extrapolate on the relevant fields of cooperation, provide specific examples, point to obstacles, and outline best practices in more detail. The multiple choice questions allowed for some basic quantitative analysis and an easier grasp of the overall situation and prevalent cooperation practices in the EU.

The response rate to the survey was close to 100%, as 52 of the 53 authorities responded.

In-depth interviews

Two types of in-depth interviews were conducted: 26 telephone interviews with respondents who answered to the electronic survey. In addition 14 interviews with representatives of Frontex and the Commission (DG TAXUD) were conducted.

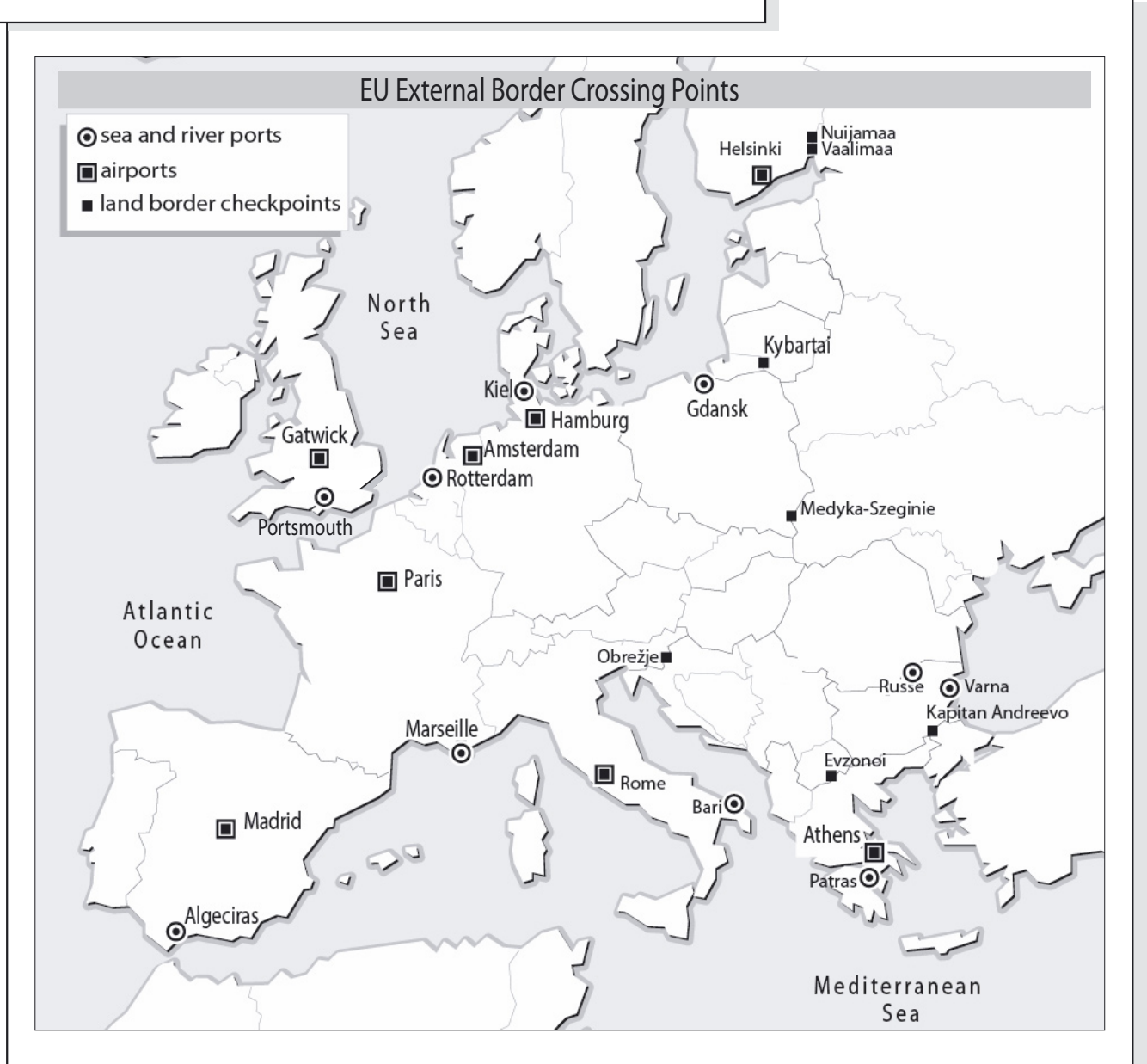
Finally, 159 in-depth semi-structured interviews took place in the context of the 12 country studies. The following types of interviews were carried out at central, regional and local BCP level:

- Heads/high-level managers at BCPs
- Shift/mid-level managers at BCPs
- Specialist interviews (e.g. investigations and risk-analysis units/departments)
- Front line (basic level) officers
- Informal interviews (with personal contacts or former employees)

In all cases, a balance between Customs and BG interviewees was achieved at each site. If more than two institutions were being interviewed (e.g. IT, ES) the number of interviewees was balanced (e.g. two or three interviewees from each institution, preferably including the middle-level managers, as they had a view of top-level and bottom-level practices).

The interviews lasted on average one hour and were based on open-ended questions, allowing the interviewees to give their views on cooperation, or to illustrate particular cases and examples. The questions included not only the topics of cooperation that were part of the survey, but also more sensitive issues, such as obstacles to cooperation, insti-

FIGURE 2. BCPs SELECTED FOR SITE VISITS



tutional cultures, attitudes towards the partnering institution, or political specifics. The interviews took place either in the local language, or in English (in the Netherlands and Finland) or in Russian (Lithuania).

Site visits

The third main part of data collection involved interviews with BGs and Customs officers at BCPs. The main objectives of the site visits were to:

- understand how cooperation works in practice
- review the broader professional and social context

After consultations with the Client, and based upon recommendations made during the scoping interviews, the team selected 26 BCPs in 12

countries for the field visits (Figure 2). The following criteria were used in selecting the countries and BCPs:

- Country size
- Size and type of border crossing (sea/land/air)
- Risk pressures
- Institutional set-up and competencies of Customs and BG
- Indication of availability of best practices in Customs-BG cooperation
- Language and local expertise of project team.

1.3.2. Data Analysis

The data from the study is presented in three ways:

- **Areas of cooperation:** for each area we provide a set of best practices along with the 'state of play' in the EU. The main analysis revolves around the current state and the best practices in 11 different areas of cooperation. These draw on all information sources: surveys, country studies, interviews and secondary literature.
- **Country studies:** a more in-depth look into the overall context of the identified best practices is mainly based on the data collected from the on-site visits, but also from the electronic questionnaire and the follow-up interviews, as well as on any statistical and legislative information gathered during the process.

Each of the 12 country reports briefly outlines the broader context: the national border management institutional set-up, the socio-economic characteristics of the BCPs visited, and the criminal risks they face. The reports then present the 11 particular areas of cooperation. Finally, the analytical section focuses on the obstacles to cooperation and the best practices identified. The country studies have an identical structure to allow for comparability.

- **Electronic survey results:** the key results of the survey are presented in figures and tables throughout the report. Due to the complexity of the survey, it is difficult to provide a full account of all questions in table format in Word.

1.3.3. Methodological constraints

The methodology used for the present study inevitably faces some important constraints that should be considered. The most significant methodological constraint in terms of meeting the study's objectives was that the Project One EOOD had few independent instruments and data to assess the effectiveness and efficiency of cooperation practices. In the course of the interviews it became clear that the BG and Customs had not carried out evaluations of the forms of cooperation, and it was certainly beyond the scope of this study to conduct evaluations of specific cooperation policies in each MS.

Secondly, although 26 sites were visited and interviews were carried out, these BCPs were selected because examples of best practice were more likely to be found there. In addition, the selection of MSs for the 'country studies' also targeted countries where 'best practice' and good cooperation were more likely to be observed. Therefore, the analysis of the obstacles to cooperation is not exhaustive or representative. In addition, the 'official' interviews outnumber by far the 'informal interviews' that are likely to provide more credible information on the obstacles to cooperation. In countries where anonymous informal interviews with former and present officers were carried out (IT, PL, BG, SI, UK, EL) the real obstacles to cooperation were examined in more depth. In addition, interviews with top-level officials (heads/deputy heads of BG or Customs, or ministry officials) were not carried out, and the political constraints in the country studies are not well understood.

The 'country studies' do not present the overall situation in the country, as only one or two border crossing points were visited. Therefore the actual practices of cooperation at other border crossing points, or in the country as a whole, could well be different.

The responses to the electronic survey were of varying degrees of quality, depending on how institutions approached it. In some institutions, a number of individuals were involved in filling out the answers, thus providing a great amount of detail. In others, only one person was responsible for filling it out, often resulting in short and superficial answers. The follow-up interviews were generally not able to fill many of the gaps, as very few respondents had the broad range of knowledge needed to respond in-depth to all questions. Therefore, some Member States (CZ, SK, and RO) preferred to answer additional questions in writing, rather than to provide a follow-up interview. The follow-up interviews were also not an adequate instrument to examine the obstacles to cooperation, as most interviewees were reluctant to provide such information over the phone. Their anonymity could not be guaranteed as they were officially appointed to provide the interview.

Finally, one additional methodological shortcoming was that there was a significant imbalance between the interviews that took place at the BCPs and at headquarters. In most countries only one or two interviews were conducted at headquarters. Much of the cooperation on the management of external borders happens in the 'back office' (regional or national headquarters), rather than in the 'front office', i.e. the BCPs. As a result, some of the issues, particularly related to risk analysis, intelligence, investigations, and strategic level policy making are not well understood, as interviewees at BCPs could not provide sufficient detail.

2. CUSTOMS AND BORDER GUARD COOPERATION

Eleven areas of cooperation in Member States were examined: *Strategic planning, Communication and information exchange, Coordination of workflow of Border Crossing Points (BCP), Risk analysis, Criminal investigations, Joint operations, Control outside BCPs, Mobile units, Contingency/emergency, Infrastructure and equipment sharing, and Training and human resource management*. These areas were considered to capture the entire possible range of practices in which there is scope for cooperation. In addition, we discuss the cooperation at the EU level, focusing on the roles of Frontex and the Customs Cooperation Working Party. Each of the 11 areas is structured in an identical way. It first presents the forms of cooperation that were observed throughout the EU. Secondly, it examines the main obstacles identified by interviewees and survey respondents. Finally, each section suggests a best practice for cooperation in that particular area.

To best understand why certain forms of cooperation exist and whether best practices might be transferable to particular Member States, one should understand the diversity that exists across the EU. Three characteristics best describe this diversity and explain the forms and intensity of cooperation:

1. The **institutional set-up**: which institutions have border management competencies
2. The respective **powers** and competencies of BG and Customs
3. The **legislative basis** of cooperation.

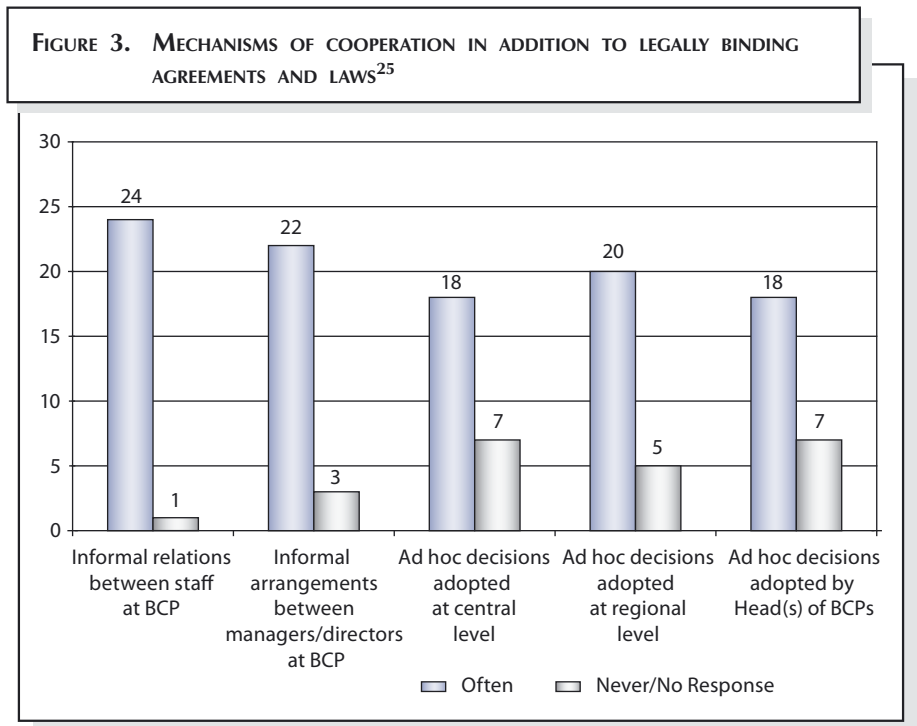
Across the EU one can observe significant diversity when examining the **range of institutions tasked with external border management**, and the powers of these institutions. The table below lists what institutions have customs and border guard responsibilities. In one country, the UK, border guard and customs functions are carried out by a single institu-

TABLE 2. DIVERSITY OF INSTITUTIONS INVOLVED IN EXTERNAL BORDER MANAGEMENT IN THE EU

Customs responsibilities	Customs responsibilities are uniquely carried out by the one institution
	Customs responsibilities are shared with financial police/guard
Border Guard responsibilities	BG has sole responsibility for border protection
	National/local police has the main BG responsibilities
	BG and national/local police share BG responsibilities
	Multiple law enforcement agencies have BG responsibilities (police, gendarmerie, local police, port police, coast guard)
	BG and coast guard share BG responsibilities

tion, the UK Border Agency. The table below implies that, depending on the Member State, Customs might need to cooperate with different law enforcement agencies (e.g. border guard, police or financial police). Similarly, the border guards might need to cooperate not only with customs but also with the financial guard/police. The full list of agencies with customs and border guard responsibilities is provided in Annex 3 to this report.

The other significant factor that should be taken into account is the **powers** that BGs and Customs have. Although studies have shown that the powers of BGs (UNISYS, 2006) and the Customs (see CCWP, 2006) are quite similar, there are some particularly important differences when it comes to investigation, intelligence or powers that are seen to be ‘traditional areas’ of the other institution (e.g. Customs officers carrying out immigration controls at small BCPs and vice versa). These issues are also considered in the country studies and the areas of cooperation whenever relevant. In addition, Annex 3 provides a list of some of the specific powers of the Customs and Border Guards of each EU Member State. For Customs, the powers examined are investigations, surveillance, arrest, prosecution and use of firearms. For BGs, the powers examined include criminal and customs crime investigations, inspection of goods and personal belongings, and duty collection.



The third set of factors that should be considered is the specific **legislative arrangements** or other mechanisms for cooperation. The electronic survey showed that there is a range of formal arrangements for cooperation among MSs (the list of these formal arrangements is provided in Annex 6). In some countries (e.g. AT, IT), however, such arrangements are absent. In others, they simply exist in the form of memoranda of understanding (MT, RO).

An overwhelming majority (23 out of 25) of Member States report the use of informal arrangements between managers/heads of BCPs. Eighteen out of 25 respondents indicate that the heads of BCPs adopt ad hoc decisions about cooperation. Once again, ad hoc decisions about coop-

²⁵ Countries that did not report: Informal relations between staff at BCPs (PL); Informal arrangements between managers/directors at BCPs (ES, PL); Ad hoc decisions adopted by Head(s) of relevant border protection agencies at central level (BE, CY, DK, HU, PL, PT, SI); Ad hoc decisions adopted at regional level (CZ, CY, HU, MT, PT); Ad hoc decisions adopted by Head(s) of BCPs (CY, CZ, HU, IE, MT, PT, SE).

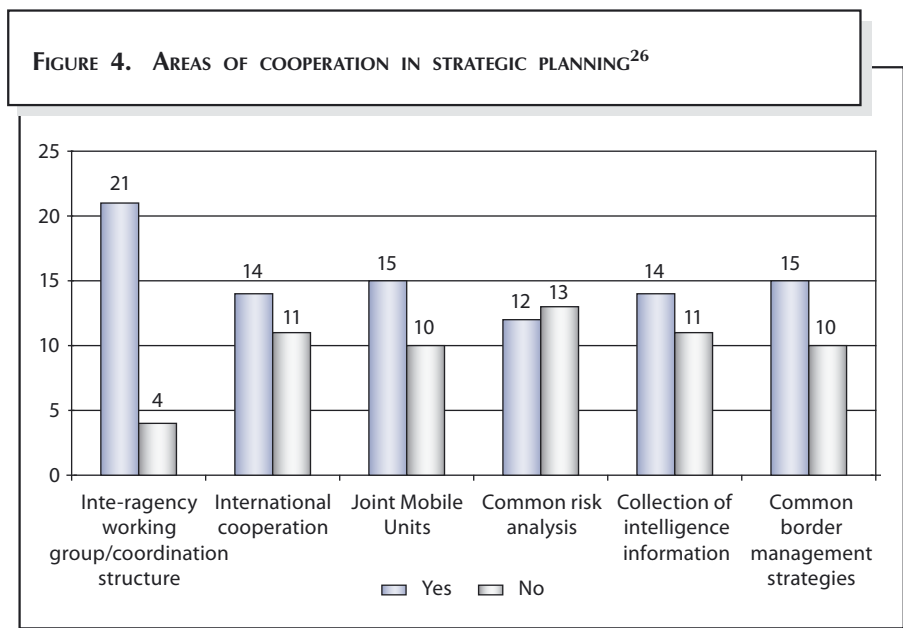
eration between BGs and Customs are adopted at both central (18 out of 25) and regional (20 out of 25) levels (Figure 3).

2.1. Strategic planning

MSs can be divided roughly into two groups in terms of cooperation in strategic planning: most countries (19 out of 25) recognise the need for cooperation between Customs and BGs, and include joint initiatives in their strategic planning. Others (PT, MT, CY, FR, IT, IE) emphasise the different roles and objectives of the two agencies, or the lack of resources, and do not include cooperation in their strategic planning, or limit their strategic planning to only one or two areas.

The areas where most MSs see opportunities for cooperation (Figure 4) are the establishment of coordination/management structures, such as inter-agency working groups or committees (21 MSs), the planning of activities of joint mobile units (15), and the development of common risk strategy and analysis (12). International cooperation is also a high priority, and is included in the strategic planning of 14 MSs.

The areas where the fewest MSs cooperate in their strategic planning activities are budgeting (5), the development of common training programmes (8), and the development of a common PR/communication strategy (9).



Several MSs (LV, HU, CZ, LT, BG, RO, FR) have specialised interdepartmental bodies designed to facilitate cooperation among all agencies charged with border control. For instance, in the Czech Republic, the Coordinating Body for Border Protection was set up in 2006 and encompasses high-level representatives from the Ministry of Interior (including Police), Ministry of Foreign Affairs, Ministry of Finance (General Directorate of Customs), Ministry of Transport, Ministry of Labour and Social Affairs, and Ministry of Industry and Trade. In Lithuania, the Customs and BG participate in the Criminal Information Analysis Centre, which includes also representatives of the Police Department.

toms and BG participate in the Criminal Information Analysis Centre, which includes also representatives of the Police Department.

²⁶ The countries that did not develop cooperation in the following strategic planning areas: **Collection of intelligence information** (CY, FR, DE, IE, IT, MT, NL, PL, PT, SK, SI); **International cooperation** (BG, CY, CZ, FR, IT, LT, MT, NL, PL, PT, SK); **Joint mobile units** (CY, CZ, FR, IE, IT, EL, MT, NL, PT, SE); **Common risk analysis** (BE, BG, CY, CZ, DK, IE, IT, EL, HU, MT, PL, PT, SI); **Common integrated border management strategies and Action Plans** (AT, CY, DK, FR, IE, IT, EL, MT, PT, SI); **Inter-agency working group/committee** (CY, IE, MT, PT).

In Poland, an Interdepartmental Panel on Planning the Border Checkpoints and Management has been active since 1998. The Panel prepares annual development plans, three-year border management programmes, and a ‘Strategy for integrated border management of the state’. In Romania, an Inter-ministerial Group for Integrated Management of the Borders is developing a National Strategy for the Integrated Management of the Borders. In Bulgaria, the Inter-institutional Council on Border Control unites Customs and BG, as well as experts from several ministries, including the Foreign Ministry, the Transportation and Information Technologies Ministry, and the Regional Development Ministry.

This type of body usually meets at least twice a year to discuss strategic issues of cooperation. Representatives to these bodies were not specifically interviewed. The answers to the survey indicate that although the various bodies coordinate operational, management and cooperation issues at the highest level, they do not necessarily coordinate the long-term strategies of the agencies involved. Each institution still sets up its own strategic priorities and plans independently.

Finally, one should also keep in mind that the present study had some limitations in this area. The individuals who filled out the electronic survey and the interviewees were in most cases at the middle or lower levels. To assess the real situation at the strategic level of cooperation, and the role that inter-agency cooperation mechanisms play, the interviews would need to be carried out at the highest level of deputy director/director of the relevant institutions.

BEST PRACTICE: STRATEGIC PLANNING IN LITHUANIA

Customs, Border Guards and the Police participate in the activity of the tri-partite Criminal Information Analysis Centre. The heads of Border Guards, Customs and Police approve an annual plan of activity for the Joint Centre for Analysis of Criminal Information. Usually there are six topics of strategic analysis – each agency comes forward with two topics. Analytical reports on all topics are prepared jointly by experts from all three agencies. The Joint Centre also undertakes operational analysis of criminal activities on an ad hoc basis. In turn, in order to prepare new analytical reports, or to carry out analysis of criminal information, experts from the Joint Centre approach all three levels (top, middle and bottom) at the agencies they work for (Border Guards, Customs or the Police) for information.

Applicability²⁷

To type of border	Levels of application	To country
Land, sea, air	National	EU27

Source: CS-LT

²⁷ Each best practice in the 11 sections of cooperation is provided with a table that provides guidance as to what types of border crossing points / borders, as well as to which Member States, the best practice is applicable.

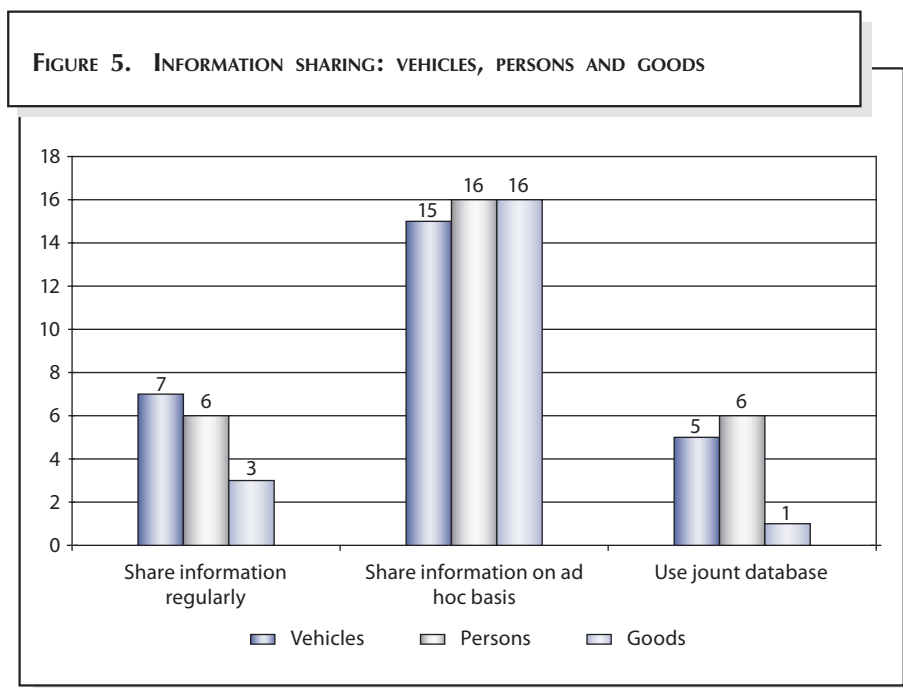
2.2. Communication and information exchange

The communication practices and the exchange of information between Customs and BG is one of the most fundamental aspects of successful cooperation. Barriers to exchange of information are the main obstacle. The exchange of information examined is related to almost all areas of cooperation: flow of passengers and cargo, investigations, risk analysis, patrolling, special operations. Throughout the analyses of different areas of cooperation, the issues of information exchange are raised and discussed. This section provides a summary and a horizontal view of the issues.

The exchange of information is not always an issue limited to Border Guard and Customs cooperation. In the majority of cases many of the databases used by both institutions are within the information systems of the Police/Ministry of Interior and Ministry of Finance. Successful cooperation therefore requires a broader exchange of information that involves these institutions and their various agencies (criminal police, organised crime units, intelligence services).

At least four different categories along the wide spectrum of information exchange can be discerned: ‘on request’ and ‘ad hoc’ exchange on the one hand, and the ‘periodic’ and ‘continuous exchange through joint databases’ on the other.

The sharing of information on an ‘ad hoc’ basis seemed to be the most common approach adopted (see Figure 5). Some respondents explained that exchanges take place only when there are ‘incidents’ (CY), ‘special identified cases’ (AT) or cases of investigations (EE), or if specific intelligence information (e.g. regarding irregular immigration) is seen to be of use to the other agency (SK).



The periodic exchange includes various daily or monthly operational, risk, or intelligence reports shared between border agencies. For instance, Lithuania reported the dissemination of bulletins of the Criminal Analysis Centre and BCP reports of the Lithuanian Border Guards Information System (EQ-LT); in Bulgaria, a daily bulletin on the operational situation along the border is issued and distributed by BG to the Customs Administration. In Germany, within the framework of the Cooperation Schengen South,²⁸ an ad hoc, one-page summary of any unusual event is issued and circulated among members.

²⁸ A joint coordination and strategic planning structure including the German Federal Police, Customs Administration, State Police Force of Schleswig-Holstein and the Danish Police (CS-DE).

The use of joint databases was reported in few countries (vehicles: EE, FI, FR, LI, ES; persons: AT, EE, FI, FR, LT, LI; goods: AT), while some reported only partial access (EL). Several countries reported regular exchange of information (vehicles: EE, FI, FR, DE, HU, LT, SK; persons: EE, FI, FR, DE, HU, SK; goods: BG, HU, LT). Data is also accessed through national information systems, such as e-risk (register of persons, vehicles and documents) (EQ-SI); maritime databases concerning vessels, freight and routing of commercial shipping, used jointly by coast guard and Customs (EQ-DE). Cyprus is reported to be developing a new joint database.

In most countries, however, Customs and BG have exclusive access to national databases that are not shared with the other agency. For instance, the Greek Integrated Customs Information System (ICIS) is readily available to customs officers only, while the National Database of personal data is available to police officers only; similar issues concerning national databases were shared by interviewees in Bulgaria, Austria and Spain. The lack of formal access is not always perceived as a problem, and may be compensated for by good informal relations between Customs and BG officers, in particular at the BCP level. This is especially true at BCPs where the officers of the two agencies share facilities (e.g. canteens or offices) and have known each other for a long time. As one Police officer put it: *'if need be, we will ask for information, just like they will... Our subjects are different. Things are good as they are. Anything we ask is resolved'* (BGI-EL).

The existence of various cooperation mechanisms (such as joint analysis, intelligence, or investigations centres) is often the means by which information is shared:

- In Lithuania, the Joint Centre for Analysis of Criminal Information serves as a platform for agencies to exchange intelligence information. Strategic analytical products are disseminated in a paper format, if classified. If not classified but not for public use, the strategic analytical products are disseminated via office email (LT).
- In Germany, the information exchange takes place within the Maritime Safety & Security Centre in Cuxhaven. Both authorities are present 24/7 in the common operational EU centre and work closely together. (EQ-DE)
- In Finland, a **Joint Intelligence and Information Centre** operates, bringing together Police, Customs and BG. It has a head office at the Helsinki Vantaa airport and four regional offices. The centre is crucial to the effective cooperation established between border agencies at the EU external borders (land border with Russia, sea and air ports). (CS-FI)
- A Joint Contact Centre facilitates the information exchange among Bulgaria, Romania and other countries on the River Danube. Currently information is shared via BG liaison officers from Bulgaria and Romania, but there are plans to involve liaison officers from the Customs of both countries in the near future.

While this study is dedicated to EU external borders, it is worth mentioning the **Police and Customs Cooperation Centres** (PCCC) along

EU Member States' internal borders. The PCCCs were quoted by some interviewees as a mechanism that is often used by Customs and BG to obtain information not only from other MSs, but also from domestic institutions to whose databases they have no access (I-FR, CS-IT).

The case studies discuss various uses of joint systems (CS-FI, CS-IT). Some of these are discussed in the sections on investigations (CS-FI) or risk analysis (CS-IT, CS-ES). Below we present the case of Germany, as it addresses a specific aspect of information exchange focused not only on investigations, but also on a range of other crime-prevention information that allows for broader cooperation.

BEST PRACTICE: GERMANY'S INPOL SYSTEM

Electronic data processing is an essential tool for fighting crime. It offers the only way to store, analyse and search large quantities of data on persons and property. For this reason, in the early 1970s the Federal Criminal Police Office (BKA) set up the police information system INPOL, where information on persons, property and criminal investigations is stored. This system constitutes the IT backbone of the investigative network of the German police forces. In addition to the BKA, the offices of the state police, the Federal Police and the Customs officers who carry out police and border guard like functions have direct access. All other Customs officers may obtain information from INPOL via Customs information desks (via telephone or radio communication enquiries).

All important reports on crimes and criminals of more than purely local or regional significance are stored in INPOL. Information stored in the system is subject to strict data protection rules which are regularly examined and updated.

The databases of missing or wanted persons and missing or stolen property make up the core of the system. It contains data on hundreds of thousands of wanted persons and millions of items (including cars, bicycles, or identity cards). INPOL also provides access to the Schengen Information System.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National, regional, local	EU 27

Source: Federal Ministry of Interior (DE)

Barriers to sharing or exchanging information

Some respondents did not see the need for information sharing, stating that the two agencies 'have different roles and responsibilities' (EQ-NL). The legal obstacles (privacy, data protection, trade information), though, seem to be the most-often cited ones. Some reported that they avoided such problems by using the Police Data Protection Comptroller guidance (EQ-MT).

Lack of compatibility of the systems was not seen as a major obstacle to exchanging information by most MSs. The Customs in Estonia reported,

however, that the lack of compatibility makes it impossible to create automated models for risk assessment processes that might include the databases of different authorities. As a result, significant time and human resources are needed whenever risk profiles need to be renewed. For instance, the Customs have to plan their risk analyses long in advance, as they need to request information from other agencies and wait for its arrival. Although the obstacles are clear, insufficient financing has postponed solving the problems (EQ-EE).

The technical obstacles are not always necessarily genuine. It is not always clear if the security and technical specifications are introduced out of necessity or because of institutional reluctance to share information.

Lack of feedback from exchanging information: some MSs stated that feedback was not supplied about the results of the operation for which the information provided was used. Feedback is seen as crucial, as it helps future investigations or operations (ES, IT, BG).

Competition between institutions is another obstacle that was only hinted at in countries where site visits were carried out (BG,EL).

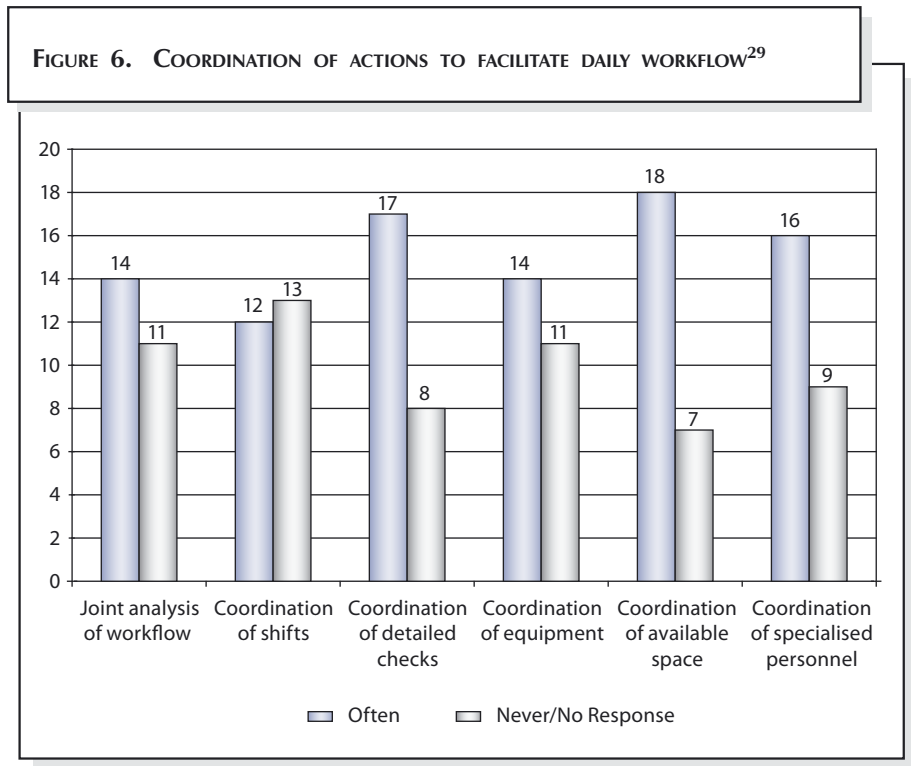
Lack of trust is certainly an important obstacle in certain MSs, particularly where there are suspicions of connections to criminal organisations. The lack of trust could refer to particular officers (CS-ES), but in some cases is generalised towards the entire institution (BG, EL, SL, IT).

2.3. Coordination of workflow of BCPs

Control of the transnational flow of goods and persons, along with protection and surveillance duties, constitute the core elements of management of the external borders. A number of factors determine the specific cooperation needs at BCPs. The management structure might differ significantly according to the type of BCP (land, airport, sea port): whereas a land BCP's infrastructure is usually entirely managed by Customs and BG, at BCPs in airports and sea ports other authorities, such as local police or port manager, could be in charge. The type of vehicles (ships, trucks, cars, or aircraft) that need to be processed also determines the specific coordination needs. The management structure might also differ depending on the size of the BCP: along with the usual BG/Customs set-up typical of larger BCPs, there are instances where only one agency is present at the border, performing the functions of both agencies. Institutional set-ups may also include more than two agencies at the BCP (e.g. the State Police, Financial Guard, and Customs in Italy; or Police, Guardia Civil and Customs in Spain).

Normally, border agencies are strictly separated in their competencies, powers and management. Interviewees in some of the BCPs visited (FR, DE, EL) pointed out that there is not much cooperation on a daily basis, precisely because roles and responsibilities are clearly defined. At the same time, many countries are looking for alternative set-ups to speed up traffic processing and to optimise the use of resources. In Sweden, and also partly in Estonia and Finland, both agencies are allowed, under special agreements, to exercise the duties of the other (for instance,

Customs doing passport checks) at some small airports or land BCPs. In France, certain small BCPs are served by Customs only, while in Lithuania at small BCPs along the Belorussian border only BGs are deployed.



As indicated by Figure 6 below, Customs and BG focus on six major areas of coordination in their daily operations. The most common activities are the coordination of available space, the coordination of checks of persons and vehicles that need special attention (detailed checks), and the coordination of specialised personnel (e.g. sniffer dog handlers). The coordination of shifts is the least common activity, reported in 12 out of 25 MSs. In-depth interviews and site visits revealed that lack of coordination of shifts may present a problem during joint operations, when personnel from one agency need to be changed in the middle of the operation due to shift schedules.

The patterns of management of the BCPs vary. Normally, the territory of the BCP (land, port, airport) will be owned or managed by the regional or national authorities, or by a state (public) company. Usually, the two agencies have separate managements. In some cases, e.g. in Hungary, the infrastructure and managerial issues such as the payment of utility bills is handled by the Customs, who then also manage the facilities. In Austria, however, BCPs are headed by the chief of one agency. In Lithuania and Bulgaria, BG has coordinating functions at BCPs by default, although in practice the two agencies act more like equal partners in arranging their day-to-day cooperation.

²⁹ Countries that **did not** report having the practice of: **Joint analysis of workflow** (BE, CY, DK, EE, FI, EL, IE, IT, MT, PT, SK); **Coordination of shift** (AT, BE, CY, DK, EE, FR, EL, IE, LT, MT, NL, PT, SE); **Coordination of detailed checks** (BE, CY, DK, EE, FR, IE, NL, PT); **Coordination of equipment** (CY, DK, FR, IE, LT, NL, PT, RO, SK, ES, SE); **Coordination of available space** (BE, DK, FR, IE, MT, PT, SE); **Coordination of specialised personnel** (CY, DK, FR, IE, LT, PT, RO, ES, SE).

BEST PRACTICE: ONE-STOP CHECKS FOR COMMERCIAL VEHICLES IN FINLAND

At land BCPs in Finland, heavy commercial traffic is processed by a one-stop method. A single Customs officer processes the declaration of import of goods and the driver’s passport. To support these checks, the officer has access to both the Customs and Border Guard Risk Management Database. Customs officers have been trained by Border Guard to inspect ID documents and visas, among other procedures. Border guards have received basic Customs training which includes search of vehicles and recognition of prohibited and restricted goods, e.g. drugs, alcohol and counterfeit items.

There is an additional second-line control point where detailed inspections are undertaken when needed. This function is performed by a joint team of Customs and Border Guard officers. These inspections are usually undertaken on referral from the initial document inspection. The joint team searches for smuggled goods and also enforces the Road Traffic Act, for instance; drivers are routinely breathalysed, and all commercial vehicles enter a weighbridge, with facilities to detect and prevent dangerous vehicles from travelling on Finnish roads. A licence plate recognition system (LIPRE) is also in operation, and all vehicles entering or leaving Finland are photographed. The LIPRE system emits an alarm signal if it identifies a licence plate from a ‘watch list’.

However, while the BCP can process up to 20 trucks and 100 passenger vehicles per hour without significant delay, the main Russian BCPs are often effectively forced to close down to commercial traffic at peak hours for long periods of time. This is said to be due to border management inefficiency on the Russian side. The consequence is long traffic queues on the Finnish side.

Applicability

To type of border	Levels of application	To country
Land	local	GR, BG, ES RO, HU, SK, PL, LV, LT, EE, FI

Source: CS-FI

Similar one-stop or single-line methods for traffic optimisation are increasingly replacing the traditional separate check in many MSs (DE, RO, BG, PL). BG and Customs officials at the Medyka BCP (PL) have estimated that one-stop clearance speeds up the control procedure by about 30%.

Another practice fostering BG-Customs cooperation in busy land border crossings is the so-called ‘green wave’ or ‘green corridor’, which has recently been put into practice. The green wave involves applying fast-track passport and Customs control procedures for cars and buses carrying up to nine people. Although the ‘green wave’ is quicker than the standard procedures, inspection of travellers and vehicles is still conducted in full compliance with the Schengen Borders Code and EU Customs Code. ‘Green wave’ travellers are not permitted to carry goods in commercial quantities. This applies especially to cigarettes and alcohol; the quantity of these commodities cannot exceed allowed limits. If, during the ‘green wave’ control, a smuggling offence is detected, it is punishable by the highest applicable fine. The goal is to apply such simplified procedures two to four times per shift; the timing is based on smuggling risk analysis (CS-PL).

Cooperation between Customs and BG is somewhat different at sea ports, where officers of the two (or more) agencies are usually located in separate buildings and have limited direct contact with each other in their daily work.

BEST PRACTICE: COORDINATION AT PORTS IN POLAND

At the port of Gdańsk, Customs and BG have adopted the following best practices to increase efficiency.

- Upon becoming aware of the entry of non-Schengen vessels to Gdańsk Port, or any other harbour within the Customs precinct, the BG duty patrol immediately notifies the Customs Marine Mobile Unit (the alert includes details of vessel name and flag, and time and place of entry).
- Sharing of information on vessels entering the port outside of their regular schedules (including tourist and recreational vessels).
- Regular planning and security inspections of the container terminal. Planning is carried out by a joint working group supervising the exercise of procedures related to, among others, high-risk containers.

Applicability

To type of border	Levels of application	To country
Sea	local	IE, SE, FI, EE, LV, LT, DE, NL, BE, PT, EL

Source: CS-PL

‘Evaluation’ of the efficiency of BCPs control and management takes place at national, regional and local (or strategic, tactical and operational) levels. Such evaluations are not independently done by evaluation units, however, but are regular assessments based on simple management criteria. Most respondents, when asked about how they evaluate the efficiency or effectiveness of processing of flows of persons and goods pointed to ‘joint meetings between heads of agencies’, special evaluation committees, thematic groups, cooperation groups, etc.

2.4. Risk analysis

The risk analyses³⁰ that Customs and BGs develop are generally different in scope:

- BGs focus their analysis on immigration, trafficking of human beings, use of false documents; the risk of remaining illegally in the country; trafficking in stolen vehicles or firearms. In countries where the BG function is carried out by the Police, often risk analysis includes drugs, cigarettes, counterfeit goods or cultural goods.
- Customs’ risk analysis is focused on protecting EU and national finan-

³⁰ By risk analysis we mean the process of identifying a risk, the collection and analysis of data and information related to the risk (‘risk assessment’), as well as developing options for solutions and decisions (‘risk management’).

cial interests, excisable goods, and on security and safety risks such as drugs, counterfeit goods and dual-use goods.

There are three reasons why Customs and BGs cooperate in these areas of risk analysis:

- **Mutual interest:** BG and Customs interests might overlap in risk analysis on the issues of drugs (CS-ES, CS-NL, CS-DE) or cigarettes (CS-PL, CS-BG).
- **In the interest of BG:** BG might seek cooperation from Customs in preventing irregular migration, smuggling of migrants in cargo trucks (at land borders), or sea vessels (through the blue borders).
- **In the interest of Customs:** Customs might seek BG help in the risk analysis of drugs or cigarettes, or use BG access to police criminal records or police intelligence. This information could improve customs risk analysis.

The present study showed that cooperation usually exists when there is mutual interest in doing so.

Existing forms of cooperation

In all MSs there is some level of either formal or informal cooperation. There are two common forms of cooperation in risk analysis:

1. one body carries out its own analysis but it **shares the results** with the other institution
2. **conducting joint risk analysis**

The table below summarises the forms of cooperation, which are then discussed in the following sections.

TABLE 3. FORMS OF RISK ANALYSIS COOPERATION

Form of cooperation	Level of intensity of cooperation	BCP/Regional level	National level
Sharing risk analysis information	Informal sharing of information between officers	CS-ES, EQ-AT, EQ-DE, EQ-EL, EQ-IE, EQ-IT, EQ-SK	
	Providing ad hoc risk reports/data	Most countries	Most countries
	Providing regular risk reports/data	CS-FR, CS-ES, CS-BG, CS-IT, EQ-EE, CS-DE	CS-FR, EQ-RO, EQ-CZ, CS-EL
	Providing full 'live' access to risk database or risk information	CS-ES	CS-IT
Joint risk analysis	Limited joint risk analysis	DK, CS-DE, CS-PL, I-RO, CS-ES	EQ-BE, CS-LT
	Full joint risk analysis	CS-FI, EQ-SE	CS-UK

Sharing the results

There are four ways in which BGs or Customs might share their risk analysis information. These four ways are not mutually exclusive and more than one form can co-exist.

- **Informal sharing:** the simplest form of cooperation is for officers from BG and Customs to **informally share** risk analysis information. This is quite widespread and especially useful when formal cooperation is absent.
- **Ad hoc sharing:** sharing information when there are ad hoc requests was mentioned either by interviewees or in the survey responses of several MSs. Some interviewees stated that they share risk information only when there are joint operations (EQ-PT).
- **Periodic sharing:** the next type of cooperation is the periodic sharing of information. Some institutions prepare periodic risk analysis bulletins, or reports with cases or statistics. These are then distributed to other institutions at the BCP or at national level. In Germany, for instance, daily situation reports are prepared by Customs and Federal Police in the Kiel regional headquarters and shared (*Lagebilder*) (CS-DE). In France risk analysis in the field of immigration is undertaken by specialised teams within each organisation (CS-FR). This information is then shared centrally, and disseminated within each agency. In Romania, the risk analysis elaborated at the level of the General Inspectorate of the Border Police is sent on a monthly basis to the National Customs Authority (EQ-RO). In the Czech Republic irregular migration related data observed by Customs authorities is passed along to the police (EQ-CZ).
- **Providing live access to risk information:** 'Live' access to risk analysis information (**e.g. software database/module**) is usually of the greatest use, and has the most direct operational impact. In Spain the risk analysis unit of the Civil Guard at the Port of Algeciras is provided with access to the Customs' container risk analysis module. It has enabled the Civil Guard to detect an increased number of drug smuggling attempts. It should be noted, though, that in Spain, the Civil Guard has tasks connected with inspecting container cargo, and therefore has direct use of the Customs profile (CS-ES). In Italy, the Customs operate a risk analysis database called 'M.E.R.C.E.'.³¹ They have granted access to a few Guardia di Finanza agents at the provincial head office who are investigating VAT fraud cases (CS-IT).

Joint analysis

Probably the most intensive type of cooperation is the conduct of joint risk analysis. This form of cooperation also has different degrees of intensity.

³¹ This database analyses the market values of imported goods, and if there is over 5% deviation between the declared value of the good and its market value indicated in the system (maximum and minimum values are considered), the system raises a red-flag. (<http://www.ddCustomslaw.com>)

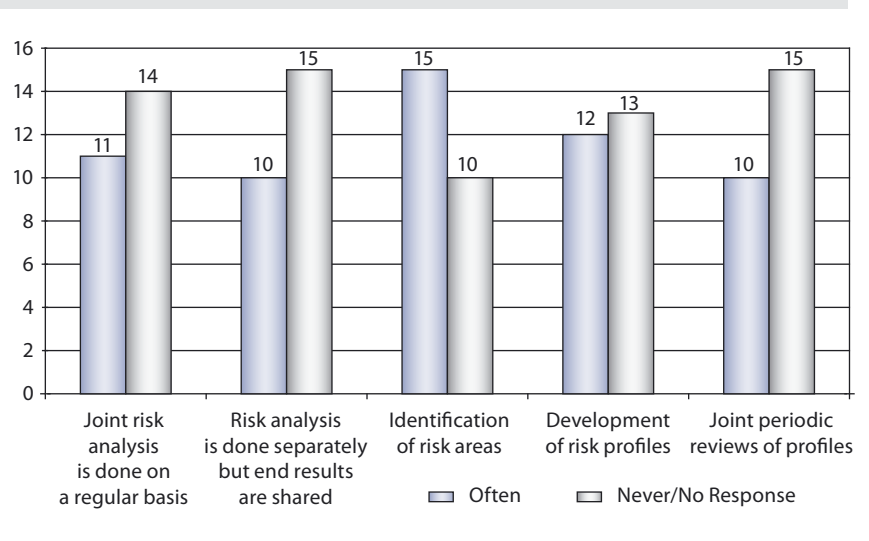
Limited joint risk analysis takes place only in specific locations (high-risk BCPs) or topics (e.g. drugs or cigarettes). The following examples came from the data collected during the study:

- In Germany, the only formalised regular joint risk assessment between the Customs Administration and Federal Police is in the maritime field. The so-called Harbour Index focuses on the identification of *risk areas* and *risk indicators* regarding coast guard matters and sea BCPs (Customs) (CS-DE).
- In the Netherlands, joint risk analysis between Customs and BGs takes place during special operations organised annually over a number of days when both fishing vessels and pleasure boats are targeted for control (CS-NL).
- In Poland, there is only ad hoc joint analysis between BG and Customs officers, specifically in preparation of analyses to be used by mobile units (CS-PL).
- In Denmark, at the Copenhagen Airport, risk analyses for cash controls are jointly prepared by Police and Customs (EQ-DK).
- In Belgium, joint risk analysis takes place in the area of counter-terrorism, through the National Threat Assessment Centre for Countering Terrorism (EQ-BE).
- In Romania, at the Albita BCP (with Moldova), a joint four-person risk analysis team of Customs and Border Police was established by an agreement (MOU) in June 2006. The officers have access only to their own institution's data sources, and there is no common database (I-RO).
- In Lithuania, BG, Customs, and Police meet to jointly define the risk areas and threats at national, regional and local level. The three agencies share reports on a daily basis. They also interact through the Joint Centre for Analysis of Criminal Information, which focuses on strategic analysis and operational analysis (CS-LT).

Full joint risk analysis: This is the broadest type of cooperation, as it takes place at all levels (national and regional). It seems to exist only in Finland (see best practice below) and Sweden. The UKBA is another example where there is only one risk analysis department covering all border-related threats such as the smuggling of prohibited or restricted items and irregular migration (CS-UK).

The figure below provides further insight into the forms and degree to which BG and Customs cooperate.

FIGURE 7. COOPERATION IN RISK ANALYSIS³²



BEST PRACTICE: RISK ANALYSIS COOPERATION IN FINLAND

The National Bureau of Investigations in Helsinki (one of the main units of the Finnish Police) manages the Police-Customs-Border Guards (PCB) National Crime Intelligence and Crime Analysis Centre. There are also five Provincial (PCB) Crime Intelligence and Analysis Groups. These units are staffed by officers from all three enforcement agencies. In addition, there are PCB units at Helsinki Harbour and Helsinki-Vantaa airport. The objective of these centres and groups is to combat serious organised crime by deploying PCB resources according to the analysis of risk and disseminating intelligence. The centre carries out daily monitoring of crime situations; and produces ad hoc memos on targets, threats and trends. The operation and control system of the PCB relies on officers from both Customs and BG working alongside their police colleagues on a shift roster basis (one Customs and one BG representative per shift). Each operates as a representative of his own institution by exchanging and gathering and disseminating information according to their own PCB agreements and plans of action. There are also some common risk systems, such as the licence plate recognition system, which automatically checks the information in a range of agencies' databases.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National	EU 27

Source: CS-FI

³² Countries that responded with 'Yes': **Joint risk analysis:** (LT, RO, NL, LV, HU, FI, DK); **Separate analysis but sharing results:** (LT, AT, RO, ET, LV, SI, FI, IT, CZ); **Cooperate in identification of risk areas:** (LT, AT, RO, NL, IE, DE, ET, LV, HU, SI, FI, DK); **Cooperate in development of risk profiles:** (LT, AT, RO, NL, DE, ET, LV, FI, IT, DK, UK); **Joint periodic reviews of profiles:** (LT, AT, RO, NL, DE, LV, SE, SI, FI, UK).

Key obstacles to cooperation in risk analysis

The lack of cooperation between BG and Customs in sharing or developing joint risk analyses could be explained by several factors.

Lack of (mutual) interest by either institution is most often the case. BGs have often narrowly defined tasks related only to immigration control. In such countries, the Customs have very little incentive to seek cooperation with BGs, as there is no value added from having access to immigration-related risk analysis.

The issue of risk analysis was also discussed with Frontex and the European Commission (DG TAXUD). The risk analysis units at either institution were not aware of the specific risk analysis of the other institution, and there were no immediate plans to establish such cooperation. The DG TAXUD risk analysis unit, specifically, did not see a particular advantage in cooperating with Frontex for one main reason: Frontex's risk analysis is solely focused on irregular migration, which was seen to lie outside the scope of DG TAXUD.

2.5. Criminal investigations

The criminal investigations that Customs and BG carry out often relate to different categories of crime. Typically, Customs investigate crimes that violate the customs regime (i.e. drugs or customs fraud). Border Guard investigates migration crime or trafficking in human beings.³³ Across the EU, though, there is significant variation in the competencies and powers of Customs and BGs, the resources they have, and the institutional arrangements (the existence of Financial Police, merging of BG into Police, etc.)

The table below shows the possible areas where Customs and BGs could cooperate. The areas of cooperation are split into two parts. The first part lists resources or types of information that could be **managed jointly (or shared)** by Customs and BGs. The second part of the table lists the types of proprietary resources that are unlikely to be jointly operated or maintained. In such cases a **sharing arrangement** could lead to efficiency or increased effectiveness of investigations. The last column lists the obstacles to certain forms of cooperation that were mentioned by interviewees. Unfortunately, most MSs did not disclose fully the extent of cooperation as some areas are considered sensitive.

In most MSs (all except FR, ES, DE) Customs either do not have their own surveillance units, or have only a few such units. Therefore, they may ask the assistance of other authorities (police, financial police) if they need to investigate premises that are not in customs controlled areas. Such practices seem to exist in 10 MSs. In countries where BGs have such capacities or are part of the police, cooperation in this area is, therefore, established.

³³ MSs generally reported that if one detects a crime that falls into the other agency's competency, they simply transfer the case.

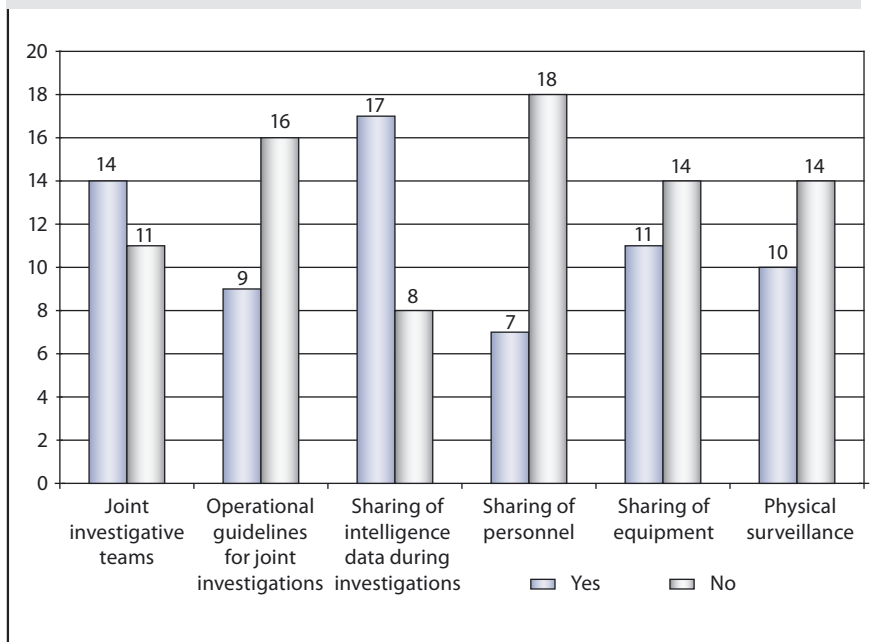
TABLE 4. AREAS OF COOPERATION IN INVESTIGATIONS

Possible cooperation	Customs	Border guards	Potential obstacles
Data & resources that could be jointly operated	Surveillance equipment and resources		Limited resources
			Limited resources; trust
	Crime analysis		
	Criminal records		Technical issues; political will
	Operational intelligence data		Trust; political will
	Crime lab (finger-prints; DNA, drugs, etc.)		Political will
	Undercover operations		
	Labs (fuels, chemicals, etc.)		
Data & resources that could be shared	Operational data (cargo flow)	Operational data (flow of people; vehicles)	Data protection laws, technical issues; political will
	Trade data	Personal data	Data protection laws
	Personal financial data		Data protection laws
	Customs fraud data	Vehicle registration data	Technical;
	International customs cooperation data (OLAF, CIS, other customs)	International police cooperation data (Europol, SIS, other police forces)	Legal obstacles; political will
	Informants	Under-cover officers	

Sharing of personnel and equipment during investigations is even less common (Figure 8). Personnel are shared in only seven MSs (LT, AT, HU, IE, SE, SI, FI), while equipment is shared in 11 MSs.

Joint investigations

Survey data indicates that EU MSs do not maintain permanent joint investigation structures, such as Joint Investigation Centres or permanent joint teams. Instead, ad hoc Joint Investigative Teams are reported by 14 MSs. These teams are set up on a case-by-case basis when a need is identified. The decision for an ad hoc joint investigation in most countries is taken by the Prosecutor (e.g. EQ-FR, EQ-DE, EQ-IT, EQ-LT) who determines if there is a need for inter-agency cooperation. The Prosecution, therefore, also might help avoid duplication of effort. If BG and Customs simultaneously investigate the same groups/individuals it is often the Prosecution that first identifies this overlap (EQ-EE). A more structured approach to joint investigation could be seen in Sweden where a special inter-agency committee considers cases put forward by regional/local offices and decides whether a case warrants a joint investigation (EQ-SE).

FIGURE 8. FORMS OF COOPERATION IN INVESTIGATIONS³⁴

The number of joint investigations for 2009, as requested in the electronic survey, was not available in most countries due to the absence of statistics. Only six MSs provided data (EE, FI, MT, LI, SE, DE), and the only significant numbers of joint investigations were reported by FI (10) and SE (20).

The joint investigations also brought up the issue of cost sharing. All MSs reported that each agency was responsible for covering its own costs. Or, in cases where sharing is difficult, the agency that had initiated the investigation bears all the costs. Only very costly and large investigations could be allocated special budgets (EQ-SE).

Coordination and intelligence sharing

Customs typically develop their own intelligence (informants or surveillance) and rely on international cooperation with partner Customs. Border guards rely most often on police intelligence, as they are either part of the police or within the Ministry of Interior structures, which gives them access to these channels of communication.

There is a variety of intelligence and coordination centres that support or initiate investigations, including joint ones. None of these centres is limited simply to Customs and Border Guard, and they typically include the Police, Coast Guard, or other investigative agencies. The role that these units typically play is in the coordination of investigations (avoiding duplication, sharing intelligence information, supporting investigations, conducting crime analysis). Examples of such structures include:

- The Central Directorate for Combating Drug Trafficking (includes Customs and all police forces) (CS-IT).
- The Coordination Centre for Counter Organised Crime, whose task is to collect, collate, analyse and evaluate data and give feedback to law enforcement agencies (LEAs) in order to avoid overlap, obtain better investigative results and enhance cooperation (EQ-HU).
- The Centre for Intelligence against Organised Crime in Spain brings

³⁴ Countries that cooperated in investigations: **Joint investigative teams** (AT, EE, FI, FR, DE, EL, HU, IE, LT, LV, MT, RO, SI, SE); **Operational guidelines for joint investigations** (EE, FI, FR, HU, IE, LV, SI, ES, SE); **Shared intelligence data during investigations** (AT, BE, CY, EE, FI, FR, DE, HU, IE, IT, LT, LV, MT, SK, SI, ES, SE); **Sharing personnel** (AT, FI, HU, IE, LT, SI, SE); **Sharing equipment** (AT, BE, EE, FI, DE, EL, HU, IE, LT, MT, SI); **Sharing physical surveillance** (AT, ET, FI, DE, HU, IE, MT, LV, SI, SE).

together Customs, Police, Civil Guard and the Navy. It produces crime analyses, coordinates investigations, and facilitates sharing of intelligence information.

- The Central Anti-drug Coordination Unit–National Intelligence Unit, in Greece, comprises representatives of Police, Customs, Coast Guard and the Special Controls Service of the Ministry of Financial Affairs (CS-EL).
- The Joint Centre for Analysis of Criminal Information involves BG, Police and Customs (CS-LT); it produces strategic reports, and coordinates investigations (CS-LT).
- The Joint Working Centres of the Customs Criminal Office and the Border Police (EQ-SK).
- The Police and Customs Cooperation Centres (CCPD) that exist throughout Western Europe were mentioned by several MSs as also being used to facilitate domestic investigations (EQ-BE, CS-IT, CS-FR).

BEST PRACTICE: JOINT INVESTIGATIONS IN SWEDEN

Although Sweden has no external land border, some international sea and air ports are vulnerable to the smuggling activities of organised crime. The border guard functions in Sweden are carried out by the local police, which is highly decentralised. Sweden's Customs have 380 criminal investigators within their 1,000 strong law enforcement branch. Although traditionally Customs and Police have often competed for cases (especially drugs cases), in the past decade the Customs developed their own surveillance team. Yet, cooperation with the police on more complex cases is still carried out. The cooperation between law enforcement agencies (LEA) in Sweden is a process that has been gradually developed and has strong foundations at all levels: strategic, operational and local. It is through the establishment of several institutions, with the participation of all law enforcement agencies, that this has been achieved.

- **Strategic:** National Cooperation Council (Police, Customs, Tax Agency, etc.) responsible for overall cooperation.
- **Operational:** National Criminal Intelligence Centre (NIC) and Regional Intelligence Centres, RIC (all LEAs represented): provides joint intelligence; the intelligence officers from the different LEAs work together at the same location.
- **Tactical:** National Operational Council (all LEAs represented): Customs and Border Guard offices submit proposals for joint investigations that are reviewed by the Council which then approves the ones suitable for a joint action.

The above mechanisms have resulted in a situation of mutual confidence, and all criminal databases are shared amongst the LEAs. Customs and BG have access to most intelligence databases.

Applicability

To type of border	Levels of application	To country
Land, sea, air	national	EU 27

Source: EQ-SE; CI-SE

Obstacles and issues to consider

The institutional diversity across the EU has an impact on the extent and the type of cooperation arrangements that could be observed.

- In some MSs the **Customs do not have investigative powers** (RO, BG, DK), so cooperation is not considered. Nevertheless, even in such countries Customs have access to intelligence information or trade data that could be used in criminal analysis.
- In some MSs **Customs have limited investigative powers**, relating only to Customs fraud, such as smuggling of excisable or fake goods³⁵ (EQ-HU, EQ-PT).
- In some MSs, **Border Guards have limited investigative powers**, and may only investigate immigration crime (CS-BG, EQ-RO, EQ-SI, CS-NL).
- In MSs where a financial police exists (CS-IT), and the institutions are within the same Ministry, access to financial and trade data is facilitated to a great extent.
- In MSs where the Border Guard duties are carried out by the national police, or BGs have broader investigative powers, cooperation covers a broader range of crime categories: not only immigration or false documentation, but also drugs (EQ-AT, EQ-BE, EQ-HU, EQ-IE, EQ-MT) or excisable goods (CS-PL), etc.

Some MSs reported that Customs cooperates only with Police or other investigation authorities on cross-border crimes investigations, and not with BGs. There are also forms of investigation cooperation with BGs that are not related to the protection of the external EU borders. None of these cases have been considered in the present analysis, as they lie outside the scope of the study.³⁶

Absence of cooperation was reported by a number of countries, with different explanations for this fact.

- Agencies have different investigative scope, and are limited by law (EQ-CZ, EQ-CY, EQ-EE, EQ-LV, EQ-PT).
- Lack of investigative powers of customs and/or BG (EQ-BG, EQ-RO, EQ-DK).
- Customs only recently (2009) acquired investigative powers (EQ-SK).

Leaving aside the legal restraints on institutional competencies that might limit the possibilities for cooperation in criminal investigations, the key obstacles in some countries are institutional rivalries and protection of the traditional range of institutional competencies and tasks.

³⁵ The list of such powers could be quite lengthy. In Hungary for instance, the Customs can investigate as many as 30 categories of crimes, none of which overlap with those investigated by Police/BG.

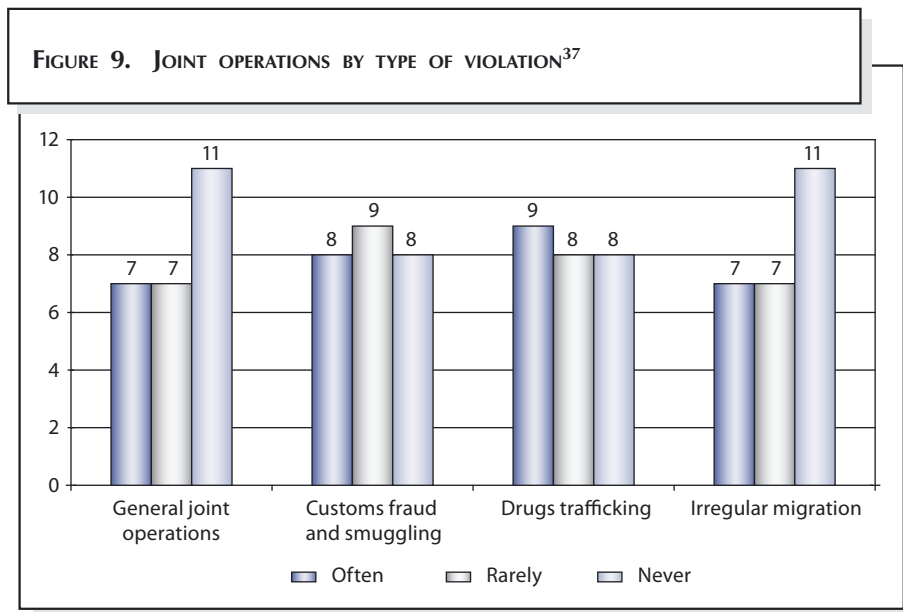
³⁶ For instance in France, the Customs are represented in the permanent multi-agency counter-organised crime groups, known as the Regional Intervention Groups. In Germany, the Customs' Financial Control on Black Labour and the Federal Police cooperate in controlling the labour market. In the Netherlands, the Customs cooperate with the Fiscal Intelligence and Investigations Agency.

In several countries the Police have been (SK), or still are, the only investigative authority (RO, BG). They are protective of these powers and use their political clout to prevent the establishment of an official Customs investigation department, as they feel that this would encroach on their territory. In Slovakia the process of establishing an official Customs investigation department created tensions with the police (EQ-SK). In Bulgaria, the Ministry of Interior has advocated against, and successfully blocked, the establishment of a Customs investigation department (CS-BG).

Inter-institutional competition has been another factor, as taking the final credit for a large-scale seizure or spectacular arrest that could reflect well on the officers carrying out the investigation is often a motivation for avoiding joint investigations (I-IT, CS-PL).

2.6. Joint operations

Joint operations (JOs) between BGs and Customs are important as they provide opportunities for effective and efficient cooperation. Institutions across the EU might define the term ‘joint operation’ differently, but it generally refers to a range of activities that are **not** carried out on a routine basis, but are planned and take place over a longer period of time, with a greater degree of complexity/coordination, or over a wider territory.



Joint operations could vary from detailed checks to large-scale investigations aimed at intercepting trafficking channels. JOs might take place at a BCP, at national level, or even cross-border and involving several MSs, organised by EU agencies such as Frontex. JOs might involve the patrol and surveillance of borders (BG, LT, ES, FR, NL), utilising joint mobile units. Certain types of joint operations are discussed in more detail in the sections on investigations, risk analysis, and controls outside BCPs.

The survey data and interviews (see Figure 10) indicate that Customs and BG carry out joint operations more often on issues of common competencies such as drug smuggling and excise goods (cigarettes, alcohol, fuel), etc. Fewer MSs have joint operations related to irregular immigration.

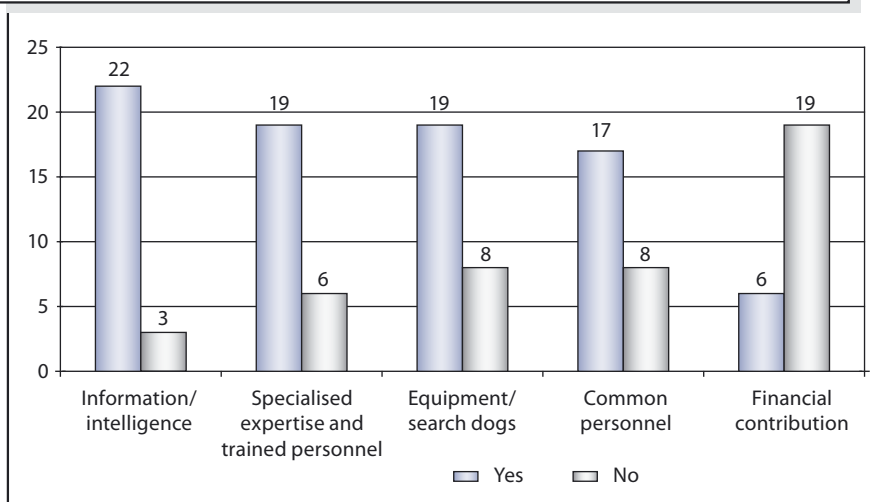
The initiation of regular JOs is often dictated by the need for cooperation between agencies due to the insufficient power or competence of

³⁷ These types of JOs are reported to be routine in the following MSs: **General joint operation** (DK, FI, DE, HU, IE, NL, ES); **Customs fraud and smuggling of goods** (BG, EE, FI, HU, LI, PL, RO, SI); **Drug trafficking** (AT, EE, FI, EL, IE, SK, SI, ES, SE); **Irregular migration** (BG, EE, FR, HU, PL, NL, ES).

one agency or limited resources that require help from the other agency. In Bulgaria, France or Austria, for instance, BGs do not have powers to inspect the cargo of any vehicle. Therefore, Customs and BG have to jointly work on cases requiring BG to inspect commercial vehicles (e.g. for immigration control). Lack of certain specialised equipment might also be a reason to initiate a JO. JOs may also be triggered by situation reports, risk analyses, or by requests to the other agency. Finally, in some countries only a small number of joint operations take place, and these are pre-planned annually (EQ-BE, EQ-DK).

There are **benefits of joint operation** both in terms of effectiveness and in terms of efficiency. Greater effectiveness is usually achieved because all institutions participating can contribute intelligence or resources that make their impact much greater. The efficiencies are created by different factors. For instance, interviewees in Germany mentioned that it is a significant advantage that the competent authority is on site and can immediately take over further proceedings if, in the course of the joint operation, a crime that falls within its competence is uncovered (EQ-DE). This saves the time-consuming process of preparing documentation for criminal cases, and simplifies the procedure of subsequent handover to the responsible authority. Further benefits of joint operations include the pooling of personnel and relevant technical equipment (CI-DE). For example, a JO in Lithuania targeted cigarette smuggling and irregular migration from Russia (Kaliningrad), and was supported by air surveillance using the helicopters of the aviation department of the Lithuanian Border Guard – the type of equipment the Customs did not have. As a result several green border infractions were detected.

FIGURE 10. CONTRIBUTIONS TO JOINT OPERATIONS³⁸



In general, each agency would contribute its own resources (financial, information, officers, etc.) and specialised equipment, but, as demonstrated in the table below, these resources are often shared among agencies. Each agency/ministry bears the costs of its personnel or equipment, which was pointed out by an overwhelming majority of countries (16 out of 25, AT, BE, CZ, DK, EE, FI, GE, EL, HU, IE, LT, MT, PL, RO, SI, SE).

Evaluations of JOs vary. Debriefings and evaluating procedures for results are undertaken in some countries (DK, FI, IE). In others, the leading authority issues an evaluation report after the operation is

³⁸ Some MSs do not contribute: **Information/intelligence information** (EL, MT, PT); **Specialised expertise and trained personnel** (BG, EL, LT, MT, PT, RO); **Equipment/search dogs** (CY, FR, EL, LT, MT, NL, PT, RO); **Common personnel** (BG, EL, IE, IT, MT, NL, PT, SK); **Financial contribution** (AT, BE, BG, CY, CZ, FR, DE, EL, IE, IT, LT, LI, MT, NL, PT, RO, SK, ES, SE).

over (EE, SI, PL, LT). Formal mechanisms for monitoring and evaluation of JOs may not exist at all (SE, EL).

Obstacles to JOs

Poor planning, management and information sharing, and unclear division of responsibilities among the participating agencies, are reportedly among the factors jeopardising the success of joint operations. Most respondents denied the existence of inter-institutional rivalries within joint operations. However, such frictions do seem to exist in many countries. Institutions can often be protective of their sources of information and powers, or prefer to take the credit for successful operations and seizures (CS-IT, CS-PL). During site visits in Bulgaria, for instance, the BG continually claimed that they are the agency that initiated most joint actions (mobile groups) at certain border points (CS-BG).

Institutional cultures can also obstruct cooperation, especially the military nature of some BG/law enforcement institutions (e.g. Civil Guard in Spain, or Guardia di Finanza in Italy). Respondents in Italy, for instance, shared the view that it was difficult to agree on how the Guardia di Finanza could be under the command of a Customs officer during a joint operation.

BEST PRACTICE: THE APPROACH TO EVALUATION IN GERMANY

In Germany, joint operations are planned and carried out at national and at local levels. In Kiel, joint operations can be informally initiated if one of the two agencies deems such cooperation necessary. For example, interview partners mentioned joint search/‘investigations days’ between the Federal Police and the Customs Administration in the Schleswig-Holstein-Baltic Sea area, where yacht harbours are jointly searched in the summer months.

Joint operations are not exclusive to the Federal Police and Customs Administration, but can involve several other agencies and institutions that might be necessary for the success of the operation (e.g. State Police Forces, Prosecution, etc.).

Joint operations are routinely evaluated, in order to identify lessons learnt for future operations. The results of the debriefing are then circulated. The specific aspects of this post-operational evaluation include:

- Overall output/results of the operations
- Allocation of personnel and technical resources
- Choice of time and place of control
- Information policy (Questionnaire)

Applicability

To type of border	Levels of application	To country
Land, sea, air	National, local	EU 27

Source: CS-DE

BEST PRACTICE: PLANNING JOs IN POLAND

Joint BG-Customs operations are planned at two levels: national and regional. The main goal of all joint operations is the inspection of cargo, passengers and vehicles. All joint operations are based on a previously elaborated plan based on risk assessments of a particular section of the border. The plan also contains detailed information: it specifies the officers who are responsible for its implementation at local level, allocates tasks and competences, specifies control procedures, arranges for the use of equipment, vehicles, manpower, duty dogs etc. and defines the responsibilities and financial contributions of each agency.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National, regional	EU 27

Source: CS-PL

2.7. Control outside of the permanent BCPs

The cooperation between Customs and Border Guards that normally take place outside BCPs is described in some detail in Section 2.6 on ‘joint operations’ and 2.8. on ‘mobile’ units. In addition, however, other forms of cooperation related to control outside BCPs were identified. Joint patrols, surveillance and inspections along *blue* and *green* borders³⁹ were singled out as the most frequent occasions for cooperation outside BCPs in our research. Managing flows of goods and persons at small airports, maritime ports and temporary BCPs were also regarded as a particular form of control outside BCPs because of their sporadic or seasonal nature.

The cooperation between Customs and BG along the green and blue borders is quite common, as the competencies of both agencies are usually needed to effectively counter the cross-border threats. Typically, patrolling and surveillance of external borders is entrusted with the border guards (national police, specialized BG department, coast guard, etc.), while customs are generally present at BCPs. When Border Guard patrols detect attempts for smuggling of goods or discover illegal activities within the competence of customs, they turn for expertise to the latter (CS-PL, CS-BG).

³⁹ *Green* border is the external land borders outside BCP areas. *Blue* border is any external water border (maritime, river, or lake).

TABLE 5. COOPERATION OUTSIDE THE BCPs

Cooperating	Not cooperating	Information not available
AT, BE ⁴⁰ , BG ⁴¹ , CZ, CY, DK ⁴² , FI, DE ⁴³ , HU, LT, NL, PL, SI,	EL, IE, LV, MT, ES ⁴⁴ , FR ⁴⁵ , IT ⁴⁶	EE, PT, RO, SK, SE

The table above suggests that seven Member States the customs or border guards are not involved in activities outside the BCPs. Therefore, in these countries there is no scope for cooperation. In other countries, such as CZ, however, there are no external borders. Nevertheless, Customs authorities and the Border Guards conduct joint control actions, which come close to the definition of patrolling along the road and rail inland traffic nearby former external state border and in market places. In Austria, joint inspections on Danube ships are carried on quarterly basis⁴⁷. Border Guard (police) uses its boats for thorough inspections with the assistance of representatives from customs, and the Ministry of Transport.

Two Member States (DE, FI) reported cooperation in border patrols on a regular basis. Joint patrolling bear close resemblance to mobile units and consideration for forming them include the utilization of powers and competences of the other institution, sharing technical equipments and minimising expenses.

The forms of organisation of cooperation outside BCPs vary. In HU, for example, heads of local units have the authority to launch joint patrols. These patrols are integrated in the border surveillance system and carry out their tasks under the supervision of the border guard duty officer. The teams use each other's technical means, cars and equipment.

The case of Denmark is also interesting, where Customs have an agreement with the Royal Danish Navy. Under certain conditions, Danish Customs can be brought on ships by the Royal Danish Navy. Danish Customs has also recently concluded a new agreement with The Naval Home Guard, which stipulates, that ships and crew of the Naval Home Guard could be put at Danish Customs disposal for up to 40 days each year.

⁴⁰ In a common naval center.

⁴¹ Only mobile groups.

⁴² Specific agreements.

⁴³ In a common naval surveillance/information center.

⁴⁴ National Police does not have border control functions outside BCPs. Customs coordinate with Civil Guards on sea patrol schedules.

⁴⁵ French border police has no presence outside BCPs. Customs cooperates with navy and coast guards.

⁴⁶ Customs are only present at BCPs. Guardia di Finanza cooperates (on behalf of customs) with State Police outside BCPs.

⁴⁷ The reason for such lengthy time-gaps between inspections are purely economic.

BEST PRACTICE: COORDINATION OF JOINT PATROLS IN GERMANY

In Germany, the maritime area controls outside of BCPs take the following forms:

- maritime patrols by each agency separately,
- joint patrols of the two agencies

Concerning **separate patrols**, there is a permanent operational coordination of each authority’s vessels within the coast guard network. Coordination of the surveillance measures in the maritime area takes place via the **Joint Operational Centre Sea** in Cuxhaven. Coordination doesn’t only refer to Federal Police and Customs Administration vessels, but also includes vessels of 6 more institutions with responsibilities in safeguarding maritime borders.

In addition to individual but coordinated maritime patrols by each agency, Customs Administration and Federal Police authorities consented on the **joint manning of their patrol vessels**. The joint strategic planning concerns the development of joint training concepts for jointly manned vessels, i.e. customs and border guard vessels within the coast guard network and offshore surveillance (survey Customs Administration).The concept is currently being tested. Even during joint patrols, the personnel of each participating authority perform its own legal tasks, while operating the patrol vessel is under joint management. The aim of this cooperation is the economic use of resources concerning personnel and equipment as well as an optimal density of surveillance on sea.

Applicability

To type of border	Levels of application	To country
Sea	Local	IE, SE, FI, EE, LV, LT, DE, NL, BE, PT, EL

Source: CS-DE

Three different approaches are implemented in order to control the airplanes landing at small airports and ships at small ports arriving from non-EU destinations. In the majority of Member States Border Guards and Customs simply send their representatives to temporarily control the BCP. Differences however exist in the forms of coordination between them. In NL, for example, an Integrated Supervision External Border Centre (Geïntegreerd Toezicht Buitengrens) is in charge of facilitating intra-agency cooperation in implementing missions of integrated border protection in areas near the coast, in small seaports and airports. Its functions are aimed at setting the layout of inspection activities carried out jointly by Customs and Border Guards. In Finland, on the other hand, there are examples of teaming custom officials and border guards. A third approach is to ban the landing or anchoring of non-EU third country vessels at airports and ports where BG and Customs are not permanently present (MT, BG).

Different agreements are in place in some Member States to enable the authorities to carry out tasks normally entrusted to their partner institution. Typically, Border Guards is charged with customs tasks along the

green or blue border (PL, FR, IT, EE). In SE a special agreement between Police and Customs enables police to carry out customs control, and vice versa at certain smaller airports.

BEST PRACTICE: THE HARBOUR INDEX IN GERMANY

Controls of smaller ports (ports, marinas and piers) without permanent inspection facilities are assessed in a joint risk analysis, the so-called Port/Harbour Index. Ports are classified in this analysis according to the risks they face. Checks in these smaller ports are then carried out according to their risk classification. The index determines time schedules within which the facilities must be monitored (a fixed timetable) and also determines responsibilities in terms of carrying out the controls (i.e. Federal Police or Customs Administration). The performed checks of the Federal Police and the Customs are reported and saved in a common database. An overview with a detailed description is used as a basis for the further development of the risk analysis.

Applicability

To type of border	Levels of application	To country
Sea	Local	IE, SE, FI, EE, LV, LT, DE, NL, BE, PT, EL

Source: CS-DE

2.8. Mobile units

There are various purposes for which ‘mobile units’ could be used, and there is no strict definition of the term. There are at least three ways in which Customs and BG could cooperate in using these units:⁴⁸

- mobile units that patrol the green/blue border areas
- mobile units that conduct road inspections inside the country or near the BCP
- mobile units that could be involved in a special operation

Member States were asked about the coordination of such mobile units or the existence of joint mobile units.

In general, the countries divide into three groups, as shown in the table below:

⁴⁸ In some Member States, customs units that carry out inspections on companies’ premises are also called mobile units.

TABLE 6. TYPES OF MOBILE UNITS BY COUNTRY

Separate and Joint mobile units	Separate mobile units only		No mobile units
	BG	Customs	
BG, NL, SK, DE, HU, ⁴⁹ UK, ⁵⁰ PL	ES, MT, DK, EE, SI, ⁵¹ CY, FR, FI	AT, LA, ⁵² RO, ⁵³ SI, DK, EE, FR, FI, ⁵⁴ CY, ES ⁵⁵	SE, PT, IT, EL, CZ

The joint mobile units are formed when the risk analysis indicates that the competence or expertise of both BG and Customs is required in the management and control of the flow of people and goods across the borders. Yet, in some MSs, both agencies are involved because one or other of the agencies lacks certain powers and resources: for instance, Customs may not be allowed to carry arms or to stop vehicles for checks; or BGs may not be entitled to inspect the cargo of trucks, whereas the Customs do have such powers.

In other MSs, the mobile units provide an opportunity to pool resources, information and expertise to increase the effectiveness of more complex operations. The efficient use of resources was the explanation that some MSs gave for the use of joint mobile units (DE, UK, FI). In one MS, the one additional advantage of the joint mobile unit was the anti-corruption effect of the multi-institutional approach (CS-BG).

The figure below indicates that the majority of joint mobile units are either functioning on a regular basis (AT, DE, ET, FI, HU, BG), or on a temporary one: as a response to a risk analysis (LT, DE, ET, FI), or to a specific signal (LT, RO, ET, SK, IT, DE). In Member States where they are permanently established they are part of the strategic planning for border management. Their work is guided by specific agreements between Customs and BGs that spell out their responsibilities (CS-BG, CS-LT).

The survey indicates that the use of mobile units often depends on the geographic specifics of the Member State. Countries without external land borders (e.g. SE, CZ, AT, PT) make little or no use of mobile border patrols or joint mobile units. They may use them, though, for 'compensatory' controls of vehicles transiting their territory (AT). The countries at the external border set up mobile units for green border patrols (CS-BG, CS-FI, CS-PL, CS-LT). In these countries the joint units are a necessity, because of the large number of attempted border infractions. The mobile units could also (to some extent) compensate for the lack of sufficient resources to constantly monitor the green border, or to respond to alarms from technical surveillance systems.

⁴⁹ Under the framework of the Integrated Management Center.

⁵⁰ Within the UK Border Agency administration.

⁵¹ Some joint actions possible, but with strictly separated competencies.

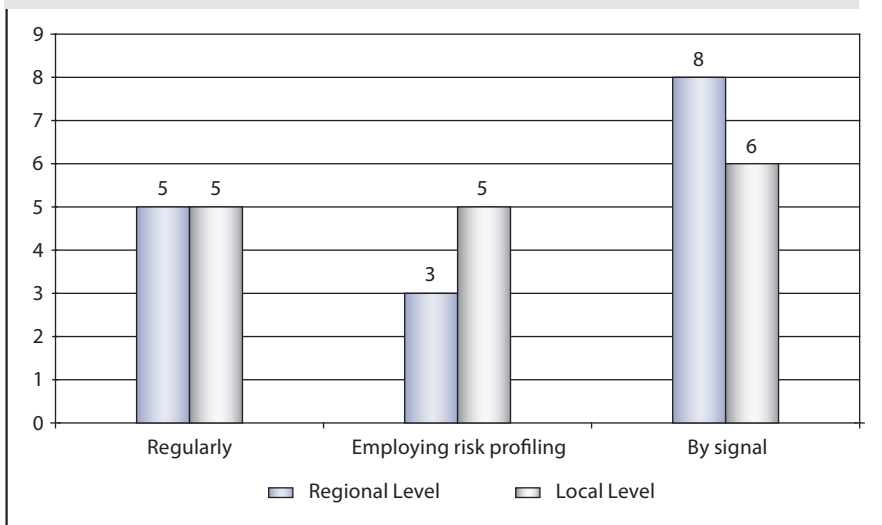
⁵² Belonging to the Customs Criminal Board.

⁵³ Customs can search with the assistance of BG, police, taxation authorities, etc.

⁵⁴ Customs can search with the assistance of BG, police, taxation authorities, etc.

⁵⁵ In Spain there are only sea patrols; there are no land-based mobile units.

FIGURE 11. HOW IS THE ACTIVITY OF JOINT MOBILE UNITS INITIATED?⁵⁶



The coordination/leadership of mobile units varies greatly among Member States, and depends on the size of the unit or the nature of its objectives (e.g. a mobile unit concerned mainly with the security of a BCP area would be headed by police/BG officers). When agencies focus on their own duties within joint mobile units, each agency will often manage separately their own members of the unit (FI, DE, HU). With larger mobile units, coordination may be shared between Customs and BG, or agencies may take turns in leading the mobile units (DE). In some countries,

mobile units are led either by the agency that initiates a given operation (BG, LT, PL, RO, SK), or by the agency under whose competence the operation principally falls. Typically, each agency uses its own specialised equipment. On many occasions, though, the initiating agency might not possess the necessary equipment or powers (e.g. in a high-risk operation, Customs officers who are not armed may request the armed presence of BG officers – RO).

BEST PRACTICE: COORDINATING MOBILE UNITS: LITHUANIA

In Lithuania, each agency (Customs and Border Guards) operates its own mobile units. Joint units operate only on ad hoc basis. The two agencies still cooperate by coordinating the operations of their mobile units. The process is grounded in a specific agreement on cooperation between the Customs’ Mobile Groups and the Border Guards’ Frontier Districts signed on 7 October 2005. This agreement targets specifically cooperation of mobile unit operations. It simplifies the procedures of rendering assistance to each other, facilitating the making of urgent decisions of joint mobile units, simplifying the exchange of operative information, as well as the exchange of information of the results of joint operations. Members of each agency’s mobile units receive Official Assignments according to the internal rules of each institution. The assignments are then coordinated between the two agencies, and contain the following points: prioritising of tasks, detailed objectives, coordination procedures; sharing of technical equipment.

Applicability

To type of border	Levels of application	To country
Land, sea, air	Regional, local	EU 27

Source: CS-LT

⁵⁶ At regional level the following Member States initiate mobile units: **regularly** (AT, BE, EE, DE, HU); **employing risk analysis** (BG, PL, LT) **or by signal** (BG, EE, FR, IT, LT, PL, RO, SK). **At local level regularly** (AT, BG, FI, DE, HU); **employing risk analysis** (EE, FI, DE, LT, PL) **or by signal** (FR, DE, IT, LT, PL, RO).

BEST PRACTICE: BULGARIA'S JOINT MOBILE UNITS

Joint Mobile Units (JMUs) of Customs and border guard officers (BGs) are proving to be the most stable new form of cooperation between the two agencies in Bulgaria. Joint mobile units are formed on an ad hoc basis by the management of one of the two agencies, and they demonstrate good flexibility. They provide an example of best practice where the expertise and capacity of one agency alone is not enough.

Initially, these units were designed to operate within the 15-km area extending from the external border. From 2010 their area of operation was expanded to 30 km. As borders between EU Member States became obsolete, JMUs have emerged as an effective tool in the period of adaptation to the new realities. The model is borrowed from the permanent mobile units between Customs and the Main Directorate for Combating Organised Crime that were set up at the beginning of the 2000s to control BCPs and regional Customs offices. These units report directly to Customs headquarters. They not only function as a second line of control for Customs violations and smuggling of (illegal) goods, but have also become an important factor in dealing with negligence and corrupt practices.

Mobile units involving border guards and Customs officers help to build trust (traditionally missing) between the two agencies.

Applicability

To type of border	Levels of application	To country
Land	Local	BG, EL, ES, RO, HU, SK, PL, LV, LT, EE, FI

Source: CS-BG

Problems with joint mobile units

One of the key to cooperation that interviewees mentioned was the overall management/chain of command in mobile units. In Italy, for instance, disagreement over who should lead the mobile units prevented their establishment (CS-IT). In Germany, there is either no head (coordination is then conducted by the operating officers themselves) or – with bigger units – the leadership is either shared equally between the participating authorities or it alternates periodically.

Other issues included the restrictions imposed on the exchange of information between Customs and BG unit members under the legislation on the protection of personal data and trade information (FI, DE, HU, PL). For instance, in Poland one obstacle is the occasional unwillingness (or legal limitations) of Border Guards to fully reveal the goal and resulting tasks (which are based on risk analyses) to Customs officers taking part in mobile unit operations. Protection of classified information and lack of database access for Customs officers hampers cooperation and fosters distrust of the BG (CS-PL, CS-BG).

In other countries, resource limitations (CS-EL, CS-BG, CS-PL) were mentioned, such as lack of staff (EL, PL). As a result, staff from BCPs or regional units needed to be reassigned temporarily to mobile units. Some Member States, even mentioned shortage of fuel as an obstacle (CS-BG).⁵⁷

Most countries, as Table 6 indicates, do not have joint mobile units. This could be explained by the separation of competencies and responsibilities. Most Customs and BGs developed their own mobile units long before the establishment of the Schengen area or the EU Customs Union. These units are therefore geared towards the needs of their specific institutions. In some cases, the mobile units are used as a 'compensatory measure' within the territory.

A key issue for the joint mobile units is the establishment of a system to measure how efficient or effective these units are.

2.9. Contingency/ emergency

Although they are rare occurrences, emergency situations can be seen as one of the most crucial tests of cooperation between state authorities. In reality, cooperation in emergencies between Customs and BG is not undertaken on a bilateral basis. The emergency plans for BCPs normally include all the authorities present at the BCP. At airports, the Chicago Convention mandates the establishment of a detailed security plan that in most cases includes the whole country. Sea ports also normally have emergency plans developed by port and local/regional authorities. In addition, emergency plans are put into practice only rarely, and many of the BCPs visited had not experienced any recent emergencies. Both the multi-institutional approach and the infrequent nature of this area of cooperation made the identification of best practice very difficult. Therefore, the present section is limited to describing the existing issues and arrangements, and providing an example.

Customs and BGs have developed joint emergency plans in 13 Member States. Denmark and Portugal seem to be exceptions, where Customs is not part of the emergency resources. In 15 MSs Customs and BG participate in specialised state bodies in emergency situations.

The distribution of tasks in emergency situations follows the principal functions of each of the two agencies: BG/Police has the responsibility for immigrants, terrorism and accidents, and Customs are responsible for pandemics involving animals or goods. In some countries, distribution of responsibility is strictly regulated by domestic legal acts (HU). The nature of the emergency (influx of refugees, displaced people, pandemics, etc.) determines the leading institution in cases of joint emergency actions. Several MSs have reported the setting up of temporary joint 'Crisis Committee/Staff' for the purpose of coordinating tasks during emergency situations (CY, CZ, FR, IT, NL).

⁵⁷ Such limitations, though, might only be temporary and a result of the economic crisis.

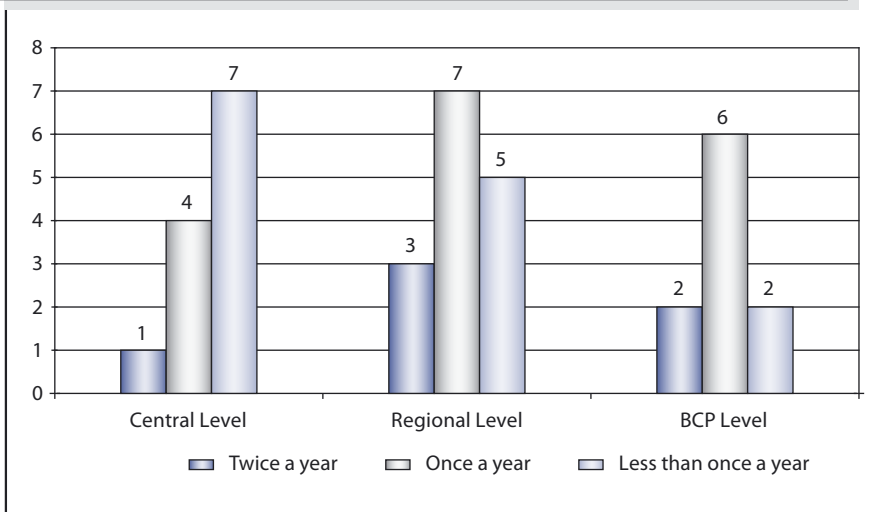
Development and updating of joint Customs/BGs emergency plans

Fifteen Member States report that they discuss, develop and update joint Customs/BGs emergency plans at some level (central, regional or BCP). At national level, only 7 MSs report having joint Customs/BGs emergency plans that are discussed and developed. Slovakia, Finland, Bulgaria and the UK update their plans once a year, while in Austria, Germany, Sweden and Italy, updates are less frequent than this.

At regional level, 10 MSs develop and update their joint emergency plans. Three – Germany, Latvia and Hungary – update their plans twice a year. Whereas Lithuania, Slovakia, Finland and the UK update once a year; and Austria, Italy and Sweden update less than once a year.

Ten MSs have joint emergency plans at BCP level. Latvia and the Netherlands update these plans twice a year. Germany, Estonia, Slovakia, Hungary, Finland and the UK update once a year, and Italy and Sweden update less than once a year.

FIGURE 12. JOINT CUSTOMS/BG EMERGENCY PLANS: LEVEL OF DEVELOPMENT AND FREQUENCY OF UPDATES⁵⁸



Some countries, such as France, have developed plans in case of specific threats such as terrorism and large-scale migration. Several countries (e.g. FI, NL) reported that BGs and Customs officers are given special training for emergency situations by other public bodies, such as the fire department.

The cooperation in emergency situations is difficult to assess as for most respondents it refers only to hypothetical situations, as there have been too few occasions on which to test cooperation arrangements.

Only Spain and the UK have had recent international terrorism related emergencies (neither involved border-crossing points), while avian flu was the most widespread emergency in the EU. Several Western countries, of which the most severely affected was the UK, suffered consequences from the cessation of air traffic because of a natural disaster – the volcanic ash cloud in April 2010. Only one country experienced an emergency landing incident in the past year (2009-2010) – the Turkish aeroplane at the Schiphol International Airport (Amsterdam).

⁵⁸ Some MSs update or develop their emergency plans at least **once a year** at **national level** (FI, DE, SK, ES), **regional level** (FI, DE, HU, LV, LT, SK, ES) or **BCP level** (EE, FI, HU, LT, SK, ES); or **even more often – twice a year** at **national** (HU), **regional** (DE, LT, NL) or **BCP level** (LT, NL).

In addition, the emergency procedures are almost never organised on a bilateral basis (solely between Customs and BG), but within the framework of broader emergency plans with other agencies and ministries. That makes any analysis of 'best practice' or barriers to cooperation in this area rather speculative. The responding agencies had not had many occasions on which to test the cooperation arrangements or assess whether they had any impact on the efficiency or effectiveness of the emergency response.

Nevertheless, it may be speculate that some of the common problems of cooperation in ordinary times are likely to become more pronounced and have serious repercussions under the critical conditions of an emergency situation. Two issues of cooperation are of particular importance in an emergency situation:

- clear division of responsibilities and powers and smooth management of joint emergency operations;
- timely mobilisation, and optimal and rational utilisation of available resources for mitigating the scale of the disaster and its consequences.

In both cases, the levels of cooperation, collaboration and sharing of resources in ordinary times may to some extent pre-determine the effect and success of joint actions, although the *force majeure* circumstances may also render further cooperation necessary for the common good. Below we provide an example of one possible approach to emergencies; it is 'best practice' in the sense that it suggests cooperation between Customs and other LEAs. The value added of this cooperation cannot be assessed.

BEST PRACTICE: RESPONDING TO AIRPORT EMERGENCY SITUATIONS IN ITALY

Any emergency situation is managed jointly by the Committee for Public Order and Security, where all police authorities and other relevant agencies participate. If the situation has only local impact, the Committee meets at provincial (sub-regional) level, and is headed by the higher local government representative (the Prefetto); for greater emergencies the Committee meets at national level and is headed by the Minister of the Interior. Coordination of activities, and the establishment of tasks and responsibilities are undertaken by a local or national operational centre.

Each BCP has its own local emergency plan, where tasks and responsibilities are clearly outlined. For example, airports have operational plans for terrorism or aviation accidents. The plans detail any activity that must be carried out by the airport operators in situations that are potentially dangerous for aviation safety, in emergencies, or in case of accidents. Airport operators know what their tasks and duties are in emergencies: a crisis joint committee meets in a special emergency situation centre. The airport control tower declares the state of emergency, and orders all radio communication to cease. The fire brigade sends its own personnel and vehicles to the spot, where they take operational command until they declare the accident area safe. The health services make an initial evaluation of the consequences of the accident, and coordinate the intervention of medical personnel. All law enforcement agencies (Polizia di Stato, Guardia di Finanza, Carabinieri and Customs) cordon off the accident area. They provide surveillance and security of crossing points for first aid vehicles. They also

**BEST PRACTICE: RESPONDING TO AIRPORT EMERGENCY SITUATIONS IN ITALY
(CONTINUATION)**

arrange for, and guard, rooms for relatives and journalists. The Civil Aviation Authority is in charge of the management of the joint committee, which also coordinates the preparation of press releases.

Applicability

To type of border	Levels of application	To country
Air	National, regional, local	EU 27

Source: EQ-IT

2.10. Infrastructure and equipment sharing

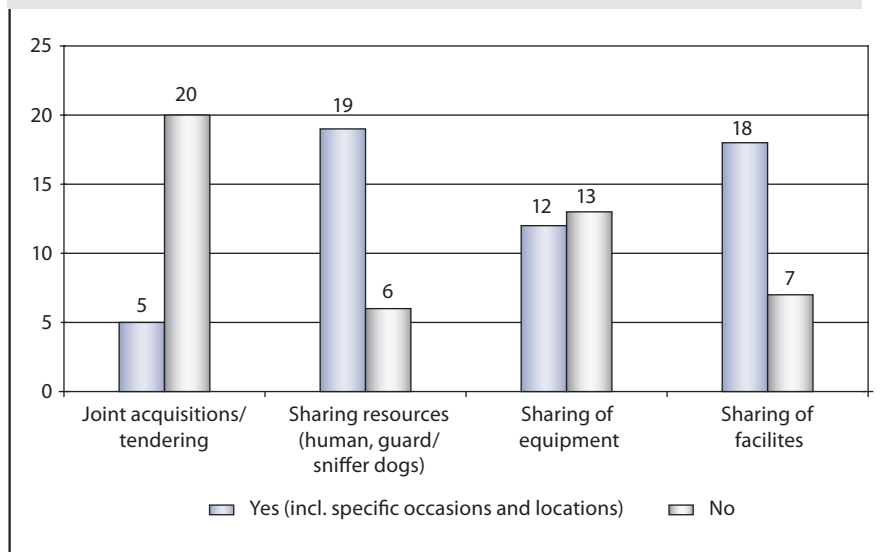
The sharing of infrastructure, facilities and equipment may be viewed as an indicator of the level of cooperation between Customs and BGs, in particular at the BCP level. While sharing seems the most natural mode of cooperation, our survey data indicates that actual sharing of equipment occurs relatively seldom, and primarily on ad hoc request by the other agency. Sharing of common facilities, such as buildings, largely depends on the type of BCP and the actual location. Sharing of common facilities and resources is reportedly arranged in some countries by inter-ministerial or inter-agency agreements or MOUs (EQ-AT, EQ-SK, EQ-SI, EQ-CY, EQ-LI, CS-PO). Yet, for many countries, not sharing infrastructure and equipment seems to be routine (EQ-IT, EQ-PT, EQ-HU, EQ-IE, EQ-NL, EQ-ES, EQ-SE).

This is due to various administrative factors: having separate budgets and reporting to different state authorities is the most common explanation for *not sharing*. Another reason pointed out by respondents was the often different tasks, and their corresponding nature and type of equipment and infrastructure, that make up the daily routine of both agencies (EQ-NL, EQ-EE, EQ-CZ). Nevertheless, in some exceptional cases, expensive devices/tools are shared by both agencies (e.g. brake testers). In certain small countries (MT) or small BCPs (MT, EL), or in countries with limited financial resources (BG), size and tight budgets determine the need to share equipment and facilities. In larger countries (DE), sharing is perceived as an obstacle to efficiency: ‘Cooperation on infrastructure is limited to mutual technical assistance, as using shared property would minimise the flexibility of each authority in the normal working process and conflicts would arise concerning priority of use.’ (EQ-DE).

Only three of the MSs (DE, EE, FR) reported practising joint acquisitions and tendering on a regular basis. Two other countries (BG, LT) do this occasionally, or in specific locations.

The sharing of human resources, guard/sniffer dogs and other operational resources is a common practice in only five of the surveyed MSs (AT, IE, CY, EL and FI). In another 14 countries resources are shared

FIGURE 13. INFRASTRUCTURE AND EQUIPMENT-SHARING PRACTICES⁵⁹



occasionally, in specific cases or in specific locations.

Only in nine Member States is equipment such as patrol cars, IT/communication devices or x-ray scanners of trucks, shared either on a regular basis or occasionally. EL and NL reported shared use of detention cells.

Very few MSs indicated that they were facing challenges in the sharing of resources. Cost sharing, the most frequently quoted challenge, is experienced by only eight MSs (AT, BG, EE, DE, HU, IT, LI, PL). It appears that cost sharing remains a major issue in Mem-

ber States where there are budget cuts, or where there are inadequate budgets. Normally, each institution is responsible for purchasing and maintaining its own equipment and infrastructure, while running costs are shared for common facilities (e.g. buildings, electricity, water, heating/cooling, internet providers, maintenance of common spaces) (SI, FI, BG, HU), and for renovation works (EE). In some cases, one of the agencies (Customs in EE, SK, HU), the municipality (BG) or other ministries and state institutions own the infrastructure and buildings of the BCP.

Limited technical and specialist resources or specialised equipment are another issue in resource sharing. For instance in Greece, the nuclear material detection equipment cannot be lent to other authorities, even during police investigations, and may only be operated by a Customs officer (EQ-EL). This poses, though, the question of the need for joint training over equipment that often needs to be shared.

Further to the electronic survey, the detailed descriptions given in the country studies have helped to summarise some common trends across Europe concerning this issue.

Firstly, it can be concluded that in most of Europe a pre-arranged and prescribed sharing of equipment does not exist, except for in specific situations and at specific BCPs such as Nuijamaa and Vaalimaa in Finland. The lack of specific rules of sharing has not obstructed the development of ad hoc and informal cooperation in many MSs, and on many occasions equipment has been shared in response to a particular need or request.

⁵⁹ **Joint acquisitions/tendering:** (BG, EE, FR, DE, LT); **Sharing resources (human, guard/sniffer dogs):** (AT, BE, BG, CY, DE, DK, EE, FI, FR, EL, IE, IT, LT, MT, NL, PL, SI, SK, SE); **Sharing of equipment:** (BE, BG, DE, EE, FI, EL, IT, LT, NL, PL, SK, SI); **Sharing of facilities:** (AT, BG, CY, DE, DK, EE, FI, EL, HU, IE, IT, LT, LV, NL, PL, RO, SI, SK).

Sometimes, common use of premises and equipment is inevitable, notably in the case of joint centres, joint actions or mobile units. In such cases, the joint use of equipment is preferred in order to avoid duplication and unnecessary occupation of sometimes scarce resources. Schengen rules, and some best practices across Europe, also advocate housing agencies together under the same roof and working together. In such cases, overhead and operational costs for infrastructure and equipment are shared amongst border agencies.

The scarce financing and insufficient equipment has had a double-edged effect. While it has encouraged agencies to work together and share limited resources, it has also caused inter-institutional competition over resources and political patronage (BG). As noted earlier, even some of the most developed old MSs such as Germany claim that ‘an extensive sharing of resources could minimise the flexibility and independence of each authority in its normal working process and lead to conflict concerning priority use’ (EQ-DE).

The development of joint naval and costal centres along the blue border in many countries, and the enhanced sharing of equipment between agencies has been an interesting issue throughout the survey. Best practices of sharing equipment under the control of the maritime border have been observed in a few Member States – Belgium, Germany, and Bulgaria – where scanners and patrol boats are jointly used in certain situations by BGs and Customs.

Specialised and costly equipment occupies a notable place in resource sharing. The specialised equipment requires professionally trained staff who are often located in one or the other agency.

There could be a few positive effects of sharing of equipment and infrastructure. Apart from developing and improving modes of collaboration and cooperation, joint operations could generate an effect of mutual trust over using shared resources. The common premises, including rooms for relaxation, kitchens, and so on, are favourable environments for further promoting and improving personal relations and acquaintance between the staff of BG and Customs.

BEST PRACTICE: SHARING FACILITIES FOR ONE-STOP PROCESSING IN POLAND

The establishing of one-stop processing at land BCPs in Poland has yielded some positive results for border agencies (a 30% reduction in processing time). According to BG and Customs officers, adapting the facilities to the one-stop inspection process contributes to better cooperation between the officers of the two agencies, who now operate in a single building separated by a windowed wall. The window enables swift communication and inspection of documents.

This practice is as much of a ‘lesson learned’ as it is a best practice, because the one-stop processing did not work until it was fully implemented. Although they existed as a concept, the diagonal spaces that would allow for multiple simultaneous vehicle inspections were not created at the beginning.

**BEST PRACTICE: SHARING FACILITIES FOR ONE-STOP PROCESSING IN POLAND
(CONTINUATION)**

This meant delays in the processing of vehicles, and long queues. Only after an additional restructuring of the BCP's inspection area, and the creation of diagonally situated parallel inspection spaces, did the one-stop processing yield the expected results. (See pictures and more details in the Poland country study.)

Applicability

To type of border	Levels of application	To country
Land	Local	EU 27

Source: CS-PL

**BEST PRACTICE: OPEN SHARING OF EQUIPMENT AT NUIJAMAA AND VAALIMAA
BCPs, FINLAND**

The Finnish model is one of the best examples of well-developed and facilitated cooperation between agencies, and the sharing of common premises and equipment is an example of this. Equipment at Nuijamaa and Vaalimaa BCPs is shared, and each authority has a designated role in the servicing and maintenance of it. X-ray equipment is largely in the responsibility of Customs, while road-testing equipment (such as lorry brake-testing pads) is maintained by the Border Guard. All equipment can be shared and operated by each agency upon request. Thus, although it belongs to one agency, the equipment is easily relocated to the other agency, which can affect the smoother processing of the workflow without unnecessary and lengthy administrative procedure and can reduce costs.

Applicability

To type of border	Levels of application	To country
Land, sea, air	Local	EU 27

Source: CS-FI

2.11. Training and human resource management

Education and training is one of the important and indispensable aspects of collaboration between agencies at the external borders. Daily cooperation and mutual learning is fundamental to raising awareness about the functions and powers of the partner body, and thus to better integration and joint management of the borders.

The results of the survey and interviews has demonstrated that training of Customs and BG officers ranges from formal courses provided in BG academies and Customs schools to regular seminars and workshops and occasional exchanges of know-how between the two agencies. One can distinguish four well-defined modes for mutual learning about the competences of the other agency:

- Formal/basic education at Police or Customs schools/academies, which is predominantly concentrated on the legal basis and regulations concerning the powers and competences of each agency.
- Secondary/complementary training, courses and seminars in training centres (see Table 7).
- Specialised courses at the work place (see Table 7).
- Informal contact and learning during the work process (including meetings with the other agency, joint actions).

The issues most often covered in cross-training classes are: control of travel documents and vehicles; drugs and the use of sniffer dogs and technical equipment; joint mobile units; and handling of small weapons (in countries where Customs officers may carry arms). Joint training sessions are focused on national and multilateral legislation issues, the application of information systems, and foreign language skills (usually English).

TABLE 7. LIST OF REPORTED TRAINING COURSES PROVIDED ACROSS THE EU

Training provided: BG to Customs	Customs to BG
Small weapons training	Customs' basic tasks
Airport security	Foreign language
Human trafficking	Dog handlers
Globalisation and terrorism	Rules concerning detention of persons and searching of possessions
Dog handlers	Rules on the detention of persons suspected of crime
X-ray scanning	Basic Life Support (BLS)
Basic nautical or technical training courses for designated patrol boat crew members	Documents required for international road transport
Radio operators' certificate course	Control of lorry drivers' work time
Ship safety training	Basics of Customs legislation
Counterfeit documents	Basics of Customs information systems
Trans-border regulations	Drugs and drug precursors
Vehicle control	Intellectual property crimes
Control of travel documents	Information exchange concerning the transfer of excise goods seized by BG and the changes to regulations concerning the penal fiscal proceedings
Weapons handling	Money laundering
Self-defence	Fraud
Handling sensitive classified materials	Combating organised crime

**TABLE 7. LIST OF REPORTED TRAINING COURSES PROVIDED ACROSS THE EU
(CONTINUATION)**

Training provided: BG to Customs	Customs to BG
Combating organised crime	Deep rummage
Joint training	Training for assistance during emergency
Cash control	Customs control of passengers and cargo
Forged documents	Customs relief for air traffic passengers
Car thefts	Secondary examination area training
Training for crime enforcement units	Applying Penal and Fiscal Code regulations to preparatory proceedings
Foreign languages	Enforcement of regulations concerning food security
Fiscal offences	Control of alcoholic beverages
Smuggling of psychotropic substances	Prevention of smuggling of cultural goods
Smuggling of firearms and explosives	
Prevention of smuggling of cultural goods	
Control of dual-use goods	
Control of radioactive materials	
VAT fraud	
Border clearance rules for persons with privileges and immunities	

Most of the respondents indicated that there was no specific time frame for training sessions, even in countries with a high frequency of joint training (e.g. Finland, where about 100 training sessions were reported for 2009). However, most MSs reported the frequency of training as being once a year, or less.

At the same time, representatives of several MSs (e.g. ES, AT, NL, DK, IE, LV, HU, EL) pointed out that there is no common training for officers of the two agencies. One response (HU) provides a good summary of the view that joint training is not necessary: 'There is no cooperation between Customs and Police in the field of training and HR. The two organisations belong to different ministries, they have different HR and training plans, and they have to manage different situations, and the tasks and systems used are not the same. The Customs and Finance Guards are responsible for control of goods and the Police are responsible for the control of persons crossing the border. These are the reasons why Customs and Police don't train officers together' (EQ-HU). A similar opinion was given by their Greek colleagues, The Head of Customs at Evzonoi BCP directly suggested that 'there is no reason for common training' (CI-EL).

Nevertheless, the surveys and case studies have demonstrated a number of cases where certain agencies would be entitled to carry out the functions and competencies of the other at certain small ports and airports (SE, PL, EE, FI). Accordingly, in these countries mutual training of competencies becomes indispensable.

BEST PRACTICE: JOINT TRAINING PROGRAMMES IN THE NUIJA PROJECT, FINLAND

Nuija project in Finland has given an example of best practice in cooperation in the area of education and training. Although in Finland each agency would normally manage its personnel resources independently, the Nuija project included an extensive training programme for all officers stationed at the BCP in order to provide them with a range of skills. The cross-training of officers from both organisations in the project aimed to create a team capable of carrying out each other's functions at the BCP, which could further speed up the border management process. This experimental training was in unison with another best practice in Finland apart from the Nuija project – the joint Police-Customs-BG working group at national level, which plans and coordinates cooperation in the field of training.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National, local	EU 27

Source: CS-FI

BEST PRACTICE: TRAINING IN COOPERATION IN MARITIME BORDER MANAGEMENT, GERMANY

The highest degree of joint training arrangements pertains to the maritime sector in Germany. The questionnaires from Germany explained that Police and Customs agencies together use the Education and Training Centre for Maritime Policing (Maritimes Schulungs- und Trainingszentrum, MaST) of the Federal Police in Neustadt (Schleswig-Holstein). Federal Police and Customs Administration officers who are assigned to the naval division of both authorities, obtain their basic training in seamanship, navigation, ship engineering and so on, in joint training courses at the training centre. Customs provides temporary teachers and trainers for the centre.

Applicability

To type of border	Levels of application	To country
Sea	National, regional, local	SE, FI, PL,DE, NL, BE, FR, PT, ES, IT, EL, UK, IE, MT, CY, LV, EE, LT

Source: CS-DE

The survey and case studies suggest that mutual education and training are not a regular practice across Europe, and ad hoc and sporadic training courses occur according to need, depending on the location of officers and the specifics of the BCP. The system of training developed also varies from one EU Member State to another, with Poland and Germany (see CS-PL and CS-DE) having a complex list of training courses, while in Ireland, Hungary or Latvia cooperation in training and education barely exist in any form.

Similar to other areas of cooperation, the different competencies were most often given as reasons for not developing cooperation in the field of education (e.g. EQ-CZ, EQ-HU, EQ-IT). As the Italian authorities put it, 'human resources matters are separately managed and settled, because the Agencies involved have different personnel status, a different trade-union relationship system and different hierarchical structures [...] Training activities are separate for Customs Agents and BGs.' (CS-IT)

The 2004 – 2007 EU enlargement began similar processes of human resource reduction, re-direction and transfer across Europe. The new member countries had the task of optimising their available resources and finding the most appropriate relocation of staff who were dismissed from BCPs along the new internal borders within the Union.⁶⁰ The line of new external borders stretching from Estonia to south-east Bulgaria had to be further fortified by more capable and well-trained staff regardless of the limited resources available for this purpose. On the other hand, the former external border countries in the west have been 'internalised', which necessitated re-direction and transfer of redundant human resources to other agencies of similar competence (tax authorities, Road Taxes Agency, and so on). One alternative in both cases was to transfer such resources to mobile units. Only Austria, however, reported the transfer of staff between BGs and Customs.

The surveys and case studies suggest that informal contacts and learning on the job are the most common ways of mutual education. Thus, one may speculate that in EU Member States where the culture of informal contact and communication is less developed, or has been overshadowed by inherited tensions, mutual suspicion and secrecy (as is the legacy in some new MSs, such as BG and HU), the agencies will not be in favour of joint training and will be less familiar with exactly how the other agencies work.

The case of Bulgaria is a good example of this hypothesis. The Bulgaria country study highlights some tensions and difficulties in cooperation on training between Customs and BGs. The Ministry of Interior, instead of cooperating with Customs, chose to hire a private company, Crown Agents, to carry out Customs skills training for its BG department. During the site visits, some Customs officers informally expressed the opinion that 'there was no point in BGs knowing too much about Customs issues'. Fears about losing jobs to the other agency are one of the possible

⁶⁰ Some countries, such as the landlocked Czech Republic, had to reduce their Customs staff by as much as one-third of the pre-2004 levels.

obstacles to extensive cross-training programmes, especially in the context of the human resource reductions in the wake of EU enlargement.

2.12. Cooperation at the EU level

The current state of cooperation between BG and Customs authorities at EU level could be described as fragmented and reactive, despite many efforts and initiatives in the past decade. A Commission report on the evaluation and future development of the Frontex Agency concluded in 2008 that **there is limited cooperation between Frontex and other controlling authorities such as Customs controls**, and that the expected common identification of aims and synergies between the agencies largely remains outside the cooperation process (Commission 2008).⁶¹

One of the reasons for the absence of cooperation is that border policing and Customs matters have not been governed by a common regulatory framework. Customs regulation was separated into two pillars of the pre-Lisbon EU policy-making system. Customs criminal enforcement (including operations) was discussed under the 'third pillar', while Customs procedures, Customs controls, and Customs risk management were dealt with under the 'first pillar'. This formal division of competencies and missions entailed two independent streams of regulatory procedures and policy making at supranational level, concerning Customs. Most aspects of Customs and border policing were operationally divided under the pillar system, despite the overlap and complementarity of these with regard to border security management.

The Lisbon treaty of 2009 addressed many of these difficulties, including the divide of Customs activity, which is now, with some minor exceptions, an EU competence.⁶² The elaboration of the EU Internal Security Strategy and the establishment of the Committee on Internal Security (COSI) would possibly open up some new opportunities for EU level cooperation.

Another reason for the lower degree of cooperation at EU level concerns particularly the role of Frontex, which does not have a partner EU-level agency that represents the law enforcement aspects of MSs' Customs. So far, most attempts at such high-level cooperation have been made through the Customs Cooperation Working Party (CCWP). The 'coordination mechanism' that has been put in place between CCWP and Frontex, however, is in practice limited to exchanging information on joint operations (JOs), that Frontex or the CCWP have carried out independently (I-EU).

⁶¹ Commission Staff Working Document, Accompanying document to the Communication from the Commission 'Report on the evaluation and future development of the Frontex Agency. Impact assessment.' Brussels, 2008.

⁶² Since 2005, when the Community Customs Code was amended by Regulation 648/2005, or the 'security amendment', security-related risk management is fully within EU competence. In practice this means that all operators (except certain Authorised Economic Operators) must submit pre-arrival or departure notifications with data as specified in Annex 30 A of 2454/1993 as amended by 1875/2006, and the related electronic risk analysis that must be carried out by MS Customs administrations with respect to security and safety-related risks on all goods entering and exiting the EU.

One of Frontex' main missions is to coordinate operational activities between MSs in the field of **management of external borders**, mostly relating to the prevention of irregular migration. Attempts to involve national Customs in such operations have had little success, and information sharing has been one of the main obstacles. There has been some limited success in involving Customs officers in Frontex' maritime operations. An example was provided where French Customs officers were involved in seaborne operations that took place in Spanish coastal and international waters. On the other hand, maritime operations are the most difficult to coordinate, because of the multitude of agencies involved in maritime border controls. (I-EU)

There are also **issues of limitation of command and jurisdiction** faced by foreign BG officers operating under the jurisdiction of another MS during Frontex operations. Some interviewees argued that Customs officers participating in Frontex-type operations will probably face similar, if not greater, limitations than those faced by BGs.

The need for cooperation is probably greatest in terms of maritime border protection (e.g. within the Mediterranean Coastal Patrols Network). As the MEDSEA study (Frontex 2006) has shown, there are multiple agencies (in some countries as many as 14) involved in the control of maritime borders: environmental authorities, Customs, BG, fisheries control, maritime safety, maritime security, vessel traffic, accident/disaster, and search-and-rescue vessels. The operational costs of coastal patrol vessels could reach €25,000 per day, suggesting that joint operation or coordination of patrols could be very cost-efficient.

The EU MS perceptions for the role of Frontex and CCWP

Although varying in their institutional set-up, and differing in their interpretations of border management practices, the study has found that the border authorities in EU Member States hold very similar expectations about the role and meaning of the supranational bodies responsible for border policing and Customs in the Union – Frontex and the Customs Cooperation Working Party to the Council (CCWP).

CCWP was primarily attached as a permanent body to the Council in order to develop and implement the strategic framework for Customs cooperation across the Union. According to the electronic survey responses of the national Customs authorities, however, the CCWP could extend its tasks to find common areas of competence, and increase the scope of possible cooperation between the border police agencies and Customs (EQ-CZ, EQ-SK). The CCWP forum can be a favourable environment for the exchange of knowledge and experience about inter-agency cooperation between representatives of the national authorities (EQ-IE, EQ-SI), notably with those who share common threats, national specifics, or are in a geographical proximity (EQ-LV).

Only one country, namely Slovenia, has pointed out that the non-existence of an equivalent agency to Frontex for Customs matters is problematic. '[The] Customs Cooperation Working Party is the only mechanism

through which Frontex may cooperate with Customs authorities of MS [...] numerous problems might originate from such (unequal) cooperation. Firstly, it (CCWP) is not permanent body, [the] presidency rotates, it is not necessary that each presidency will give the same emphasis to the same issues; such a forum cannot respond as quickly as a permanent one (agency), as it has to coordinate its decisions among MSs, etc.' (EQ-SI).

The main tasks of CCWP and Frontex are perceived respectively by Customs and by BG respondents as being those of collecting, analysing and disseminating best practice in cooperation (EQ-EE, EQ-EL, EQ-NL, EQ-PL, EQ-FI, EQ-EL, EQ-UK). Some national authorities (EQ-EL, EQ-PL) have suggested that best practices should be compiled in a handbook and be regularly updated.

It was frequently suggested that both Frontex and CCWP could enhance their collaboration and coordination in the direction of increasing the number of joint operations and activities, such as URANUS JO in 2009 (EQ-IT, EQ-PT, EQ-CZ, EQ-IE, EQ-LT, EQ-PL, EQ-SK). Being under the same border and Customs Union areas, and complying with the same Schengen and Customs Union rules, MSs authorities have also recognised the need for joint training and seminars for BGs and Customs under the leadership of either CCWP or Frontex (EQ-AT, EQ-IE, EQ-LT, EQ-MT, EQ-SK).

The already existing EU instruments such as COSI should be further developed and further enhanced, while rendering them more operational and expert oriented (EQ-SI). During the joint meetings representatives of CCWP, PCWP and the Frontex would inform each other about the planning, conduct and results of joint activities, and discuss examples of best practice in cooperation (EQ-CZ). The process could be facilitated by horizontal cooperation between EU agencies or directorates of the Commission – mainly DG HOME and TAXUD and OLAF (EQ-FI).

3. CHALLENGES TO COOPERATION

To identify challenges to cooperation between Customs and BG, a series of questions was included in the electronic survey, as well as a special section in the case studies. However, respondents to the survey and interviewees in the follow-up interviews were very cautious about sharing this type of information, and in some countries the topic was altogether dismissed as a problem, probably because of fears that discussing problems in cooperation might hurt institutional or national prestige in some way. Similar difficulties were faced in the countries where case studies were conducted. As a result, for some countries the information is insufficient, and for others it could not be verified. In this context, the conclusions below should be read only as an outline of the problematic areas of cooperation.

3.1. Operational challenges

Respondents to the electronic survey were asked about challenges to cooperation in four critical operational areas: exchange of information; joint operations; joint mobile units; and sharing of equipment and infrastructure. A list of challenges was provided with each question, and respondents could also add challenges that were not listed.

Overall, just as with the discussion of cultural and political issues affecting cooperation, there was a reluctance to recognise and analyse problems that might throw negative light on their respective institution or country.

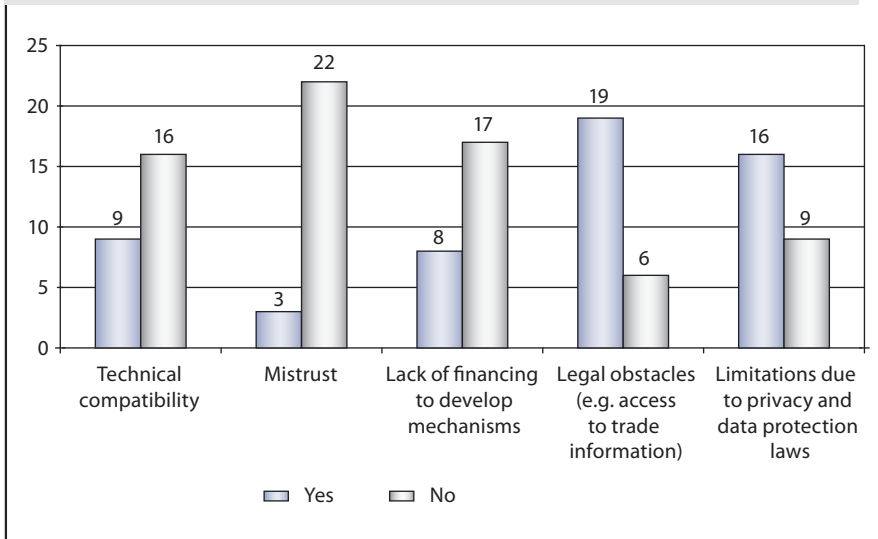
The most readily admitted challenges to the sharing and exchange of information were the legal obstacles related to privacy, data protection and confidentiality of trade information. Obviously, border agencies can do little to amend fundamental democratic legislation on private data protection. At the same time, this obstacle highlights the underlying problem created by the historical separation of border management between two or more agencies that are forced to constantly exchange information to keep pace with the current state of criminal activity.

Technical incompatibility (BG, EE, FI, EL, LT, LI, RO, SK, ES) and lack of finance (EE, FI, LT, LI, RO, SK, ES, SE) were the two other significant obstacles to sharing and exchanging information. It is interesting that only three countries in the survey (BE, LT, ES) cited mistrust as an obstacle, while in more informal communication during site visits and in some follow-up interviews the issue of various degrees of mistrust was referred to by several other countries (BG, RO, PL, IT). (See Figure 14.)

In the area of financial planning and cost sharing, there seems to be little cooperation, due to the rigid financial relationships between institutions belonging to different ministries. Even in cases of joint operations or investigations, each agency bears its own costs for the operation. In other cases, when one agency provides equipment or services to the

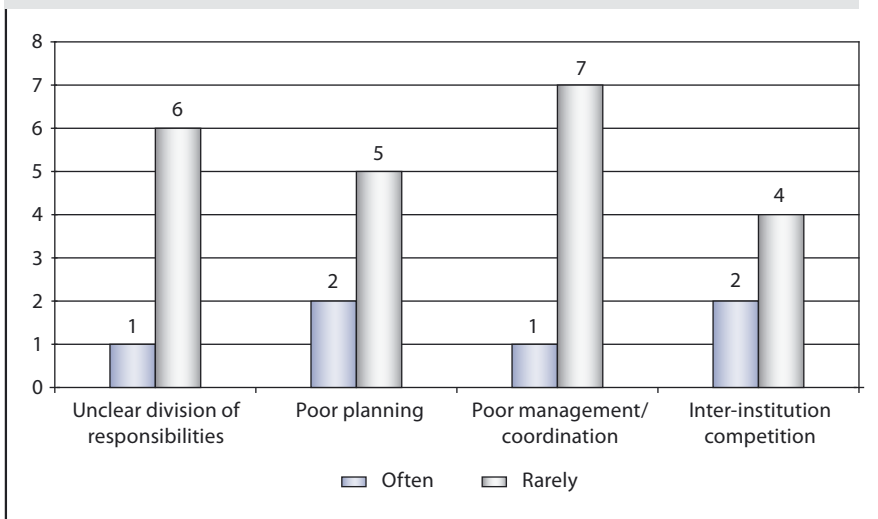
other outside joint actions, this is done at no cost. Cost sharing was also reported by a number of countries as an obstacle to equipment sharing (AT, BG, EE, DE, HU, IT, LT, PL).

FIGURE 14. BARRIERS TO SHARING INFORMATION⁶³



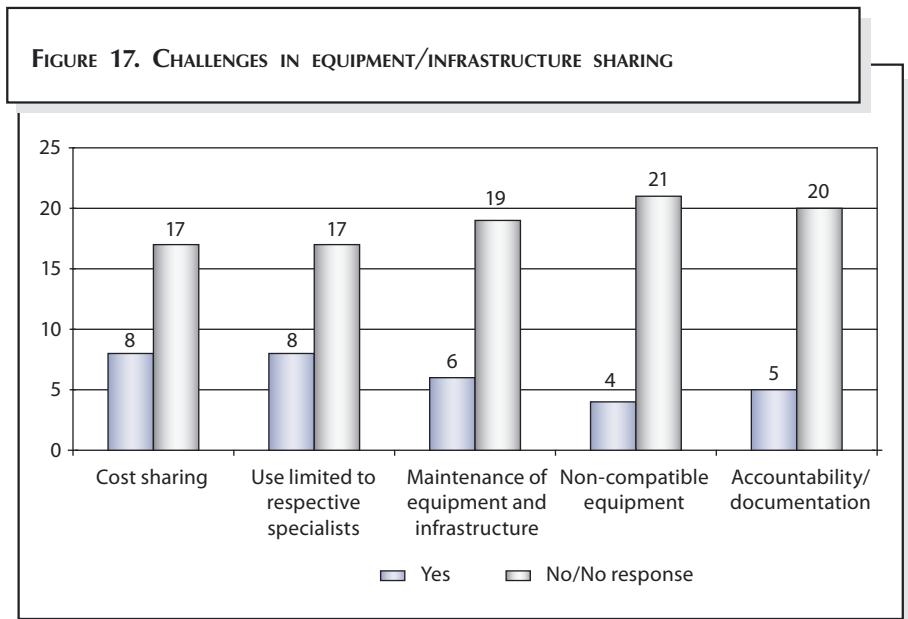
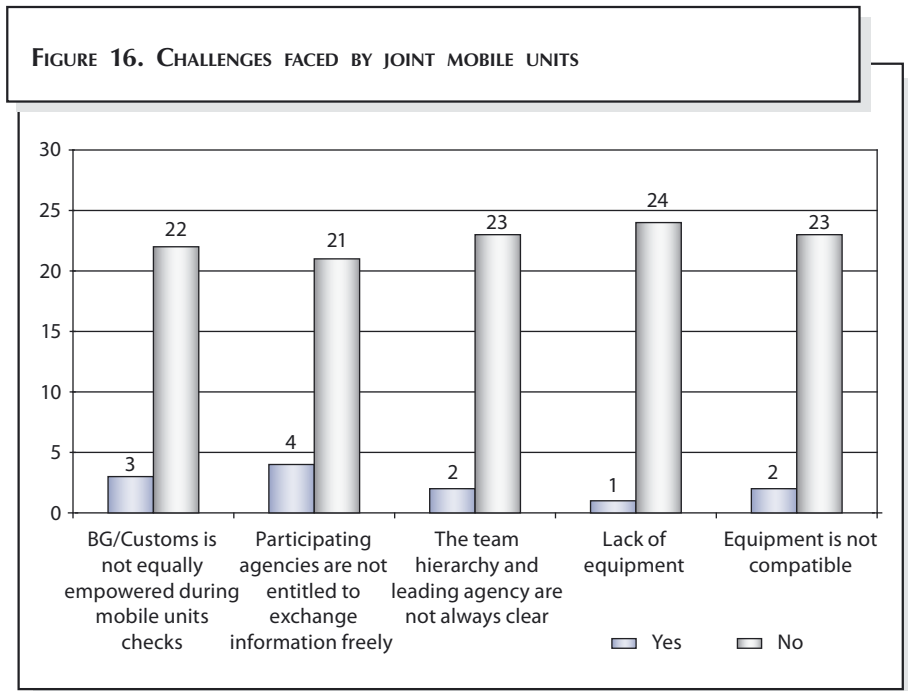
The other obstacles to cooperation that were included in the electronic survey were recognised by a very small number of MSs, as evidenced by Figures 15-17 (joint operations, joint mobile units and sharing of equipment/infrastructure). In some cases the questions required certain self-criticism (poor planning, unclear division of responsibilities, unclear hierarchy, poor exchange of information) and respondents were not inclined to share this type of information, given the only partial anonymity of both the survey itself and the follow-up interviews.

FIGURE 15. CHALLENGES FACED BY JOINT OPERATIONS



Overall, the site visits and follow-up interviews revealed that officers of the border agencies are more likely to look for ad hoc solutions to the operational problems they encounter in their everyday work, than to attempt to initiate a change in the routine procedures or in the inter-institutional set-up. The mechanisms used are either informal requests to same-level counterparts in the other agency, or discussion and agreement at some higher management level (e.g. between shift managers or the heads of the respective agencies at the BCP level).

⁶³ The following barriers to the exchange of information were mentioned: **Technical incompatibility** (BG, EE, FI, EL, LV, LT, RO, SK, ES); **Mistrust** (BE, LV, ES); **Lack of financing to develop mechanisms** (EE, FI, LV, LT, RO, SK, ES, SE); **Legal obstacles** (AT, BE, BG, CY, CZ, EE, FI, FR, DE, EL, HU, IE, IT, LV, LT, NL, PL, PT, ES); **Limitations due to privacy and data protection laws** (AT, BE, BG, CY, FR, DE, EL, HU, IE, LT, LV, NL, PL, PT, RO, ES).



3.2. Institutional cultures

The other obstacles that were considered were the specific institutional cultures and their roles in preventing informal or undermining formal forms of cooperation. Customs agencies in the EU Member States usually have a very different institutional history to BG and other LEAs with BG functions, such as Civil Guard Corps (ES), Guardia di Finanza (GDF) (IT), Gendarmerie Maritime (FR), or Coast Guard (EL). Most often, as discussed earlier, Customs are part of the Finance Ministry and their institutional culture is very close to that of the civil administration. Customs officers usually graduate from local universities and have completed some additional professional Customs training. BG and other LEA institutions with similar functions in most countries belong to the Ministry of

the Interior and their organisational culture is close to that of the Police. In certain MSs, BG is historically linked to the Defence Ministry. In the majority of countries, while the military hierarchical structure is no longer applicable, the Police has retained some form of military culture.

These two cultures, civil and military, present challenges to communication and cooperation between Customs and BG. In Italy, for instance, the setting up of joint units of GDF and Customs failed because the two agencies could not agree on who would lead the units. The GDF (which is a military organisation) was reluctant to be placed under the command of a civilian. Customs, for its part, sometimes finds it difficult to communicate with GDF because of its 'military nature', and which seems to have a rigid decision-making process. In cases when urgent decisions need to be taken, the GDF agent is usually not capable of doing it without involving his superiors, which may take a long time. (CS-IT)

Interviewees from the French Gendarmerie, the Spanish Civil Guard, and the Bulgarian and Polish Border Guards alluded to similar cultural incompatibility. In Spain, despite being within the same directorate of the Ministry of the Interior, the National Police officers are considered civil servants, with the right to participate in trade unions, whereas Civil Guard officers were a military organisation with no such status. At the same time, both CGC and CNP officers in Spain perceive Customs officers, in particular those with fiscal and administrative tasks, as part of the government bureaucracy (CS-ES, CS-FR, CS-BG).

Another cultural difference between Customs and BG stems from the fact that Customs officers who are in constant contact with import and export companies have better chances of finding employment in the private sector if they decide to quit their job (BG, SL, EL, PL). However, these contacts also make them more vulnerable to corruption, and may generate suspicion among BG officers (BG, SL, EL).

The cultural differences are reflected in some functional and organisational inequalities that produce tensions between Customs and BG officers. In some of the countries where case studies were conducted (EL, ES, IT and PL), BGs are not entitled to strike, while Customs officers have this right. As a result, when Customs officers go on strike, their duties are performed by BGs.

Follow-up interviews and site visits revealed also other differences between Customs and BG officers that concerned salaries and retirement options. It can be assumed that none of these are serious enough to cause tensions between the officers of the two agencies. BG officers usually have somewhat higher compensation and better retirement plans. There are also exceptions, like France and Greece, where Customs officers get higher compensation.

The most significant differences between the two border agencies are in the models of recruitment, education and career paths. Almost all MSs have separate systems for the recruitment and training of Customs and BG officers. The nature of their respective career development

paths means that officers of one agency are very unlike to switch to the other.⁶⁴ All data collected suggests that very few MSs have common training programmes for both Customs and BG officers.

The strict definition of competencies, that excludes any overlap of tasks and functions, is considered a cornerstone of the efficient operation of border agencies (FR, DE). This approach, however, has its negative side. It discourages officers from learning more about the other agency and from acquiring skills that would allow them to assist and cooperate better with the other agency. Education and training in the areas governed by the other agency is regular and common only in a few countries (e.g. NL, FI, UK).

The clear distinction between the competencies of Customs and BG needs to be analysed both in light of the history of the two agencies, and the recent attempts to cut down the expense of border management by the reduction of personnel and administrative structures. Following the establishment of a Customs Union, the Schengen Area and the enlargement of the EU with 12 new MSs, Customs and Border Guard agency personnel were cut as many BCPs were closed down. In addition, the economic crisis of 2008-2009 added to the pressure to cut the number of state employees (BG, EL, DE). In some countries, a large number of border guards employed at the old external borders were laid off (DE, PL, SL).

It is only natural to assume that officers of both agencies fear that any attempt to train employees to perform the duties of the other agency ('Nuija project', FI; small BCPs, FR) would lead to potential cuts in personnel. An interviewee in Bulgaria mentioned that better cooperation between Customs and BG would bring not only better results, but also would provide opportunities for lowering the expense of border control and management. Thus, it seems that the separation of tasks may be artificially emphasised to preserve the existing organisational structures and institutions. An example of the continuing degree of operational separation between the services is provided at Rotterdam Port where, in the event of an incident during a joint patrol, Customs and the BG (ZHP) file separate reports of the same event. There is no subsequent joint investigation leading to criminal or civil proceedings.

Despite the existing legislation and inter-institutional MOUs in many MSs, cooperation is most often based on informal contacts, often shaped by subjective factors. In one case, information and support may be provided, and in the next this may not happen. There are no systems for control and evaluation of the degree of cooperation. There are no specified consequences for officers who do not cooperate or who avoid cooperation. Cooperation, therefore, is left on shaky ground, without instruments to either encourage or enforce it.

⁶⁴ There are some exceptions to this rule. In Austria and Slovenia, for instance, following the personnel cuts after EU enlargement, some Customs officers were transferred to the Border Police.

3.3. Political considerations

A thorough evaluation of the politicisation of border agencies in the MSs is possible only for the 12 countries where case studies were carried out. When discussing politicisation, interviewees in these countries have in mind very different degrees of political influence. In five MSs (FI, FR, LT, SL and NL) the interviewed officers claimed that there is no political influence on the border agencies. In Slovenia, despite some suspicions that certain appointments in the Customs and Border Police were politically motivated, the conclusion of the case study was that these suspicions have not been confirmed. In countries such as Germany and the UK, politicisation is understood not as political influence on appointments, but rather takes the form of discussion among political parties about the role of border agencies. Thus, in 2010, political debate focused on the impact of the UKBA's policy and its effectiveness in controlling migration. In Germany, politicisation is perceived as an attempt by the central government to remove policing responsibilities from the federal states (Bundesländer) and shift them to central state level.

Spain seems to occupy a middle ground: political influence is not directly felt at lower levels (for instance, the heads of the CDG or CNP at the BCPs visited had held their positions for many years, during different governments). At the top level, though, this is not necessarily true, as there is a direct relation between the heads of CNP, CDG or Customs and politicians and political appointees. On several occasions, interviewees at the BCP level explained the lack of certain forms of cooperation by pointing out that decisions about cooperation must be made first at the political and highest management levels (CS-ES).

Bulgaria, Poland, and Greece are the MSs where political influence over border agencies is clearly felt. In Bulgaria, for instance, between 2000 and 2010, the Head of the Customs Agency was replaced six times, and the Head of Border Police four times. In Poland, between 2002 and 2008, the Customs Service had five different Heads. Similarly, in Greece the Heads of the border agencies are appointed by the Government and are usually replaced when a new government is elected. For example, the Director General of Customs and Excise acts as the link between the organisation and the political leadership of the Ministry of Economy and Finance, and is appointed to this position by the Official Council (CS-BG, CS-PL, CS-EL).

The main problem with these political appointments is that, as a rule, a change at the top is followed by a chain-reaction of replacements in all key positions in border agencies. In Bulgaria, apart from changes at the central level (department heads and their deputies), directors of regional services are also replaced. In Poland, in the first half of 2006, more than half of Chamber directors were recalled after a new Head of Customs was appointed. In Greece, one of the numerous political scandals of 2009 involved a long list of Customs officers who were allegedly close to Members of Parliament and Ministers, and who apparently did not meet the formal criteria for employment (CS-EL).

The political influence over border agencies presents two challenges to cooperation. Vertical political loyalty (Customs towards Ministry of Fi-

nance and Border Guards towards Ministry of Interior) entails suspicion of, and avoidance of cooperation with, the agencies of a competing ministry. In Bulgaria, for instance, although the Ministers of the Interior and of Finance belonged to the same political parties in three of the last four governments, the rivalry between the two ministries was extended to the Customs and the Border Guards. At the time of the Bulgarian case study, the *competition* between the two agencies was openly encouraged as a tool to restrict corruption. The second challenge is that frequent changes in the agencies destroy the contacts and collaboration developed between their top managements (CS-BG). In Poland, the political change brought mass dismissals of personnel in 2006 based only on suspicion of corruption, and a wave of resignations by experienced officers. Reshuffles at the executive level have also entailed the introduction of new management and development strategies, and the discontinuation of strategic plans prepared by predecessors (CS-PL).

4. CONCLUSIONS AND RECOMMENDATIONS

4.1. Conclusions

The report attempts to outline both the state of cooperation between Border Guards and Customs administrations and the obstacles that exist to cooperation between them. The electronic survey showed that between institutions in EU countries, with few exceptions, there are formal arrangements. However, the question arises whether these agreements actually help to improve cooperation, since it appears that they are accompanied by minimal resources – human, financial and technical. The interviews and site visits indicated that many countries rely both on informal relationships between employees and on ad hoc solutions. For example, out of 25 countries, in 22 the informal arrangements between managers are mentioned as a key operating mechanism.⁶⁵ Ad hoc decisions about cooperation are mentioned as the prevalent approach in 18 of the 25 countries.

The study examined 11 areas of cooperation: **Strategic planning, Communication and information exchange, Coordination of workflow of BCPs, Risk analysis, Criminal investigations, Joint operations, Mobile units, Contingency/emergency, Infrastructure and equipment sharing, Training and human resource management, and Cooperation at EU level.** The degree of cooperation varies greatly among these 11 areas.

The major factor affecting cooperation in strategic planning, for instance, is the existence of coordination/management structures. Most often these are inter-agency working groups or inter-departmental committees. Twenty-one MSs reported having such bodies. In some MSs, high-level representatives are part of these structures; apart from the ministries of the interior and finance, other ministries that deal with BCPs may also be included. These inter-institutional bodies usually meet two or more times per year to discuss strategic issues of cooperation.

The second key factor in successful cooperation is the exchange of information between Customs and BG. At least four different categories along the wide spectrum of cooperation of information exchange can be discerned: ‘on request’, ‘ad hoc’, ‘periodic’ and ‘continuous exchange through joint databases’. The prevailing approach is ‘ad hoc’, used in 16 MSs. A small number of MSs make use of joint databases, 5 for data about vehicles, and 6 for data about persons. The survey identified legal obstacles (privacy, data protection, trade information) as the most often cited barriers to sharing or exchange of information (in 19 out of 25 MSs).

Channels for cross-border exchange of information, such as the Police and Customs Cooperation Centres at the borders of Schengen countries, prove more efficient than national structures. Similar kinds of coopera-

⁶⁵ As noted earlier in the report the UK has a single agency, while Luxembourg was not part of the study.

tion centres also exist at the external borders, but these could be promoted more extensively.

There is a variety of approaches to risk analysis. Most often, the analysis is performed by one agency and then the results are shared. It should be noted that informal sharing of results is more common than regular formal cooperation. Some MSs undertake joint analyses to only a limited extent (PL, NL, BE, RO, DK), whereas others undertake full joint analyses.

The area where the most contradictory results were found is the coordination of workflow at BCPs. Out of six major types of daily operations, cooperation most often occurs in 'coordination of available space' and 'coordination of detailed checks'. Even simple forms of cooperation, such as coordination of shifts and joint analysis of workflow are not practised in more than half of the MSs surveyed.

An example of truly effective cooperation seems to be the ad hoc Joint Investigative Teams, reported by 14 MSs. They emerge as a more efficient structure than the permanent joint teams. The decision to undertake an ad hoc joint investigation in most countries is taken by the Prosecutor (FR, DE, IT, LT), who determines whether there is a need for inter-agency cooperation. Another example of effective cooperation is the coordination centres for investigative information. They comprise not only Customs-BG, but also include Police, Coast Guard, or other investigative services. The roles that these units typically play is the coordination of investigations (avoiding duplication), sharing of intelligence information, supporting investigation, conducting criminal analysis). Such structures are centres for the fight against drug trafficking (IT, EL), centres to combat organised crime (HU, ES), as well as coordination centres (SK).

Our analysis showed that the major obstacles to cooperation faced by BG and Customs are related to the fact that they belong to different institutional subcultures and traditions. On the one hand is the Police institutional culture, which is described as following 'law enforcement' and in some cases even military traditions. On the other hand is Customs, which are often closer to the civil administration and bureaucracy. Interviewees gave examples of where BG officers refused to follow orders from 'civil bureaucrats', or of complaints that BG or Police officers are inflexible and slow to adapt to the dynamics of trade policies.

The more serious obstacle is that BG and Customs belong to two of the most powerful administrations – of the Interior and of Finance. These administrations have different priorities and their structures follow different interests and logic. Independent rational optimisation is hard to achieve in this institutional framework. The rational analysis of the **workflow of BCPs** would entail getting rid of duplicating functions and cutting expenses to obtain optimal use of resources, regardless of the interests of one ministry or another. However, such an approach threatens to destroy the balance between the two institutions and is not acceptable in most MSs. As a result, the artificial separation of human resources continues, thereby retaining unnecessary jobs and expenses.

It should be noted that tools and mechanisms to evaluate the impact of the various forms of cooperation are practically nonexistent. Regardless of the size of the investment in cooperation initiatives, be it a joint investigation centre or joint mobile units, the return on investment remains unknown. The lack of evaluation makes systematic cooperation difficult, and BG and Customs officers can easily refuse to share important information or provide other forms of support. Thus cooperation occurs only through random ad hoc acts, on an informal basis – in other words, it may or may not happen at all.

4.2. Recommendations

The best practices are presented throughout the report and are therefore not included in the present section. They can, however, also be considered as recommendations. Several other types of recommendations are provided here, addressed to the EC, to Frontex, national governments, and BG and Customs.

The recommendations below aim to suggest ways to intensify cooperation at both EU and national levels. At present, cooperation at national level, especially in certain MSs, is far more intensive than at the EU level.

Recommendations to the European Union

- **Generate political will:** The Commission should use policy instruments (communications, public debates, impact assessment) to generate political will at EU level to further the Customs and BG cooperation agenda. At present there is not sufficient political will to overcome the institutional interests that prevent further cooperation, either at EU level or in most Member States. The experience of the UK or Finland, or even the United States, where strong political will seems to have been generated in recent years, could serve as models.
- **Use political mediation to overcome institutional interests:** Political leadership could stimulate closer cooperation even if entrenched institutional resistance is present.
- **Conduct external ex-ante evaluation of possible cooperation at the EU level:** Such evaluation should include the institutional as well as the operational aspects. To properly assess the scope for cooperation and possible synergies in terms of information exchange or joint activities, the assessor will need to have a significant degree of access to technical and confidential information otherwise there is a risk that recommendations will be either technically unfeasible, or too general. The advantage of an external evaluation is that the assessor would not be constrained by institutional interests. An alternative to an external evaluation would be a more intensive **consultation process** to increase cooperation between the Commission (DG TAXUD), the Council (CCWP) and Frontex in specific areas (e.g. risk analysis, intelligence information, operational cooperation, investigations).
- **Inclusion of Customs-BG cooperation issues in Commission annual reports:** The inclusion of such analysis in the regular reporting pro-

cess could include a number of indicators, such as reporting on overall cooperation initiatives, on the number of operations that involved both BGs and Customs, on the number of meetings; implementation of new initiatives – exchange of information (e.g. intelligence, or risk analysis). This would allow monitoring the progress in cooperation activities at EU level.

- **Implement pilot projects:** Impact assessments of Frontex have already suggested the introduction of pilot projects for Frontex-led joint operations involving cooperation with Customs (EC, 2008: 22). During the present research, although one instance of involving Customs in a Frontex-led operation was mentioned (with French Customs), it seems that a more comprehensive pilot project still has not taken place. A pilot project could provide a good opportunity to test cooperation mechanisms in a 'controlled environment', and to examine the value-added impact of Customs-BG cooperation. Pilot projects that involve Frontex, CCWP/COM/national Customs could be undertaken in a range of areas – from risk analysis to joint operations, or surveillance.
- **Expanding Frontex's capacity for customs cooperation:** At present Frontex is staffed solely by representatives of MSs' Border Guards, who have limited knowledge of customs issues. Attempts to increase Frontex's capacity to cooperate with MSs' customs administrations, or to involve them in operations, could profit from the presence at Frontex of officers with a Customs background, as 'liaison officers'. Some Member States (e.g. ES, FI) have 'liaison' officers from Customs working alongside border guards, and vice versa. Such cases could serve as models to improve EU-level cooperation between Customs and BGs.
- **Replicating the Police and Customs Cooperation Centres (PCCC) along EU external borders:** At present such centres exist at borders between 'old MSs'. These centres represent an existing infrastructure for information exchange that could help overcome the institutional barriers that still exist in many MSs. The EC could further encourage MSs to adopt common standards for the operation of PCCCs. There are many locations where such centres could improve cooperation along the external borders. The eastern EU external land border provides various opportunities where such centres could play a role (for instance, Greek-Bulgarian cooperation along borders with Turkey or Macedonia, Romanian-Hungarian-Slovak cooperation along the Ukrainian border, or Baltic countries' cooperation along Russian and Belorussian borders).
- **Joint training:** The Commission has developed, with MSs in the Customs Training Management Steering Group, and internationally with the World Customs Organisation, joint training programmes and modules for Customs which can be used also by any other law enforcement authority. Frontex, on the other hand, provides training that is limited to Border Guards. As the present report shows, a wide range of joint trainings has been implemented in many Member States. The

areas of joint training that Frontex would carry out could be explored. Both BG and Customs officers could participate in the same training and trainees could come from both organisations. Joint training would also offer the exchange of best practices between BGs and Customs.

- **Support research and development for multifunctional equipment that facilitates cooperation:** At present, border management technologies are purchased separately by Customs or Border Guards. As a result, companies have little incentive to develop multifunctional equipment that could simultaneously serve the needs of both institutions. The EC should support the research and development for multifunctional technologies. Detection technology, for instance, presently aims either at verifying the cargo content for Customs purposes or detecting irregular immigrants or CBRN (chemical, biological, radiological, nuclear) materials for BG purposes. The development of multifunctional equipment that could serve the needs of both agencies should be supported. Identity verification equipment, such as ‘automated credibility assessment’⁶⁶ technologies, allows for such equipment to serve the needs of Customs agencies as well. The EC could also financially support joint procurement of such multifunctional equipment by MS Customs and Border Guards.

Recommendations to Member States

Many of the recommendations suggested at the EU level could be replicated at the MS level. The best practices listed in this report might not be appropriate to all MSs, as the institutional competencies and set-ups differ.

- **Use political mediation to overcome institutional interests:** In many MS, there is not only institutional but also political opposition to Customs-BG cooperation, coming from the respective ministers of the interior or finance. In MSs where the law enforcement agencies are more politically independent, political leadership could stimulate closer cooperation even if entrenched institutional resistance is present. This process of politically mediated cooperation could initially include formulating a strategic vision for increased cooperation, and the arguments of budget savings and increased security should be promoting such cooperation. A starting point would be establishing (or tasking the existing) high-level inter-agency councils to formulate a strategic direction and implementation programme for cooperation. In many Member States, such councils already exist, but they rarely seem to provide a strategic direction for cooperation. The experience of some Member States (SE, FI) could help in initiating such a process.
- **Conduct impact evaluations on cooperation between BG and Customs:** the present study showed that even in MSs with a high degree of cooperation between Customs and BG, or in the UK where there

⁶⁶ This is in effect a sophisticated automated lie detector using facial recognition software, which asks the truck driver, for instance, questions and then monitors the answers. Therefore, questions relevant to Customs could also be asked.

is a single border agency model, the impact of cooperation has not been fully evaluated. There is a need for independent and comprehensive impact evaluation of existing cooperation mechanisms. It might be common sense that effectiveness is increased, for instance, once information barriers between Customs and Border Guards are lifted. Nevertheless, there are so many factors that influence effectiveness that only a systematic evaluation could provide convincing evidence to support a particular cooperation practice.

Recommendations to Customs and Border Guards

- **Transfer of best practices:** The transfer of the best practices described in this report should be considered, while taking into account the national contexts. The transfer and implementation of best practices should also go along with diligent consideration of the technical details of the practices. The present study came across a number of instances where cooperation mechanisms had been mechanically transferred, without being properly adapted to local realities. This was especially true for 'new' MSs that, typically in the process of Customs Union or Schengen accessions, transferred a number of cooperation mechanisms. Some of these had either proven to be without value, or their impact remains largely unknown. In some cases they have even damaged cooperation (CS-BG). The main reason behind the failure is that the practices were only partially transferred, and small but important details were overlooked. Another common reason for failure is that they were transferred only at the highest management level, without ensuring the support of the middle or lower-level management.
- **Implement pilot projects on cooperation:** Pilot projects on specific cooperation mechanisms could be a cheap and quicker way to implement/test particular cooperation mechanisms. They could range from conducting a pilot joint investigation to doing a pilot risk analysis for a particular BCP, to carrying out a joint operation. The advantage of the pilot project is that it is a form of 'controlled experiment'. Therefore, it is much cheaper and easier to undertake an assessment of the impact/value added of the specific cooperation practice before it is rolled out on a larger scale.
- **Increase customs cooperation with Frontex:** Frontex-led operations at EU external borders could certainly profit from partnership with national customs administrations. Although irregular migration is not the responsibility of national customs administrations, the present report shows a number of examples where such cooperation has proved useful in terms of risk analysis, patrols outside BCPs, and the organisation of shifts. The country studies indicated that normally when a Frontex operation is in place at a BCP, the customs administration is usually informed. The information, though, usually remains only at top level, and opportunities for synergies are not examined.
- **Evaluate cooperation mechanisms:** Evaluation (either ex-ante or ex-post) of cooperation mechanisms is challenging, as numerous factors

might have an impact on the effectiveness or efficiency of cooperation. As noted above, a pilot project, accompanied by impact-monitoring mechanisms, could be one of the possible approaches. Nevertheless, in some MSs, existing or newly implemented cooperation mechanisms between Customs and BGs have not been evaluated, and their value-added is not clear. Some Border Guard/Customs do not carry out formal policy evaluations (and do not have evaluation units). In cases where such practices exist, self-evaluation is one way to assess the value-added of cooperation. If such practices do not exist, there are state institutions (e.g. audit offices), or evaluation departments in related ministries (Ministry of Finance or the Interior), that could carry out such evaluations, at least in terms of the efficiency, if not the effectiveness of cooperation.

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ANNEX 1: DETAILED METHODOLOGY DESCRIPTION

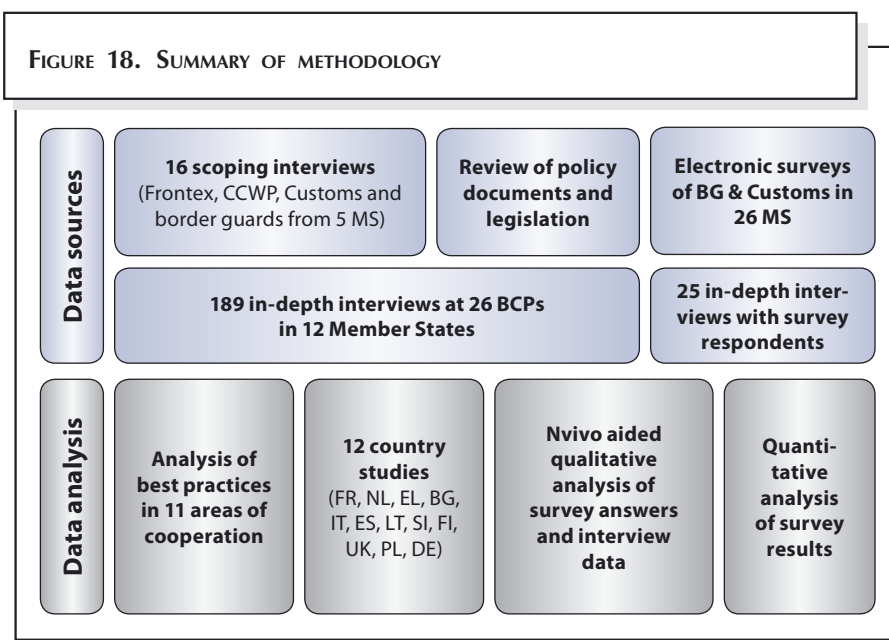
The research approach adopted for this study takes into account the complex and diverse political and institutional environments in MSs. The structures and competencies of the agencies responsible for border management differ greatly across the EU.

To ensure that the identified best practices of BG and Customs cooperation reflect this variety, the team has selected data collection methods that aim to have (1) wide geographic coverage, (2) depth, and (3) balanced reflection of Customs and BG views. This approach allows one to judge more adequately the applicability of best practices in different settings.

The study comprises four core elements, each involving **collection and analysis of primary data** including:

- legal, political, strategic and operational documentation **desk research** on BG and customs cooperation at national and EU level, with specific focus on 12 MSs selected for country case studies;
- **EU27 survey** on cooperation practices between customs and BG;
- **a series of interviews with experts/officers** in EU (e.g. Frontex, CCWP, DG HOME, DG TAXUD) and national institutions (central, regional and local BCP structures and units);
- **field visits** to 26 border-crossing points in order to feed into 12 country studies of how cooperation functions in practice in the selected MSs (FR, NL, EL, BG, IT, ES, LT, SI, FI, UK, PL, DE).

This study comprises data collection and analysis components outlined in the figure below.



The survey relied upon detailed knowledge of both **quantitative and qualitative research approaches** including survey design and implementation and data analysis, while the field visits focus on expertise in **qualitative and participatory approaches** including action research, design and analysis of semi-structured questionnaires and data collection protocols. The work involved in both types of approaches was validated by other (primary or secondary) data sources such as other stakeholders, databases, etc. In order to test our hypotheses

and to validate and support overall conclusions and recommendations, the data collected from all sources and by different means was triangulated.

Scoping phase

The scoping phase of the project provided the necessary information for the development of data collection tools – the electronic survey and the interview questionnaires. This process was based upon desk-based research and scoping interviews.

Desk research

The desk research aimed to collect available data from across the EU, using the core team's multilingual abilities. Several types of documents were reviewed:

- national policy documents and regulations establishing the cooperation and interaction between national Customs Administrations and Border Guards;
- EU legislation and cooperation initiatives in the field of border security and integrated border management;
- Communications of the Commission;
- statistical data, including data on people flow across external BCPs of the EU 27, data on illegal flows and commodities, Frontex data on irregular migration; UNODC country data on drugs seizures/human trafficking. The main goal of the statistical review was to gain some initial understanding of the types and scale of pressures across the external borders and to help in selecting the sites that were visited for the country studies;
- academic literature and reports on all of the above by non-government organisations and specialised institutes.

Scoping interviews

The team conducted 16 scoping interviews with the following categories of respondents:

- Representatives of six EU MSs customs and police forces (France, Bulgaria, UK, Italy, Sweden and Finland)
- Representatives of the Customs Cooperation Working Party (Spain and Sweden)
- Representatives of Frontex (9 face-to-face interviews that included border guard officers from Romania, Slovenia, Finland, Netherlands, Austria, Spain, Greece).

The scoping interviews served the following purposes:

- To clarify the aspects of BG-Customs cooperation to be included in the data-collection tools.
- To identify institutional and regulatory differences among MSs which should be accounted for in preparing the data-collection tools.

- To consult on and identify border-crossing points for the case studies, and discuss the geographic and institutional specifics at the BCPs.

Contacting the relevant institutions

The collaboration of the relevant Border Guards and Customs Administrations in all EU MSs was a crucial part of the data-collection process. As a first step, the team identified all relevant institutions in all 27 EU Member States, taking into account the peculiarities of the institutional arrangement in each country. To establish the relevant list of contacts the team carried out extensive internet research, reviewed secondary literature (e.g. UNISYS, 2006), and conducted scoping interviews. After an official response from the Customs in Luxembourg it was decided that it would not be included in the study, as it has only one BCP where only Customs are present.

The main difficulty in determining the responding institutions was the multiple institutions that have 'border guard' functions, in particular the roles that local police authorities and coast guards play in many countries. It was decided that only the leading BG authorities would be included in the study. Therefore, some 'coast guard' authorities and local police forces were excluded from the survey.

To secure the cooperation of the MSs' institutions for the data-collection process an official letter along with a supporting letter from the EC was sent to 54 customs administrations and agencies with border guard functions in 26 EU Member States.

For the 12 MSs selected for the country case studies, the heads of border guards and customs institutions were asked to appoint a contact person to fill out the electronic questionnaire and participate in a follow-up interview, as well as to appoint the officer with the highest responsibility, as well as one or two supervisors, and three lower-level officers at the respective land, sea or airport border crossings, who would be interviewed during the field research. For the other 15 MSs, the institutions were asked to assist the research process by appointing a contact person who would fill out the electronic questionnaire and participate in the follow-up interviews.

Follow-up actions to ensure collaboration

Most agencies responded to the official requests by appointing contact persons. As a next step, Project One followed-up with emails and phone calls to all institutions that had not replied to the letter of request, in order to ensure their collaboration and obtain the necessary information. This approach has ensured a high compliance rate in other EU-wide studies commissioned by the EC.

Data collection survey

The team had identified the **electronic survey** as the most effective instrument for data collection on the regulatory and legislative set-up

as well as on the practical aspects of cooperation between BG and Customs across the EU. The survey was sent through email in MS Word format to the contact person identified through the correspondence with the official institutions. The selected format was easy to handle by persons with limited computer program experience. It allowed for multiple departments and individuals to contribute, without the need to use login and unique passwords as is the case with internet surveys.

Respondents

The survey was sent to the respondents appointed by the heads of the relevant institutions in response to the official letters of request. Most appointed respondents were senior/supervisory-level officials. They responded to the questionnaire with the support of legal, IT and other relevant departments.

Survey questionnaire

The questionnaire development process began by reviewing the categories of BG-Customs cooperation suggested in the project proposal, adding new relevant fields of cooperation and identifying aspects of cooperation for all identified fields. To identify both legal/institutional and practical aspects of cooperation, the team reviewed national legislation and agreements between BG and Customs Administrations (including the respective agreements in Bulgaria and the UK among others), and consulted practical guides developed in this field. The expertise of the border guards and customs consultants, members of the project team, and the consultants from Crown Agents served to ensure the practicality and relevance of all questions included.

The questionnaire (**included in Annexes 4 and 5 of this report**) includes two types of questions – multiple choice and open-ended questions. It was decided that open questions would be more appropriate due to the diversity both of the institutional arrangements, and the powers of customs and border guards. The open-ended questions allowed the respondents to extrapolate on the relevant fields of cooperation, provide specific examples, point to obstacles, and outline best practices in more detail.

The questionnaire is structured around three general sections: a) the set-up of border protection, powers and areas of cooperation covered by legislation, b) the different forms of cooperation, and c) a question on the vision of national agencies of the role of EU institutions (mainly Frontex and CCWP).

- **General set-up of border protection, powers and areas of cooperation regulated by legislation.** A range of introductory questions aims to clarify whether BG and Customs are separate agencies or are merged into a single agency, what kind of functions (for instance, policing powers for customs) and powers (such as investigation) they have. In addition, this section identifies formal agreements between the different institutions, the goals and fields of cooperation as per the agreements, as well as the levels of implementation (national, regional, BCP).

- **Forms of Cooperation.** This is the main part of the survey. It aims to examine the widest possible forms of customs and border guard cooperation. It gathers information on how inter-agency collaboration occurs in practice, the obstacles to cooperation and the best practices in each field. The section is divided in 11 subsections examining all areas of cooperation.

Response rates and piloting

The relatively high number of multiple-choice questions (31 out of 71) ensured the expedience of the answers and therefore the high response rate of the questionnaire. Moreover, a large part of the survey aims to gather factual information which is relatively easy to retrieve.

Some of the questions look for concrete examples/case studies of inter-agency cooperation. This approach allowed the respondents to easily answer the questions, without probing for interpretations, but rather relying on examples from their work and everyday situations.

The questionnaire was adapted for the two separate institutions – Border Guards and Customs Administrations – taking into account possible differences in powers and structure. This approach ensured the relevance of the questions for both institutions and it is likely that it contributed to the high response rate.

The language used for the questionnaire was straightforward and avoided ambiguities and complex wording. Explanations were given for each section and definitions were offered for special terminology. Respondents were also given the option to respond in a number of languages in which the team is fluent (French, Spanish, German, Italian and Bulgarian).

The survey was piloted in two MSs to ensure that the questions were well understood, and that the answers could be provided within the timeframe conceived.

Fifty-four surveys were filled in and submitted by the contacted agencies, with the exception of one BG agency, where a contact person for the survey was not appointed.

The responses in most institutions were provided by numerous departments and officers (as many as 8 officers and departments were involved in some countries). The fact that no single officer could provide answers made the piloting of the questionnaire difficult, as it would have required a significant amount of time. Instead a consultation process took place, where questionnaires were shared with 7 former or present BG and Customs officers, who provided extensive comments. We also received feedback from officers of the European Commission.

Follow-up semi-structured interviews

Data collection surveys have various limitations: a broader context is often not provided by respondents and long narratives are avoided. Therefore each survey was supplemented by follow-up telephone and on-site interviews, for selected case study countries, with the customs and border guard officer responsible for the survey completion. These interviews were face-to-face, and took place either in the context of the 12 country site visits, or they were conducted over the phone for all other countries.

This methodological approach has yielded value-added results because:

- it ensured full responses to all questions
- it helped clarify ambiguities
- it allowed a deeper understanding of the concrete examples/fields of cooperation
- it extracted detailed contextual information.

These interviews followed the basic structure of the survey, but focused on the 'obstacles' and 'best practices'. Beforehand, the team had also discussed the selection of sites to be visited, the geographic peculiarities of the BCPs, the intensity of the flow of goods and services, and the associated trans-border crime risks.

Twenty-five telephone interviews were conducted following the receipt of the filled out questionnaire. There were cases (the Czech Republic and Estonia) where the contact person preferred to answer the additional questions in writing, due to the broad scope of the topics covered and the involvement of different departments in its completion. A similar concern was raised by the Customs representative of Slovakia, who requested the additional questions in written form, after which a telephone interview took place. There was no survey follow-up with the Romanian BG representative.

Site visits

The fourth main part of data collection involved interviews with border guards and customs officers at BCPs. The main objectives of the site visits were to:

- understand how cooperation works in practice
- become familiar with the broader professional and social context.

Site selection

After consultations with the Client, and based upon recommendations made during the scoping interviews, the team selected 26 border-crossing sites in 12 countries for the field visits.

TABLE 8. SUGGESTED TARGETED SITE VISITS

Countries	Land	Sea	Air	River	Eastern Border	Southern Mediterranean border	West Balkans border	Baltic Sea
Bulgaria	X	X		X	X			
France		X	X			X		
Germany		X	X					X
Greece	X	X	X		X	X	X	
Slovenia	X						X	
Finland	XX		X		X			
Lithuania	X				X			
Italy		X	X			X		
Netherlands		X	X					X
Poland	X	X			X			X
Spain		X	X			X		
UK		X	X					

The following criteria were used in selecting the above countries and BCPs:

- Country size
- Geography (size/type of border crossing/risk pressures): the geography determines the type of pressures the external border experiences (e.g. immigration from Asia or Africa in Spain, Greece); Cigarette/drugs smuggling along eastern land borders (Bulgaria, Lithuania)
- Differences in institutional set-up (that takes into account the powers of customs and BG)
- Language and local expertise of project team
- Indication of availability of best-practices in Customs-BG cooperation
- Scale of goods and persons flow at BCPs.

Using these criteria, the team identified one to three BCPs for each of the 12 countries. For most countries, the sites were selected in consultation with practitioners in the field during the scoping interviews, or were recommended by the Member State authorities.

The table and map below show a selection of BCPs that ensured that a diversity of institutional and social environments across the EU would be represented in the report.

TABLE 9. VISITED BCPs

Site name	MS	Type of BCP	Nº of people crossing (in millions)	Nº of cars crossing/ planes	Nº of trucks crossing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards	Comments
Ruse*	BG	river/land	0.989	107,264	290,957**	1,662,335	n/a	12	111	* combined data for Ruse Port and Dunabe Bridge BCP; ** Including cargo ships
Varna Port	BG	sea	0.085***	42	3,818	2,951,922	21,953	22	46	*** entering and exiting through all possible points of Varna port complex
Kapitan Andreevo	BG	land	2.764	522,371	415,352	1,009,272	1,615	142	129	
Nujimaa	FI	land	0.69	693,500	137,000	1,135,000*	17,000 between the 2 BCP	100	135	* Figures for Jan- May 2010 indicate a 35% increase compared with the same period in 2009
Valimaa	FI	land	0.88	~50,000	350,000	**		120	140	** Direct figures not available for Vaalimaa (TBC) thought to be around 1.1 million metric tons.
Helsinki-Vantaa Airport+	FI	air	12.132++	n/a	n/a	145,000		300	70/211/50***	+ 2008 statistics; ++ International passengers (arrival/transit/departure); *** 70- Helsinki Coast Guard/ 211 Helsinki Border Control Dept/50 Crime Prevention Group. Officers rotate through Airport and Port/Coastline. At any one time up to 100 BG officers are on duty at the airport.
CDG Airport	FR	air	~60	n/a	n/a	~2,000,000	n/a	1300	1700	
Marseille	FR	sea	~2	n/a	n/a	~83,000,000	882,580 TEU	42	60	
Kiel	DE	sea	~1.78			4,859,106	14,368	962	280	
Hamburg Airport	DE	air	~12.2	~3,000,000*	n/a	77,173*	14,368 CTU	100+	360	*2006
Athens Airport	EL	air	~10.6	n/a	n/a	~86.297		128	505	
Port of Piraeus	EL	sea	~1.82	~500,000	~15,000**	---	~1,5 m.	73	92	** This figure refers to freezer-trucks transporting vegetables from Israel. The merchandise is destined to the European market.
Evzonoï	EL	land	3.137	n/a	n/a	n/a***	---	18	14	** Given that Evzonoï customs is a transit customs point ('τελωνείο διεύλεσης') and due to the lack of adequate staff, archives of statistical data and information on cargo are not kept. The only available information is on the types of products imported/exported from the particular checkpoint

TABLE 9. VISITED BCPs (CONTINUATION)

Site name	MS	Type of BCP	N° of people crossing (in millions)	N° of cars crossing/ planes	N° of trucks crossing	Tons of cargo	N° of containers	N° of customs officers	N° of border guards	Comments
Rome Airport*	IT	air	21.182	180,400**	n/a	121,120	n/a	796	236	* EU and non-EU flights;
Bari Port	IT	sea	1.961	Cars: 271,081 Ships: 3549	Trucks: 176,674 buses: 5674	4,935,722	n/a	135	80	
Kybartai	LT	land	0.569	223,139	93,060	n/a	n/a	8-9/shift	5-6/shift	
Schipol Airport	NL	air	43.5	n/a	n/a	1,27,000	n/a	1200+	1800	
Rotterdam Port	NL	sea	n/a	n/a	n/a	-360,000,000	11+ million	400+	115	
Medyka-Szegienie*	PL	land	2.931	584,751	60,296	n/a	n/a	137-140	287	* All data is for Exit&Entry
Port of Gdańsk	PL	sea	62.454	n/a	n/a	n/a	n/a	n/a	80	
Obrežje	SI	land	7.430	3,704,278	493,882	5,759,538	n/a	106	119	
Madrid Airport	ES	air	48.4	n/a	n/a	302,000	n/a	150	1316	
Port of Algeciras	ES	sea	4.84	1,197,669	203,572	37,879,934	3,043,268	140	147-CGC	
London Gatwick Airport	UK	air	30	n/a	n/a	75,000	n/a	600 UKBA		
Portsmouth Harbour Port	UK	sea	2	250,000	700,000	28,000	TBC			

Site-visit interviews

The site visits involved the following categories of interviewees:

- Headquarter (or regional headquarter) representatives of both customs and border guards. In some cases these interviews were carried out over the phone, prior to the site visit.
- At the border-crossing point(s): the officer with the highest responsibility, as well as one or two supervisors, and three lower-level officers. We requested that the officers had different levels of experience.
- Independent analysts (an independent opinion from criminologists or other experts contributed to the better understanding of the broader social and criminological context).
- Informal contacts at customs and border guards. Although official points of view are important, to get the 'real picture', we tried to conduct a number of informal interviews with border guards and

FIGURE 19. SUGGESTED BCPs FOR SITE VISITS



customs officers. The names of the interviewees were not revealed to the EC, if the interviewees asked to remain anonymous.

In all cases, a balance between Customs and BG interviewees was followed at each site. If more than two institutions were being interviewed, the number of interviewees was balanced (e.g. two or three interviewees from each institution, preferably including the middle-level managers, as they had a view of both top-level and lower-level practices).

The following number of interviews was conducted: Bulgaria (24), Finland (17), France (15), Germany (16), Greece (18), Italy (22), Lithuania (13), Netherlands (13), Poland (10), Slovenia (12), Spain (21), UK (12).
Interview approach

The methodological approach was ‘semi-structured interviews’, with a length of up to one hour. Each interviewer/researcher prepared for the site visits by carefully reading the filled out questionnaires and the results of the follow-up interviews for the respective country. In addition, the researcher requested in advance relevant statistical or other data to better understand the volume and type of human and cargo traffic (and related threats) passing through the particular border points. The interviews had open-ended questions allowing for interviewees to provide their views on cooperation or to illustrate particular best practices. The following areas were discussed in the course of the interviews:

- The **institutional context and management** of the particular border-crossing point. This information was provided by the officer with the highest responsibility or the manager of the shift. It helped to clarify the division of tasks and responsibilities and identify official arrangements/regulations for cooperation.
- The **risks and priorities** at the particular border crossing. These questions were especially relevant to officers with the highest responsibility and supervisors.
- How the **prescribed ways of cooperation actually take place**. This information was provided by supervisors and lower-level officers. Depending on the level and type of interviewee, the interview questionnaire focused on one or another aspect of cooperation (e.g. investigations, joint operations, surveillance, search units). Respondents were asked to provide particular examples of joint investigations or operations (successful and failed); with such examples, clarification questions were asked.
- **Informal channels of communication and cooperation** were examined in greater depth. These questions were posed to lower-level officers, who were expected to have objective views and possibly experience with such types of communication and cooperation.
- The different **cultures** of the two institutions. Questions were posed to lower-level officers and some supervisors, who were more willing to provide an honest assessment of the cultural peculiarities that may be conducive or disruptive to cooperation.

All interviews took place either in the local language, or in English, in countries where respondents were fluent in English (for instance the Netherlands, Finland). Interpreters were used only as a last resort – interpretation slows down and obstructs communication as it creates distance and formality between the two sides.

The table below provides summarised information about all interviewees, by country and agency.

TABLE 10. TOTAL NUMBER OF INTERVIEWEES, BY COUNTRY AND AGENCY

Country	Number of Interviewees		
	Customs	Border Guards	Other
Austria	1	1	
Belgium	1	1	
Bulgaria	10	14	
Cyprus	1	1	
Denmark	1	2	
Estonia	1	1	
Finland	10	7	
France	8	7	
Germany	7	9	
Greece	7	7	4 – Coast Guard
Hungary	1	1	
Ireland	1	1	
Italy	10		11 – State Police (8), Finance Police (3)
Latvia	1	1	
Lithuania	7	6	
Malta	1	1	
Netherlands	5	4	4 – Rotterdam Seaport Police
Poland	7	3	
Portugal	1	0	
Romania	0	1	
Slovakia	1	1	
Slovenia	7	5	
Spain	9		11 – Civil Guard (6), Natioanl Police (4), Navy (1)
Sweden	1	1	
UK			12 – UKBA
EU			14 – TAXUD (5), FRONTEX (9)

Data Analysis

In order to systemise the qualitative findings of the data collected through the electronic questionnaire and the interviews, a software package for qualitative research, **NVivo**, was employed. Our previous

experience has shown that this software-assisted analysis is most suitable for large quantities of qualitative data. It provides a range of tools for handling data, ideas, information and theories built up from observations, interviews, document analysis, or literature reviews. NVivo supports coding and retrieval of coded material, searching and theorising, combined with the ability to annotate and edit documents. NVivo is designed for methods requiring more flexible development of rich data in dynamic documents, and more subtle ways of linking data to ideas and showing and reflecting on the results.

The main aspects which affect cooperation positively and negatively – or the general cross-cutting issues of tasks, powers, budgets, human or other resources – needed to be touched upon when analysing the institutional set-up and practices on the ground in different MSs. On this basis, a comprehensive typology of such cross-cutting points was developed. The main thematic points of the analysis were:

- The regulatory framework of the institutional set-up and formal interactions.
- Barriers and constraints analysis (e.g. institutional sub-cultures, role of institutional histories, technical, political, resources, corruption).
- The factors involved in successful cooperation (e.g. informal contacts and modes of collaboration).
- Intelligence/Information sharing systems and practices.
- The impact of the social and criminological context.

The data collected during the desk research and interview stages were used to develop an inventory of **best practices** across the EU 27 countries.

‘Best practice in cooperation between BGs and Customs authorities working at the external borders of the EU’ were considered the working methods/practices or measures (legislative or operational) that lead to:

- improved efficiency and/or cost-effectiveness of the agency’s (either Customs or BG or both) operations, or
- improved efficiency of processing goods or people, or
- increased effectiveness in countering, discovering or preventing criminal or terrorist activities.

These three aspects were considered to capture all possible impacts of a best practice.

Regulatory analysis

The initial idea of the research team was to conduct legal analysis in order to clarify and systemise the institutional set-up and the legal provisions for cooperation between border guards and customs. The team, however, encountered a number of difficulties in this endeavour. Many of the documents did not have an official translation into English or other spoken languages of the team. Some internal instructions were not public and were not made available for the team. To compensate for this

shortcoming, an attempt was made to gather data through the survey, but the complexity of the matter, and the great number of local and regional arrangements made this task difficult. The team has enclosed with the report a 'regulatory mapping' list of legislative acts and instructions concerning cooperation in various MSs.

Country Case Studies

The analysis of the site visits resulted in **twelve country case studies** that are included as an Annex to the report. The country case studies are based upon the data collected by all the data-collection tools – electronic questionnaire, follow-up interviews, on-site visits, as well as any statistical and legislative information gathered during the process.

These concise reports outline the geographic characteristics of the BCP and the institutional set-up. In cases of identified best practices, these parameters help guide the transferability of cooperation models to BCPs with similar characteristics. The analytical part of the country reports focuses on the fields of cooperation (such as information exchange, criminal investigations, risk analysis) that have yielded results of particular interest, and outline the main factors in the success of or obstacles to inter-agency cooperation.

The country case studies follow the same structure to allow for comparability and easy grasp of the information. This structure was presented and agreed with the EC in advance.

ANNEX 2: GLOSSARY OF TERMS

Action plan

A work plan indicating which specific actions have to be taken by which actors in order to reach the goals as defined in the strategy.

Amsterdam Treaty

Reorganised cooperation in the fields of justice and home affairs, setting as its objective the establishment of an area of freedom, security and justice. Certain sectors formerly in the intergovernmental section of the EU and EC Treaties were brought within the Community framework, giving EU institutions scope for action on a wider range of issues.

Area of freedom security and justice

The main aim in justice and home affairs, as outlined by the Treaty of Amsterdam, is to create an area of freedom security and justice, enabling people to freely go about legal activities throughout the EU, while impeding those engaged in illegal activities.

Blue border

Any external water border (maritime, river, or lake).

Border control

Border control is an activity carried out at a border exclusively in response to an intention to cross that border, regardless of any other consideration. It includes activities concerning persons, their means of transport and the objects in their possession.

It covers: (a) **checks** carried out at authorised border crossing-points to ensure that persons, their vehicles and the objects in their possession are authorised to enter the territory of the MSs, or authorised to leave it; and (b) **surveillance** of borders outside authorised border crossing-points and fixed hours, in accordance with the Schengen Borders Code, to prevent persons from by-passing border crossing-points in order to avoid checks and enter or leave the territory of MSs illegally.

Border crossing-point

Any crossing-point – at land, sea or air borders – authorised by the competent authorities for crossing external borders.

Border guard

Any public official assigned, in accordance with national law, to a BCP or along the border or the immediate vicinity of that border, who carries out border control tasks.

Carrier

Any natural or legal person whose job it is to provide passenger transport by land, sea or air.

Community Customs Code

The provisions of Council Regulation (EEC) No 2913/92 and subsequent amendments, which laid down the scope of customs provisions and their basic definitions, and replaced the great many acts of law already existing in the field. The Code was amended several times (1997, 1999, 2000, 2005, 2008) in order to simplify, upgrade and update the legislation and administrative procedures governing imports and exports of goods.

Community transit

Customs procedure that allows non-Community goods to be moved from one point in the Community to another under customs supervision.

Controlling

Steering, decision-making and evaluation of specific processes in a given organisation, as regards organisational developments, staffing or the financial matters of that organisation.

Cross-border cooperation

This cooperation consists of mechanisms to support cooperation between the Member States and third country authorities along external borders.

Customs authorities

'Customs authorities' means the customs administrations of the MSs responsible for applying the customs legislation and any other authorities empowered under national law to apply certain customs legislation.

Customs controls

Specific acts performed by the customs authorities in order to ensure the correct application of customs rules and other legislation governing the entry, exit, transit, transfer and end-use of goods moved between the customs territory of the Community and third countries and the presence of goods that do not have Community status; such acts may include examining goods, sampling of goods, verifying declaration data and the existence and authenticity of electronic or written documents, examining the accounts of undertakings and other records, inspecting means of transport, inspecting luggage and other goods carried by or on persons and carrying out official inquiries and other similar acts.

Customs Cooperation Working Party (CCWP)

A collective body comprising EU MSs' customs administrations, set up to cooperate on and fight serious cross-border crime concerning the transportation of goods.

Customs declaration

An act whereby a person indicates, in the prescribed form and manner, a wish to place goods under a given customs procedure, with an indication, where appropriate, of any specific arrangements to be applied.

Customs formalities

All the operations which must be carried out by the persons concerned and by the customs authorities in order to comply with the customs legislation.

Customs information system (CIS)

CIS is a secure electronic database shared between MSs' customs services; it is designed to assist in the prevention, investigation and prosecution of serious breaches of national laws by increasing, through improving information exchange, the effectiveness of customs administrations.

Customs legislation

A body of legislation made up of: (a) the Code and the provisions adopted at Community level and, where appropriate, at national level, to implement it; (b) the Common Customs Tariff; (c) the legislation setting up a Community system of reliefs from customs duties; (d) international agreements containing customs provisions, insofar as they are applicable in the Community.

Customs office of entry

The customs office designated by the customs authorities in accordance with the customs rules to which goods brought into the customs territory of the Community must be conveyed without delay and at which they will be subject to appropriate risk-based entry controls.

Customs office of exit

The customs office designated by the customs authorities in accordance with the customs rules to which goods must be presented before they leave the customs territory of the Community and at which they will be subject to customs controls relating to the completion of exit formalities, and appropriate risk-based exit controls.

Customs office of export

The customs office designated by the customs authorities in accordance with the customs rules where the formalities for assigning goods leaving the customs territory of the Community to a customs-approved treatment or use, including appropriate risk-based controls, are to be completed.

Customs office of import

The customs office designated by the customs authorities in accordance with the customs rules where the formalities for assigning goods brought into the customs territory of the Community to a customs-approved treatment or use, including appropriate risk-based controls, are to be carried out.

Customs Policy Group (CPG)

The CPG consists of senior management representatives from all MSs/ Candidate Countries having the authority to define and express their national position as regards the overall customs policy and strategy of the European Union.

Customs procedure

Any procedure under which goods may be placed in accordance with the Community Customs Code: (a) release for free circulation; (b) special procedures; (c) export. These include 8 detailed customs procedures: release for free circulation, transit, customs warehousing, inward processing, processing under customs control, temporary importation, outward processing, and exportation.

Customs supervision

Action taken in general by the customs authorities with a view to ensuring that customs legislation and, where appropriate, other provisions applicable to goods subject to such action, are observed.

Customs territory

The customs territory of the Community shall comprise the territories of EU MSs, including their territorial waters, internal waters and airspace. (Exceptions: Island of Heligoland and the territory of Buesingen (DE); New Caledonia, Mayotte, Saint-Pierre and Miquelon, Wallis and Futuna Islands, French Polynesia and the French Southern and Antarctic Territories (FR)).

Customs Union Group

The Customs Union Group of the Council of the European Union is charged with the handling of questions about customs legislation and customs policy. The group studies the proposals formulated by the Commission. Examples of cases that have been handled by the Customs Union Group are: regulations regarding counterfeiting and pirating, drugs precursors, the Community Customs Code, the protocol for illegal tobacco trade, etc. The Customs Union Group is also responsible for the coordination of the meetings that are held by separate international bodies (World Customs Organisation, World Trade Organisation, ASEM, etc.).

Customs value

The value of goods as determined by customs authorities. It is used to calculate the level of customs duty, and is based upon the Agreement of Implementation of Article VII of the General Agreement on Tariffs and Trade 1995.

Customs warehousing

The customs procedure permitting the storage of goods.

Delimitation/demarcation

In order to be able to recognise the beginning/end of the area of application of national laws, the state border must be: (a) clearly defined and agreed (delimitation); and (b) commonly marked (demarcation) by border stones and border-signs, in order to make the general public properly aware of it.

Early warning system

In the context of Integrated Border Management (IBM), this refers to a system for transmitting and receiving relevant information on expected, or already ongoing, movements of persons or goods to provide pre-arrival (i.e. import) information and – where necessary – to also facilitate timely preparation for their interception. Also applicable to export and transit. Early warning systems for other services pertain to information on animal, plant and public health risks.

Economic operator

A person who, in the course of his business, is involved in activities covered by customs legislation.

Eurodac

A computerised central database, agreed upon in 2000, for comparing the fingerprints of asylum applicants in the EU.

Europol national drug units

In the fight against drug trafficking and supply, the law enforcement services in MSs use these units (EDUs) when sending information to Europol.

External borders of the EU

'External borders' means the MSs' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders.

FIDE

French acronym for '*fichier européen identification des dossiers d'enquête*'. A criminal records database currently under discussion at the Council of Ministers. It will provide customs authorities with access to secure information during investigations.

Free zone and free warehouse

Free zones and free warehouses are part of the Community customs territory, but import duties on non-Community goods are suspended there. Community products are eligible for measures conditional, in principle, on their being exported.

Green border

The external land borders outside BCP areas (see also 'blue border').

Horizontal Drugs Group (HDG) of the Council

The new working group, to replace CELAD (the Coordinators' Group on Drugs) in 1997, which aimed to coordinate EU measures to combat drugs with those of the MSs.

Import/export duties

Customs duties payable on the importation or exportation of goods.

Import goods

Goods placed under a suspense procedure, and goods that have been released for free circulation under the inward-processing drawback system.

Internal borders

EU MSs' borders with other EU states: common land borders, including the road or rail terminals, airports for intra-EU flights, sea and lake ports of the MSs for regular ferry connections. The area of freedom security and justice removes controls at internal borders, allowing free movement of people and goods.

Joint operation (JO)

Control or surveillance operation organised by a host agency within a framework of national cooperation. Apart from national JOs, Frontex and other international organisations initiate JOs, with the participation of the host and any other relevant states sending officers.

Routing slip

Numbered checklist for cargo vehicles at customs offices at the border (common offices), with boxes to be ticked off for every control measure (border guards, customs, veterinary and phyto-sanitary services and possibly the authorities of the other country), and signed by the controlling officer; it is given to the driver at the entry point and collected and controlled at the exit point, to ensure that the driver and the truck have undergone all the necessary controls.

Management of external borders

The activities carried out by public authorities of the MSs in order (a) to carry out checks and surveillance at external borders as laid down in the Schengen Borders Code; (b) to gather, analyse and exchange any specific intelligence or general information enabling the competent authorities to analyse the risk that a person, object or asset constitutes for the internal security of the common area of freedom of movement, law and order or the national security of the MSs, and for general compliance with Community legislation; (c) to analyse the development of the threats likely to affect the security of the external borders and to set the priorities for action accordingly; (d) to anticipate the needs as regards staff and equipment to ensure security at external borders; (e) to develop strategic plans; (f) to carry out operational and tactical plans.

Mobile unit (group)

Control composed of representatives of one or more agencies involved in border management to carry out investigative or intelligence-gathering functions within the customs territory, or inland surveillance and/or surveillance between BCPs.

National border agencies/services

All the police, administrative or judicial services involved in border management: concretely operating at the external border, inquiring, prosecuting, etc.

Presentation of goods to customs

Notification to the customs authorities of the arrival of goods at the customs office, or at any other place designated or approved by the customs authorities, and the availability of those goods for customs controls.

Process analysis

Evaluation of work flows and information flows within an organisational unit, an administration or between agencies.

Risk analysis

Evaluation of the probability of non-compliance with legal provisions; possibly ex-ante (before preparing an action), and ex-post (after action) in all fields.

Risk management

The systematic identification of risk, and the implementation of all measures necessary for limiting exposure to risk. This includes activities such as collecting data and information, analysing and assessing risk, prescrib-

ing and taking action, regular monitoring and review of the process and its outcomes, based on international, Community and national sources and strategies.

Schengen Acquis

Consists of the 1985 Schengen Agreement, 1990 Schengen Convention and legislative instruments adopted by the Schengen Executive Committee that have been integrated into the EU Treaties, plus further development of those instruments within the framework of the EU.

Schengen Area

The area covered by the countries participating in the Schengen Convention. As of December 2008, these include 22 EU MSs: Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden, plus Iceland, Norway and Switzerland. Ireland and United Kingdom participate in only some aspects of the Schengen Acquis.

Schengen information system – SIS

An EU database that allows national border control and judicial authorities to obtain information on persons or objects. MSs supply information to the system through national networks (N-SIS) connected to a central system (C-SIS). This IT system is supplemented by a network known as SIRENE (Supplementary Information Request at the National Entry), which is the human interface of the SIS.

Second line check

A further check which may be carried out in a special location away from the location at which all persons are checked (first line).

Tampere European Council

In October 1999 the Tampere European Council envisioned a series of concrete steps to create a genuine European area of freedom, security and justice, and set ambitious objectives and deadlines for action in all relevant areas, including asylum and immigration, police and justice cooperation, and the fight against crime.

ANNEX 3: INSTITUTIONAL ARRANGEMENTS AND COMPETENCIES

TABLE 11. INSTITUTIONAL SET-UP FOR BORDER MANAGEMENT

Country	Customs	Police/gendarmerie	Border guard	Other Border Management Agencies
Austria	Directorate General IV Ministry of Finance	Federal Ministry of Interior, Operational Matters Department		
Belgium	Customs Administration	Federal Police		Navy
Bulgaria	Customs Agency	Border Guard Directorate General		
Cyprus	Customs and Excise Headquarters	Aliens and Immigration Unit, Police HQ		
Czech Republic	Customs Administration of the Czech Republic	Alien and Border Police Directorate, Ministry of Interior		Army
Denmark	SKAT (Central Tax Administration)/ Ministry of Taxation	Danish National Police/under Minister of Justice		Coast Guard; Local Police
Estonia	Estonian Tax and Customs Board	Police	Border Guard	Navy
Finland	National Board of Customs		Finnish Border Guard	
France	General Directorate for Customs and Indirect Taxes	National Police		
(PAF)		Coast Guard		
Germany	Bundesministerium der Finanz/Abteilung III		Bundespolizeipra- sidium	State police
Greece	General Directorate Customs and Excise Ministry of Finance	Hellenic Police		Coast Guard
Hungary	Hungarian Customs and Finance Guard	Hungarian National Police		
Ireland	Office of the Revenue Commissioners	Garda National Immigration Bureau & Garda Siochana		Navy

TABLE 11. INSTITUTIONAL SET-UP FOR BORDER MANAGEMENT (CONTINUATION)

Country	Customs	Police/gendarmerie	Border guard	Other Border Management Agencies
Italy	Agenzia della Dogane/ Italian National Customs Agency	Border Police and Foreigners Service & National Police	Carrabinieri	Financial Police, Coast Guard
Lithuania	Customs Department under the Ministry of Finance		State Border Guard Service, (Ministry of the Interior)	Police
Latvia	State Revenue Service, National Customs Board		State Border Guard	Police
Malta	Department of Customs, Ministry of Finance	Police HQ		
Nether- lands	Directorate General for the Tax and Customs Administration Ministry of Finance		Royal Marechaussee/ Rotterdam Port Police	Costal Guards; Local Port Police (Rotterdam)
Poland	Customs Service		Polish Border Guard	Police
Romania	National Customs Authority		Border Police	
Slovakia	Customs Directorate, Ministry of Finance		Border and Alien Police Office, Ministry of Interior	Police
Slovenia	Customs Administration	Police		Coastal Guards; Financial Police
Spain	Customs	Policia Nacional Guardia Civil		
Sweden	Swedish Customs	National Criminal Police		Navy
United Kingdom	UKBA	ACPO		Police

TABLE 12. SPECIFIC COMPETENCIES OF MS CUSTOMS

EU Member State	Investigation	Surveillance	Arrest/custody	Prosecution	Armed	Comments
Austria	Y	Y	Y	Y	Y	
Belgium	Y	Y	N/Y	Y	Y	
Bulgaria	N	Y*	N/Y	N	Y	* Excluding green border
Cyprus	Y	?	Y	Y	N	
Czech Republic	N/Y	Y	Y	N/Y	Y	
Germany	Y	Y	Y	Y	Y	
Denmark	N	N	N	N	N	
Estonia	Y	N	Y	?	Y	
Greece	Y	Y	Y	?	Y	
Finland	Y	Y	Y	N	Y	
France	Y	Y	Y	Y	Y	
Hungary						
Ireland	Y	Y	Y	Y	N	
Italy	Y	Y	Y	Y	N	
Lithuania	Y	?	Y	?	Y	
Latvia	Y	Y	Y	Y	Y	
Malta	N/Y	N	N/Y	N	N	
Netherlands	Y	Y	Y	N	Y	
Poland	Y	N**	N/Y	N	Y	** Only sea surveillance
Portugal	N/Y***	N	N	N	N	*** Only customs offences
Romania	N	N	N	N	N	
Spain	Y	N/Y****	Y	Y	Y	**** Only electronic
Sweden	Y	Y	Y*****	Y	Y	***** Custody only on goods
Slovenia	N*****	N	N	N	N	***** Only limited
Slovakia	Y	Y*****	Y	N	Y	***** Excluding sea surveillance
United Kingdom	1					

TABLE 13. SPECIFIC COMPETENCIES OF BORDER GUARDS

EU Member State	Criminal investigaton	Customs crime investigation	Goods inspection	Checks on personal belongings	Duty/tax collection
Austria	Y	N	N	Y	N
Belgium	Y	N	Y	Y	N
Bulgaria		N/Y	N/Y	Y	N
Cyprus	Y	N	N	?	N
Czech Republic					
Germany	Y	N	N	Y	N
Denmark	Y	N/Y	Y	Y	N
Estonia	Y	N	N/Y	Y	N
Greece	Y	N	N	Y	N
Finland	N/Y	N	Y	Y	N
France	Y	N	N	N	N
Hungary	Y	N	N	Y	N
Ireland	Y	Y	N/Y	Y	N
Italy	Y	N	N/Y	Y	N
Lithuania	Y	N	N/Y	N/Y	N
Latvia	Y	N	Y	Y	N
Malta	Y	Y	Y	Y	N
Netherlands	Y	N	N	Y	N
Poland	Y	N/Y	N/Y	Y	N
Portugal	-	-	-	-	-
Romania	Y	N	N	Y	N
Spain	Y (Y)	N/Y (Y)	N (Y)	Y (Y)	N (N)
Sweden	Y	N	N/Y	N/Y	N
Slovenia	Y	N/Y	N	Y	N
Slovakia	Y	N	N/Y	Y	N
United Kingdom	Y	Y	Y	Y	Y

2. At the external borders, which authority has the main responsibility for?	Border Guards	Police	Customs	Gendarmerie	Coast Guard	Navy	Army	Financial Police
Detecting drug precursors								
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. In your country with which of the following institutions do Customs have a <u>formal</u> agreement ⁶⁷ for cooperation in relation to external EU border protection?	Yes	No	Comment
Border Guard	<input type="checkbox"/>	<input type="checkbox"/>	
Police	<input type="checkbox"/>	<input type="checkbox"/>	
Gendarmerie	<input type="checkbox"/>	<input type="checkbox"/>	
Coast guard	<input type="checkbox"/>	<input type="checkbox"/>	
Navy	<input type="checkbox"/>	<input type="checkbox"/>	
Army	<input type="checkbox"/>	<input type="checkbox"/>	
Financial Police	<input type="checkbox"/>	<input type="checkbox"/>	
Counter-narcotic coordinating body	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Other (please specify)			

4. If such <u>formal</u> agreements (referred to in Q 3) are in place, through what type of document are they arranged?	Law/Act of Parliament	Agreement	Instruction	Other: please specify
Border Guard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gendarmerie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Coast guard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Navy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Army	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Counter-narcotic coordinating body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (e.g. local police)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

⁶⁷ Such as Memoranda of Understanding (MOUs) or Service Level Agreements (SLA).

5. If such formal arrangements (referred to in Q3 and Q4) are in place, is there separate cooperation at regional and BCP level?	Regional level	Particular border crossing point
Border Guard	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>
Gendarmerie	<input type="checkbox"/>	<input type="checkbox"/>
Coast guard	<input type="checkbox"/>	<input type="checkbox"/>
Navy	<input type="checkbox"/>	<input type="checkbox"/>
Army	<input type="checkbox"/>	<input type="checkbox"/>
Financial Police	<input type="checkbox"/>	<input type="checkbox"/>
Counter-narcotic coordinating body	<input type="checkbox"/>	<input type="checkbox"/>

6. What are the formal goals of cooperation of Customs and border guards set out in the formal arrangements?	Yes	No	Comments
Control of the daily flow of passengers and goods	<input type="checkbox"/>	<input type="checkbox"/>	
Countering illegal migration	<input type="checkbox"/>	<input type="checkbox"/>	
Countering Customs fraud and smuggling of goods	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking of people	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking of antiquities	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking of arms (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	
Countering drugs trafficking (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking in counterfeit money and documents	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking of counterfeit goods	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking in stolen vehicles	<input type="checkbox"/>	<input type="checkbox"/>	
Countering terrorism	<input type="checkbox"/>	<input type="checkbox"/>	
Improvement of the efficiency of daily routine processing of passengers or goods	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Other: (please specify)			
<input type="checkbox"/> Other: (please specify)			

7. Which fields of cooperation are regulated in the above mentioned laws and agreements?	Border Guards	Police	Gendarmerie	Coast Guard	Navy	Army	Financial Police
Strategic planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operational procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Information exchange	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mobile Units	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joint operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emergency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Infrastructure/facilities sharing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Equipment sharing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please explain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please explain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. In addition to legally binding agreements and laws, what other mechanisms of cooperation are used?	Often	Never	Do not know
Informal relations between staff at border crossing points	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Informal arrangements between managers/directors at border crossing points	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ad-hoc decisions adopted by Head(s) of relevant border protection agencies at central level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ad-hoc decisions adopted at regional level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ad-hoc decisions adopted by Head(s) of BCPs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Do the Customs in your country have any of the following powers?	Yes	Limited Power	No	Comment
Investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Use of electronic surveillance equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Arrest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Custody	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Right to carry and use firearms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sea-border surveillance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
River border surveillance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
'Green' border surveillance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Passport/document control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Full police power	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Own prosecution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

FORMS OF COOPERATION

The sections below examine in depth the different forms of Customs and border guard cooperation.

1. Strategic planning

This subsection concerns forms of cooperation at the highest strategic level.

10. Is the promotion of closer cooperation with Border Guards specifically included in the long/term annual strategic or operational/business plan of Customs Administration? If so how?

11. In the box below, could you describe how Customs and border guards cooperate in the area of strategic planning. If they do not cooperate in this field, please explain why and then proceed to the next section.

12. On which of the following aspect of strategic planning can you find cooperation between Customs and border guards?	Yes	No	Comments
Cooperation with Border Guards is included in the long/term annual strategic or operational business plan of the Customs Administration	<input type="checkbox"/>	<input type="checkbox"/>	
Establishment of coordination/management structure (i.e. an interagency working group/ committee)	<input type="checkbox"/>	<input type="checkbox"/>	
Development of common integrated border management strategies and Action Plans	<input type="checkbox"/>	<input type="checkbox"/>	
Development of common risk strategy	<input type="checkbox"/>	<input type="checkbox"/>	
Development of common risk analysis	<input type="checkbox"/>	<input type="checkbox"/>	
Budgeting	<input type="checkbox"/>	<input type="checkbox"/>	
Planning of activities of (joint) mobile units	<input type="checkbox"/>	<input type="checkbox"/>	
Categorization of BCPs	<input type="checkbox"/>	<input type="checkbox"/>	
Selection of priority border points for resource allocation/modernisation	<input type="checkbox"/>	<input type="checkbox"/>	
Development of common training manuals	<input type="checkbox"/>	<input type="checkbox"/>	
Establishment of joint operation centres	<input type="checkbox"/>	<input type="checkbox"/>	
Establishment of joint investigation centres	<input type="checkbox"/>	<input type="checkbox"/>	
Collection of intelligence information	<input type="checkbox"/>	<input type="checkbox"/>	
International cooperation	<input type="checkbox"/>	<input type="checkbox"/>	
Common PR/communication strategy	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	

13. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

2. Coordination of workflow at BCPs

This section refers to coordination in the daily processing of flows of goods and people.

14. In the box below, could you describe how Customs and border guards cooperate in managing the daily workflow at BCPs. Please provide separate explanations considering: flow of people and goods, as well as differentiating between cooperation issues related to the protection of sea, and land borders and airports.

If Customs and border guards do not cooperate in this field, please explain why and then proceed to the next section.

(Please make sure to explain how BCPs are managed jointly: i.e. how are the hierarchies and management lines arranged)

15. In the case when Customs and border guard agencies are both represented at a particular BCP, how is the management of the BCP organised? Is there a common management structure, or is management entirely separated for both agencies?

16. Please indicate whether Customs and border guards cooperate in the processing of means of transport and persons and what type of cooperation is applied:	Control carried out by both agencies at the same time and place	Control carried out by one agency only ⁶⁸	Consecutive controls	Not coordinated (separate)
Vehicle checks:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– cars	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– lorries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– boats/ships/ferry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– containers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– planes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– trains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Person check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– EU citizens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– Non-visa required third country nationals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– Visa required third country nationals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: Please specify.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

⁶⁸ This could mean that only one agency either Customs or border guards carry out the necessary border checks (either because it is a small border crossing, or because the agency has the powers to perform both Customs and 'border guard' functions).

17. Which of the following coordination actions take place on a regular basis to facilitate the daily workflow at external border crossing points?	Yes	No	Comment
Joint analysis of workflow	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of shifts	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of detailed checks	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of equipment	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of available space (second line checks, inspections rooms etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of specialised personnel (interpreters, vehicle examination, dog 'driver' etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (Please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (Please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

18. In the box below, could you describe if and how the cooperation for running BCPs is monitored and evaluated?

If there are no monitoring and evaluation instruments envisioned, please explain why and then proceed to the next section.

19. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

3. Risk analysis

This section aims to identify if Customs and border guards cooperate in any way of the development, sharing, or implementation of risks analyses and profiles.

20. In the box below, could you describe how Customs and border guards cooperate in developing, sharing, or using risk analyses? What are the means of sharing this analysis (electronic, paper, etc.)?

In case they do not cooperate in this field, please explain why and then proceed to the next section.

21. On which of the following aspects of risk analysis, is there cooperation between Customs and border guards?	National (strategic)	Tactical	BCP (operational)	Comment
Identification of risk areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Assessing the level or degree of risks (e.g. using the same scale: 'high', 'medium', 'low').	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Identification of risk indicators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development of risk profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joint periodic reviews of profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Allocation of resources according to risk profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joint controls of adherence to agreed risk assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of information flow in accordance with risks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joint operational unit develops risk analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Join risk analysis is done on a regular basis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk analysis is done separately but end results are shared	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

22. In which of the following areas Customs and border guards develop risk analysis?	Yes	No	Comment
General risk analysis on flows of persons and goods	<input type="checkbox"/>	<input type="checkbox"/>	
Illegal migration	<input type="checkbox"/>	<input type="checkbox"/>	
Customs fraud and smuggling of goods	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of people	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of antiquities	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of arms (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	
Drugs trafficking (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking in counterfeit money and documents	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of counterfeit goods	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking in stolen vehicles	<input type="checkbox"/>	<input type="checkbox"/>	
Countering terrorism	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

23. If you consider any of the above mentioned activities in this section a ‘best practice’ (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

4. Communication & Information exchange

Customs and border-guards have a significant amount of proprietary information that they accumulate daily in databases from routine operation or intelligence, or that comes from EU or international databases. In this section we aim to examine how the sharing or exchange of such information is managed.

24. In the box below, could you describe how Customs and border guards cooperate to communicate or exchange of information.

If they do not, please explain why and then proceed to the next section.

25. Has *Council Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (2006/960/JHA, 18 December 2006)* been transposed in your national legislation? If ‘yes’, could you describe how Customs – border guard information exchange has been facilitated?

26. Which of the following types of information/data do you share with or receive from border guards?	Regular/periodic	Ad-hoc	Joint electronic database/real time	Comments
Vehicles checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Persons checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Goods checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Customs fraud detected (seizures)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Special operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Operation of mobile units ⁶⁹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Border infractions detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Excise fraud detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Counterfeiting detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Intelligence data on suspects (firms or persons)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

⁶⁹ This refers to Customs mobile units that might carry out additional controls and inspections inside the country or at BCPs.

26. Which of the following types of information/data do you share with or receive from border guards?	Regular/periodic	Ad-hoc	Joint electronic database/real time	Comments
Risk analysis and profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk/operational environment data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk assessments and data acquired through cross-border exchange with neighbouring countries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from EU's Customs Information System (CIS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from Schengen Information Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from Interpol database	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from other national information systems (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from World Customs Organisation related systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from EU information systems (OLAF, Europol)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

27. At what level does the information exchange takes place? (check all that apply)	National (strategic)	Regional (tactical)	BCP (operational)	Comment
Vehicles checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Persons checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Goods checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Customs fraud detected (seizures)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Border infractions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Excise fraud detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Counterfeiting detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Intelligence data on suspects (firms or persons)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk/operational environment data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from EU's Customs Information System (CIS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from Schengen Information Systems (SIS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

27. At what level does the information exchange takes place? (check all that apply)	National (strategic)	Regional (tactical)	BCP (operational)	Comment
Data from other national information systems (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from World Customs Organisation related systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from EU information systems (OLAF, Europol)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

28. Which of the following is a barrier to sharing or exchanging information?	Yes	No	Comment
Technical compatibility	<input type="checkbox"/>	<input type="checkbox"/>	
Mistrust	<input type="checkbox"/>	<input type="checkbox"/>	
Lack of financing to develop mechanisms	<input type="checkbox"/>	<input type="checkbox"/>	
Legal obstacles (e.g. access to trade information)	<input type="checkbox"/>	<input type="checkbox"/>	
Limitations due to privacy and data protection laws	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

29. If you consider any of the above mentioned activities in this section a ‘best practice’ (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

5. Training and Human Resource management

This section aims to examine the different possible ways in which Customs and border guards cooperate in basic, skill, specific, or advanced training, as well as in the management of human resources.

30. In the box below, could you describe how Customs and border guards cooperate in training their officers and in dealing with human resources matters. If they do not, please explain why and then proceed to the next section.

31. In the box below, could you describe how Customs and border guard officers are currently made aware of the functions and powers of the other agency (education, regular and occasional training, personal experience at work place, private contacts with members of the other agency, etc.)

32. Does custom administration provide any training for BGs?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please specify what kind:		
1.		
2.		

33. Do BGs provide any training for custom administration?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please specify what kind:		
1.		
2.		

34. Are there joint trainings between BGs and Customs? If yes, please specify	Yes <input type="checkbox"/>	No <input type="checkbox"/>
What kind:		
1.		
2.		
...		
How often are they organized (once a month, once in six months, once a year, etc.):		
How many joint trainings were there in 2009?		

35. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

6. Criminal investigations

In some Member States Customs services have partial or full investigation powers, or collect intelligence that could be used in criminal investigations by law-enforcement authorities. In this section we aim to examine what forms of cooperation exist in the cases of criminal investigations

36. In the box below, could you describe how Customs and border guards cooperate in cases of criminal investigations? If there are Joint Investigation Centres, could you describe the structure of centres, how many they are, what type of issues they deal with, etc. Even if Customs in your country do not have investigative powers, please describe the procedures you follow and interactions with border guards.

If Customs and border guards do not cooperate in this field at all, please explain why and then proceed to the next section.

37. Which of the following forms of cooperation exist in your practices of investigation:	Yes	No	Comment
Joint investigative teams	<input type="checkbox"/>	<input type="checkbox"/>	
Joint investigative centres	<input type="checkbox"/>	<input type="checkbox"/>	
Operational guidelines for joint investigations	<input type="checkbox"/>	<input type="checkbox"/>	
Sharing of intelligence data during investigations	<input type="checkbox"/>	<input type="checkbox"/>	
Collaboration/sharing of information	<input type="checkbox"/>	<input type="checkbox"/>	
Physical surveillance	<input type="checkbox"/>	<input type="checkbox"/>	
Sharing of personnel	<input type="checkbox"/>	<input type="checkbox"/>	
Sharing of equipment	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

38. How many joint investigations were there carried out in 2009?

39. Could you explain how issues of budgeting and financing of joint investigations are dealt with?

40. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

7. Joint operations

Quite often Customs and border guards carry out joint operations that aim to intercept and prevent smuggling of illegal goods and/or persons or other cross-border crime. This sections aims to examine what forms of cooperation take place during such operations.

41. In the box below, could you describe how Customs and border guards cooperate in cases when there are joint operations? Please provide separate explanations in cases of sea, air and land border controls. Please provide examples for recent joint operations.

If Customs and border guards do not cooperate in this field, please explain why and then proceed to the next section.

42. On what type of operations did you cooperate with border guards in 2009?	Often	Rarely	None	Comment
General joint operation				
Illegal migration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Customs fraud and smuggling of goods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of antiquities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of arms (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drugs trafficking (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking in counterfeit money and documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of counterfeit goods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking in stolen vehicles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

43. How does your agency contribute to joint operations?	Yes	No	Comment
Additional financial cooperation/contribution	<input type="checkbox"/>	<input type="checkbox"/>	
Providing common personnel	<input type="checkbox"/>	<input type="checkbox"/>	
Providing specialised expertise and trained personnel	<input type="checkbox"/>	<input type="checkbox"/>	
Providing equipment (radars, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Providing information/intelligence information	<input type="checkbox"/>	<input type="checkbox"/>	
Providing sniffer dogs	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

44. In the box below, could you describe if and how joint operations have been monitored and evaluated?

If there are no monitoring and evaluation instruments envisioned, please explain why and then proceed to the next section.

45. What factors jeopardise the success of joint operations?	Often	Rarely	No	Comment
Unclear division of responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Poor planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Poor information sharing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Insufficient powers (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lack of experience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Poor management/coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Inter-institution competition ⁷⁰	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Others (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

46. How many joint operations were there carried out in 2009?

47. Could you explain how budgetary allocations and issues are managed during such joint operations?

48. If you consider any of the above mentioned activities in this section a ‘best practice’ (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

8. Control outside permanent BCPs

The surveillance of maritime or land borders often involves joint patrolling or surveillance. This section explores how Customs and border guards cooperate in the control of areas outside the BCPs.

49. In the box below, could you describe how Customs and border guards cooperate in carrying out operations outside BCPs (e.g. along sea borders, land borders or airports if relevant). Please make sure to cite the goals of such cooperation and the different roles played by the agencies involved. If they do not cooperate in this field, please explain why and then proceed to the next section.

⁷⁰ Competition between institutions exists in many countries. Institutions can often be protective of their sources of information, powers, or prefer to take the credit for a successful operation.

50. In some Member States, smaller ports or airports often do not have permanent inspection facilities, and border guards and Customs are only present upon arrival of a ship or airplane. Could you describe how Customs and border guards cooperate in the organisation, set-up, and operation of such BCPs that operate only on a temporary basis.

51. In some countries, there are specialised thematic groups (search units on drugs, counterfeited goods and money, etc.). Are there such units in your country and how do they cooperate, notably those belonging to the Customs administration and border guard/police?

52. Could you explain how budgetary allocations and issues are managed during such joint operations?

53. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

9. Mobile units

In some Member States, Customs or border guard have mobile units that carry out inspection inside the country or at the external border area or at border crossing points. This section aims to understand if in the operation of such mobile units Customs and border guards cooperate **at the external border**. In some countries there are even joint mobile units that include representation of various law-enforcement agencies.

54. In the box below, could you describe how Customs and border guards cooperate in operating mobile units? If they do not cooperate in this field, please explain why and then proceed to the next section.

55. Is there a joint (Customs-border guards) operational plan in your country for mobile units, and if so, does it contain any of the following:	Yes	No	Comments
Prioritising tasks and operation of joint groups	<input type="checkbox"/>	<input type="checkbox"/>	
Detailed objectives and responsibility of members	<input type="checkbox"/>	<input type="checkbox"/>	
Explanation of coordination procedures	<input type="checkbox"/>	<input type="checkbox"/>	
Timing and duration of mobile unit checks	<input type="checkbox"/>	<input type="checkbox"/>	
Available technical equipment for the operation	<input type="checkbox"/>	<input type="checkbox"/>	
Relevant contact numbers	<input type="checkbox"/>	<input type="checkbox"/>	
Others (please specify)			

56. How is the activity of joint mobile units initiated?	Regularly	Employing risk profiling	By signal
At regional level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At local level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

57. By what means is coordination of the work of mobile unit conducted? (which agency heads the mobile units)

58. What are common challenges that joint mobile units face?	Yes	No
The formal arrangement of the functioning of mobile units is not well prescribed in the particular law/instruction	<input type="checkbox"/>	<input type="checkbox"/>
BG is not equally empowered during mobile units checks	<input type="checkbox"/>	<input type="checkbox"/>
Participating agencies are not entitled to exchange information freely	<input type="checkbox"/>	<input type="checkbox"/>
The team hierarchy and leading agency are not always clear	<input type="checkbox"/>	<input type="checkbox"/>
Lack of equipment	<input type="checkbox"/>	<input type="checkbox"/>
Equipment is not compatible	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

59. How many Customs mobile units operate in your country? (if you cannot provide a number, please comment why)

60. How many joint (Customs/border guard) units operate in your country? (if you cannot provide a number, please comment why)

61. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

10. Contingency/ Emergency

62. In the box below, could you describe how Customs and border guards cooperate in case of responding to emergency situations. Please describe a situation (e.g. in case of massive inflow of immigrants, pandemic disasters, terrorism, or accidents at the border zone), outlining clearly the distribution of responsibilities and tasks among the services.

If Customs and border guards do not cooperate in this field, please explain why and then proceed to the next section.

63. Do Customs and border agencies have joint contingency/emergency plans? If they do not, please proceed to Section K Infrastructure/Equipment sharing.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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64. In your country with which of the following institutions Customs participate in the drafting of contingency/emergency plans?	Yes	No
Specialized state body on emergency situations		
Border Guard	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>
Gendarmerie	<input type="checkbox"/>	<input type="checkbox"/>
Army	<input type="checkbox"/>	<input type="checkbox"/>
Regional government administrations	<input type="checkbox"/>	<input type="checkbox"/>
Local administration	<input type="checkbox"/>	<input type="checkbox"/>
Red Cross/equivalent	<input type="checkbox"/>	<input type="checkbox"/>

65. At what level are joint (Customs – border guard) contingency/emergency plans are discussed and developed and how often are they updated?	Level	Updated twice a year	Update once a year	Update less than once a year
Contingency and emergency plans exist at central level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contingency and emergency plans exist at regional level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contingency and emergency plans exist at BCP level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all workers informed about the plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (please specify)				
Other: (please specify)				

66. If you consider any of the above mentioned activities in this section a ‘best practice’ (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

**11. Infrastructure/
Equipment sharing**

67. In the box below, could you describe how Customs and border guards cooperate using or sharing infrastructure and equipment? If they do not cooperate in this field, please explain why.

68. What are the practices of infrastructure and equipment sharing you are aware of? How often does this practice occur?	Yes	No	On specific occasions	In specific locations
Joint acquisition/tendering (fuel, etc.) Please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharing resources (human, guard/sniffer dogs, etc.) Please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharing of non-intrusive inspection equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharing of equipment (patrol cars, IT/communication equipment, etc.) Please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharing of facilities (buildings, kitchens, common rooms and spaces for rest, inspection rooms etc.) Please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

69. What challenges arise in the sharing of infrastructure and equipment?	Yes	No	Comment
Costs sharing Example, if any:			
Priority in use of equipment and infrastructure Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	
Maintenance of equipment and infrastructure Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	
Accountability/documentation on the use Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	

69. What challenges arise in the sharing of infrastructure and equipment?	Yes	No	Comment
Limitation of use of specialised equipment by respective specialists Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	
Equipment are not compatible (e.g. communication devices)			
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

70. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

12. Conclusion

71. In your opinion what kind of role the Customs Cooperation Working Party could play in enhancing cooperation between Customs and border guards?

2. At the external border area, which authority has the main responsibility for?	Border Guards	Police	Customs	Gendarmerie	Coast Guard	Navy	Army	Financial Police
Detecting drug precursors								
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Does your institution have a <u>formal</u> agreement for cooperation in relation to external EU border protection with the national Customs administration?	Yes	No	Comment

4. Through what type of document is this <u>formal</u> agreement arranged	Law/Act of Parliament	Agreement	Instruction	Other: please specify
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

5. Are there separate cooperation <u>formal</u> arrangements with the Customs at:	Regional level	Particular border crossing point
	<input type="checkbox"/>	<input type="checkbox"/>

6. What are the formal goals of cooperation of Customs and border guards set out in the formal arrangements?	Yes	No	Comments
Control of the daily flow of passengers and goods	<input type="checkbox"/>	<input type="checkbox"/>	
Countering illegal migration	<input type="checkbox"/>	<input type="checkbox"/>	
Countering Customs fraud and smuggling of goods	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking of people	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking of antiquities	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking of arms (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	
Countering drugs trafficking (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking in counterfeit money and documents	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking of counterfeit goods	<input type="checkbox"/>	<input type="checkbox"/>	
Countering trafficking in stolen vehicles	<input type="checkbox"/>	<input type="checkbox"/>	
Countering terrorism	<input type="checkbox"/>	<input type="checkbox"/>	
Improvement of the efficiency of daily routine processing of passengers or goods	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Other: (please specify)			
<input type="checkbox"/> Other: (please specify)			

7. Which fields of cooperation are regulated in the above mentioned laws and agreements? (please check all that apply)		Comment
Strategic planning	<input type="checkbox"/>	
Operational procedures	<input type="checkbox"/>	
Information exchange	<input type="checkbox"/>	
Communication	<input type="checkbox"/>	
Risk analysis	<input type="checkbox"/>	
Training	<input type="checkbox"/>	
Investigations	<input type="checkbox"/>	
Mobile Units	<input type="checkbox"/>	
Joint operations	<input type="checkbox"/>	
Emergency	<input type="checkbox"/>	
Infrastructure/facilities sharing	<input type="checkbox"/>	
Equipment sharing	<input type="checkbox"/>	
Other (please explain)	<input type="checkbox"/>	
Other (please explain)	<input type="checkbox"/>	

8. In addition to legally binding agreements and laws, what other mechanisms of cooperation are used?	Often	Never	Do not know
Informal relations between staff at border crossing points	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Informal arrangements between managers/directors at border crossing points	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ad-hoc decisions adopted by Head(s) of relevant border protection agencies at central level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ad-hoc decisions adopted at regional level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ad-hoc decisions adopted by Head(s) of BCPs			
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Do the border guards/police in your country have any of the following powers? ⁷¹	Yes	Limited Power	No	Comment
To carry out criminal investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To carry out Customs fraud investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To inspect of goods and control of goods flow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

⁷¹ The purpose of this question is to find out if border guards have some powers that are more typical of Customs.

9. Do the border guards/police in your country have any of the following powers?	Yes	Limited Power	No	Comment
To implement measures for countering Customs fraud	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To collect duties and relevant taxes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To perform checks on personal belongings of travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To require on goods or personal belongings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other:				

FORMS OF COOPERATION

The sections below examine in depth the different forms of Customs and border guard cooperation.

A. Strategic planning

This subsection concerns forms of cooperation at the highest strategic level.

10. Is the promotion of closer cooperation with Customs specifically included in the long/term annual strategic or operational/business plan of Border Guards Agency? If so how?

11. In the box below, could you describe how border guards and Customs cooperate in the area of strategic planning. If they do not cooperate in this field, please explain why and then proceed to the next section.

12. On which of the following aspect of strategic planning can you find cooperation between Customs and border guards?	Yes	No	Comments
Establishment of coordination/management structure (i.e. an interagency working group/committee)	<input type="checkbox"/>	<input type="checkbox"/>	
Development of common integrated border management strategies and Action Plans	<input type="checkbox"/>	<input type="checkbox"/>	
Development of common risk strategy	<input type="checkbox"/>	<input type="checkbox"/>	
Development of common risk analysis	<input type="checkbox"/>	<input type="checkbox"/>	
Budgeting	<input type="checkbox"/>	<input type="checkbox"/>	
Planning of activities of (joint) mobile units	<input type="checkbox"/>	<input type="checkbox"/>	

12. On which of the following aspect of strategic planning can you find cooperation between Customs and border guards?	Yes	No	Comments
Categorization of BCPs	<input type="checkbox"/>	<input type="checkbox"/>	
Selection of priority border points for resource allocation/modernisation	<input type="checkbox"/>	<input type="checkbox"/>	
Development of common training manuals	<input type="checkbox"/>	<input type="checkbox"/>	
Establishment of joint operation centres	<input type="checkbox"/>	<input type="checkbox"/>	
Establishment of joint investigation centres	<input type="checkbox"/>	<input type="checkbox"/>	
Collection of intelligence information	<input type="checkbox"/>	<input type="checkbox"/>	
International cooperation	<input type="checkbox"/>	<input type="checkbox"/>	
Common PR/communication strategy	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	

13. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

B. Coordination of workflow at BCPs

This section refers to coordination in the daily processing of flows of good and people.

14. In the box below, could you describe how border guards and Customs cooperate in managing the daily workflow at BCPs. Please provide separate explanations considering: flow of people and goods, as well as differentiating between cooperation issues related to the protection of sea, and land borders and airports.

If Customs and border guards do not cooperate in this field, please explain why and then proceed to the next section.

(Please make sure to explain how BCPs are managed jointly: i.e. how are the hierarchies and management lines arranged)

15. In the case when Customs and border guard agencies are both represented at the BCP, which agency has the management responsibility for the BCP? Is there a common management structure, or management is entirely separated for both agencies?

16. Please indicate whether Customs and border guards cooperate in the processing of means of transport and persons and what type of cooperation is applied:	Control carried out by both agencies at the same time and place	Control carried out by one agency only ⁷²	Consecutive controls	Not coordinated (separate)
Vehicle check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– cars	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– lorries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– boats/ships/ferry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– containers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– planes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– trains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Person check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– EU citizens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– Non-visa required third country nationals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
– Visa required third country nationals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: Please specify.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

17. Which of the following coordination actions take place on a regular basis to facilitate the daily workflow at external border crossing points?	Yes	No	Comment
Joint analysis of workflow	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of shifts	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of detailed checks	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of equipment	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of available space (second line checks, inspections rooms etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of specialised personnel (interpreters, vehicle examination, dog 'driver' etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (Please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (Please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

⁷² This could mean that only one agency, either Customs or border guards, carries out the necessary border checks (either because it is a small border crossing, or because the agency has the powers to perform both Customs and 'border guard' functions).

18. In the box below, could you describe if and how the cooperation for running BCPs is monitored and evaluated?

If there are no monitoring and evaluation instruments envisioned, please explain why and then proceed to the next section.

19. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why.

C. Risk analysis

This section aims to identify if Customs and border guards cooperate in any way in the development, sharing, or implementation of risks analyses and profiles.

20. In the box below, could you describe how Customs and border guards cooperate in developing, sharing, or using risk analyses? What are the means of sharing this analysis (electronic, paper, etc.)?

In case they do not cooperate in this field, please explain why and then proceed to the next section.

21. On which of the following aspects of risk analysis, is there cooperation between border guards and Customs?	National (strategic)	Tactical	BCP (operational)	Comment
Identification of risk areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Assessing the level or degree of risks (e.g. using the same scale: 'high', 'medium', 'low').	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Identification of risk indicators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Development of risk profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joint periodic reviews of profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Allocation of resources according to risk profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joint controls of adherence to agreed risk assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Coordination of information flow in accordance with risks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Joint operational unit develops risk analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

21. On which of the following aspects of risk analysis, is there cooperation between border guards and Customs?	National (strategic)	Tactical	BCP (operational)	Comment
Join risk analysis is done on a regular basis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk analysis is done separately but end results are shared	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

22. In which of the following areas border guards and Customs develop risk analysis?	Yes	No	Comment
General risk analysis on flows of persons and goods	<input type="checkbox"/>	<input type="checkbox"/>	
Illegal migration	<input type="checkbox"/>	<input type="checkbox"/>	
Customs fraud and smuggling of goods	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of people	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of antiquities	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of arms (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	
Drugs trafficking (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking in counterfeit money and documents	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of counterfeit goods	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking in stolen vehicles	<input type="checkbox"/>	<input type="checkbox"/>	
Countering terrorism	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

23. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why.

D. Communication & Information exchange

Border guards and Customs have a significant amount of proprietary information that they accumulate daily in databases from routine operations or intelligence, or that comes from EU or international databases. In this section we aim to examine how the sharing or exchange of such information is managed.

24. In the box below, could you describe how border guards and Customs cooperate to communicate or exchange of information?

If they do not, please explain why and then proceed to the next section.

25. Has Council Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (2006/960/JHA, 18 December 2006) been transposed in your national legislation? If 'yes', could you describe how Customs – border guard information exchange has been facilitated?

26. Which of the following types of information/data do you <u>share</u> with or <u>receive</u> from Customs?	Regular/ periodic	Ad-hoc	Joint electronic database/real time	Comments
Vehicles checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Persons checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Goods checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Customs fraud detected (seizures)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Special operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Operation of mobile units ⁷³	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Border infractions detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Excise fraud detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Counterfeiting detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Intelligence data on suspects (firms or persons)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk analysis and profiles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk/operational environment data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk assessments and data acquired through cross-border exchange with neighbouring countries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from EU's Customs Information System (CIS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from Schengen Information Systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from Interpol database	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from other national information systems (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from World Customs Organisation related systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

⁷³ This refers to Customs mobile units that might carry out additional controls and inspections inside the country or at BCPs.

26. Which of the following types of information/data do you <u>share</u> with or <u>receive</u> from Customs?	Regular/ periodic	Ad-hoc	Joint electronic database/real time	Comments
Data from EU information systems (OLAF, Europol)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

27. At what level does the information exchange takes place? (check all that apply)	National (strategic)	Regional (tactical)	BCP (operational)	Comment
Vehicles checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Persons checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Goods checked	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Customs fraud detected (seizures)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Border infractions				
Excise fraud detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Counterfeiting detected	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Intelligence data on suspects (firms or persons)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Risk/operational environment data (including cross-border exchange with neighbouring countries)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from EU's Customs Information System (CIS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from Schengen Information Systems (SIS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from Interpol database				
Data from other national information systems (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from World Customs Organisation related systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Data from EU information systems (OLAF, Europol)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

28. Which of the following is a barrier to sharing or exchanging information?	Yes	No	Comment
Technical compatibility	<input type="checkbox"/>	<input type="checkbox"/>	
Mistrust	<input type="checkbox"/>	<input type="checkbox"/>	
Lack of financing to develop mechanisms	<input type="checkbox"/>	<input type="checkbox"/>	
Legal obstacles (e.g. access to trade information)	<input type="checkbox"/>	<input type="checkbox"/>	
Limitations due to privacy and data protection laws	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

29. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

E. Training and Human Resource management

This section aims to examine the different possible ways in which Customs and border guards cooperate in basic, skill, specific, or advanced training, as well as in the management of human resources.

30. In the box below, could you describe how border guards and Customs cooperate in training their officers and in dealing with human resources matters? If they do not, please explain why and then proceed to the next section.

31. In the box below, could you describe how Customs and border guard officers are currently made aware of the functions and powers of the other agency (education, regular and occasional training, personal experience at work place, private contacts with members of the other agency, etc.)

32. Does BG provide any training for Customs?	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
If yes, please specify what kind:		
1.		
2.		
...		

33. Do Customs provide any training for BGs?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please specify what kind: 1. 2. ...		

34. Are there joint trainings between BG and Customs? If yes, please specify	Yes <input type="checkbox"/>	No <input type="checkbox"/>
What kind: 1. 2. ...		
How often are they organized (once a month, once in six months, once a year, etc.):		
How many joint trainings were there in 2009?		

35. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

F. Criminal investigations

In some Member States Customs and border guards have partial or full investigation powers, or collect intelligence that could be used in criminal investigations by law-enforcement authorities. In this section we aim to examine how what forms of cooperation exist in the cases of criminal investigations.

36. In the box below, could you describe how Customs and border guards cooperate in cases of criminal investigations? If there are Joint Investigation Centres, could you describe the structure of centres, how many they are, what type of issues they deal with, etc. Even if Customs in your country do not have investigative powers, please describe the procedures you follow and interactions with border guards.

If Customs and border guards do not cooperate in this field at all, please explain why and then proceed to the next section.

37. Which of the following forms of cooperation exist in your practices of investigation:	Yes	No	Comment
Joint investigative teams	<input type="checkbox"/>	<input type="checkbox"/>	
Joint investigative centres	<input type="checkbox"/>	<input type="checkbox"/>	
Operational guidelines for joint investigations	<input type="checkbox"/>	<input type="checkbox"/>	
Sharing of intelligence data during investigations	<input type="checkbox"/>	<input type="checkbox"/>	
Collaboration/sharing of information	<input type="checkbox"/>	<input type="checkbox"/>	
Physical surveillance	<input type="checkbox"/>	<input type="checkbox"/>	
Sharing of personnel	<input type="checkbox"/>	<input type="checkbox"/>	
Sharing of equipment	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

38. How many joint investigations were there carried out in 2009?

39. Could you explain how issues of budgeting and financing of joint investigations are dealt with?

40. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why.

G. Joint operations

Border guards and Customs might carry out joint operations that aim to intercept and prevent smuggling of illegal goods and/or persons or other cross-border crime. This sections aims to examine what forms of cooperation take place during such operations.

41. In the box below, could you describe how border guards and Customs cooperate in cases when there are joint operations? Please provide separate explanations in cases of sea, air and land-border controls. Please provide examples for recent joint operations.

If Customs and border guards do not cooperate in this field, please explain why and then proceed to the next section.

42. On what type of operations did you cooperated with Customs in 2009?	Often	Rarely	None	Comment
General joint operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Illegal migration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Customs fraud and smuggling of goods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of antiquities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of arms (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drugs trafficking (including precursors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking in counterfeit money and documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking of counterfeit goods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trafficking in stolen vehicles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

43. How does your agency contribute to joint operations?	Yes	No	Comment
Additional financial cooperation/contribution	<input type="checkbox"/>	<input type="checkbox"/>	
Providing common personnel	<input type="checkbox"/>	<input type="checkbox"/>	
Providing specialised expertise and trained personnel	<input type="checkbox"/>	<input type="checkbox"/>	
Providing equipment (radars, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Providing information/intelligence information	<input type="checkbox"/>	<input type="checkbox"/>	
Providing sniffer dogs	<input type="checkbox"/>	<input type="checkbox"/>	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

44. In the box below, could you describe if and how joint operations have been monitored and evaluated?

If there are no monitoring and evaluation instruments envisioned, please explain why and then proceed to the next section.

45. What factors jeopardise the success of joint operations?	Often	Rarely	No	Comment
Unclear division of responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Poor planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Poor information sharing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Insufficient powers (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

45. What factors jeopardise the success of joint operations?	Often	Rarely	No	Comment
Lack of experience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Poor management/coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Inter-institution competition ⁷⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Others (Please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

46. How many joint operations were there carried out in 2009?

47. Could you explain how budgetary allocations and issues are managed during such joint operations?

48. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

A. Control outside permanent BCPs

The surveillance of maritime and land borders often involves joint patrolling or surveillance. This section explores how Customs and border guards cooperate in the control of areas outside the BCPs.

49. In the box below, could you describe how border guards and Customs cooperate in carrying out operations outside BCPs (e.g. along sea borders, land borders or airports if relevant). Please cite the goals of such cooperation and the different roles played by the agencies involved. If they do not cooperate in this field, please explain why and then proceed to the next section.

50. In some Member States, smaller ports or airports often do not have permanent inspection facilities, and border guards and Customs are only present upon arrival of a ship or airplane, or during certain times of the year. Could you describe how Customs and border guards cooperate in the organisation, set-up, and operation of such BCPs that operate only on a temporary basis?

⁷⁴ Competition between institutions exists in many countries. Institutions can often be protective of their sources of information, powers, or prefer to take the credit for a successful operation.

51. In some countries, there are specialised thematic groups (search units on drugs, counterfeited goods and money, etc.). Are there such in your country and how do they cooperate, notably those belonging to the Customs administration and border guard/police?

52. Could you explain how budgetary allocations and issues are managed during such joint operations?

53. If you consider any of the above mentioned activities in this section a ‘best practice’ (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

a. Mobile units

In some Member States, Customs or border guard have mobile units that carry out inspection inside the country or at the external border area or at border crossing points, either for transiting vehicles, or vehicles that have cleared Customs. This section aims to understand if in the operation of such mobile units Customs and border guards cooperate. In some countries there are even joint mobile units that include representation of various law-enforcement agencies.

54. In the box below, could you describe how Customs and border guards cooperate in operating mobile units? If they do not cooperate in this field, please explain why and then proceed to the next section.

55. Is there a joint (Customs-border guards) operational plan in your country for mobile units, and if so, does it contain any of the following:	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
Prioritising tasks and operation of joint groups	<input type="checkbox"/>	<input type="checkbox"/>
Detailed objectives and responsibility of members	<input type="checkbox"/>	<input type="checkbox"/>
Explanation of coordination procedures	<input type="checkbox"/>	<input type="checkbox"/>
Timing and duration of mobile unit checks	<input type="checkbox"/>	<input type="checkbox"/>
Available technical equipment for the operation	<input type="checkbox"/>	<input type="checkbox"/>
Relevant contact numbers	<input type="checkbox"/>	<input type="checkbox"/>
Others (please specify)		

56. How is the activity of joint mobile units initiated?	Regularly	Employing risk profiling	By signal
At regional level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At local level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

57. By what means is coordination of the work of mobile unit conducted? (which agency heads the mobile units)

58. What are common challenges that joint mobile units face?	Yes	No
The formal arrangement of the functioning of mobile units is not well prescribed in the particular law/instruction	<input type="checkbox"/>	<input type="checkbox"/>
BG is not equally empowered during mobile units checks	<input type="checkbox"/>	<input type="checkbox"/>
Participating agencies are not entitled to exchange information freely	<input type="checkbox"/>	<input type="checkbox"/>
The team hierarchy and leading agency are not always clear	<input type="checkbox"/>	<input type="checkbox"/>
Lack of equipment	<input type="checkbox"/>	<input type="checkbox"/>
Equipment is not compatible	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

59. How many BG mobile units operate in your country? (if you cannot provide a number, please comment why)

60. How many joint (Customs/border guard) units operate in your country? (if you cannot provide a number, please comment why)

61. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

J. Contingency/Emergency

62. In the box below, could you describe how Customs and border guards cooperate in case of responding to emergency situations? Please describe a situation (e.g. in case of massive inflow of immigrants, pandemic disasters, terrorism, or accidents at the border zone), outlining clearly the distribution of responsibilities and tasks among the services.

If Customs and border guards do not cooperate in this field, please explain why and then proceed to the next section.

63. Do Customs and border agencies have joint contingency/emergency plans? If they do not, please proceed to Section K Infrastructure/Equipment sharing.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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64. In your country with which of the following institutions border guards participate in the drafting of contingency/emergency plans?	Yes	No
Specialized state body on emergency situations	<input type="checkbox"/>	<input type="checkbox"/>
Customs	<input type="checkbox"/>	<input type="checkbox"/>
Police	<input type="checkbox"/>	<input type="checkbox"/>
Gendarmerie	<input type="checkbox"/>	<input type="checkbox"/>
Army	<input type="checkbox"/>	<input type="checkbox"/>
Regional government administrations	<input type="checkbox"/>	<input type="checkbox"/>
Local administrations	<input type="checkbox"/>	<input type="checkbox"/>
Red cross/equivalent	<input type="checkbox"/>	<input type="checkbox"/>

65. At what level are joint (Customs – border guard) contingency/emergency plans discussed and developed and how often are they updated?	Level	Updated twice a year	Update once a year	Update less than once a year
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contingency and emergency plans exist at central level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contingency and emergency plans exist at regional level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contingency and emergency plans exist at BCP level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are all officers informed about the plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

66. If you consider any of the above mentioned activities in this section a ‘best practice’ (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why?

K. Infrastructure/Equipment sharing

67. In the box below, could you describe how border guards and Customs cooperate using or sharing infrastructure and equipment? If they do not cooperate in this field, please explain why.

68. What are the practices of infrastructure and equipment sharing you are aware of? How often does this practice occur?	Yes	No	On specific occasions	In specific locations
Joint acquisition/tendering (fuel, etc.) Please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharing resources (human, guard/sniffer dogs, etc.) Please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharing of non-intrusive inspection equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharing of equipment (patrol cars, IT/communication equipment, inspection rooms, etc) Please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sharing of facilities (buildings, kitchens, common rooms and spaces for rest, etc.) Please specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

69. What challenges arise in the sharing of infrastructure and equipment?	Yes	No	Comment
Costs sharing Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	
Priority in use of equipment and infrastructure Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	
Maintenance of equipment and infrastructure Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	
Accountability/documentation on the use Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	
Limitation of use of specialised equipment by respective specialists Example, if any:	<input type="checkbox"/>	<input type="checkbox"/>	
Equipment is not compatible (e.g. communication devices)			
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	
Other: (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	

70. If you consider any of the above mentioned activities in this section a 'best practice' (i.e. has improved the efficiency and/or cost-effectiveness of the operations of Customs or BG or both, or has improved the efficiency of processing goods or people, or has improved the effectiveness in unveiling or preventing threats) please explain why.

L. Conclusion

71. In your opinion what kind of role Frontex could play in enhancing cooperation between Customs and border guards?

ANNEX 6: LIST OF FORMAL AGREEMENTS BETWEEN CUSTOMS AND BG IN MEMBER STATES

Country	Agreements
Austria	No formal agreement
Belgium	No formal agreement
Bulgaria	Ordinance for the Border Check Points (2002/2009); Instructions for organising the activities of mobile units (2004); Instruction for cooperation between Ministry of Finance authorities and Ministry of Interior authorities (2006); Instruction for Information Exchange between MoF and Mol
Cyprus	Memorandum of Understanding
Czech Republic	Cooperation agreement between 'Alien Police Service' (part of the Police) and the Customs Administration
Denmark	Two separate agreements for cooperation of Customs with Police and the Navy
Estonia	Two MOUs, one at central level, and one at regional level
Finland	PCB Act 687/2009, providing for regulatory basis for cooperation in crime prevention between the Police, Customs and the Border Guard
France	Circulaire Interministérielle (Interministerial Circular) (1995)
Germany	No agreement at central level, but decentralised system of administrative agreements between the Federal Police, State Police Forces and the Customs Administration (see CS-DE)
Greece	No single act or agreement, but several legislative documents on fighting drug trafficking that envision cooperation between BG and Customs
Hungary	Memorandum of Understanding
Ireland	No formal agreement
Italy	There are formal agreements between Police, Customs and other law enforcement agencies (Carabinieri, Guardia di Finanza) for cooperation in the Police and Custom Cooperation Centres (CCPD) acting at internal EU border protection level
Latvia	Inter-agency Agreement (2006) of the State Border Guard, the State Revenue Service and the Food and Veterinary Service on operational technology at border points; Inter-agency Agreement No 16.1.4/22848 (2006) of the State Revenue Service, the State Border Guard and the State Police 'On cooperation concerning control of perishable goods'; Interagency Agreement (2006) of the State Police, the State Border Guard, the State Revenue Service and the Food and Veterinary Service on information exchange

Country	Agreements
Lithuania	<p>Tri-partite protocol of 29 October 2000 on cooperation between Customs, Border Guards and the Police; Cooperation of Operational Services and Coordination of Operations (2001); Government Decision No.126 of 2 February 2001, regulating activities at BCP;</p> <p>Interagency Cooperation Agreement (2002); Multi-partite order No.1B-159/2IV/4-99/V-61 (2003) guiding the cooperation between SBGS, Customs Department, Police department and the Financial Crime Investigation Department; Bilateral agreement on cooperation no.11B-154/8-10 of 7 October 2005, as well as BCPs Working Regulations; Agreement on Cooperation between the Customs Department at the Ministry of Finance of the Republic of Lithuania, the State Border Guard Service at the Mol of the Republic of Lithuania and the Police Department at the Mol of the Republic of Lithuania (2002); Agreement on the checks of passenger trains and their passengers</p>
Malta	Memorandum of Understanding
Netherlands	<p>For the area of Schiphol Airport: Samewerking Grenstoezicht Passagiers Schiphol (SGPS); Beveiliging Publieke Veiligheid Schiphol (BPVS) agreement;</p> <p>For the area of Rotterdam Port: the Geïntegreerde Toezicht Beitengrens agreement</p>
Poland	<p>Regulations on two levels:</p> <ul style="list-style-type: none"> – national laws, decrees, and agreements between the Head of the Customs Service and the Commander-in- Chief of the Border Guard – regional agreements between the directors of the Customs Chambers and Border Guard Division Commanders – ad hoc agreements resulting from specific situations at the border crossing points, which are not to contravene the existing law
Portugal	No specific agreement between BG and customs, but only an agreement on the fight against drug trafficking, which includes BG and Customs
Romania	<p>Memorandum of Understanding on inter-agency cooperation between RBP and NCA – 11913/26.02.2010</p> <p>Memorandum of Understanding signed in June 2005 by the Ministers of Internal Affairs, and of Public Finances, called TRIDENT, which covers RBP, NCA and National Police consisting of 5 teams in Otopeni, Constanta, Satu Mare, Iasi and Giurgiu, concentrating on organised crime prevention</p>
Slovakia	<p>Agreements covering different fields of cooperation between Ministry of Interior and Ministry of Finance</p> <p>Instructions aimed more at Border Crossing Point level</p>
Slovenia	<p>The Agreement on mutual cooperation between Police and Customs (2008) referring to all fields of cooperation between both services</p> <p>Agreement between Police and Customs on deployment of contact persons – liaison officers (2007)</p>
Spain	No overarching specific agreement regulating the cooperation of Customs with BG. The underlying legislation for each institution provides for cooperation with the other one
Sweden	3 separate agreements with Police, Coast guard and financial police
UK	Single agency; agreements exist with (local) police

ANNEX 7: REVIEW OF LITERATURE ON BORDER GUARD AND CUSTOMS COOPERATION

The analysis of the management and control of external borders reflects the areas and practices based on the EU legislative and policy framework. Although inter-agency cooperation as part of the **integrated border management (IBM) concept** is recognised as one of the components of integrated border management, there is limited analysis of the potential or effectiveness of existing models of such cooperation. Horizontal, international cooperation between analogous agencies (BG-BG, Customs-Customs) remains the focus of academic research on this topic and provides some insight into research areas that could also result in valuable findings in the field of inter-agency cooperation.

Although there is no clear definition of integrated border management shared within academic research,⁷⁵ various articles list inter-agency cooperation as one of the ‘features’ (Carrera, 2007: 3) ‘basic elements’ or main ‘basic principles’ (Hobbing, 2005: 4) of integrated border management. While the literature discusses the roles of the different agencies in the efficient handling of borders, there is generally a lack of academic perspective on the interrelatedness of the different agencies in providing border security.

The limited discussion on inter-agency cooperation that exists in the academic literature is mostly focused on concrete examples of such cooperation.

The **External Borders Practitioners Common Unit** (EBPCU), which was later replaced by Frontex, was a forum composed of managers from the operational level of visa and enforcement authorities, such as police, Customs, and justice. It is often cited as another example of a multidisciplinary approach towards border control (Hobbing, 2005: 14). EBPCU’s functions are briefly outlined, but there is no analysis of its activities and their effectiveness.

An exception to the lack of analysis of the potential of inter-agency cooperation is **a study carried out for the Police College of Finland and the Border and Coast Guard Academy: *On the same side – on different sides of the border. Developing border security through the cooperation of Finnish and Russian authorities*** (Heusala and Malmi, 2008). The study looks at national cooperation between law enforcement officials in Finland and at bilateral cooperation between Finland and the Russian Federation to ensure border security at the Finnish-Russian border. The authors look at cooperation in information sharing, operational efficiency, criminal analysis and joint investigation groups. The authors conclude that the police play a central role in leading inter-agency cooperation between

⁷⁵ ‘Integrated border management’ is a term with a wide spectrum of meanings that seeks to reconcile security concerns with trade facilitation in the context of economic globalisation, increased international migration, threats of terrorism and organised crime.

the three law enforcement agencies, and institutional cooperation has been transformed into day-to-day practices. The study notes that more resources are needed for better criminal analysis, and explores the potential of setting up of a law enforcement network organisation, in which criminal investigation would be coordinated by the National Bureau of Investigation. The authors conclude that the cultural differences between the three organisations would be transformed as new identities of the organisations – more conducive to cooperation – are assumed.

While inter-agency cooperation is vaguely explored in academic works, a **deeper analysis is offered of the challenges in implementing mechanisms of international cooperation at the horizontal level.** Some of the observations made by the academics in the field of horizontal cooperation could provide valuable starting points for analysis in terms of vertical (inter-agency) cooperation and can therefore provide useful research guidelines for the current study.

The **variety of administrative structures** of the agencies responsible for border control can lead to lack of trust between the Member States. For that reason, according to some analysts Member States prefer to cooperate on the basis of existing bilateral arrangements such as the Kehl cooperation (Jorry, 2007: 4). Another, or part of the same reason for the lack of trust is ‘the practical reality of a network of security authorities responsible for border management but **which hold different characteristics, organisation, priorities and perspectives**’ (Jorry, 2007: 5). Often agencies **compete** over the collection of information, and may be reluctant to exchange data which ‘represents a form of knowledge that increases the state’s power’ (Jorry, 2007: 5). The difference of perspectives, priorities and organisation can pose barriers to cooperation between Customs and BGs on national level, and competition between the two separate agencies for competencies and resources can block possibilities for effective collaboration.

A concern about **corruption** within the agencies that is mentioned in terms of international cooperation (Jorry, 2007: 5) can prove to be valid for an analysis at national level. The high levels of corruption within the Customs and/or BGs can prompt agencies to refrain from information sharing and destroy trust between the different institutions.

The balance between **justice and security in border control** is another major theme explored by academic research. Authors argue that the extensive reliance of the IBM on security technology such as the Schengen Information System (SIS II), the Visa Information System (VIS) and the DNA database under the Prum Treaty, leads to racial and religious profiling, which violates the Charter of Fundamental Rights (Guild et al. 2009: 3) The discussion again would benefit from an inter-agency cooperation perspective, with an assessment of the effects of information sharing between BGs and Customs on human rights and data protection.

International and intergovernmental organisations operating in the field of migration management and border security acknowledge the potential of inter-agency cooperation in practice, through supporting projects and ini-

tatives (such as the Central Asian Regional Information and Coordination Centre, to enhance counter-narcotic efforts through inter-agency cooperation), that include horizontal as well as vertical cooperation between the different agencies. Nevertheless, with one identified exception, the topic is not explored in research studies, assessments or instruments such as guidance, manuals or best practice inventories produced or supported by international organisations.

The **International Centre for Migration Policy Development** (ICMPD) is the only agency that pays special attention to inter-agency cooperation, in a publication *Guidelines for Integrated Border Management in the Western Balkans* (ICMPD, 2007). The guide book identifies six features that are necessary to ensure cooperation and coordination between BGs, Customs and the veterinary and phyto-sanitary inspection services:

- *Legal and regulatory framework*
- *Institutional framework*
- *Procedures*
- *Human resources and training*
- *Communication and information*
- *Infrastructure and equipment*

The *Guidelines* provide explanations and examples of many aspects of inter-agency cooperation, also citing examples of best practice in each field. The publication does not, however, explain the criteria for best practice. While the guidelines refer to many instruments and standards that help boost cooperation between BGs and Customs at the borders (such as the existence of common basic workflows and routing slips, or luggage checking procedures), there is no specific model of cooperation at a particular checkpoint that is exemplified and discussed in any detail.

ANNEX 8: COUNTRY STUDIES

COUNTRY STUDY: BULGARIA

TABLE 14. LIST OF ABBREVIATIONS

Abbreviation	Full name
IBM	Integrated Border Management
MEET	Ministry of Economy, Energy and Tourism
MFA	Ministry of Foreign Affairs
MDCOC	Police or Main Directorate for Combating Organised Crime
MRDPW	Ministry of Regional development and Public Works
MTITC	Ministry of Transport, Information Technology and Communications
NRA	National Revenue Agency

TABLE 15. LIST OF INTERVIEWEES

Position	Department	Institution
Regional Director	Regional Directorate Danube river	Customs Agency, Ruse
Chief	Customs Investigation and Intelligence Department	Customs Agency, Ruse
Deputy Director	Regional Directorate Danube river	Customs Agency, Ruse
Customs Shift Manager	Danube Bridge BCP	Customs Agency, Ruse
Regional Director	Danube Regional Directorate	Border Police, Ruse
Shift Manager	Danube River BCP	Border Police, Ruse
Coordinator	Contact Bureau at Danube River	Border Police, Ruse
BP Officer	Danube River BCP	Border Police, Ruse
Director	Port Varna BCP	Border Police, Varna
Shift Manager	Port Varna BCP	Border Police, Varna
Operational Officer	Mobile units	Border Police, Varna
Deputy Director	Regional Directorate Varna	Customs Agency, Varna
Chief	Customs Investigation and Intelligence Department	Customs Agency, Varna

TABLE 15. LIST OF INTERVIEWEES (CONTINUATION)

Position	Department	Institution
Former Director	Regional Directorate Varna	Customs Agency, Varna
Customs Officer	Regional Directorate Varna	Customs Agency, Varna
Chief	International Cooperation Department within Black Sea Regional Directorate	Border Police, Bourgas
Deputy Director	Elhovo Regional Directorate	Border Police, Elhovo
Deputy Chief	Border Police Department, Svilengrad	Border Police, Elhovo
Shift Manager	Kapitan Andreevo BCP	Border Police, Elhovo
BP Officer	Kapitan Andreevo BCP	Border Police, Elhovo
Director	Regional Directorate, Svilengrad	Customs Agency, Svilengrad
Deputy Director	Regional Directorate, Svilengrad	Customs Agency, Svilengrad
Shift Manager	Kapitan Andreevo BCP	

1. INTRODUCTION AND CONTEXT

1.1. National contexts

Bulgaria is an important and strategic transportation and infrastructure hub of the Balkans. Bulgaria has temporary external EU borders (soon to be internal under the Schengen Agreement) with Romania to the North (139 km) and Greece to South (493 km), and 765 km of external land borders with Serbia and the Former Yugoslav Republic of Macedonia (FYROM) to the West, and Turkey to the South. Bulgaria has 35 border customs posts (BCPs), 20 of which are fully external border crossings. The two busiest external land BCPs are: Kapitan Andreevo (with Turkey) and Kalotina (with Serbia). Both lie on a major land transport route between Europe and the Middle East.

The Black Sea border (378 km) and the Danube River border (470 km) define the extent of the country to the East and the North. The busiest international seaports are Varna and Bourgas, while the main river port on the Danube River is Ruse: all these ports serve Bulgaria's domestic needs and are external EU BCPs. The major international airport in the country is in the capital Sofia, while in the summer the airports of Bourgas and Varna, and in the winter Plovdiv airport, serve the tourist traffic from the former Soviet Union, Ukraine, Israel, and the EU.

The infrastructure of the country remains underdeveloped with only partial stretches of unfinished motorways starting from some of the main cities, and a single bridge over the Danube connecting Bulgaria and Romania. No external or internal (EU) land border crossing is situated on a motorway; all lie on two-lane roads.

FIGURE 20. MAP OF BULGARIA'S BCP



In addition to its legal trade routes, Bulgaria lies on several smuggling routes for both goods (cigarettes, heroin, amphetamines, and counterfeit goods from or to Turkey), and people (irregular immigrants from Asia/Middle East). The external EU borders have concentrated a significant criminal activity, due to the significant differences in the price of excisable goods (cigarettes, alcohol and oil). Cigarettes from Ukraine and Russia enter through the ports of Varna and Ruse, or from Serbia and Macedonia through the western BCPs. (CSD, 2004). The removal of thorough customs controls at the temporary external borders between Bulgaria and other EU member states (Romania and Greece) has led to an influx into Bulgaria of cheap Asian goods (primarily from China) – from ports in neighbouring countries, such as Thessaloniki (Greece) and Constanta (Romania).

1.2. Institutional context

Management of the external EU borders is provided mainly by two agencies – Border Police and the Customs Agency. Border Police is a separate agency that is within the Ministry of the Interior structures. The Customs Agency is under the authority of the Ministry of Finance (MoF). Other border management institutions include the phyto-sanitary service, port administrations, and the Navy. The National Revenue Agency (NRA), also under the MoF, cooperates with customs in prosecuting various types of fraud (avoiding import duties, excise tax and VAT fraud).

Customs Agency

The Customs' staff presently stands at 3,700, working in 10 regional customs directorates, and local city customs offices. Following the EU accession in 2007, despite the reduction of customs offices, the Customs Agency retained the same number of personnel, as it took charge of excise tax collection. The change in the functions of Customs led to the voluntary retirement of customs officers in the period 2004 – 2008, who chose to pursue more lucrative careers in private business.⁷⁶ In 2009, as part of administrative reforms to combat the economic crisis, about 550 customs officers were made redundant, and around 15%-20% of regional offices were closed down and merged with others. Some of the customs officers who were made redundant joined the Road Tax Agency, which was merged with the Customs Agency in 2009.

Border Police

The General Directorate 'Border Police' (BP) of the Ministry of Interior was, until the early 1990s, named the Border Army. The historic

⁷⁶ Informally, some officers explained this 'falling popularity' of the customs officer profession by the reduced opportunities to obtain bribes.

military nature of the institution has left an imprint on the institutional culture of the Border Police, as many senior officers still have a military background. In 2002 the Border Police was restructured into seven regional directorates, each with the oversight of a specific border sector – Greece, Turkey, Serbia, FYR of Macedonia, the Danube River (Romania), the Black Sea and airports. Today, there are 6,526 BP officers. The restructuring also meant that there was a reduction in personnel of almost 20%. As part of the EU accession process, some of the powers of the Border Police were extended, such as investigation powers. The border control perimeter within which it functions was also extended from 15 km to 30 km.

The Border Police also carries out coastguard functions in Bulgaria, and it is responsible for patrolling the 12-mile zone of the Black Sea coast, as well as the Danube River. For this purpose, it has a range of patrol and high-speed vessels. It also manages the 12 'Posts for technical and visual surveillance', which control vessels in territorial waters. Land-based mobile vehicle patrols (based in Bourgas, Varna, Balchik and Tsarevo) also support the protection of the blue border.

The Border Police therefore has not only the task of controlling irregular migration, but also tasks concerned with any type of smuggling of goods, stolen vehicles, and more general national security issues (related to counter-terrorism).

Political context

Both the Customs Agency and the law-enforcement agencies of the Ministry of Interior have been subject to extensive political influence since the democratic changes in 1989. Each new government usually appointed new heads of these institutions. Often the changes went even deeper, either by changing the heads of key BCPs, or the heads of key departments within these institutions. 'Key' BCPs or departments were usually those considered to be vulnerable to corruption. (CSD, 2010)

There were a number of factors that made the two institutions particular targets for corruption over the past two decades. Since the early 1990s Bulgaria's economy has become foreign trade intensive, and in most years during this period the value of exports and imports has equalled almost 70% of the country's GDP. The political and private economic interests accompanying the development of the economy and cross-border trade, led to a significant concentration of corruption in the Customs Agency. As a result, until the period of Bulgaria's entry into the EU, Customs was considered one of the most corrupt public institutions (CSD, 2006; CSD 2010). Border Police has also been targeted, but to a lesser extent. The result was that for the past two decades officers of the two institutions have worked in an environment of mutual suspicion (CSD, 2010). In 2010, this hostile environment became public, as the Minister of the Interior and the Director of the Customs Agency clashed publicly, trading mutual accusations of ineffectiveness in countering contraband and irregular trade in excisable goods. The Minister of Interior also stated that 'high-level changes in the management of the Customs Agency are

needed'. The Head of Customs replied that his 'removal would mean that 'oligarchs' are winning'. The Prime Minister eventually mediated the conflict, stating that the competition between the two agencies was a healthy one. He stated that 'he would be worried [if] a customs officer and border police officers [were] friends, and that he [would] rather see them spying on each other' (Mediapool, 2010).

One of the most contentious issues between the Customs and the Ministry of Interior has been the one of customs investigation powers. Such powers were introduced between 2004 and 2008, and a small Intelligence and Investigation Department of around 30 officers was established. It was then disbanded in early 2009. The Ministry of Interior informally opposes re-establishing such powers with the Customs Agency. As a result, the Customs Agency (as well as the Border Police, which also has no investigators) needs to cooperate with the National Directorate Combating Organised Crime.

1.3. Context of sites visited

The Bulgarian country study is based on three site visits: the Danube River port of Ruse, the Black Sea port of Varna, and the land-border crossing on the Bulgarian-Turkish border, Kapitan Andreevo. These are the three biggest external border sea, land and river BCPs in Bulgaria.

TABLE 16. STATISTICS OF BCPs VISITED (2009)

Site name	Nº of people crossing	Nº of passenger cars/vessels	Nº of commercial/cargo vessels	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border police
Ruse Port	26,781	276	2,051	854,285	-	12	111
Varna	85,617	114	3,796	2,693,000	21,953	22	46
Kapitan Andreevo	2,721,000	482,159	455,604	1,009,272	2	142	129

Ruse BCP

Ruse is the fifth largest city in Bulgaria with a population of 150,000. This is also the location of the only bridge over the Danube River on the Bulgaria-Romania 'blue border'.⁷⁷ It is also the country's biggest river port. There are five regional border management centres along the river, situated in the towns of Silistra, Ruse, Lom, Nikopol and Vidin.

The customs officers are present at two locations in Ruse – (i) in the 'East Zone' at the river port where they conduct standard customs checks and collection of duties; and (ii) at the entrance/exit points of

⁷⁷ After Bulgaria and Romania joined the EU in 2007 the Danube River Bridge BCP became a temporary internal border and customs controls were removed. Border control is expected to be removed after the two countries join the Schengen Area in 2011.

the Danube Bridge BCP. In the latter location, as this is an internal EU BCP, customs control constitutes a secondary monitoring system to prevent the trafficking of excisable goods. The management of the customs officers for both BCPs is done at one location, and officers could interchangeably be assigned to work at either location. There are currently a total of 216 customs officers serving both BCPs. Around 25% of the personnel at the BCP have been made redundant in recent years.

The area of most frequent competition and tensions between these two agencies is the monitoring of excisable goods: fuel, cigarettes and alcohol. Another issue has been irregularities in duty and VAT payments on goods imported from Asia that come into the EU through the Romanian BCP of Constanta. These problems have prompted the Bulgarian authorities to introduce new measures for additional control on the temporary external borders.

According to some BP interviewees, the new role of the Customs Agency that entitles it to control the collection of road taxes, has been used as the formal reason to use its presence at the temporary external borders and continue with ad hoc customs inspections. The customs officers also collect 'real time' information and identify high-risk vehicles, and they can also conduct discretionary detailed checks of vehicles. The resumed presence of customs officers at the internal BCP, however, has reignited previous tensions with the BP. Customs officers claim that the BP tends to encroach on their competencies at the Danube Bridge BCP, where they have created their own system of selective checks of commercial vehicles. The BP, on the other hand, denies the right of Customs to be present at the Danube Bridge BCP (as it is a 'temporary external' EU border) and claims that the compensatory customs checks result in traffic jams at the BCP.

In the context of the risk environment and tense relations, both agencies are suspicious of the other's activities. There have been few seizures of smuggled goods along the border in 2009, and according to interviews, customs officers are prone to suspect that there is a degree of corruption among BP officers along the 'blue border'. The Border Police monitor the border and have patrol posts every 2-3 km. Yet reporting of smuggling cases has been historically quite low. Interviewees from both agencies agree that, in view of the high levels of corruption amongst the judiciary or prosecution in border towns, investigation of cross-border crimes is often pointless.

The Danube River is considered a border area and is split in half between Romanian and Bulgarian border areas. Each country's border guards control their half. One of the issues raised by border guards is that the Danube Convention for free international transit forbids Bulgarian Customs or Border Police from checking transiting foreign vessels. They may only inspect ships that anchor at a Bulgarian port.⁷⁸ This is not the case for Romania, where the river passes entirely through its territory

⁷⁸ In contrast with Romania, in Bulgaria it is easier to obtain a licence for smaller boats. As a result licences are often given to owners who intend to participate in contraband schemes.

(the Calarasi-Galati section), and the Romanian border guards are free to check any suspect ships.

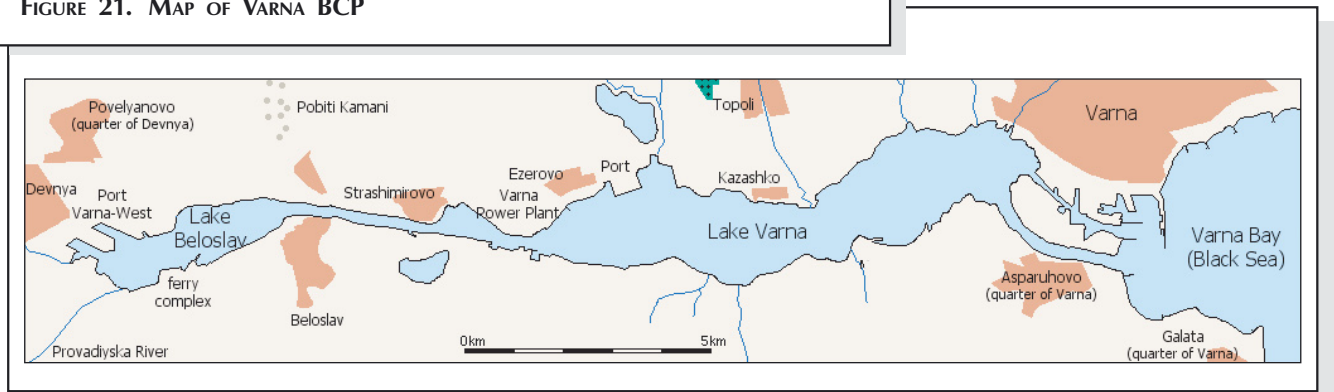
Smuggled goods are therefore often transferred from ships to small boats that then transfer them to the coast, without a need for the ships to reach the ports. Customs and BP interviewees explain that they often identify suspicious vessels, without having the power to do much about them. Some customs officers, however, explained the relatively few seizures by the Border Police either by the lack of sufficient human resources, or the participation of officers in the smuggling scheme.

The running tensions and mutual suspicions have not, however, paralysed the reforms in preparation for the accession of Bulgaria to Schengen. Regular and ad hoc consultations between directors of regional offices were claimed by both institutions (BP and Customs) during the visit. It was evident that informal relations were also good.

Varna BCP

Varna, situated on the northern part of the Black Sea coast, is the biggest Bulgarian sea port. The volume of cargo traffic passing through this port had been rising continuously over the past decade, until the 2009 economic crisis. Administratively, the port consists of three separate port areas – Varna East, Varna West and the port of the nearby town of Balchik. This study, however, covers only Varna East, which is the main container and passenger port (CSD, 2004).

FIGURE 21. MAP OF VARNA BCP



The port of Varna has a number of large terminals for liquid chemicals, cement, and clinker, among other substances. Several big chemical companies have factories located near the Varna West port. Most vessels come from Russia and Ukraine.

Because of its size and volume of traffic, the Varna BCP is also the place where a large number of customs frauds, smuggling of consumer goods, and drug trafficking have traditionally taken place. The smuggling of excisable goods such as fuel and cigarettes are among the most pressing issues. The complex infrastructure of the port (combining sea, rail and road transport), the geographic specifics (its proximity to the centre

of the city of Varna, the difficult surveillance of the Varna and Beloslav lakes), and the lack of permanent BCPs at the Varna heating plant and the Naftex plant ports, are all factors that have facilitated smuggling activities in the recent past (CSD, 2004)

In terms of immigration controls, the trafficking of human beings is less of an issue than the use of falsified documents to gain entry into the EU. Most recently there have been instances of Moldovan citizens using counterfeit Latvian passports. There has also been an increase in the number of 'stowaways' on board cargo ships.

Both Customs and Border Police are present at Varna East, and occupy neighbouring buildings. Depending on the cargo and the specific case, ships could be inspected by as many as seven agencies: border police, customs, phyto-sanitary control, veterinary control, naval administration and, if needed, medical staff.

Territorial waters are currently patrolled by both the navy and border police, however, this monitoring is not integrated. Each agency can obtain information on request, but there is no direct access to each other's databases.

One of the factors that makes cooperation difficult is the extent of the geographic coverage by the regional administrative structures of both agencies (Customs has 10 regional directorates covering all of Bulgaria, while the BP has 7). Thus, the Varna Regional Customs Directorate needs to interact with 3 Border Police regional structures that all operate on its territory, but none of which is based in Varna: the BP Directorate 'Ruse' over the land border-crossing with Romania; the BP Directorate 'Black Sea' (based in Bourgas) over the blue border control; and BP Directorate 'Airports' (based in Sofia), for the control of Varna Airport BCP. Also, while Varna Port's customs unit is headquartered at Varna West, the BP's unit is headquartered at Varna East.

Furthermore, some 30 officers (or 17.5% of personnel) retired in 2009 and were subsequently recruited by the gendarmerie. Customs also went through changes in its regional structures resulting in 20% cuts in personnel. As in the Ruse BCP, many of the customs officers who retired then joined the newly established Road Taxes Agency.

Kapitan Andreevo BCP

Situated at the gateway between Europe and Middle East, Kapitan Andreevo BCP is one of the biggest land BCPs in Europe. Six border control agencies (BP, Customs, phyto-sanitary control, veterinary control, sanitary control, transport control) operate at Kapitan Andreevo. The Customs officers at the BCP are supervised by a regional directorate in the town of Svilengrad, whereas the BP report to their Regional Directorate in the town of Elhovo and its subordinate BP department in the town of Svilengrad. Both agencies operate in 12-hour shifts, however BP rotate every two to three hours performing various duties at the BCP (such as passport checks, back office work).

The traffic at the BCP is quite heavy at all times of the year, although truck traffic peaks at the weekend, as logistics companies try to reach Western Europe for weekday deliveries. In addition, during the summer months, tourists and migrant workers increase the traffic several times over.

Kapitan Andreevo BCP is one of the external land BCPs with the highest exposure to smuggling of drugs, as it lies on the Balkan heroin-smuggling route, as well on the amphetamine smuggling route to Turkey. Kapitan Andreevo BCP is also the main entry point for goods from Turkey and the Middle East in general. This puts a lot of pressure on the Customs Agency at this BCP regarding the detection of large shipments of smuggled goods as well as customs frauds. As with other BCPs, in the last year there has also been a problem with cigarette smuggling. Until 2008, Kapitan Andreevo had a number of duty free shops and a duty free petrol station that were abused for the purposes of smuggling of cigarettes, alcohol and oil (CSD, 2004).

Settled routes for trafficking of human beings and irregular immigration also go through BCP Kapitan Andreevo (as well as the surrounding green border areas). In most cases, the immigrants are from the Middle East, Central Asia and Africa trying to reach Europe. The smugglers are often from local villages or from Svilengrad.

A big part of the irregular activities referred to above is associated with the annual movement of Turkish 'guest workers' (about two million pass annually through Kapitan Andreevo and Lesovo BCPs) going to and from Turkey mainly to Germany, Belgium and the Netherlands. Many of these migrants try to 'smuggle' relatives through the Bulgarian border (between two and three attempts are detected each day during peak times of the year – May to September).

Most staff members employed at the BCP come from the nearby town of Svilengrad. Family and friend relations between the staff of the two agencies are common. Yet family traditions often determine whether one would go and work for Customs or for the Border Police (i.e. one could see two generations of Customs officers, or multiple members of one family working, for example, at the Customs Agency).

In addition, since the early 1990s, many of Svilengrad's citizens and nearby villages have been involved in cigarette bootlegging, shuttle-trade and smuggling of Turkish goods, as well as smuggling of fruits, oil, or alcohol across the border with Turkey (CSD, 2004). Again, informal family and friend networks often linked both the smugglers and the BCP personnel.

2. COOPERATION

2.1. Legal basis for cooperation

The relations and cooperation between border management agencies are arranged through inter-agency agreements and some internal regulations. The legal basis for the Border Police is the Law on the Ministry of Interior and the Regulation on the Implementation of the Law on the Ministry of Interior (adopted in 2006). The Customs Agency's legal basis is the Law on the Customs and the Regulation on the Implementation of the Law of the Customs. Neither law specifically covers cooperation between Customs and Border Police.

The most important inter-agency documents with regard to cooperation are:

- *Ordinance for the Border Check Points* (2002, amended in 2009), which governs the relations between all border agencies working at the BCP, and
- *Instruction for Cooperation between the Authorities of the MoF and Mol of 2006*, which guides the day-to-day interaction between BP and Customs, and
- *Instruction for Information Exchange between MoF and Mol*.

There are also several other relevant intra-agency documents such as the Mol's *Instructions for Conducting Passport and Visa Checks at BCPs* (which has been amended several times, latest revision in 2010), and the *Ordinance on the Protection of the Bulgarian Maritime State Border* (2005).

Customs oversees the import and export of goods in general, and fights smuggling of prohibited or counterfeit goods, smuggling of antiquities, and customs and VAT frauds, among others; Border Police is in charge of immigration and vehicle traffic, and the protection of the green and blue borders. Both agencies have overlapping responsibilities fighting drugs and arms (including chemical precursors for drugs or chemical weapons production) trafficking, and both can conduct checks of personal belongings and vehicles. There are a few exceptions, whereby agencies have exclusive responsibilities. For example, the border police are in charge of monitoring the traffic of stolen vehicles and fight against terrorism; plants are the responsibility of the phyto-sanitary control; while animals are subject to veterinary control. Vessels are checked by the Maritime Administration of Bulgaria.

The *Instruction for Cooperation between the Authorities of the MoF and Mol of 2006* notes ten main forms of cooperation, in line with the IBM strategy:

- joint controls;
- formation of mobile units;
- exchange of information;
- joint assessment of operational situations;
- joint risk analysis;
- joint operations and investigations;

- appointing liaison officers;
- joint use of infrastructure and equipment;
- joint training;
- joint public and press announcements.

However, the interviews revealed that many of these forms of cooperation had never been put into practice. The regular border police or customs officers are generally not familiar with the formal instruction for cooperation.

2.2. Strategic planning

The overall cooperation of Customs and BP is guided by the *Integrated Border Management Strategy 2010 – 2013* and the associated *Action Plan*. The strategy, though, does not map any Customs and BP cooperation as an objective. Instead, it seeks to clearly define each institution's responsibilities.

Cooperation at national level is facilitated by the Inter-agency Council on Border Control Matters, whose members include representatives of Border Police (MoI) and Customs (MoF), as well as from the Ministry of Foreign Affairs (MFA), the Ministry of Economy, Energy and Tourism (MEET), the Ministry of Transport, Information Technology and Communications (MTITC) and the Ministry of Regional development and Public Works (MRDPW). In accordance with the Instructions for cooperation, agencies include cooperation initiatives at national level in their annual plans and regional initiatives in their six-monthly plans. These plans and other normative documents are prepared by the expert working group established for the assistance of the Inter-agency Council.

There are also regional and local cooperation initiative meetings to discuss various operational matters such as activity plans for mobile units, selection of priority BCPs, allocation of resources and international cooperation initiatives, among other matters.

2.3. Coordination of workflow at BCP

The customs and border controls at BCPs are generally consequential: BP inspects documents, and Customs inspects luggage and cargo. Passenger checks on public transport such as trains, ferries and ships are conducted jointly by customs and border police. The agencies use risk analysis and intelligence in order to select which trains or vessels to subject to detailed joint inspections. Container cargo is inspected only by Customs. Aircraft are checked separately. Joint checks can be initiated daily by either agency by a request in writing.

Single-line control has been introduced at the Kapitan Andreevo BCP, and vehicles are inspected in close proximity (i.e. neighbouring desks) by both agencies. The system which resembled the concept of 'one stop shop' was introduced to save more space and time for the checks. The inspection lanes and booths were not modified accordingly (e.g. by creating several parallel inspection lanes). As a result, vehicles still line up in a single queue, and as BP interviewees commented, the detailed checks by Customs often caused 'bottlenecks' and created long queues

of vehicles during peak seasons. Therefore, from their point of view, the 'single line' inspection has no added value, as it functions at present.

The Kapitan Andreevo BCP has significant fluctuations in its seasonal flow of vehicles and passengers. During the summer months, the increased traffic of Turkish migrant workers and tourists necessitates special arrangements. As the number of detailed inspections cannot be increased correspondingly, the border and customs controls focus only on the highest risk profiles. Additional inspections are also carried out by mobile units. In the course of our interviews, there were a number of examples of Customs officers detecting irregular immigrants in vehicles and informing the Border Police, or the Border Police seizing goods or undeclared cash.

The management of BCPs is arranged through the *Ordinance for Border Check Points* (2002). The head of the local department of Border Police is nominally also the head of the BCP. S/he is responsible for the coordination of the activities and cooperation between the agencies at the BCP. In practice, however, the head of BP does not exercise full control over the work of Customs, especially at the bigger BCPs. The heads of both agencies manage the cooperation process and are responsible for the maintenance of the equipment, infrastructure and facilities. The heads of agencies are supposed to meet once a month, but lower-ranking shift managers may meet daily to discuss operational matters, as reported at Kapitan Andreevo BCP. Both agencies also coordinate the shift hours and changes.

For better control of traffic of goods and people, there are also additional tools, such as surveillance cameras, which are already in place in most BCPs.

During the site visits it was observed that since the administrations of both agencies are located in different buildings (Ruse or Varna), the informal relations were more intensive at the lower level, where officers need to work side-by-side on a daily basis.

2.4. Risk analysis

Although the Instruction for cooperation requires that there should be regular joint assessments of operational situations and joint risk analysis, the agencies do not develop risk analysis jointly, neither do they share them with any regularity. At the BCPs, each agency defines its own risk profiles according to circumstances. If necessary, however, risk profiles are shared on a daily basis at intra-agency meetings at the BCP. Other than that, exchange of risk analysis takes place mostly ad hoc at the operational level, during joint operations, and for the purposes of managing joint mobile units.

In the case of Varna port, a system is in place to provide advance information on passengers, crew and cargo. This system allows each agency to inform the other one of risks that it has identified. At Ruse, the risk profiles are not specifically exchanged but the interviewees had an idea of the other agency's general profiles.

2.5. Communication & Information exchange

Mutual accessibility to databases of the various agencies is not arranged legally and operationally. This is usually explained by one of the following factors:

- there are differences in their responsibilities and there is no need to exchange information
- both agencies collect very different types of information so not much could be shared
- there are limitations arising from personal (*Law on Protection of Personal Data*) and trade secrecy provisions in legislation (*Law on Customs*, Art. 17)
- the lack of trust between agencies regarding how shared information would be used.

Each agency has its own databases. Border Police is linked to all Ministry of Interior databases, including the ones on individuals and vehicles. The Bulgarian Integrated Customs System (BICS) includes real-time data on all goods entering the country, as well as information on their customs clearance certificates. Since 2006 the database also includes all excise goods. BICS monitors the activity of each customs officer and makes it possible to compare quickly import and export information with other EU customs administrations.

Several types of data are shared on an ad hoc basis (usually by written request):

- customs, excise, border and currency frauds and violations
- intelligence on suspect individuals, companies, vehicles and goods
- illegal activities (fraud, smuggling and counterfeiting, among others)
- operational situations and risk analysis
- operational information on activities of joint operations or mobile units.

The site visits and interviews revealed several ways of sharing information:

- daily bulletins on operational situations along the border issued and distributed by BP to the Customs Agency
- real-time information entered into databases such as BULRIS (the river information system for the Bulgarian section of the Danube River) by liaison officers from both agencies at regional and national levels. The information can be requested via email
- real-time information from Romania and Schengen countries through the Contact Centre on the River Danube. Currently information is shared via BP liaison officers from Bulgaria and Romania, but there are plans to involve liaison officers from the Customs of both countries in the near future.
- real-time exchange of information on risk vessels with non-members in the Black Sea region via the *Black Sea Border Coordination and Information Centre*, based in the port of Bourgas, Bulgaria.

In general during site visits, the officials interviewed reported that there is frequent and adequate information exchange. Customs officers, however,

believed that their fight against smuggling and other illegal activities would be more efficient if they received more information from other border agencies. For instance, only Border Police has surveillance posts on the Danube, situated 40-50 km apart. Similarly, the information from the Naval Administration of Bulgaria and the Border Police Black Sea surveillance system could also assist Customs in identifying vessels suspected of being involved in smuggling. Yet, such information reportedly is not shared with Customs. The untimely exchange of information has led to several cases where Customs missed the opportunity to prevent serious smuggling at the external border. One example given was the case of the coast of Kaliakra Cape, where Border Police failed to share information with Customs, which was therefore slow to identify Turkish boats smuggling goods in 2009.

2.6. Training and human resource management

Border Police and Customs officers are generally not cross-trained regarding the responsibilities and duties of each agency. During their training, the BP are given basic information on the functions of Customs. However, there are opportunities to develop better understanding of each other's work in practice at the BCP.

Following the abolition of Customs checks at the temporary external EU borders with Romania and Greece, the Border Police identified a need to undergo basic training in customs regulations, forms and control. Such a seminar took place in Ruse, and was organised not by the Customs Agency, but by a private company (Crown Agents). Border Police have also reportedly had joint operational training with the Navy on the protection of territorial waters.

Both agencies claim that they don't have enough personnel for joint operations; however, they had a similar number of redundancies following the EU accession.

2.7. Criminal investigations and intelligence

At present the Customs Agency does not have investigative powers. The Border Police may participate in investigations, but does not have a separate investigative branch. BP can gather evidence, use informants, and detain offenders. If an illegal act or fraud is detected, the regional Police or Main Directorate for Combating Organised Crime (MDCOC), and the Prosecution are notified, and they take over any further investigations. The evidence collected or the suspects apprehended are handed over to them for further investigation and prosecution.

In terms of intelligence gathering, Customs was stripped of its intelligence powers in 2008, and presently it does not formally collect information (through informants, purchase of information, or through electronic surveillance devices, etc). Nevertheless, informal contacts (either with businesses, Prosecution, or even with the police) are common, and intelligence information is collected unofficially all the time. Owing to the fact that Customs does not have intelligence powers, it does not share such information. Border Police also does not have formal intelligence-gathering powers, and its intelligence information largely comes from other Mol agencies (criminal police, or MDCOC).

2.8. Joint operations

Joint operations involve checks of vehicles, goods and persons and can be conducted at three locations: at the BCPs; within the territory of the country by mobile units; and on the premises of companies and individuals. The aim of joint operations is to prevent smuggling of goods or people, irregular immigration, and violations of customs, currency, excise or border regulations. Joint operations are planned at regional level and are normally led by the initiating agency. There have been a number of operations initiated by both agencies, but for the success of such operations has been low.

At BCPs, there are always joint detailed checks when both agencies are present. At temporary external borders there are no Customs officers present. They are called upon to carry out customs checks when a need arises or for joint operations with the BP. The BP uses formal channels to inform Customs of suspect vehicles.

Both agencies contribute resources to joint operations, mostly by providing equipment and intelligence. Both cited poor planning, management, coordination and information exchange as their major concerns; the unclear division of powers is the main concern of Customs.

2.9. Control outside the permanent BCPs

The land border or the so-called 'green border' (the 30-km area adjacent to the external border) is guarded against illegal crossings by the BP. Customs operates primarily at BCPs or in mobile units along the green border or inside the country. The 'blue border' is guarded by Border Police with some assistance from the Navy in territorial waters, along the Danube and the Black Sea coastline. There are 12 Border Police-operated posts for technical and visual surveillance along the Black Sea coast.⁷⁹

The Customs Agency does not have surveillance posts along the green or blue borders and relies solely on mobile units to protect the Customs territory beyond BCPs. Many of the smuggling practices occur at night, as fewer mobile units operate at night. The Border Police are responsible for alerting Customs of any cases of suspected smuggling or illegal transportation of goods along the green and blue borders. Some customs officers interviewed suspected that the lack of joint controls (Customs-Border Police) of the green or blue borders leaves the Border Police officers vulnerable to corruption.

Several cases were quoted to support these claims. The links of border officials with local communities and local criminal networks were given as the main explanation.

2.10. Mobile units

Although each agency has its own mobile units that carry out patrol or control tasks, these are not generally coordinated. The Customs and BP

⁷⁹ They cover 85-90% of the territorial waters for the purpose of monitoring of 'medium targets', and 80% of contiguous zone for monitoring of large targets. 'Blank spots' are controlled by Border Police coastal patrols.

also operate joint mobile units. They are called Mobile Units for Control and Surveillance (MGCS), and include border police and customs officers. They are used for patrol or special operations, and are formed on an ad hoc basis. They were established as a best practice adopted from other EU Member States. Their main objective is to strengthen the counter-organised crime efforts along the green border, to prevent smuggling of goods, human trafficking, irregular immigration, and customs and currency violations, as well as fraud within the 30-km border zone.

The use of the MGCS may be initiated by either agency at a regional level using risk profiles or on the basis of intelligence. Financing and transportation is provided by the initiating agency. The mobile unit is led by a representative of the initiating authority. In 2009 most joint mobile units were initiated by the Border Police. To facilitate quick response, mobile units can be formed just by verbal agreement and later signed off on paper within 12 hours after the operation has taken place.

The research team's observation of a mobile unit at Kapitan Andreevo BCP, as well as the information provided in the survey by the two agencies, indicate that the most common challenge of the joint mobile units is the division of responsibilities and leadership of operations. According to BP data, in 2009, 1,312 mobile units for control and surveillance were formed. They detected 210 customs violations, 18 violations of the Law on Bulgarian identity documents and 11 violations of the Ministry of Interior Law (2006).

The Customs and Ministry of Interior have also another type of joint mobile unit, commonly referred to as 'customs mobile units'. They include representatives of Customs and the MDCOC. The activities of these latter mobile units are guided by the Instructions for Organising the Activities of Mobile Units (2004) and the Instructions for Cooperation between the Authorities of MoF and Mol (2006).

2.11. Infrastructure/ Equipment sharing

Each agency has its own budget and equipment, allocated by the relevant ministry. Levels of funding and available equipment differ. Yet, in some locations there has been joint acquisition of fuel, for instance, or sharing of patrol cars/boats, as well as equipment during joint operations (different types of mobile scanners and endoscopes, among others). There are also premises or infrastructure around the BCP which are used jointly.

The regional authority/administration is the formal owner and manager of some BCPs. It processes all the BCPs' overheads, dividing payments between agencies and companies (banks, shops or other services) present at the border, in accordance with a provisional agreement.

A common problem for BP and Customs at different BCPs is the low budgets for equipment operation. In Ruse, for instance, Border Police patrol boats are not used for regular patrolling but only when there is intelligence that illegal activities are taking place. The powerful mobile radar used to inspect containers at the Port of Varna, is in shared use

with the Port of Bourgas (the only other one that can receive container cargo), with the purpose of minimising costs of maintenance.

Border Police in Varna have four patrol boats which are considered not sufficient to patrol territorial waters. On rare occasions, when there are operations, Customs officers might use these boats to inspect cargo in ships in open waters.

2.12. Contingency/ Emergency

There are joint contingency/emergency plans developed annually by the Civil Protection Agency (part of the Ministry of Interior). Emergency plans for ports and airports are the responsibility of airport and port administrations. In some specific cases, such as a large inflow of refugees, there is a relevant designated authority in charge, in this case the BP. In such instances, other border agencies provide additional support to the main organisation leading the relief effort.

3. SUMMARY AND CONCLUSION

The cooperation between Bulgarian Border Police and Customs in Bulgaria could be described as limited. The legal framework for cooperation and the instructions that guide the daily interaction between both agencies exists, but the realities remain quite different. There are obstacles to the effective implementation of these guidelines. Although lack of trust between the two agencies was developed during the years when both agencies were plagued by high levels of corruption, no practical steps have been taken to mitigate these entrenched attitudes. Therefore a number of factors continue to negatively affect the cooperation between Border Police and Customs.

Corruption

The geographic position of Bulgaria places the country on the main route of goods and people coming from Asia, the Middle East and Africa into Europe. This also brings along with it smuggling and organised crime networks, and puts additional pressure on the institutions involved in the management of the border. The high-risk environment along the border, as well as reported and alleged links between border officials and organised crime groups, give rise to mutual suspicion between the Border Police and Customs, and accusations of involvement in corruption and criminal networks.

Views about large gaps between the salary levels of customs and border police officers, seem to be one of the sources of tension that hamper cooperation between the two agencies. The perceptions of Border Police that many Customs officers have additional incomes from bribes is usually dismissed by Customs officers who point out that Border Police' starting salaries are much higher.

Officers from both agencies were aware that officers with corresponding rank and experience in the Border Police receive higher salaries. Customs employees often found this disparity unjust, as customs jobs generally require university degrees, unlike border police where secondary education is sufficient. High ranking Border Police officials, however, argued that about 50-60% of officers also had university degrees, needed to speak a foreign language and had to be computer literate.

Border Police officers argued that customs officers have often been exposed to bribery, and that in reality their incomes have never been lower than those of Border Police officers. Up until only a few years ago, the opportunity to receive bribes while serving in the Customs Agency caused a process of paying to be appointed to key BCPs or important departments. Such postings were given primarily to trusted individuals likely to engage in corrupt transactions and to be loyal to their supervisors (CSD, 2009).

Institutional cultures

Although corruption has been declining in recent years with the advent of stronger anti-corruption measures, the historic tensions remain a key obstacle to efficient cooperation. These tensions have maintained a degree of mistrust, which affects core elements of efficient integrated border management, such as, for example, the exchange of information.

One of the key obstacles to active informal relations between Customs and Border Police officers is the differences in their respective institutional cultures.

The Border Police still has a military culture: military uniforms, fire-arms, military hierarchy and ranks, and a culture of secrecy; it is also subject to prosecution by military courts. On the other hand, although uniformed, the Customs Agency culture is less of a law enforcement agency and more like a government bureaucracy.

The following factors could be outlined as contributing to the different institutional cultures:

- Different educational backgrounds: many customs officers come from legal and economic backgrounds, while police often come with a police academy background. In addition, more Customs officers have higher degrees than do Border Police officers.
- Differences in management structures and internal rules: while the border police management, posts and administration are much more of a law enforcement agency, the Customs Agency's culture is closer to a government bureaucracy.
- While the Border Police is generally a very closed institution, where a 'culture of secrecy' is the normal mode of operation, Customs officers are far more open to contacts with the outside world, as they routinely need to work with companies and other organisations.

Financial and technical resources

Joint operations are hampered by insufficient technical capabilities and financing on both sides. The separate budgets also undermine the success of joint operations. Although BP and Customs share equipment during joint operations and in mobile units, any politically motivated allocation of resources to the other agency causes further tensions over available resources in such context.⁸⁰

Political aspects of appointments

Although there appears to have been a reduction in politically motivated appointments after 2007, this practice still exists and is a source of mistrust. Changes in the management of the agencies may considerably affect their work and the moral of the staff, as well as their cooperation with other border agencies. In 2010, tensions between the leadership of the Ministry of Interior and Customs (described in the introduction to this case study) resulted in mutual accusations of ineffectiveness.⁸¹ Political clientism is still a factor in smuggling goods through the Bulgarian border; however, much effort has been made in the past few years to tackle this issue, and compared to a decade earlier it has significantly diminished.

Differences in structure

The difference in institutional structures of the two agencies complicates further cooperation and communication between officials and officers of corresponding rank. As referred to above, the regional Customs directorate in Varna has to liaise with three different directorates of BP in northeast Bulgaria. The different working arrangements (such as shifts and division of responsibilities) are another cause for the small degree of cooperation between the two agencies.

Best practices

As a result of the above obstacles, neither the interviewees nor the electronic questionnaires provided clear indications as to which are the 'best practices' for cooperation between Customs and Border Police. One of the main reasons is that there have not been any formal assessments of the particular measures and practices that were introduced. The interviewees were not able to comment as to whether the effect of some of the measures led to reduced volumes of trafficking. In addition, the increase in seizures of particular goods could have been related to the increase in trafficking activity of particular goods rather than to

⁸⁰ For instance, the 2011 State Budget included budget freezes and reductions across all administrations except the Ministry of Interior, which is supposed to receive a 10% increase.

⁸¹ In July 2010, the national news in Bulgaria headlined a scandal that led to the resignation of the Deputy Head of Parliament, Lachezar Ivanov. Mr. Ivanov tried to stop a TV report on corruption in Customs, as he wanted to protect a customs officer he was related to from being exposed. The TV crew showed how a number of low-paid customs officers, mostly working at the Kalotino BCP, lived in mansion houses, owned hotels, and drove luxury vehicles. Such reports, that surface periodically, undermine public confidence in the Customs.

improved controls. In addition, other factors, such as a decrease in corruption, could be the explanation for changes in smuggling trends, and it is unclear what changes (if any) could be attributed to the introduction of any particular measure. Therefore, the only measure which both Customs and Border Police officers were generally positive about was the introduction of Mobile Units for Control and Surveillance. Its effects, though, have not been formally evaluated.

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COUNTRY STUDY: FINLAND

TABLE 17. LIST OF INTERVIEWEES

Position	Department	Institution
Director	National Board of Customs	Customs/Tulli
Director	Eastern Customs District	Customs/Tulli
Department Head	Customs Helsinki Airport	Customs/Tulli
Department Head	Eastern Customs District Intelligence & Investigation Department	Customs/Tulli
Senior customs Inspector	Head of Nuijamaa Customs	Customs/Tulli
Senior customs Inspector	Dep Head Vaalimaa Customs	Customs/Tulli
Customs Inspector/Shift leader	Nuijamaa customs	Customs/Tulli
Customs clearance officer	Nuijamaa customs	Customs/Tulli
Customs officer	Vaalimaa Customs	Customs/Tulli
Senior customs Officer	Intelligence section Helsinki airport	Customs/Tulli
Chief Border Guard	Head of Vaalimaa Border	Border Guard/Rajavartiolaitos
Senior Border Guard/ Shift leader	Vaalimaa Border Guard	Border Guard/Rajavartiolaitos
Senior Border Guard	Vaalimaa Border Guard	Border Guard/Rajavartiolaitos
Border Guard	Vaalimaa Border Guard	Border Guard/Rajavartiolaitos
Duty officer	Vaalimaa Border Guard	Border Guard/Rajavartiolaitos
Deputy chief	Helsinki Border Control Department	Border Guard/Rajavartiolaitos
Border Guard	Intelligence officer/Crime Prevention unit. Helsinki Border Control Department	Border Guard/Rajavartiolaitos
Detective Sergeant- Vaalimaa Joint Intelligence Unit	National Bureau of Investigation	Finnish Police

TABLE 18. LIST OF ABBREVIATIONS

Abbreviation	
NPU	Nordic Passport Union
PCB/PCBG	Police Customs Border Guard
NBI	National Bureau of Investigations
LIPRE	Licence Plate Recognition
PCP	Primary Control Point

1. INTRODUCTION AND CONTEXT

1.1. National contexts

Finland is bordered by Sweden in the west, Norway in the north and Russia to the east, while Estonia lies in the south, across the Gulf of Finland. These Nordic countries, Finland, Norway and Sweden, have been members of the Schengen Area since 2001. Finland’s territorial waters cover an area of 1,250 km. The main external EU border is the Finnish-Russian border, which is 1,324 km long, of which a total of 1,269 km runs on dry land (the rest is covered by lakes and waterways). The border for the most part runs along a largely uninhabited wilderness with poor road connections. Significant settlements are confined to the southern part of the border. In Russia the larger nearby towns are Svetogorsk and Vyborg.

FIGURE 22. MAP OF FINLAND’S BCP



Finland’s main international air hub is Helsinki-Vantaa airport, which processes 90% of all international air traffic. Other major International airports include Tampere, Turku and Lappeenranta. The main seaport is in the capital, Helsinki. Other major ports include Turku, Hamina and Kotka. A ‘sea canal’ connects the Russian cities of Vyborg/St Petersburg with Lappeenranta in Eastern Finland.

Finland’s National Bureau of Investigations (NBI) has identified the main risks at the border as organised crime, including smuggling of cigarettes and alcohol. There have also been instances of irregular immigration and human trafficking along the eastern border with Russia.

1.2. Institutional context

Cooperation between the Nordic Countries has had significant impact on the Finnish Border Security system. The Nordic Passport Union (NPU), established in the mid-1950s, abolished passport controls for Nordic citizens travelling between Nordic states. Although all Finland's borders have always been guarded, the presence of the Border Guard has always been focused on the 'real' external borders.

Border Guard

The 2,860 person strong (2009) Border Guard is a specialised law enforcement agency under the authority of the Ministry of the Interior. Border management is organised along the lines of regional responsibility – there are four Border Guard districts and two Coast Guard districts (with 6 patrol vessels, 30 coast guard boats, 30 patrol boats and 7 hovercraft), which are supported by the Air Patrol Squadron (with 2 aeroplanes and 11 helicopters).

Since the mid-1990s, following EU accession (1995) and joining the Schengen Area (2001), there have been several significant changes in Finland's border management. Firstly, and perhaps most importantly, there was a shift of the main responsibility for passport control from the Police to the Border Guard in 1995. This reportedly improved the level of border checks, since it used to be a secondary task for the police, but it became one of the main tasks for the Border Guard. It also created a national authority responsible for border control at all types of borders – land, air and sea BCPs.

The second significant border management development in Finland involved a structural change whereby one-third of border guard stations were closed. This decision was based on the premise that it was more efficient to have fewer, but more functional, stations than to have many small stations, and to have more mobile patrols instead of stationary posts. Thirdly, the Finnish Border Guard acquired sophisticated technical surveillance systems suitable for the country's demanding border conditions.

There are currently 57 Border Guard stations, of which 30 are located on the Russian border (the rest being coastal stations). The borders are controlled and guarded using mobile units, technical equipment and aircraft surveillance. The Police, as part of their additional duties are responsible for performing border checks at nine inland airports.

Between 2000 and 2008, the Border Guard increased its staff levels in the Eastern region on the basis that the Eastern Finland/Russian border is assessed as being a higher risk and therefore a priority compared to the other land borders that Finland shares with Norway and Sweden, which since 2001 have come under the Schengen Acquis. The Eastern border with Russia is managed from the regional headquarters of the Border Guard, located in Imatra, Rovaniemi, Kajaani and Joensuu.

The functions of the Border Guard are based on the Border Guard Act (578/2005) and Decree. According to the Act, the role of the Border Guard includes:

- border surveillance and border check functions;
- customs functions (in areas without sufficient Customs staff);
- maritime search and rescue functions;
- national military defence functions;
- policing functions.

Other duties of the Border Guard include enforcement of law and order, in collaboration with the police, in border and coastal regions, as well as military defence. Some tasks and powers of the Border Guard are also defined in other legislation, such as the Aliens Act.

Customs

The Customs Service is under the auspices of the Ministry of Finance. The duties of Finnish Customs are defined in section 2 of the Customs Act. Customs is responsible for the control of goods imported to and exported from the country, the customs control cross-border traffic of goods, and enforcement and collection of import duties and excise tax. The Customs is, in addition to the Police and BGs, a law enforcement and pre-trial investigation authority.

In 2009, the Finnish Customs had 2437 employees. About 600 Customs officers are directly involved in the area of border controls. This includes monitoring commercial vessels, as well as small aircraft at six inland airports. At land-based BCPs with Norway and Russia, Customs control the movement of goods. In view of the assessed risk, Customs have focused their efforts and resources in particular along the Russian border, where about 340 officers are based, with 240 of these performing Customs control duties. A further 340 Customs officers are based at the ports along the Gulf of Finland, operating mainly as mobile units.

Police

The National Bureau of Investigations (NBI) is a unit of the National Police operating throughout Finnish territory. The main responsibility of the NBI is to fight the most serious, professional and organised crime. It has two main functions – criminal investigation and the provision of specialist services. The focus of its investigation function is on organised crime moving across national borders or the borders of local districts. The NBI's specialist services feed into the authorities responsible for border controls, including criminal intelligence and operational analyses. The NBI does not routinely undertake border controls, but may attend a BCP in coordination with the Customs and/or Border Guard for specific operations.

Another prime function of the NBI is to produce an Anti-Fraud Plan for combating organised crime and to provide regular situation reports on illegal cross-border activity. In terms of the indicative trends on smuggling linked to organised criminal activity, the following extract from the Finnish Customs Intelligence Report for 2008 is indicative of the main risks being faced:

“Cigarette smuggling has been more widespread and organised than in previous years. This has become evident especially with the organised nature of trafficking small cigarette consignments. Furthermore, the networking of criminal groups has continued domestically as well as internationally. The criminal groups operating in Finland participate, for example, in the smuggling of narcotics as well as cigarettes. Terrain stashes in Finland and internal body concealment in border crossings are still significant trends in the smuggling of narcotics.”

Cultural context

In Finland, Customs is a civil service, whereas the Border Guard is a law enforcement body whose internal organisation is structured along military lines. The majority of Finnish Border Guard employees have received part of their basic training in the Military Academy of the Finnish Defence Forces. The Border Guard also provide assistance to the Police as part of their border control function.

Both Customs and Border Guard Services appear to be seen as equally prestigious and there seems to be no obvious disparity in salaries at equivalent grades between the two organisations.

There appear to be no tensions among the services over conditions of work either. Both services share a common belief that they have equitable conditions of service. Border Guard officers are able to retire between the ages of 50 and 55, depending on the grade held. As civil servants, Customs officers are required to work either for 40 years or to the age of 65. A few Customs officers expressed a wish to have similar retirement options as the Border Guard, but this seemed to make no difference to the general air of cooperation between the two organisations.

1.3. Contexts at sites visited

Our research focused on Vaalimaa and Nuijamaa BCPs in Eastern Finland, which are the main BCPs on the border with Russia, as well as on the international airport Helsinki-Vantaa.

In total, 6 interviews were conducted at Nuijamaa/Lappeenranta. This included the National Director of Customs, the Eastern Region Divisional Director of Customs, the Head of the Customs – Nuijamaa BCP, two Customs officers working at Nuijamaa and the Regional Investigation Head of Customs – Lappeenranta. Time constraints meant that no Border Guards were interviewed on this occasion.

Both commercial (‘heavy traffic’) and passenger traffic was reduced considerably in 2009, due the global financial crisis. Commercial traffic was down by as much as 50% compared to 2008 statistics.

TABLE 19. STATISTICS OF SITES VISITED (2009)

Site name	Nº of people crossing	Nº of cars crossing	Nº of trucks crossing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards
Nuijamaa BCP	690,000	693,500	137,000	520,000 Import 633,000 Export*	17,000 between the 2 BCP's.	100	135
Vaalimaa BCP	800,000	750,000 (approx)	350,000	**	This includes 40% empty	120	140
Helsinki-Vantaa Airport+	12,132,000 ++	N/A	N/A	145,000 Freight 14,000 Mail		300 (TBC) Pax and Freight	70/211/50***

* Figures for Jan-May 2010 indicate a 35% increase compared with the same period in 2009.

** Direct figures not available for Vaalimaa (TBC); thought to be around 1.1 million metric tons.

*** 70 Helsinki Coast Guard; 211 Helsinki Border Control Dept; 50 Crime Prevention Group. Officers rotate between the airport and the port. At any time, up to 100 BG officers are on duty at the airport.

+ 2008 statistics.

++ International passengers (arrival/transit/departure).

Nuijamaa Border Crossing Point (BCP)

Nuijamaa is the second largest of the eight main land crossings between Finland and Russia. It operates 24 hours a day. It is located approximately 30 km from the regional capital Lappeenranta. On the Russian side it is 50 km away from the city of Vyborg and 200 km from the regional hub of St Petersburg. As well as the land border crossing at Nuijamaa, there is also a sea canal, which has both passenger and commercial shipping travelling to and from Russian ports on the Gulf of Finland. Customs have 100 officers and the Border Guard employ 135 officers at Nuijamaa.

In 2009 the Saimaa canal was used to export and import around half a billion tonnes of goods in either direction, and 71,000 passengers travelled through it. Customs and Immigration control of vessels using the canal is performed at the port of Lappeenranta. Vessels have to pass through various lock systems, and there are separate Customs and Border Guard mobile border enforcement groups that can intercept vessels if required.

The land border crossing point has been upgraded several times over the last ten years. In 2007, the post was relocated to a new area covering 35 hectares.

Both Border Guard and Customs maintain a permanent presence at the BCP. Officers from the National Bureau of Investigations, located at Vaalimaa BCP, also visit Nuijamaa, either upon receiving a request from the Customs or Border Guard, or when a specific operational need arises. The BCP is equipped with modern facilities, ample parking, inspection bays, an

x-ray facility, a nuclear material detection device, and separate buildings for processing passenger traffic and heavy goods-commercial traffic.

There is also a green border which, in part, follows a path adjacent to the nearby canal. It is patrolled by the Border Guard.

According to interviewees, the main risk issues at the BCP are organised smuggling of cigarettes, both genuine and counterfeit brands, and alcohol smuggling. There is also a significant local drug problem in Lappeenranta, fuelled by synthetic drugs made in Russia. Stolen vehicles, particularly for export, also account for a percentage of the seized goods at the border.

The Nuijamaa BCP processed 137,000 commercial trucks in 2009. This averages out as approximately 375 trucks per day or 16 trucks an hour. This represents a 55% decrease compared with 2008, largely due to the global financial crisis and the downturn in trade.

Passenger traffic accounted for around 700,000 individuals in 2009, 4% down from 2008. Passenger vehicles, including some regular bus lines, amounted to an average of 1,900 in a 24-hour period, or about 80 per hour. As with most BCPs, traffic is in general heavier at peak times, between 08:00-11:00 and 16.00-19.00. There is a seasonal increase in traffic over the summer months. The challenging conditions of the Nordic winter sometimes make travelling difficult between December and March. The road conditions on the Russian side of the border are said to be not of a sufficiently good standard.

All staff work on a shift basis: a shift can consist of up to 18 Customs officers and 24 Border Guards.

Issues related to organised crime

In the eastern border districts of the Customs Service, which includes the BCPs of Vaalimaa and Nuijamaa, tax fraud in the form of large-scale smuggling of cigarettes is seen as one of the most significant risks. The following case study from the Nuijamaa BCP as outlined by the Finnish Customs is indicative of the scale and organised nature of this fraud.

CIGARETTE SMUGGLING AT NUIJAMAA BCP

'On 31 March 2009, Lappeenranta District Court gave its decision regarding a case of aggravated tax fraud and an aggravated accounting offence investigated by the Eastern Customs District. The case involved the 2008 smuggling of cigarettes that were concealed inside wall panels. The defendant in the case was a Russian businessman. The case involved a significant number of cigarettes. The preliminary investigation revealed that the cigarettes were imported on altogether ten different occasions, nine of which were successful. The final transport was stopped at Nuijamaa Customs on 3 November 2008. Up to 14,428 cigarette cartons were discovered during the customs inspection. The cartons contained 2,885,600 cigarettes of the brand L&M...The amount of unpaid customs duties and value added taxes was approximately 5 million Euros.'

Source: Finnish Customs Intelligence Report 2009

Organisation of management and structure

The Senior Customs official is nominally Head of the BCP, who liaises with his counterpart on a daily basis, as do the subordinate managers and staff, in order to organise the daily team work. At key shift changes, and during heavy work periods, shift leaders from both Customs and Border Guard will arrange and task resources in accordance with risks.

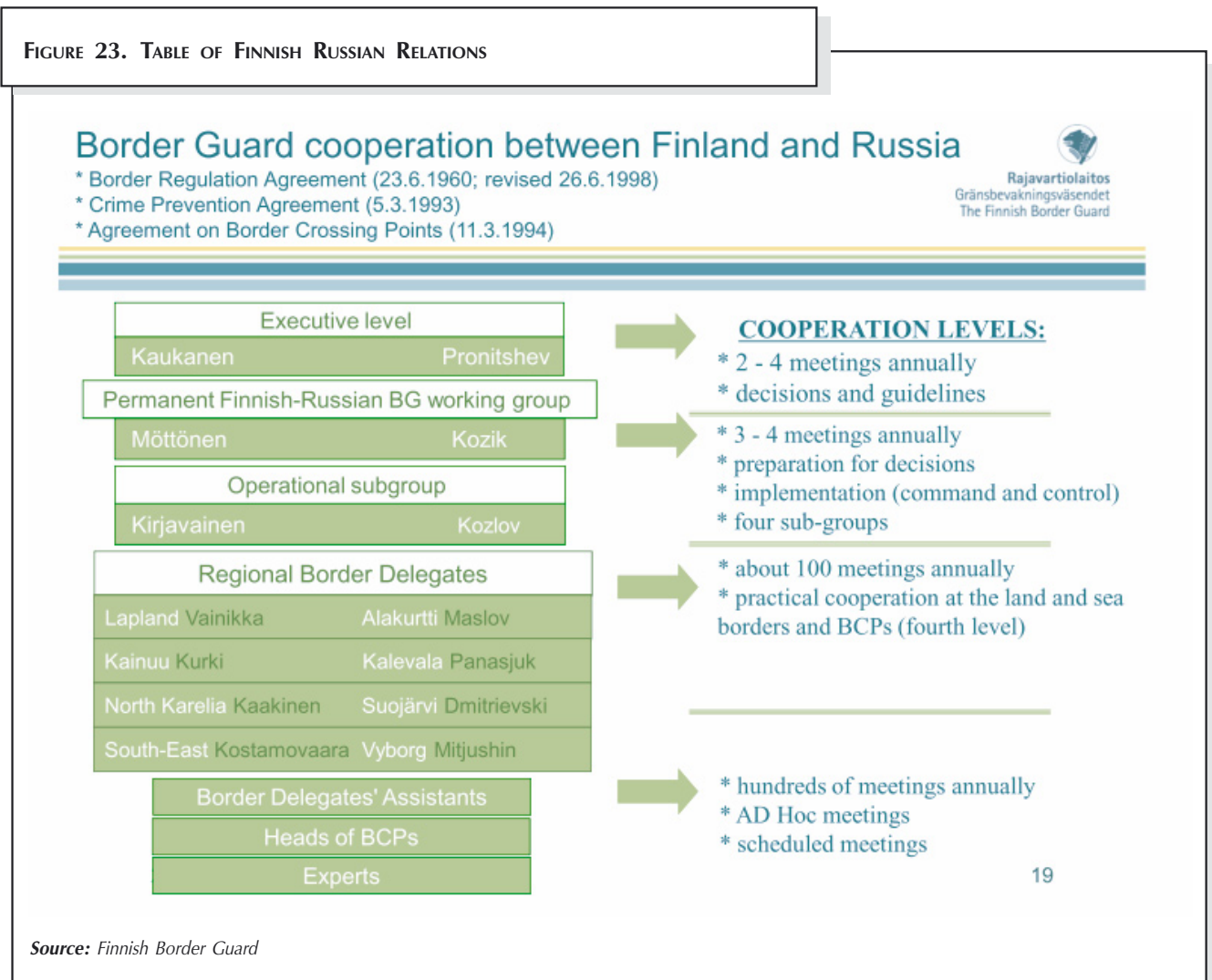
Since March 2009, there have been joint facilities for Customs and Border Guard at Nuijamaa. Common areas include work stations and rest areas. Radio communication is also done on a common frequency.

There is an ongoing joint training programme, and joint use of drug-sniffer dogs.

International cooperation between Finland and Russia

In terms of strategic relations with Russia regarding border management, there is a long-term agreement, which has established the basis for international cooperation as follows:

FIGURE 23. TABLE OF FINNISH RUSSIAN RELATIONS



Source: Finnish Border Guard

The framework of cooperation is built upon:

- Investigating and solving border incidents
- Exchanging information (7/24)
- Cooperation at BCPs
- Risk analysis and other operational cooperation regarding border-crossing crimes
- Joint operations
- Joint exercises
- Exchanges of experts and practices

In a localised context, the Russian BCP opposite Nuijamaa is reported to have 7 control organisations/agencies based at the border. Meetings are held between the respective heads of the **Nuijamaa** BCPs staff twice a year. More infrequently, official delegation exchanges between the cities of Lappeenranta and Vyborg include the Heads of the BCPs. There is also a form of informal exchange, with the Finnish and Russian Border Guards playing ice hockey and a form of baseball against each other. At least once a year representatives of the Russian Customs are invited for an official meeting in Lappeenranta.

There is also a cooperation agreement between Finland and Russia, aimed specifically at countering cross-border organised crime activities. Under this arrangement:

- two Finnish Customs attaches are located in Moscow
- a Border Guard liaison officer is based in St Petersburg
- an NBI officer is based in the Russian border city of Vyborg.

It is a view held by the Finnish authorities that the joint working practice with their respective Russian counterparts in the Customs and Border Guards provides a unique channel of communication at the present time. However, it is felt that the established communication and contacts would be affected adversely, if for instance, there were to be any moves to create a single border agency in Finland (i.e. Customs and Border Guard).

In terms of wider international cooperation, according to figures from the Finnish Customs, there were 11 international operations organised in 2008, including five joint EU operations and two operations coordinated by OLAF. Joint operations with the EU specifically targeted the following:

- smuggled cigarettes in postal consignments arriving from China;
- foodstuffs from Harmonised System chapters 07, 08, 20 commodity groups arriving from East Asia;
- smuggled synthetic narcotics via bus traffic.

The Finnish Border Guard is an active partner in contributing to Frontex-led initiatives, to the extent that their officers work at the Frontex headquarters.

Vaalimaa BCP

Vaalimaa is the largest BCP at the eastern border in terms of passenger numbers and commercial traffic. It is located around 60 km from the regional hub of Lappeenranta and 200 km from St Petersburg. It borders the Russian control point of Torfjanovka. Vaalimaa is a 24-hour BCP, with a complement of 120 Customs officers and 140 Border Guard. Russian nationals make up 80% of the traffic passing to and from the Schengen Area through the BCP, with Finnish nationals making up the second biggest group at 15%. The remaining 5% is made up of other nationalities.

Built in 1996, the facilities at the BCP were upgraded in 2006. They include a well-maintained road crossing point, modern customs and immigration facilities, ample parking, inspection bays, a large purpose-built lorry x-ray facility, nuclear material detection devices, veterinary inspection premises and joint-use detention cells. The x-ray facility is located in a purpose-built building adjacent to the exit gate from the BCP.

FIGURE 24. PURPOSE-BUILT X-RAY AT VAALIMAA AND BCP INFRASTRUCTURE



Commercial lorry traffic accounts for a large part of the vehicles passing through Vaalimaa BCP. In 2009, 350,000 commercial trucks passed through the BCP, which was a 25% drop compared with 2008. As at Nuijamaa, there has been a 15% rise in traffic in the first five months of 2010 compared with the same period in 2009. In 2009, around 800,000 individuals crossed the border, down from a peak figure of 2.6 million in 2007.⁸²

Customs and Border Guards share operational areas at the BCP, such as car lanes and halls, lorry inspection lanes and x-ray facilities.

⁸² Data provided by the Finnish Customs.

There are dormitories on site that can be used by staff between shifts (Customs can also make use of this facility), as well as a canteen and a purpose-built rest area. Of the 140 Border Guard based at Vaalimaa, up to 30 are involved in mobile border patrols (in teams of 3), monitoring the green border for both illegal immigration and smuggling.

Vaalimaa is also the regional operational base of the joint intelligence and information centre (PCBG). Three NBI police officers are also based there, and have operational control of the centre. The objective of this centre is to combat serious organised crime by deploying PCB resources according to the analysis of risk, and by disseminating intelligence. The operation and control system of the PCBG relies on officers from both Customs and Border Guard working alongside their police colleagues on a shift roster basis (one Customs and one Border Guard representative per shift).

Helsinki-Vantaa International Airport

Over the last twenty years, Helsinki Airport has grown in terms of importance as a major EU entry/transit point for passengers arriving from Asia. Approximately 80% of all passengers at the airport transfer to other EU destinations. The Border Guard check passports of passengers arriving from outside the Schengen Area. Customs monitor and examine transit baggage. However, as the average time for transfer is about 35 minutes, transit baggage is inspected only when identified as 'high risk'.

The Border Guards based at the airport are from the Gulf of Finland Coast Guard district. This district has a border check unit totalling 212 Border Guard officers, who operate both at the airport and in Helsinki Harbour on a rotational basis. Fifty Border Guard officers are stationed in the Crime Prevention Unit at the airport. This unit operates in co-operation with the Joint Intelligence and Information Centre (PCB) and conducts pre-trial investigations.

Customs and Border Guard do, however, cooperate on a daily basis through the Joint (Crime) Intelligence and Information Centre, which is headquartered at Helsinki Airport.

Customs has two representatives at the Centre. The Centre also comprises representatives from the Security Police, the National Bureau of Investigation ('National Police') and the Border Guard. Each operates as a representative of his own institution by exchanging, gathering and disseminating information according to their own PCB agreements and plans of action.

2. COOPERATION

2.1. Legal basis for cooperation

In 2009, the Finnish Parliament passed the new PCB Act 687/2009, which provides, for the first time, a legal regulatory basis for cooperation in crime prevention between the Police, Customs and the Border Guard (which previously was provided for under a Governmental Decree). In terms of crime prevention, the new act; *'generates possibilities for conducting tasks belonging to the field of another PCB authority on its behalf. However, the act does not give the authorities any new powers other than those pertaining to data acquisition, investigation and criminal intelligence purposes of the cooperation'* (Finnish Customs Intelligence Report 2008).

The new act also contains provisions regarding the activities of the joint criminal intelligence and analysis activities of the PCB authorities and creates entirely new, official forms of cooperation. The Act, which entered into force at the beginning of 2010, creates a firm, long-term basis for national crime prevention cooperation.

The national agreement on cooperation between Police, Customs and Border Guard was signed on 8 April 2010. The basic principles of the agreement focus on:

- deploying resource according to analysis of risk;
- the effectiveness of joint crime prevention control;
- avoidance of duplicated effort and overlapping functions.

The agreement provides for:

- common national orders;
- further regional and local agreements;
- more detailed division of tasks in the area of previously overlapping responsibilities;
- intelligence and information sharing through common use of databases;
- cooperation in drafting of new legislation;
- common approach to international cooperation;
- joint use of technology and equipment.

Other specific joint agency collaboration initiatives include the 'Nuija' project: A recent high-profile cooperation initiative between Customs and Border Guard. The aim of the project was *'to improve the flow of traffic across the border by allocating staff to functions depending on how busy the traffic is'*. (See section on Nuijamaa BCP.)

2.2. Strategic planning

Control of both internal and external borders is executed with a high-degree of national cooperation. Police, Customs and Border Guard (PCB) cooperation is embedded in a national three-tier agreement as detailed in Figure 6 below. The aim behind the cooperation is to make work at the border more efficient in operational and economic terms.

FIGURE 25. PCBG COOPERATION MODEL



Under this arrangement, long-term strategic plans are discussed and updated among the Heads of Police, Customs and Border Guard at their bi-annual meetings. The National PCB board decides the policy instructions concerning the PCB work. The PCB secretariat has regular meetings throughout the year.

One of the main starting points for the PCB cooperation is that each authority is responsible for its statutory duties, but cooperates in areas of overlapping interest. In practice, this means that border management and prevention of cross-border crime is done on a risk analysis basis. In addition, training and duties related to international cooperation also fall with the PCB objectives.

The PCB cooperation has proven to be of particular importance in the sparsely populated areas of the country. The cooperation within the PCB framework with the corresponding Russian authorities has already succeeded in uncovering organised crime groups working across the border. The number of illegal border crossings and volumes of smuggled goods between Russia and Finland has also been noticeably lower in recent years.

The framework under which national cooperation in border management takes place includes:

- Joint patrols and/or other surveillance tasks centred on border control issues including Customs work
- Joint operations
- Liaison
- Surveillance tasks performed on behalf of another cooperating authority
- Passport control
- Exchange of information and
- Training.

Under the supervision of the national PCB intelligence centre at the NBI in Helsinki, five regional PCB intelligence and information centres/groups have been established. These units are staffed by officers from all three of the enforcement authorities. In addition, there are PCB units at Helsinki harbour and Helsinki-Vantaa airport.

This close cooperation and exchange of information between authorities is also aimed at increasing the efficiency of counter-terrorist activities.

2.3. Coordination of workflow at BCP

Although management and administration of Customs and Border Guard duties are separated at BCPs, daily work and special operations are sometimes arranged jointly.

One of most successful cooperation arrangements for workflow managements has been the 'Nuija project', which took place between 2008 and 2010 at the Nuijamaa BCP. As part of the project the commercial traffic is processed by a one-stop method. Customs processes the declaration form for goods, for imports (and subsequent clearance inland) or for transit. The same officer also completes the immigration formalities. The same procedure has also been introduced to non-commercial traffic, but in this case it is usually a border guard officer who makes inspections. To support his work, the officer has access to both Customs and Border Guard Risk Management Database. Customs officers have also been trained by Border Guard how to inspect ID documents and visas, among other procedures. Border Guards have received basic Customs training, which includes search of vehicles for prohibited goods, such as drugs, alcohol and counterfeit products.

There is also an additional second-line control point, where detailed inspections are undertaken. This function is performed by a joint team of Customs and Border Guard officers.

Secondary inspections are usually undertaken upon referral from the initial document inspection. The joint team searches for smuggled goods and also provides assurance of the Road Traffic Act. For instance, drivers are routinely breathalysed and all commercial vehicles enter a weigh-bridge, with facilities for testing breaking speed, in order to detect and prevent vehicles that are not road-worthy from entering Finland.

THE 'NUIJA PROJECT' AT NUIJAMAA BCP

In 2009, the Finnish government introduced a pilot project at Nuijamaa BCP to process both commercial 'heavy goods vehicles', as well as passenger transport through a 'one stop' method. The pilot phase of the so-called 'Nuja project' has now been completed, and based on its perceived success, such 'joint' control has now been permanently implemented at Nuijamaa.

Customs officers now check passports and other relevant documents at the primary control point (PCP) and, if required, carry out Customs inspections of goods at the second line of control located after the PCP, which is operated jointly by Customs and Border Guard. A similar form of control will be introduced at Vaalimaa border crossing in late 2010.

The benefit of this change in terms of more efficient border management is that there is no longer a need for drivers of commercial vehicles and, at less busy times, any vehicle to pass first through immigration/border guard and then customs, because the documentary control (Passports/commercial paperwork/passenger lists), is now operated as a 'one-stop'.

There is a licence plate recognition system (LIPRE) in operation which records the licence plates of all vehicles entering or leaving Finland (they are photographed). The LIPRE system sends an alarm signal if it identifies a licence plate from a 'watch list' i.e. where there is an association of risk. There are also on-site facilities for veterinary checks.

However, while the BCP can process up to 20 trucks and 100 passenger vehicles per hour without significant delay, at peak hours Russian BCPs may close down commercial traffic for long periods of time. This is said to be due to inefficient border management on the Russian side and low processing capacity. The consequence is long traffic queues on the Finnish side.

The Vaalimaa BCP has a different workflow arrangement to Nuijamaa, although it has similar controls and infrastructure. Heavy-duty commercial trucks are currently processed in the same building as passenger traffic, which can cause queuing at peak traffic times. This is likely to be overcome, however, by an extension to the heavy truck vehicle examination building.

As the traffic at Vaalimaa is up to one-third greater than that at Nuijamaa, even outside peak times, the heavy commercial vehicle park is usually at capacity because of delays on the Russian side of the border.

Currently, border management at the BCP is executed separately. However, the success of the Nuija project has meant that a similar one-stop system will be introduced shortly at Vaalimaa BCP. It is anticipated that joint training will begin this summer (2010).

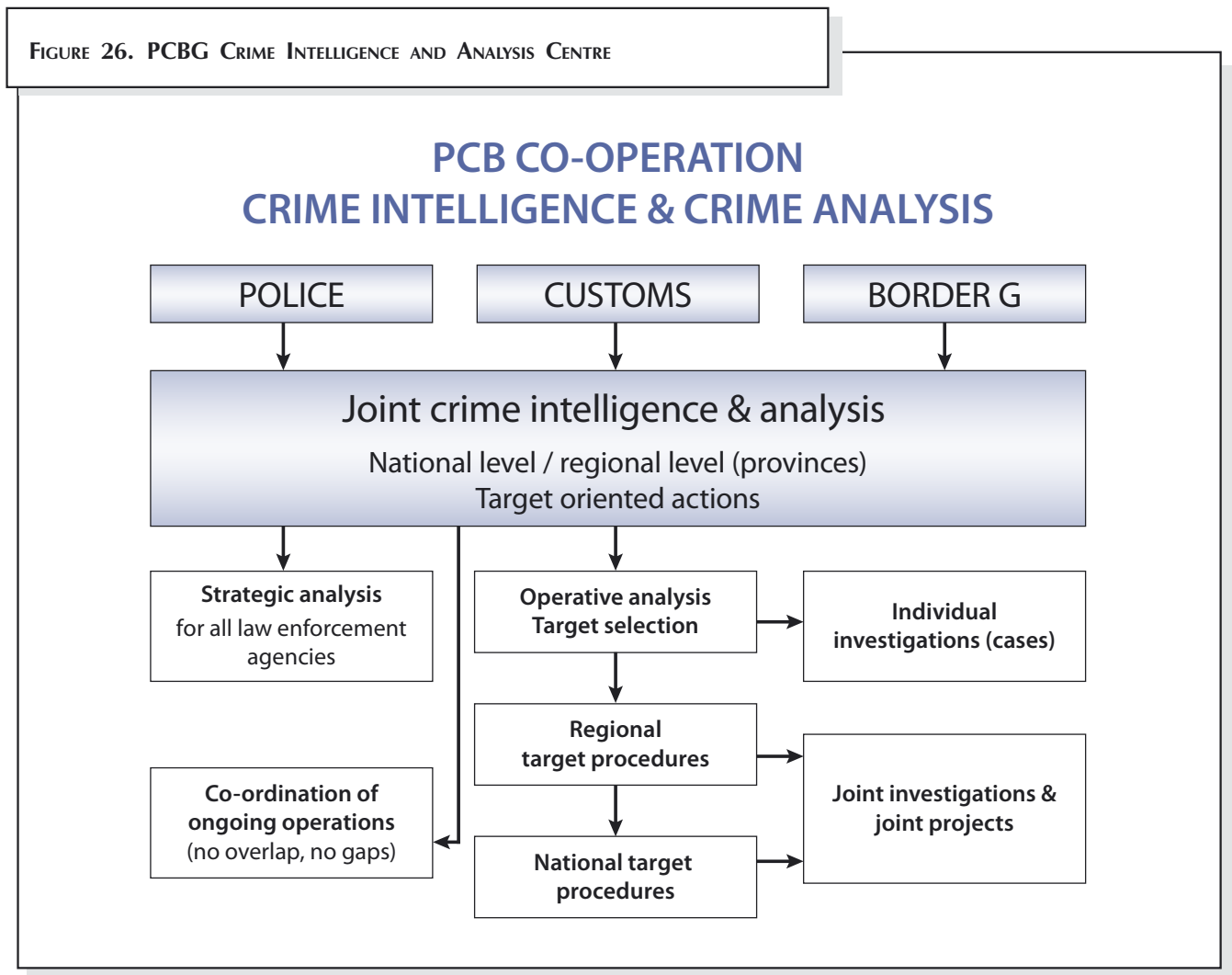
At the Helsinki-Vantaa airport, Customs and Border Guard also do not operate joint controls. Immigration issues and other matters related to clearance of goods are discreet and separate. This is mainly due to

the different infrastructure set up at the airport compared to the land BCPs.

One specific characteristic of the BCP management approach in Finland concerns the management and operation of smaller BCPs, where there has been a re-classification of (small) customs frontier offices where staffing of these locations by Customs is on a 'temporary' basis determined by risk. This approach of operating a temporary Customs presence at such locations offers authorities the means to be more flexible and dynamic in terms of the use of human resources and in maintaining effective border control arrangements. At the temporary offices and border points, the Border Guard performs all tasks of border control, including customs controls.

2.4. Risk analysis

At regional and national levels, risk analysis and the monitoring of criminal activity are undertaken at the common joint intelligence centres to which all three services contribute. However, all three services have their own internal risk analysis function and capability. At these centres, information is exchanged on a daily basis, with officers serving there having access to each others' databases.



Normally, risk analysis is not undertaken jointly at the local level. Customs undertakes risk analysis and profiling of all incoming passengers and freight, whilst the Border Guard carries out the same for third country passengers. This information is shared locally when necessary. There are also some common risk systems, such as the licence plate recognition system, which automatically interrogates a range of agencies' databases.

The special cooperation arrangements at Nuijamaa BCP have led to a higher level of cooperation on risk analysis than elsewhere. Here, a common risk profile has been developed on the basis of shared intelligence. At national level Customs also have influence over risk analysis through a Risk Steering Committee.

2.5. Communication & information exchange

Common databases (such as the licence plate recognition system – LIPRE in Finland) are linked to the different organisations' operational and risk management databases, leading to a common approach when a 'signal' is recorded. Some control and enforcement officers have access to each other's systems on a need-to-know basis. Levels of restricted access are determined by rank and functional responsibility.

An example of a 'best practice' is the Joint Crime Intelligence and Crime Analysis Centre, formed as part of the national agreement between Police, Customs and Border Guard. This centre is at the heart of crime prevention in the Finnish border management set-up, and is a key to the extremely close cooperation observed at the two land BCPs and Helsinki airport. The National Bureau of Investigation is responsible for the operation of the centre which in turn is linked to regional analysis 'Groups'. This means that under the PCB agreement, joint intelligence and crime analysis is carried out in each of the five provinces (Vantaa, Turku, Joensuu, Oulu, Rovaniemi). As with the national centre, the regional groups are also run in cooperation with Customs and Border Guard personnel. The NBI analysis centre based in Vantaa has access to the risk management databases of the Police, Customs and the Border Guard. (Source: Finnish Customs).

2.6. Training and human resource management

At the national level, there is a Working Group that is part of the PCB set-up which is responsible for planning and coordinating cooperation in the field of training. The PCB Centre has participated in crime-prevention training programmes organised by the Police, Customs and Border Guard. It has also organised a joint course on criminal analysis for PCB personnel at the Police College in the autumn of 2008.

Additionally, there have been some brief common training courses in the past, although the view expressed in the Customs Questionnaire was that because of the comprehensive basic education provided to staff at both authorities, these are no longer required. Basic training for both agencies includes lectures and presentations on the tasks, duties and organisation of the other authorities. Common trainings have included sniffer-dog training, training for crime enforcement units (Customs-Police), and foreign language courses (Russian).

Statistics are not maintained, but it was felt that there were roughly 100 joint training courses in 2009 (EQ-FI).

In addition to the joint courses mentioned above, arrangements are also in place to use trainers from each other's agency to deliver specialist courses and to borrow and share training material.

The Nuija project, referred to above, included an extensive multiple-skills training programme for all officers stationed at the BCP.

Each agency manages its personnel resources independently.

2.7. Criminal investigations

Both services have criminal investigative powers and specialised investigative departments.

In particular, the Finnish Customs have investigative powers in Customs-related crime and, depending on the case, Police and Customs may operate jointly. Temporary joint investigating teams with investigating officers from both organisations may, if necessary, be established for the purpose.

Customs and the Border Guard are legally empowered to exercise the majority of enforcement powers of the Police. For example, senior Customs officers or shift managers have the power to arrest suspects. Customs has full investigative police powers, with the exception of undercover surveillance operations.

In accordance with section 7 of the Customs Decree (1543/1994) pre-trial investigations of customs offences are carried out by Finnish Customs, Police or Border Guard authorities, depending on which authority commenced the inquiry, unless the authorities otherwise agree. Under section 43(2) of the Customs Act, a Customs officer has the same powers in pre-trial investigation as a Police officer.

Apart from working in close cooperation with each other, the Police, Customs and Border Guard also collaborate with other authorities, such as the State Security Police and the defence forces, in criminal investigations and intelligence gathering, when necessary.

The Police, Customs and Border Guard authorities have been actively conducting joint investigations regarding improprieties in import and export of goods; illegal entries and overstays of individuals.

2.8. Joint operations

Border Guards and Customs organise joint operations for special events, such as major international sporting championships and international forums, among others.

In 2009, there were also several joint operations tackling cigarette smuggling, both at the border and inside the country, in cooperation with the National Police (NIB).

Another specific example given of high-profile joint operations is the World Championship Games 2005 Meeting in Tampere, Finland when Customs supported the work of the BG by carrying out enhanced Customs controls based on risk profiling of inbound international passengers.

2.9. Control outside permanent BCPs

There is a high degree of cooperation in border management particularly in relation to patrolling territorial waters along Finland's coast. The effort is led by the Border Guards, as the Finnish Coast Guard is part of their agency. There are daily joint patrols and the two services share equipment, vessels, vehicles and in the case of the Border Guard, helicopters.

The Border Guard operate regular mobile patrols along the green border with Russia. In the less inhabited parts of Northern Finland, there are some joint mobile patrols with both Border Guards and Customs officers. However, these patrols operate on a reactive basis i.e. in cases of emergency and specific issues, rather than as a regular law enforcement activity.

2.10. Mobile units

Each agency has its own mobile teams. The Border Guard's mobile units carry out mostly green border patrols (see above). The work of the Finnish Customs mobile units, on the other hand, covers almost the whole spectrum of customs activities: passenger and goods control, and examination of goods, as well as tasks set out in various special provisions. In the autumn of 2009, Customs launched a pilot project, whereby their cars were equipped with wireless internet connection, which allowed officers to access databases and servers while operating outside the regular offices, increasing their potential for mobile response.

2.11. Infrastructure/ Equipment sharing

At Nuijamaa and Vaalimaa BCPs agencies share common premises. There is also a joint intelligence and information centre at Helsinki airport.

Equipment at these BCPs is shared, and each authority has a designated role in the servicing and maintenance thereof. X-ray equipment is largely in the domain of Customs, whilst road-testing equipment (such as lorry brake-testing pads, for example) is maintained by the Police. All equipment can be shared and operated by each agency upon request.

Other key areas of cooperation include dog detection units and joint use of x-ray, documentation validation equipment.

2.12. Contingency/ Emergency

In the more remote border areas of Finland, one job of the Border Guard is to maintain a level of safety and security of the population. Customs are less visible in these least populated areas. However, they have received emergency training, including fire fighting. In emergency situations, each agency has its own responsibilities, some of which are shared between Border Guard and Customs.

In cases of emergency, each agency has its own response plan, although in some instances initiatives including both Border Guards and Customs Officers are coordinated.

3. SUMMARY AND CONCLUSION

There are several tri-lateral agreements between the Police, Customs and Border Guard (PCB) that maintain a high level of cooperation among these border agencies. That cooperation has been underpinned by the 2010 act of parliament detailing the provision for cooperation between the national enforcement agencies

Finland has been active in marketing the Finnish model of PCB cooperation as a 'best practice' in various EU-level forums. As a result, the Finnish model has now been accepted as an underlying objective of the European border management strategy (see Justice and Home Affairs, 2006).

The main area of cooperation that has been identified as 'best practice' is information exchange and joint operations, such as inspections of cross-border traffic and criminal pre-trial investigations.

The joint intelligence and information centres established under the PCB act have led to an improvement in sharing of information and more efficient use of resources to manage risk, avoid duplication of effort, and to achieving a high degree of intelligence security. The centres have also led the joint response of the agencies to certain areas of organised crime.

The joint controls that will be introduced in other BCPs along the border with Russia following the Nuija Project have also been referred to as 'best practice'.

The project has involved cross-training of officers from both organisations to create a multi-skilled team capable of carrying out each other's functions at the BCP. This speeds up the border management process.

The 'best practice' ethos of legislated multi-agency working in Finland can in many ways be summed:

"The leading principle of PCB cooperation has always been that the special expertise of different authorities can be utilised in law enforcement work. Historically, the cooperation has proved to be a more functional solution than the centralisation of official powers and the founding of new organisations, some discouraging examples of which exist in Europe. The new PCB act also guarantees efficient law enforcement in Finland in the future. It also ensures our successful combat against threats pertaining to international crime."

Source: CI-FI

Main obstacles to cooperation

There do not appear to be any significant obstacles to cooperation between the agencies in Finland. Some Customs officers expressed slight reservations regarding the somewhat military institutional culture of the Border Guard and the fact that Border Guard officers can retire 10 years earlier than civil servants (such as Customs officers), however neither of these comments appear to hinder cooperation.

In the past, the fact that some areas are covered by both criminal and civil law, in the context of border management and enforcement, has created difficulties over the jurisdiction of cases. Customs has always operated under criminal law for the majority of prosecutions related to Customs offences, and the Border Guard is obligated to usually follow civil proceedings, e.g. in cases of detection of irregular immigrants. Currently each organisation investigates its own pre-trial cases, under its own legislation.

These problems are now gradually being overcome by ongoing changes in legislation and joint working under PCB, which will give (joint) powers across the two services under both criminal and civil law. This will enable officers from either Customs or Border Guard to perform functions, detect offences and make legal proceedings related to smuggling of goods and/or people.

Key improvements as a result of cooperation

The exchange of information through the joint intelligence and information centres is seen by the authorities in Finland as key to tackling organised crime. As a result, both organisations have increased their efficiency and now target specific criminal activities and groups, often as a result of joint border surveillance.

As part of the Nuija project there has been specific targeting of risk traffic and therefore improved efficiency in processing general traffic. This one-stop operation has worked extremely well. Although there has been no apparent reduction in staff numbers, this joint approach has removed any immediate need for recruitment of more officers to perform the same tasks.

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COUNTRY STUDY: FRANCE

TABLE 20. LIST OF INTERVIEWEES

Position	Department	Institution
Deputy Director, Head of PAF	Charles de Gaulle Airport (CDG)	Police aux Frontières (BG)
Head of Division	Immigration Division, CDG	Police aux Frontières
Head of Detention Unit	Immigration Division, CDG	Police aux Frontières
Head of Surveillance Unit	CDG	Douane (Customs)
Head of Division	CDG	Douane
Assistant to Head of Unit	CDG	Douane
Head of Division	Marseille Port	Douane
Assistant to Head of Surveillance Unit	Marseille Port	Douane
Head of Unit	Marseille Port	Douane
Assistant to Head of PAF	Marseille	Police aux Frontières
Head of French section	Police & Customs Cooperation Centre (PCCC/CCPD) Vintimille	Police aux Frontières
Head of PAF	CCPD, Vintimille	Police aux Frontières
Head of Douane	CCPD, Vintimille	Douane
Officer	Organisation, Monitoring & Coordination Unit, HQ	Douane
Assistant to the Deputy Director	Illegal Immigration and Inland Operations Unit	Police aux Frontières

TABLE 21. LIST OF ABBREVIATIONS

Abbreviation	
CAP	Common Agricultural Policy
CCPD	Centre de Coopération Policière et Douanière (Police & Customs Cooperation Centre)
CDG	Charles de Gaulle (Airport)
CNIL	Commission National de l'Informatique et des Libertés (Data Protection Authority)
DGDDI	Direction Générale de Droits Indirects (Douane/Customs)
IMO	International Maritime Organisation

TABLE 21. LIST OF ABBREVIATIONS (CONTINUATION)

Abbreviation	
ISPS	International Ship & Port Facility Security Code
MIINISD	Ministère de l’Immigration, Intégration, Identité Nationale et Solidarité de Développement (Ministry of Immigration, Integration, National Identity and Development Solidarity)
MIOCT	Ministère de l’Intérieur, de l’Outre Mer et des Collectivités Territoriales (Ministry of Interior)
PAF	Police aux Frontières (Border Police)
UCOLII	Unité de Coordination Opérationnelle de Lutte Contre l’Immigration Irregulière (operational coordination unit for combating illegal immigration)

1. INTRODUCTION AND CONTEXT

1.1. National contexts

The French maritime border is 4,668 km long, with ports of entry for containers, cargo and passengers along the coasts of the English Channel, the Atlantic and the Mediterranean. The French land border is 2,889 km long, with 7 Schengen neighbours, and only one with a country outside the Schengen Area – Andorra.

FIGURE 27. MAP OF FRANCE’S BCP



France is a major international hub for travel and trade. Every year, 305 million tonnes of cargo and 12 million passengers move through France’s maritime ports, and 72% of France’s imports and exports are transported by sea (www.armateursdefrance.org). According to Airports Council International’s figures, Paris Charles de Gaulle airport was the world’s sixth busiest in 2009 by passenger volume, with nearly 60 million passengers, and fifth busiest by cargo volume, with over 2 million tonnes.

1.2. Institutional context

The two main institutions in France engaged in managing the flows of people and goods into and out of the country are the Border Police (Police aux Frontières, PAF) and the Customs (Douane). The PAF is in charge of immigration, as well as security and protection of France’s

external borders and major transport routes. The Douane is France's customs authority. Additionally, a third organisation, the Gendarmerie Maritime, a special branch of the national Gendarmerie, has responsibility for surveillance of the sea borders.

The Ministry responsible for the national police is the Ministry of Interior, Overseas Territories and Local and Regional Authorities (MIOCT). The PAF is an integral part of the national police, and has access to all police databases, except those which are related to intelligence. All members of the national police receive the same basic training, followed by specialist training appropriate to their unit. In most locations the PAF occupy their own buildings, separate from the national police. There are however a few locations where the PAF offices are within the Police Headquarters. The PAF has two main roles:

- Combating irregular immigration: dismantling networks providing support to irregular immigrants and combating illegal employment; apprehending and returning non-registered aliens; combating document fraud;
- Protecting the external borders and major transport routes: carrying out border checks and security of ports and airports; safeguarding the rail network; international operational and institutional cooperation.

The Douane (Directorate-General for Customs and Indirect Taxes – DGDDI) is a division of the Ministry of Budget, Public Accounts and the Civil Service. Attached at Annex A is an organisational chart of the Douane. Its mission is threefold:

- Taxation: the Douane collects 13% of State revenue every year, and contributes to the funding of the EU budget, in the same way as its EU counterparts.
- International Trade: the Douane regulates trade flows through business-friendly procedures, focusing on three broad objectives: fluidity, safety and quality.
- The Douane is also responsible for protecting the domestic and European environment and for combating fraud and large-scale international trafficking. It is also responsible for safeguarding domestic and EU economic and financial interests (e.g. tackling the trade in counterfeit goods and fraud of Common Agricultural Policy (CAP) regimes).

The national Gendarmerie is a military organisation, although its operations within France come under the Ministry of Interior. It has a surveillance role of France's green and blue borders, and as such, routinely conducts operations with the Douane both inland and at sea. Coastal operations are undertaken by the Maritime Gendarmerie, which is under the command of the Navy.

Size of the institution:

The PAF underwent a significant restructuring in 2006 and is divided into a central branch, and a 'territorial' branch. The central branch includes

three specific services, one of which is the *Central Office for Combating Illegal Immigration and Illegal Employment* (known as OCRIEST), which coordinates operations at the national level. The territorial branch is divided into various regional and local operational commands. As at 1 June 2010, there were 9,574 employees in the PAF, this includes administrative staff and junior officers without full police powers.

The latest figures available show that as of 1 January 2007, the Douane consisted of 18,836 employees in mainland and overseas France. The operational departments are divided into two branches, the first being Commercial Transactions, responsible for goods clearance and indirect taxes (54% of the workforce) and the second being Surveillance, responsible for monitoring people, goods in transit and means of transport (46% of the department). Within the surveillance branch, the Douane has a fleet of 41 marine vessels, 17 aircraft (fixed and rotary wing) and 252 dog handler teams. As an indicator of the size of the institution, Table 22 below highlights some of the key results from 2009.

TABLE 22. DOUANE SEIZURE FIGURES FOR 2009

Commodity	Quantity Seized
Drugs	47 tonnes
Counterfeit goods	7 million items
Tobacco & Cigarettes	264 tonnes
Cash & Money Laundering	188 million Euros

Source: www.douane.gouv.fr

The National Gendarmerie is a force of approximately 105,000 officers, around 1,100 of which belong to the Maritime Gendarmerie.

Institutional history

In 1994, in the context of the opening of the Schengen borders, the Aviation and Railway Police became the Central Directorate for Immigration Control and Tackling Illegal Employment. In January 1999, to reflect a changing mission that was becoming increasingly focused on the management of migration flows, the organisation was renamed the *Direction Centrale de la Police Aux Frontières* (Border Police). According to one interviewee (BGI-FR), Schengen totally changed the role of the PAF (or its antecedent). Mobile brigades were created to compensate for the removal of fixed controls, and staff employed at the borders were moved to other roles within the PAF. There was not, however, a significant reduction in overall numbers.

The Douane took on a wide variety of new responsibilities following the establishment of the Single Market in 1993, such as indirect taxes, domestic aid management for agriculture, Schengen border controls (which

will be reviewed in more detail later), and security checkpoints on the fixed Channel link with the UK. As well as a reform of the customs mission, 1993 also saw a decrease in staff numbers, and a move away from fixed controls to an increase in the deployment of mobile brigades. Figures were not available as far back as 1993, but interviewees at Douane HQ underlined that 1993 was the single biggest institutional change in relatively recent times. Since then, the Douane has undergone a period of evolution rather than revolution.

Political importance

The management of immigration is currently given high priority in France, as evidenced by the establishment of Ministry for Immigration, Integration, National Identity and Development Solidarity (MIINISD) in 2007. The Ministry is responsible for preparing and implementing regulations on immigration, and, along with the Ministry of Interior (i.e. the PAF), for combating irregular immigration and counterfeit documents (EQ-FR). The role is one of coordination in the field of immigration, and enables a single Minister to have an overview of the full range of issues – both in terms of entry and exit controls, as well as the management of migration issues within the country (such as asylum and illegal employment).

Despite this high profile at the centre of government, our research did not indicate that there was a particular politicisation of the institutions. The interviews with both agencies indicated that the clear delineation of roles and responsibilities between PAF and Douane helps to ensure there are no significant struggles for power between the two organisations.

Cultural context

Interviewees at all levels in both institutions explained that the Douane and PAF do have different cultures. One interviewee (BGI-FR) noted that the Douane's was a 'fiscal culture', whereas the PAF's was a 'judicial culture'. Most interviewees across both organisations believed that there were salary differentials. Indeed, one PAF officer believed that Customs officers were paid bonuses on the basis of seizures. This view was not confirmed by Customs interviewees, although neither was it disproved. In spite of these differences, all interviewees felt this did not hinder cooperative working, mainly because of the clear distinction of roles. One interviewee explained that although both organisations have strong individual cultures, of which the staff are extremely proud, the clear, distinct missions and the lack of competition between the organisations meant that the different cultures did not cause problems for effective collaborative work (CI-FR).

Potentially the most significant cultural difference between the two organisations is that the Douane has the right to take strike action (BGI-FR, corroborated by Douane interviewees). But even this was not seen to hinder cooperation. It is just seen as an issue that sometimes has to be managed.

1.3. Contexts at sites visited

Charles de Gaulle Airport (CDG), Paris

- **Local socio-economics**

CDG is France's largest airport, and is located in the Paris area. The large and diverse population, the geographical area from which staff are drawn, and the wide range of socio-economic issues typical of any large capital city mean that this context is not deemed to have an effect on relations between PAF and Douane at CDG.

Marseille Port

- **Local socio-economics**

Marseille is France's largest international port by cargo volumes, and is France's second city. The socio-economic context is not deemed to directly have an effect on the relations between PAF and Douane, but Marseille's perceived context as a hub for organised crime is worthy of note. The criminal activities cover a wide range of profit-making markets, and include, above all, a variety of cross-border smuggling activities. In this context, Marseille is seen as a case apart from other major cities in France and, alongside Corsica, is associated with quasi-mafia organised criminal networks. Interviewees did not raise this as an issue during the study, but the role that organised crime appears to play in Marseille perhaps means that a career in law enforcement in the city is undertaken in a slightly different context to elsewhere in the country. One might speculate that there are increased pressures on officers in the form of intimidation and bribery. While this makes the role more difficult, it could be argued that this helps to bring law enforcement people from different agencies closer together than elsewhere.

Centre de Coopération Policière et Douanière (CCPD), Vintimille

- **Local socio-economics**

The socio-economic situation of the CCPD does not directly affect the cooperation between PAF and Douane. But the location of the office is worthy of note. Located just on the Italian side of the old border post, on what is now a very quiet road, the building clings to the side of the cliffs, with views overlooking the sea, and around the bay to Menton and Monaco. It is an idyllic location, something which the officers were very keen to show. There was a very high level of satisfaction amongst the officers, derived both from their location as well as from a genuine feeling they were delivering a useful and innovative service. This is undoubtedly a foundation that is very conducive to international and inter-agency cooperation.

Seasonality

CDG sees an upswing in passenger movements during the traditional holiday periods. Nevertheless, both Douane and PAF interviewees claimed that this has little bearing on the conduct of border control

TABLE 23. ANNUAL STATISTICS OF SITES VISITED (WWW.AIRPORTS.ORG, BGI-FR, CI-FR, WWW.MARSEILLE-PORT.FR)

Site name	Nº of people crossing	Nº of cars crossing	Nº of trucks crossing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards
CDG	60 million (2009)	N/A	N/A	Over 2 million tonnes (2009)	N/A	1,300 (both freight and passengers) (2010)	1,700 (approx 950 conducting immigration controls at CDG)
Marseille	2 million (2009) (Approx 580,000 from the 2 main non-EU/Schengen destinations, Algeria & Tunisia)	Unavailable	Unavailable	83 million tonnes (2009)	882,580 TEU (2009)	42 in the 'Surveillance' Brigades, covering both West and East	60 in the Port Unit at Marseille West

operations. The increase in traffic volumes means it is generally a busier period, but as both agencies are at full capacity throughout the year anyway, there is no major shift in deployments or collaborative work. However, owing to a known increased risk of the hijacking of cargo in the lead-up to Christmas, there is an annual joint planning meeting with Douane towards the end of the year to carry out freight control operations at CDG, led by the police (BGI-FR).

Marseille also sees fluctuations in the levels of passenger movements. But the busy and quiet periods are spread throughout the year, based on differing holiday periods in North Africa and France, unlike some ports that simply close down to passenger traffic over the winter. So there are no significant redeployments to be implemented.

Issues related to organised crime

At CDG, the prime focus of the PAF performing border controls is the identification of people travelling on false documents. For the Douane, it is the seizure of drugs, counterfeit goods, cigarettes, products of animal origin, and criminal finances. All of these commodities are seen as top priorities, although the particular focus will depend on the risk presented by each particular flight (CI-FR).

In Marseille, the PAF's focus is the identification of passengers travelling on false documents on ferries that have travelled from North Africa. In the past, there has been a counter terrorist focus on the Algerian traffic in particular, as well as looking at the immigration risk. But in recent

years, the PAF have deemed that the terrorist risk has declined in this area (BGI-FR). Unlike at the Channel ports, the risk presented by clandestine illegal immigrants is not assessed as being particularly high at Marseille. Consequently, relatively little effort is targeted at finding clandestines (BGI-FR). For the Douane the focus is again across the range of commodities – counterfeit, tobacco, drugs, and public health. The routes into Marseille from the Eastern Mediterranean, West Africa and North Africa mean that heroin, cannabis and cocaine are seen as significant risks. Interestingly, the movement of stolen public works machinery between Europe and large construction projects in North Africa is seen as a specific risk for the Douane in Marseille (CI-FR).

Organisation of management and structure

On the whole, at both CDG and Marseille the formal accommodation, hierarchies and operations are entirely separated. At CDG, the control points are on different floors, and although they are closer together at the RoRo port in Marseille (within sight of each other), the levels of informal cooperation are similar, conducted as they are by phone calls at an operational level. At CDG, although the shifts of the PAF and Douane are not aligned, the teams of both agencies are based in a specific terminal, so they get to know each other well, facilitating informal cooperation. They also share canteen facilities at CDG, along with the Gendarmerie and airport and airline staff, again helping to ensure that they know each other well (BGI-FR). At Marseille, thanks to the relatively small staff in a relatively limited location, although the two agencies do not plan their deployments together, they do all know each other well, which provides a good platform for informal cooperation (BGI-FR).

In terms of hierarchies, all respondents were very clear that the roles and missions of the two organisations were entirely separate, with the PAF undertaking document controls first, followed by Customs control. Although they work together and cooperate, they each have their own distinct area of competence and manage their own operations. However, in crisis situations, it is the responsibility of the local Prefect (the regional representative of the Ministry of Interior) to coordinate border security operations. Examples of crisis or special situations where this procedure is implemented included: avian flu; arrivals of high-level delegations of African officials at CDG for Bastille Day celebrations; and the arrival of military corpses from Afghanistan, also at CDG.

From time to time, 'reinforced controls' are undertaken at Marseille. These operations are implemented on the basis of intelligence and assignments from either Paris or local risk assessment. According to one interviewee (BGI-FR), these are undertaken when more than one agency is required to carry out a control operation. These tend to be for immigration or security reasons, so are led by the PAF. A typical example would be when there is a suspicion that a vehicle or passenger is arriving from North Africa for a criminal, immigration or terrorist reason. The PAF will coordinate a reinforced control, using the Douane's powers to open boots, trucks and bags. There used to be around 500 of these reinforced controls in a year in Marseille, but there are now fewer than 50. The

interviewee (BGI-FR) felt that this owed much to the increase in security since the implementation of the International Maritime Organisation's (IMO) International Ship and Port Facility Security Code (ISPS Code), which had in particular strengthened security at Marseille.

At Calais and other Channel ports where the clandestine risk is deemed permanently high, there is, in effect, a permanent 'reinforced control', supported by a joint operation centre (EQ-FR).

Issues of international cooperation

No examples of international cooperation were identified at a local level at either CDG or Marseille, except via the CCPDs. Interviewees in both organisations explained that intelligence sharing internationally was undertaken at a central level, and subsequently disseminated separately within each organisation. For real-time information sharing with Schengen, officers of both Douane and PAF at Marseille and CDG indicated that they turned to the CCPDs.

The CCPDs facilitate information sharing between Schengen MSs. There are 10 of them around the French borders (1 with Belgium, 1 with Luxembourg, 1 with Germany, 1 with Switzerland, 2 with Italy and 4 with Spain). The operations are entirely virtual, and could all be collocated. However, they were built on the legacy of Schengen, and the closure of the old border posts, and having them at the borders makes clear logistical sense in that (in the case of Vintimille) both Italian and French officers can easily be based there. The CCPDs act as a one-stop shop for information sharing. So, for example, a customs officer in Marseille (or any French port) may identify an Italian vehicle that he suspects may be stolen. He would telephone his French counterparts at one of the two Franco-Italian CCPDs who would in turn liaise in real time with their Italian colleagues. The Italian officers will query their own systems and pass the response back via their French counterparts. For relatively simple queries, the responses tend to be returned in real time. Comments from Customs and PAF officers from both Marseille and CDG, as well as objective observations, indicated that this system provided a very pragmatic, efficient and effective solution to the international information sharing requirements of modern law enforcement. However, information sharing mainly focuses on the checks within the territory, i.e. information exchange with the Schengen States and not with the third countries.

2. COOPERATION

2.1. Legal basis for cooperation

Undoubtedly the most significant document that sets out the framework for cooperation between the two services and their 'complementarity' (a term often used by interviewees from both organisations to describe their relationship) is the *Circulaire Interministérielle* (Interministerial Circular) of 6 November 1995 (EQ-FR, BGI-FR, CI-FR). This document sets out

at a central level the roles of the different services at the border. In particular, it allows for the Douane to undertake immigration controls at smaller locations where there is no PAF presence. This high-level protocol is then developed in more detail at a regional level, setting out exactly how the Douane-operated BCPs are managed. In Marseille, the local agreement to enable the Douane to undertake immigration controls at Marseille West was established in 2001.

In the immigration domain, there are a number of other legislative means that establish cooperation between Ministries and Agencies. Decree 2007-999 of 31 May 2007 established the Ministry of Immigration, Integration, National Identity and Solidarity Development (MIINISD), which coordinates France's strategy on tackling irregular immigration at a ministerial level (EQ-FR).

The Procedure Codes also establish clearly the areas of competence and procedures of the PAF, Douane and other law enforcement agencies:

- Article 40 of the Penal Procedure Code sets out that any crime detected by the Douane must be passed to the local Prosecutor's Office, which will then decide the appropriate agency to conduct the investigation.
- The Douane operate under the Customs Code. Only the specialised national investigation is able to investigate and operate under the Penal Procedure Code.
- On the whole, the PAF do not have the right to open containers, car boots, baggage, and other enclosed spaces, and have to request the Douane to undertake the search. However, under Article 78 of the Penal Procedure Code, the PAF are able to undertake a search in certain circumstances, such as when they hear a noise coming from within the enclosed space, or if they have specific intelligence.
- Under the Schengen Border Code, the PAF are able to refuse entry to a third country national trying to enter the Schengen Area if they suspect a customs offence, such as spotting a high number of cigarettes in a car, as it constitutes a potential Public Order Offence. In this scenario, the matter is referred to the police and the individuals are refused entry (BGI-FR). There are of course other reasons for which the PAF can refuse entry under the Schengen Border Code, but this is the scenario that best articulates the division of responsibilities between Border Guard and Customs in cases of shared interest.
- Following the removal of controls at the internal borders of the Schengen Area, which began in 1995, the Police and Customs Cooperation Centres (PCCCs, or CCPD in French and Italian) were set up to maintain and increase the information flow between neighbouring countries. The high-level framework for this is set out in Article 39(5) of the *Convention implementing the Schengen Agreement* (CISA). The specific agreement between Italy and France to establish CCPDs between the two countries is contained within the Chambéry Agreement of 3 October 1997.
- Under the Customs Code, the Douane can refer issues that are specifically immigration-related (such as a clandestine or a false document) directly to the PAF.

- Under Article 12 of the Schengen Code, the Gendarmerie carries out surveillance of France's borders between the points of entry.

2.2. Strategic planning

Strategic planning in the immigration domain is now coordinated at ministerial level by the MIINISD. This new ministry was established in 2007, and is the backbone of France's integrated border management system (EQ-FR), although one interviewee (BGI-FR) suggested that, although this had made a difference at this very high level, it had not introduced much change on the ground. This seemed to be corroborated by the fact that at the BCPs, this ministerial-level change was rarely mentioned. According to the questionnaire (BG), there is also an operational coordination unit for fighting irregular immigration (*Unité de Coordination Opérationnelle de Lutte Contre l'Immigration Irrégulière, UCOLII*), which was established in 2005. During the interviews and visits, though, the existence of this unit was not mentioned, and no examples were given of its activity.

In terms of the strategic planning of the deployment of resources at BCPs, decisions are taken jointly, at national level, as to which BCPs should be attended by both agencies, and which should be attended by just the Douane (EQ-FR). Although the questionnaire suggests that joint risk strategies and joint risk analyses are also developed, further questioning highlighted that this is only in the immigration field. Common risk assessments of source countries, routes, carriers, transport companies and individuals are not made on the basis of both immigration and customs risk.

At a local level, joint planning at a high level (for example annual operating plans) seems rarely to be undertaken. On the whole, each agency focuses on its own role, which is clearly defined. At CDG, the Divisional Head (i.e. head of all PAF activity throughout the airport, not just the frontier controls) has weekly meetings with his Douane counterpart (who was not interviewed). It is important to note though that because of the size of the commands at CDG, and the organisational structures, the senior officers at these meetings are really Regional Heads, rather than BCP Heads. These meetings are mostly to discuss issues to do with the running of their organisations, rather than operational planning. They will also update each other at these meetings on seizures, stolen documents, and other results of interest.

The rest of the interviews supported the assessment that joint strategic planning takes place at national level, occasionally at regional level, but not below that. There is very little formal contact between senior managers at local level.

2.3. Coordination of workflow at BCP

Responses in the questionnaire and in all interviews underlined a point that is fundamental to the activity at France's border controls – the PAF undertake a document check first, and the Douane undertake a goods search afterwards. The two roles are viewed as complementary, but entirely separate. Although they will work together from time to time on specially planned operations (e.g. the reinforced controls at Marseille, and the permanent arrangements at Calais), coordinating the routine, day-to-day

management of workflow at the BCP does not seem to be something that is undertaken. One of the reasons for this is that their roles and activities do not particularly overlap. For example, as noted earlier, the PAF do not have the right to open car boots, baggage or containers. So at Marseille, the document check will be undertaken by the PAF, and any search activity will be carried out by the Douane. If the PAF need something to be searched, they will request the Douane to do so.

The exception to this general order of things is, of course, at the BCPs where there is no PAF presence. Here, the Douane are able to coordinate all BCP activity as they see fit, as it is all being carried out by one agency.

2.4. Risk analysis

Risk analysis is undertaken by specialised teams within each organisation (EQ-FR). This information is then shared centrally, and disseminated through each agency's structures. So it is more accurate to say that risk analysis is shared, rather than jointly developed. All the examples of risk analysis that were given were in the immigration domain. Risk information is disseminated via electronic messaging and alerts. The Douane have real-time access to this information through their own systems. More informally, at a local level, teams collocated in a terminal or at a port (BGI-FR, CI-FR) will discuss in real time the risk on an incoming flight or vessel, and will discuss each other's operational response.

2.5. Communication & information exchange

Although the CCPDs are ostensibly for the exchange of information between neighbouring Schengen countries, they do help to eliminate certain internal obstacles that would exist without them. For example, very often the information that a French customs officer would require is information that would be owned by the police of the neighbouring country – such as criminal records and stolen vehicle data that is only available on the domestic databases, and not on international ones, such as the Schengen Information System. The customs officer is able to telephone the CCPD and request that information from his national colleague, who will then request it from the partner country. His national counterpart receiving the call could be a PAF officer, a customs officer, or a *Gendarme*, it would not matter. They would still be able to gather the information from their Italian colleagues' systems, very often instantaneously, and return the data in real time. While the CCPD does not necessarily facilitate cooperation between PAF and Douane, without the level of cooperation that exists between the two agencies, the CCPD simply would not be able to operate. It is an excellent example of joint working; in this case, joint police-customs working.

The Douane do have access to the French stolen vehicles database throughout the country. But the rest of the PAF systems (Schengen Information System, missing persons, document fraud, and the visa system) are only accessible to the Douane at the BCPs which they operate (BGI-FR, CI-FR). The 1978 data protection law, overseen by the *Commission Nationale de l'Informatique et des Libertés* (CNIL) prevents routine access by one agency to the other agency's systems.

On the whole, information is formally exchanged via specialist intelligence services at national level, and is disseminated through the agencies' own structures. Informal relationships at team level are good, though, and information on their operations is exchanged in this way on a daily basis (CI-FR). One interviewee (CI-FR) did, however, point out that although informal communication with the PAF worked well and was useful, it was not as critical to effective operations as the real-time communication between the Douane at different terminals, which is required to manage customs workflows.

2.6. Training and human resource management

The only example in this area of cooperation was in terms of training Douane officers to undertake the immigration role at the BCPs that they control. This training is delivered centrally by the PAF, and relates to document controls, immigration rules and other key border control functions.

No other examples of training between Douane and PAF were given.

The National Gendarmerie represents France on the Frontex working groups that are developing a common manual for Border Guard dog teams. The Gendarmerie has presented the working group's outputs at the Customs Training School.

2.7. Criminal investigations

The Douane only has a single, national investigation unit. Unlike the rest of the Douane, this unit operates under the Penal Code rather than the Customs Code. The Customs Code does not provide for investigation powers. The PAF do have investigation functions at local level, purely for immigration crime. All criminal matters (whether they are goods, people or document issues) are first referred to the local Prosecutor's Office, which decides on the competent authority to undertake the investigation. All participants saw this as a procedure that was perfectly efficient and did not delay the conduct of cases.

Although the Douane investigation unit does partake in joint investigations with other parts of the police, there are no joint investigations between the PAF and Douane.

2.8. Joint operations

At BCPs where both PAF and Douane are present, joint operations can take place on the basis of centrally disseminated information, local risk analysis, or at the command of the local Prefect in crisis or emergency situations. These joint operations (known as 'reinforced controls' at Marseille, but this may just be a local term as it was not used at CDG or indeed recognised by HQ) tend to take place where an immigration or counter-terrorist issue will also need the powers, skills and equipment of the Douane for searches. As noted earlier, the PAF do not have the power to open a car boot, baggage, or container, so the Douane are required to do so. But the Douane can also bring equipment, dog teams and other specialist resources that are relevant to the operation. At Marseille, it was pointed out that these operations do not happen as often as they used to (around 50 per year rather than 500 as was the case

previously). It was felt that this was owing to the greater security on board ships and at port facilities, brought about by the ISPS Code.

There are also Douane-led operations where they request the support of the PAF. This is typically where they ask the PAF to identify a suspect for them.

Of all the 10 interviewees at Marseille and CDG, only one raised a concern about the arrangements for joint operations. Although on the whole they work well, there was a concern that they are perhaps more complex to arrange than they need to be, and it cannot be guaranteed that the Douane will be available to carry out a search (BGI-FR). I felt, though, that this was more of a complaint about the lack of search powers of the PAF, rather than an example of poor cooperation with the Douane.

At BCPs where only the Douane are present, they are able to request reinforcements from the PAF if they have information or specific intelligence that suggests the involvement of a criminal network or people trafficking. As none of these BCPs were visited, no examples were given indicating the effectiveness of this cooperation.

Joint operations are undertaken between the Douane and other law enforcement and military organisations. In inland France, the Douane regularly cooperate with the Gendarmerie to tackle illegal trafficking and immigration. At sea, the Douane take part in operations with the Maritime Gendarmerie and the Navy, coordinated by the local Maritime Prefect on issues ranging from environmental protection, customs, drugs, illegal immigration and search and rescue.

2.9. Control outside permanent BCPs

Surveillance at France's land borders which, apart from Andorra, are all within the Schengen Area is not part of the border management strategy. At the blue borders, there is no cooperation between Douane and PAF as the PAF have no surveillance capacity. Instead, the Maritime Prefects coordinate the blue border surveillance, using the maritime and aviation assets of the Navy, the maritime Gendarmerie and the Douane (EQ-FR).

BCPs that operate only on a temporary basis tend to be at airports that are managed only by the Douane. There is therefore no issue of cooperation there. The Douane are informed of the flight arrivals and organise their own attendance. The electronic questionnaire raised the possibility that some of the temporary BCPs may not be managed just by the Douane but the interviews yielded no examples of these.

2.10. Mobile units

There are no joint mobile units, and very little formal cooperation between the flexible teams of each organisation. One interviewee (BGI-FR) said that joint working of mobile units is not something that is planned, but they may, for example, bump into each other at the gate in an airport terminal. Her view was that this was a positive event. There would

be no problems as each unit would have their own job to do. Again, the clarity of roles and competence was the key.

2.11. Infrastructure/ Equipment sharing

No examples were given of the sharing of equipment or infrastructure. If, for example, search equipment is required, the PAF will simply ask the Douane to support their operation. Because of the separation of roles, there is no common equipment or assets that the PAF and Douane share. It is against the law in France to scan lorries and containers for people, so only the Douane undertake scanning operations, focused purely on customs issues. As previously noted, the PAF do not have the right to open bags, containers and vehicles, except where they have specific information, so, where required, the Douane will undertake the search functions, using their own equipment. The national police and the Gendarmerie do have a role in detecting drugs and firearms outside ports and airports that are manned by the Douane. In these locations, they will either use their own equipment or will conduct joint operations using Douane equipment. In joint operations, particularly in the maritime arena, vessels and aircraft of the *Customs* are used for a range of border security, environmental protection, and rescue activities.

2.12. Contingency/ Emergency

Emergency situations are entirely managed by the Prefect, who is the local representative of the Ministry of Interior. There is a high level of cooperation between all agencies in these circumstances. The nature and means of cooperation, and the agencies involved will depend on the situation. One example given was the intensification of controls during the avian flu outbreak. With all agencies being directed by the Prefect, all available resources can be coordinated to address a particular threat.

As the role of tasking and coordination is put in the hands of a specific individual who is separate from any of the law enforcement, border or military organisations, there is a clear mechanism when an emergency situation is declared, and there is little room for inter-agency disagreements. This can certainly be seen as a best practice.

3. SUMMARY AND CONCLUSION

Above all, the border control structures in France are based on clear legislative boundaries setting out the respective roles of the PAF and the Douane. The key terminology that is used to describe the relationship includes 'complementarity, not competition' and 'not treading on each other's toes'. They work closely together, but they each have their own clear missions, skills and assets. This means there is very little competition and very little duplication. There is therefore little or no discussion at any level (from national down to terminal level) of how to divide tasks between agencies, or how to reorganise structures. Instead, each agency carries out their own specific role, and they both have the required people and equipment to do so. The focus is on mutual support of each

others' tasks (for example the Douane undertaking a search of a car boot on behalf of the PAF, or the PAF taking over an immigration case identified by the Douane), rather than cooperation on the same tasks. There is an argument that the controls could be run with fewer numbers of officers if there was greater cooperation, but there is certainly no duplication of effort.

The interviews also indicated a high level of mutual respect for each other's roles and expertise, and confidence in the way their complementary domain was being managed. Given the corroborating responses on this subject from the full range of interviewees as well as the questionnaire, it appears that institutionally, there is a view that the two organisations dovetail with each other to undertake France's border controls at BCPs. Such is the differentiation, that on many occasions, interviewees felt they needed to explain that customs and border guards carry out a different role when they were asked about levels of cooperation. Although this separation does not allow for high levels of joint working, it nevertheless delivers an efficient and effective management of the border control through fulfilling complementary roles and cooperating on a case-by-case basis at local level.

Another key aspect of cooperation between the Douane and the PAF is the Interministerial Circular of November 1995 that allows for the Douane to operate the full range of BCP controls at certain smaller locations. This has enabled the PAF to refocus their efforts from some of the frontier controls over the years following the implementation of Schengen, and be redeployed to other areas of PAF work, without the State losing operational capability at the BCPs. Furthermore, because it is such a clear mechanism (i.e. without any presence from the PAF at all, except when requested), and the Douane have all the powers, training and systems access they need to undertake the job, there is again absolute clarity of roles and a lack of duplication.

The role of the Prefect in taking charge in emergency situations is another critical component in the relationship between agencies at the border. It means there is a clear command and control structure, separated from the agencies, that minimises any potential issues that might arise between the PAF and the Douane as, essentially, they take their assignments from the Prefect.

An interesting observation from the interviews was the nature of the informal relationship between the Douane and the PAF at the terminal and port level. There always appeared to be a mutual respect for the role and capabilities of the PAF and the Douane. There were no negative remarks about the other organisation, not even in the manner of friendly rivalry. Moreover, because of the lack of rotation between the terminals at CDG, and the relatively confined environment at Marseille, the teams know each other, and routinely work alongside the same people. This engenders a level of trust and confidence that means that although formal joint working is not a major part of the border control strategy, requesting help from each other is something that is done routinely. No participants indicated that they failed to get the cooperation they required.

Although the CCPDs are international information sharing mechanisms, the inter-agency cooperation that is required to make them work effectively is impressive. Additionally, the ease with which customs officers can obtain police data from another Schengen country (and vice versa) is possible thanks to the multi-agency set-up of the CCPDs.

Cooperation through clear delineation of roles works well in France and delivers efficient border management. But there are further steps that could be taken towards a more joined-up operation by eliminating further barriers. It is important to note, though, that the participants did not see that cooperation and efficiency was hindered by barriers, so did not identify barriers or changes that needed to be made. For example, although the Douane undertake immigration roles in some locations, the PAF do not undertake customs roles. Enabling this to happen could increase efficiency by reducing frontline Douane numbers in some locations. There was also a lack of training, even at an awareness level, to facilitate the identification of risks and threats appropriate to each other's agencies. More investment in this area would have the potential of strengthening the controls.

There are no significant plans for further cooperation in the near future, although the Douane will be getting increased access to immigration systems at the BCPs that they control (EQ-FR). There was no evidence of a strategic drive to strengthen the cooperation between the PAF and the Douane.

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COUNTRY STUDY: GERMANY

TABLE 24. LIST OF INTERVIEWEES FROM KIEL AND HAMBURG

Position	Department	Institution
Deputy Head	Main Customs Office (Hauptzollamt) Kiel	Customs Administration, Kiel
Head	Customs Office Kiel-Wik	Customs Administration, Kiel
Officer	Officer Control Unit 21	Customs Administration, Kiel
Head	Control Area 2	Customs Administration, Hamburg Airport
Deputy Head	Control Unit 27 – Passenger Traffic	Customs Administration, Hamburg Airport
Officer	Risk Analysis	Customs Administration, Hamburg Airport
Officer	Control Unit 27	Customs Administration, Hamburg Airport
Head of BCP		Federal Police, Kiel
Officer	Service Group 2	Federal Police, Kiel
Head	Investigations	Federal Police, Kiel
Senior Commissar; previously: Deputy Head of Joint Search Group Schengen South		Federal Police, Kiel
Officer	Operations Analysis, Risk Assessment	Federal Police, Kiel
Deputy Head		Federal Police, Hamburg Airport
Shift Leader		Federal Police, Hamburg Airport
Head	Investigations	Federal Police, Hamburg Airport
Analyst	Operations Analysis	Federal Police, Hamburg Airport

TABLE 25. LIST OF ABBREVIATIONS

Abbreviation	
FKS	Finanzkontrolle Schwarzarbeit (Financial Control on Black Labour) (G)
ASMIB	Working Group for Human Trafficking, Migration and Illegal Employment (Arbeitsgruppe Schleusung, Migration, illegale Beschäftigung) (G)

1. INTRODUCTION AND CONTEXT

1.1. National context

Following the 2004 round of EU accessions by CEE countries, and the entry of these new EU MSs into the Schengen zone in 2006, Germany has now no Schengen land borders. Germany's remaining external borders are its international airports as well as its coastline.



At present Germany has 15 international airports, the largest being Frankfurt and Munich with 56 million and 50 million passengers capacity per year respectively. Hamburg international airport, the airport included in the current study, with its 16 million passengers capacity per year, is in the mid-range of German airports. In 2009 the total air traffic of German airports reached approximately 183 million passengers (including arrivals and departures). The total air freight traffic reached 3.3 million tons in the same year (Federal Statistics Office). A breakdown of the above mentioned figures between EU or non-EU airports is not provided by the Federal Statistical Office.

The German coastline is subdivided into two sections: the **North Sea** coastline with a length of 468 km (including islands), which stretches from the Netherlands to Denmark's western coastline; and the approximately 779-km long (including islands) **Baltic Sea** coastline, stretching from Denmark to Poland. A number of internationally important sea harbours are located along the German coastline, including Europe's third largest harbour, the Hamburg Harbour.

According to the Federal Statistical Office, in 2008 in Germany the total freight traffic with ports outside of Germany was 312.5 million tons, out of which 183 million tons of freight was exchanged with non-EU ports (Federal Statistics Office). The global economic crisis led to a significant 16% drop in German freight traffic (Zentralverband der deutschen Seehafenbetriebe e. V., ZDF, 2010), though the long-term prognosis remains good (Bundesministerium fuer Verkehr, Bau und Stadtentwicklung 2007).

Thirteen million (13.06 million) passengers entered Germany coming from non-German sea ports in 2008 (Federal Statistical Office, 2009). The majority of this traffic originated in EU ports (11.9 million travellers), with only an estimated 1.18 million travellers arriving from or travelling to non-EU ports. A significant number of these travellers came from or went to Norway (1.15 million travellers) with only a residual number coming from other non-Schengen/non-EU countries such as Russia.

1.2. Institutional context

There are two main agencies in Germany with responsibilities to protect the 'external border':

- The German Federal Police (Bundespolizei; hereafter 'Federal Police') fulfilling border police functions, and
- The German Federal Customs Administration (Bundeszollverwaltung, hereafter 'Customs' or 'Customs Administration').

Customs

In 2008, the German Federal Customs Administration had 34,102 employees (Bundesministerium der Finanzen, 2009). The Customs Administration is part of the Federal Ministry of Finance (Bundesministerium der Finanzen). Its duties comprise both executive functions as well as fiscal administrative tasks. Customs Administration is subdivided into five Federal Customs Directorates (Bundesfinanzdirektion), and the Customs Criminological Office (Zollkriminalamt).

The predecessor of the current-day Federal Customs Administration was established in 1949. Key events that affected the organisation and tasks of the Customs Administration are the German Reunification (1990), the entry into force of the EU single market (1993), which led to the lifting of customs controls on Germany's borders with France, the Benelux states and Denmark; the 2004 round of EU enlargement eliminated customs controls with another two states, the Czech Republic and Poland. 2008 saw a profound restructuring of the Customs Administration that affected all branches of the administration with the exception of the Customs Criminological Office.

Federal Police

The Federal Police has up to 41,000 employees of which 30,000 are fully trained Federal Police officers. It falls under the Ministry of Interior and is separate from the Police. The Federal Police is organised in 10 Federal Police Directorates with its headquarters located in Potsdam (near Berlin).

The predecessor of the Federal Police, the Federal Border Guard (Bundesgrenzschutz) was established in 1951 at the height of the Cold War. Accordingly, the force was conceived as a paramilitary organisation, organised in battalions, companies and platoons, with military ranks and with light infantry arms. The end of the Cold War (1989), German Unification and the signing of the Schengen Treaty (1990) fundamentally changed the context in which the Federal Border Guard operated and led to profound changes in its organisation and functions. Traditional border policing tasks were successively reduced, while responsibilities were added, such as airport and railway security. As part of this development, in 1994 the Federal Border Guard lost its combatant status and in 2005 was renamed as the Federal Police (Bundespolizei). Further important changes were introduced by the 2004 round of EU accession and the 2007 entry of new EU MSs into the Schengen Area.

The tasks and powers of the Federal Police are laid down in the Federal Police Law (Bundespolizeigesetz, BPolG). The main tasks of the agency include:

- Border police duties (surveillance of the borders, border police controls and trans-border traffic, averting dangers threatening the security of borders to a depth of 30 km inland and within a 50 km stretch inward from the sea boundary).
- Railway police duties (the only relevant task in this respect are train patrols particularly targeting trans-border traffic).
- Duties in the field of aviation security (passenger controls, protective measures in case of emergencies, surveillance of airports, enhanced measures/high-risk clearance).

The Federal Police also has criminal investigative duties relating to the fight against organised crime and against supra-regional criminality, in particular trafficking in human beings.

Political importance/political issues

The two services are not overly politicised (e.g. in terms of appointments or partisan control through certain parties or governments). If the institutions became a topic of political debate and legislation it was usually about the restructuring of these institutions or their competences and responsibilities, e.g. when the German Federal States expressed fears that the Federal Police might be encroaching upon their responsibilities and autonomy.

On a general level one aspect of politicisation worth mentioning are the ongoing personnel cuts in the German Federal bureaucracy. The reduction of personnel implemented gradually since 2000 has brought down the share of personnel costs in the German Federal budget from 10.8% to 8.4% – allegedly the lowest percentage in the entire EU. These cuts affect all areas of the German administration and are thus not limited to either the Customs Administration or the Federal Police, though it has affected them too. However, it is increasingly being said that further cuts might undermine the capabilities of the administration to adequately fulfil its tasks.

Competition over responsibilities appears to have been more pronounced in the more distant past in the area of maritime border protection than on land. The reason appears to be the very large number of agencies and even ministries with responsibilities related to this area. Moreover, the federal structure of Germany allocates responsibilities regarding safety and security of the coastline not only to Federal bodies, but also to the coastal federal states (*Bundesländer*). Insufficient coordination among this multitude of actors led to significant emergency response failures in the past, most notably in the case of the freighter 'Pallas' which sunk close the North Sea island of Amrum in 1998. The failures to adequately respond to the disaster spurred the establishment of institutions aiming at strengthening coordination at sea, most notably the Maritime Safety and Security Centre (Maritimes

Sicherheitszentrum, MSZ) at Cuxhaven (interview with Mr. Lenz, Federal Police, 27 May 2010).

Another recent development relates to the establishment in April 2010 of an expert working group by the Federal Government, the so-called Werthebach Commission, to review redundancies and overlaps in the work of the Customs Administration, Federal Police and Federal Criminal Police Office (Bundeskriminalamt, BKA) and to suggest structural reforms. The aim is to improve efficiency and cooperation and to achieve better results with available resources. In an interview with the German daily *Frankfurter Rundschau* on 19 April 2010 Eckart Werthebach, the head of the Commission emphasised that there would be no taboos in considering options for restructuring. One possible scenario mentioned by Werthebach relates to the establishment of a Federal Financial Police⁸³ (*Hebestreit* 19 April 2010). Once the recommendations of the Commission become public, they are likely to draw the Customs Administration and the Federal Police (as well as the Federal Criminal Police Office) into the centre of a heated political debate (see above).

Customs Administration

The Customs Administration has not experienced significant politicisation and was not at the core of significant political debates in recent years (apart from the above mentioned review of Germany's security architecture by the Werthebach Commission). The establishment of a new task force in 2008 specifically focusing on black labour (Finanzkontrolle Schwarzarbeit [Financial Control Black Labour]) has focused hitherto unaccustomed media attention on the work of the Customs Administration.

Federal Police

A key fault line on the political level relates to the relationship between Federal Police and the police forces of the German Federal States (Landespolizei), which all have their own police forces. This underlying tension was highlighted in 2005 when the then-ruling Social-democratic-Green coalition pushed for the renaming of the Federal Border Guard (Bundesgrenzschutz) into Federal Police (Bundespolizei). This raised long-standing fears among the police forces of the federal states (Bundesländer) that the German Federation (i.e. the central state level) was planning to take away policing responsibilities from the federal states and shift them to the central state level. In the end the Federal Parliament adopted the change of name *without* any corresponding changes in responsibilities.

Cultural context

Cultural differences between the two services do not appear to be particularly prominent or meaningful. Moreover, most interviewees were somewhat surprised at the question (regarding cultural differences) and

⁸³ The original quote is as follows: 'Ich kann mir durchaus vorstellen, dass es irgendwann in Deutschland auch eine Finanzpolizei geben kann' (I can well imagine that at some point in the future, in Germany, too, there could be a financial police).

had to think a bit before suggesting certain differences in attitudes between the two services. This suggests that there are no salient prejudices or strong institutional stereotypes pertaining to the two institutions. An interviewee with decades of experience with Customs Administration described how negative stereotypes and inter-agency wrangling were much more common in the 1980s, but that things have changed since then (interview, Kiel, 14 June 2010).

The major difference noted between the two services is the fact that they belong to two different ministries (MoI and MoF) with very different fundamental goals and philosophies.

With regard to salary levels or chances of career advancement in the two agencies the assessments of interviewees were not fully coherent. Some interviewees saw no differences at all in terms of salary levels and pointed out that both agencies used the standard salary ranking system of the German bureaucracy. Others believed that this system was applied in a different, more disadvantageous way at Customs. Other interviewees believed that career advancement in the Federal Police was more rapid than in the Customs Administration.

1.3. Contexts at sites visited

Seaport Kiel

At this site researcher met five members of the Federal Police and four members of the Customs Administration. The site was selected jointly by the Customs Administration and Federal Police as being a convenient location to study on-the-ground cooperation between the two services.

TABLE 26. ANNUAL STATISTICS OF SITES VISITED

Site name	Nº of people crossing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards
Kiel	<i>Ferry:</i> 1.53m (2008) 1.49m (2009)	4,910,854 (2008) 4,859,106 (2009)	14,399 CTU (2008) 14,368 CTU (2009)	962 <i>(Source:</i> Customs – Annual Report 2009)	280 <i>(Source:</i> Interview, 14 June 2010)
	<i>Cruiser:</i> 222,130 (2008) 291,388 (2009) 510,000 (2010) (137 Cruisers with 360,000 passengers and 150,000 crew)				

Source: Statistical Office

FIGURE 29. MAP OF KIEL



Local socio-economics

Kiel is located in Northern Germany and is the capital of the Federal State of Schleswig-Holstein. Regarding freight traffic, the Kiel harbour ranks only in the mid-range of German seaports, but is the third largest passenger port in Germany. Regular ferry lines connect it with Göteborg (Sweden), Oslo (Norway), Klaipeda (Lithuania) and St. Petersburg (Russia). While freight traffic has dropped in 2009 due to the global economic crisis, cruiser traffic continues to increase: 115 cruisers with 291,388 passengers called at the harbour in 2009 – an increase of 31% as compared to 2008 (222,130 passengers).

Two key north-south highways with cross-border relevance pass near Kiel: the A7 leading from Hamburg via Flensburg to Denmark and the A1 leading from Hamburg to the ferry ports of Lübeck (connections to Denmark, Sweden and Lithuania) and Puttgarden (connection to

Denmark). A further key feature of Kiel area is the long coastline dotted with yacht marinas both towards the North Sea and the Baltic Sea.

The last important feature from the perspective of the report is the proximity of the region to the Danish border. Both the Kiel Federal Police and the Customs Administration have to take account of these geographic characteristics.

Seasonality

Given the fact that Kiel Seaport is only in the mid-range of German ports in terms of freight traffic, but among the three top German harbours with regard to passenger traffic (ferry and cruiser) there is a clear seasonality involved in terms of work load with the summer months (tourist season) being the busiest. The cruiser season begins around April and lasts until approximately September-October. The summer is also the season when yacht traffic to marinas peaks, putting additional strain on Federal Police and Customs Administration resources.

Organisation of management and structure: Federal Police Inspectorate Kiel

The organisation has approximately 280 staff working here. Kiel Federal Police Inspectorate has its Headquarters in Kiel and covers three police districts:

- Kiel (including the Central Train Station,⁸⁴ the Kiel Canal Locks⁸⁵ at Holtenau, and the Harbour Area Ostseekai and Ostuferhafen)
- Lübeck: Harbour Area, the Central Train Station, and Airport Lübeck – Blankensee
- Puttgarden.

The Federal Police Inspectorate Kiel is organised in five groups/units to cover three shifts 24/7. The shifts are supported by a 24/7 working Control and Command Room. Further organisational units include the Management of the Inspection, and Investigations.

There are 43 main customs offices in Germany, with Kiel being one of them. The area of responsibility of Kiel Customs Office only partly overlaps with that of the Kiel Federal Police. It begins at Lübeck and follows the Baltic Sea coastline to the border with Denmark, also including the German town of Flensburg (home to a rather famous German beer). As a result, in the north the Kiel Customs Office needs to cooperate with the Federal Police Flensburg, while in the south of its area of responsibility it cooperates with the Federal Police Kiel.

The organisation of the Kiel Customs Office follows the same pattern as all the other similar offices. It is subdivided into seven Subject Areas and lower-level customs offices:

- Subject Area A: Administration
- Subject Area B: Customs Duties
- Subject Area C: Controls (including Mobile Control Groups and Financial Control Illegal Labour)
- Subject Area D: External Inspections (the equivalent of tax inspections but concentrating on customs-relevant issues)
- Subject Area E: Inspections and investigations
- Subject Area F: Fines/penalties
- Subject Area G: Execution
- Customs Offices (Zollämter)
- Customs Commissariats (Zollkommissariate)

Several of the tasks (Subject Areas) of customs have no relation at all to issues of border security and cooperation with other agencies like the Federal Police or the State Police forces, and relate to purely fiscal administrative responsibilities. Cooperation with the Federal Police is most pronounced within Subject Areas C and E – and partly within Subject Area B (Customs Duties).

⁸⁴ The Federal Police is also responsible for railroad policing (*Bahnpolizei*) functions.

⁸⁵ The Kiel Kanal is a 98-kilometre long canal in the German Federal State of Schleswig-Holstein that links the North Sea at Brunsbüttel to the Baltic Sea at Kiel-Holtenau.

Issues of international cooperation

The Federal Police and Customs Administration in the Kiel region cooperate internationally with Denmark via the following bodies:

- Cooperation Schengen-South is a complex structure to secure Schengen border strip towards Denmark. It is composed of two bodies: (a) the Group of Directors, and the Steering Group.⁸⁶

The Group of directors includes the Lübeck Police Directorate, German Federal Police and German Customs Administration, as well as the Police of the Kingdom of Denmark. The Steering Group is composed of analysts from these various agencies. The Steering group focuses on aspects linked to the checks within the respective country (DE and DK) territory, not on external border control or information exchange with third countries.

Other cooperative organisations have been established as part of Cooperation Schengen South. Cooperation Schengen South brings together all the main law enforcement agencies of the Baltic Sea region and prepares regular (monthly) situation evaluations which can serve as a basis for setting priorities for joint operations. These are:

- The Joint Search/Investigations Group Schengen-South has permanent premises in Scharbeutz (between Lübeck and Kiel) and deals with mostly operational issues. The members of the Joint Investigations Group are German Federal Police, State Police⁸⁷ of Schleswig-Holstein and the Customs Administration.
- Joint Investigations Office Puttgarden (Gemeinsames Ermittlungsbüro Puttgarden) deals with strategic issues and consists of a Group of Seniors (Chefgruppe) and a lower level Steering Group. Members are the Danish Police, Federal Police, and Schleswig-Holstein State Police. The seat of the Joint Investigations Office is in Lübeck.
- Common Office Padborg (Bürogemeinschaft Padborg) located in the Danish town of Padborg right at the German-Danish border. The following institutions are represented in the joint office: Danish Police and Customs, and the German Federal Police, Customs Administration and State Police.

Issues related to organised crime

In terms of organised crime, Kiel and Schleswig-Holstein appear to be fairly average locations without any above-average/unusual concentrations of criminal groups there. The main risk for law enforcement services appears to be illegal migration, which is characterised by patterns of transiting Germany towards Scandinavia. An increasingly prominent trend is also the smuggling of khat (mostly from the Netherlands where it is legal) via Germany to Scandinavian countries. The so far largest amount

⁸⁶ Similar cooperation bodies have been established in other border regions, such as Cooperation Schengen North (focusing on the Danish border towards the North Sea), and cooperation Schengen East (focusing on the eastern section of the Baltic Sea border).

⁸⁷ The police of the German federal states – in this case the police of Schleswig-Holstein.

of khat (1.64 tonnes) was seized in December 2009 along Highway A7 by the mobile unit of the Kiel Customs Administration (Customs Administration, 14 December 2009). Smuggling of cigarettes via the Kiel seaport to Germany and the EU seems to be of only secondary significance with regard to the criminal risk profile of the region.

In terms of organised crime activity, an ongoing feud between the motorcycle gangs the *Hells Angels* and *Bandidos* also needs to be mentioned; though the criminal activities related to these gangs and to the feud between them have only a very limited impact on the topic of this report.

TABLE 27. ANNUAL STATISTICS OF SITES VISITED

Site name	Nº of people crossing	Nº of people requiring border police processing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards
Hamburg Airport	<i>Total passenger traffic:</i> 12.2m (2009) 12.8m (2008)	2.5-3 m/year	77,173 (2006)	14,399 CTU (2008) 14,368 CTU (2009)	100+	360

Local socio-economics

Hamburg Airport is located close to the centre of Hamburg, one of Germany's most important cities and the location of Germany's most important harbour. The airport is easily reachable by public transport (bus, local passenger train and subway) as well as by road traffic.

Seasonality

The airport's traffic is partly reliant on tourist traffic – introducing a certain seasonality to traffic flows, although given the economic importance of Hamburg, and the frequent trade fairs and other types of fairs, passenger traffic throughout the year tends to be rather high.

Organisation of management and structure: Federal Police Inspectorate

The Federal Police Inspectorate Hamburg Airport has 360 employees, of whom 300 are regular police officers, while some 60 additional staff (with permanent/lifetime employment contracts) work in passenger control (in the field of aviation security). This model (internal provision of aviation security) is now being phased out. The new policy is to outsource aviation security tasks to private contractors, and now the majority of aviation security personnel (460 persons) are provided by Securitas.

The area of responsibility (AoR) of the Federal Police Inspectorate Hamburg Airport is limited to the airport itself and the nearby train stations (in accordance with the Federal Police's responsibility as a railway police).

Organisation of management and structure: Customs

Main Customs Office Hamburg has 160 staff and is subdivided as follows:

- Control Units with a total of some 100-110 staff are responsible for the airport. Their tasks include controlling the transport of goods, passenger traffic and securing the integrity of the border zone at the airport.
- Control Unit West Coast; in this area the control unit also executes transferred tasks of Federal Police with regard to controlling the marinas of the Harbour Index (*Hafenindex*).
- Financial Control Black Labour (FKS).

Issues of organised crime

Hamburg is one of the main cities of Germany. At present 35 organised crime cases are being processed by the prosecution in Hamburg. This figure represents a significant drop compared to previous years. A precise breakdown of the 35 cases in terms of types of crimes is not yet available (telephone communication with the Press Office of the Federal Criminal Police Office, 10 August 2010). According to the Press Office of the Hamburg State Police (10 August 2010), the most crucial organised crime threat in the region is drug trafficking. The importance of Hamburg as an entry point for drugs is indicated by the 13 April 2010 seizure of 1.3 tons of cocaine in Hamburg harbour. The cocaine was seized in a joint operation of the Hamburg State Police and the Customs Administration and was the biggest seizure of its kind ever made in Germany (Bloomberg, 13 April 2010).

2. COOPERATION

2.1. Legal basis for cooperation

The delineation of core tasks and the regulation of cooperation between the two agencies are laid down in the **Law on Federal Police** (Bundespolizeigesetz, BPolG) and the **Law on Customs Administration** (Zollverwaltungsgesetz, ZollVG). These laws also allow for both agencies to delegate tasks to each other.

It is common practice to further regulate cooperation through administrative agreements (*Verwaltungsvereinbarungen*) between the Customs Administration and Federal Police and, if necessary, between additional agencies. The number of agreements is quite large. For example, there are 15 administrative agreements between the Federal Police and State Police Forces which the Customs Administration later joined (follow-up interview with Customs Administration, 27 May 2010).

Further administrative agreements include:

- Locating the Central Command for Maritime Emergency, the two former Coast Guard Centres, and the Water Police Coordinating Office as the Maritime Safety and Security Centre (Maritimes Sicherheitszentrum, MSZ) at Cuxhaven.
- Cooperation Network Coast Guard (Koordinierungsverbund Küstenwache)
- Joint Search/Investigations Teams (Gemeinsame Fahndungsgruppen) in which Federal Police and Customs Administration carry out joint patrols. Joint Investigations Group Schengen-South operates on Highway A1 (between Lübeck and Puttgarden). Similar joint investigations groups include Schengen-North (in the Flensburg area) and joint service unit Vorpommern (on the internal border with Poland).
- The Harbour Index: a risk-based monitoring arrangement of Customs Administration and Federal Police of yacht marinas along the North Sea and Baltic Sea coasts. The arrangement was identified as best practice.
- Use of Federal Police equipment by Customs Administration for police record checks (Erkennungsdienstliche Behandlung).
- Joint upkeep of dog training facilities (both agencies train their own dogs, but use the same facility and share the costs).
- Border alarm search and terrorism search (Grenzalarmfahndung und Terrorismusfahndung).
- An agreement according to which small amounts of drugs are processed by the Federal Police, while cases concerning larger amounts identified during Federal Police searches are handed over to the Customs Administration.
- Currently an administrative agreement is under preparation regarding the joint use of and presence on boats (telephone interview Lenz, Federal Police).

In addition, bilateral police cooperation agreements regulate cooperation with neighbouring states.

2.2. Strategic planning

Joint strategic *planning* between Customs Administration and Federal Police is relatively limited in Germany and focuses mostly on maritime matters. Within this field respondents identified the following areas where strategic planning is taking place.

- Work appears to be ongoing to further extend the scope of strategic planning in the field of maritime activities: a working group, comprising members of Federal Police and the Customs Administration is conducting planning regarding the coordination of joint boat patrols on the external borders; a coordinated duty roster, training and the use of operating resources. Results are expected later this year (questionnaire interview Lenz, Federal Police, 1 June 2010).
- A degree of joint strategic planning also concerns the development of joint trainings in the maritime field (see Section 2.6, 'Training and human resource management').
- The joint and coordinated patrolling of marinas in the North and

Baltic Sea within the framework of the so-called 'Harbour Index' (for more on this issue see Section 2.4 'Risk analysis').

Apart from the strictly maritime issues, only one area was mentioned, where at the regional level strategic planning is taking place between the Federal Police and Customs Administration (as well as other agencies).

- In a number of areas regional coordination bodies have been established. The survey questionnaire (Customs Administration) notes in this respect that 'questions concerning strategic planning are regularly discussed in regional and local coordination meetings, based on each authority's risk analysis.' In the area of the field visit (Schleswig-Holstein) this refers to Cooperation Schengen South, a joint coordination and strategic planning structure including the German Federal Police, Customs Administration, State Police Force of Schleswig-Holstein and the Danish Police. Cooperation Schengen South prepares regular situation analyses (basically risk assessments) and recommendations. Decisions about the areas of focus for coordinated activities are based on these assessments.

While there is little strategic planning, there is rather operative cooperation and operational planning (*Einsatzplanung*) among relevant agencies (i.e. Federal Police, Customs Administration, frequently also State Police Forces, Ministry of Agriculture, Ministry of Transport, etc.)

2.3. Coordination of workflow at BCP

The coordination of workflows between Customs Administration and Federal Police is relatively limited. The reason cited is the clear delineation of tasks that limits the value of cooperation and coordination in many areas. The main form of coordination – when it takes place – appears to be the delegation of tasks from one agency to the other, i.e. mainly from Federal Police to the Customs Administration.

At **airports** passengers' immigration/visa status are first checked by the Federal Police, followed by Customs Administration checks of passengers' goods/luggage (red/green channels). The control of airfreight is also performed by the local customs department. Close coordination therefore is not necessary, as regular communication is ensured. Both agencies manage their own section of the BCP.

Everyday work at Hamburg Airport confirms this description. The control areas of Federal Police and Customs Administration are clearly separated, with little need for regular coordination. Members of the two agencies regularly see each other (as they have to pass each other to reach their stations) and relations are described as cordial.

At many **sea BCPs**, border checks are delegated to Customs. Only in few big harbours do Customs and Federal Police perform separate controls. Patrols within the above mentioned Harbour Index fall into the same category, i.e. Customs Administration and Federal Police coordinate which authority controls which yacht harbours and how often, based on risk assessment they perform jointly.

Interviewees in Kiel described the coordination in this respect. Customs Administration has temporary BCPs at different quays which are manned according to need. When ferries or ships arrive at which border, police controls are necessary (in Kiel these are mostly ferries to and from Russia), and the Federal Police sends a mobile patrol. The two agencies board the ship together, but they perform their tasks separately.

A shift manager interviewed in Kiel also mentioned support by Customs Administration (and the Water Police, part of the State Police) when the Federal Police has no available boats and needs to enter ocean-going vessels for controls: *'Germany is quite complicated regarding cooperation between administrations/bureaucracies, but in this respect it works well. We also receive overviews [from the Coast Guard Network] regarding which (customs or police) ships are where, and we can then request support from the ship that is closest to the location we need'* (interview 14 June 2010).

Crucial for all the cooperation, coordination and transfer of duties is the awareness of each other's tasks and responsibilities with regard to the different types of crimes (e.g. drugs, weapons, goods are responsibility of the Customs Administration, while issues pertaining to human trafficking, illegal entry, false documents pertain to the Federal Police). In practice, the agencies carry out initial measures when they detect a crime which is the responsibility of the other authority, and will subsequently hand over the case to the appropriate authority. An example would be if the Federal Police identified a larger amount of drugs on a person during a routine control. They would then apprehend the person and hand him over to the Customs Administration.

2.4. Risk analysis

With regard to cooperation in the field of risk analysis, the surveys of both the Customs Administration and Federal Police state: *'Due to their different legal tasks, each authority has basically a different view on relevant aspects of risk analysis. Information is only shared, in so far as both authorities have a common interest in the same objects of control.'*

The only *formalised* and regular joint risk assessment between the Customs Administration and Federal Police takes place in the maritime field. The so-called Harbour Index focuses on the identification of *risk areas* and *risk indicators* regarding coast guard matters and sea BCPs (customs). The joint risk assessment determines which of the yacht-harbours is to be controlled at what intervals (daily, weekly, monthly) and by which agency. The aim of the strategic planning exercise is to more efficiently use costly resources (boats). This is also an area where Customs Administration carries out tasks delegated by the Federal Police.

Other than the Harbour Index, there are no regular joint risk assessments prepared by the two agencies, and risk assessments prepared by one agency are not systematically exchanged with the other. For instance, risk assessments prepared by Federal Police in Kiel are not regularly exchanged, though the two agencies do exchange daily situation reports via their regional headquarters. Additionally, drafted (topical and needs-based) analyses are also forwarded to each other if deemed relevant.

On a less formal and less regular level the various regional and local coordination bodies between Federal Police and Customs Administration (and frequently other agencies, e.g. State Police) also prepare and exchange joint risk assessments and analyses. An example is the Joint Investigations Office Puttgarden, which prepares analyses encompassing information from all participating agencies (i.e. Danish Police and Customs, German Federal Police, State Police and Customs Administration). The resultant risk profiles are then communicated to joint teams (Interview 14 June 2010, Team Leader in the Joint Search Team Schengen-South). The difference between the formalised joint risk assessment that guides control activities related to the Harbour Index and the analyses and planning of the Puttgarden office seems to be that the latter is more need-based and appears to be more open to negotiations reflecting the priorities of the participating organisations.

According to surveys filled out by Customs Administration and Federal Police the issues affected by such exchange include, at a minimum, the following:

- General risk analysis on flows of persons
- Illegal migration
- Trafficking of people
- Trafficking counterfeit documents
- Trafficking in stolen vehicles
- Countering terrorism.

According to the questionnaire filled out by the Federal Police, the exchange of analyses of irregular immigration, falsification of documents, drug criminality, vehicle theft and all border-related criminality led to increased detections. Mr. Lenz (Federal Police) concedes that this cannot yet be statistically substantiated, as this form of cooperation is still relatively new, but emphasises that such an exchange helps to more efficiently and more effectively set priorities and allocate resources.

Regional level coordination bodies (such as Schengen South) also prepare joint situation analyses for their areas of responsibility.

2.5. Communication & Information exchange

The amount of information shared between the Federal Police and Customs Administration is fairly extensive (for an overview see table below). Concerning coast guard matters, there is also a joint access to relevant maritime databases concerning vessels, freight and the routing of commercial shipping.

Some customs and goods-related information is not exchanged: for instance information on goods checked, customs fraud, seizures, excise fraud, data on suspects. Interestingly, neither is information exchanged on the activities of the mobile units of the Customs Administration that might carry out additional controls and inspections inside the country or at BCPs (Questionnaires Customs Administration/Federal Police, Question 26).

The only limits to information exchange mentioned in the questionnaires were *legal obstacles*, in particular limitations due to privacy and data protection laws. In face-to-face interviews some Federal Police officers expressed a certain degree of dissatisfaction regarding the, as they felt, overly strict limitations imposed on the exchange of information regarding tax offences. The interviews indicated no obstacles to communication and cooperation due to mistrust or an unhealthy inter-agency competition.

Most relevant information (e.g. on risk analysis results) is communicated personally during the various coordination meetings, via telephone/radio/email communication as part of the daily workflow.

At local level, only those Customs Administration officers who carry out delegated border guard tasks have real-time access to INPOL and SIS. Other customs officers who perform primarily their original tasks can only access INPOL/SIS data via customs information desks (inquiries via telephone or radio communication). INPOL is a German police database listing information on all important crimes and criminals. INPOL connects and can be accessed by the Federal Criminal Police Office, Federal Police, State Police Forces and the Customs Administration.

TABLE 28. TYPES OF INFORMATION EXCHANGED

Persons checked	Periodic Regional and local level
Vehicles checked	Real time Regional and local level Only regarding maritime matters at Common Operations Centre
Special operations	Ad hoc Level unclear
Risk analyses and profiles	Periodic Regional and local level
Risk/operational environment data	Periodic Regional and local level
Risk assessments and data acquired through cross-border exchange with neighbouring countries	Periodic Regional and local level
Border infractions	Ad hoc Level unclear
SIS	Local level Real time
Data from Interpol database	Local level Real time
INPOL	Local level Real time

With regard to the level of information exchange between the agencies, this appears to take place exclusively at the regional (tactical) and local (BCP) levels. No exchange of information was mentioned for the strategic (national) level. This seems to correspond with Germany's decentralised state and security architecture. At the same time the question arises whether information exchange at a higher, strategic level might lead to additional gains in terms of efficiency. In this context it is worth mentioning that within the framework of the Cooperation Schengen South there is an agreement for the ad hoc reporting of unusual events: a one-page summary of the event that is then circulated among members (Head of Federal Police Kiel, interview, 14 June 2010).

Lastly, information exchange also takes place via a joint liaison officer of the Customs Administration and the Federal Police.

2.6. Training and human resource management

Joint training arrangements are most often found in the maritime sector. The questionnaires explain that both agencies together use the Education and Training Centre for Maritime Policing (Maritimes Schulungs und Trainingszentrum, MaST) of the Federal Police in Neustadt (Schleswig-Holstein). Federal Police and Customs Administration officers deployed to the naval division of both authorities, get their basic training in seamanship, navigation, ship engineering, and so on, in joint training courses at the training centre.⁸⁸ The Customs service sends temporary teachers and trainers to the training centre.

Customs Administration officers carrying out tasks that are the primary responsibility of the Federal Police, receive training in these border guard tasks from specially trained customs trainers, on special courses provided by the Customs authority education and training centre. The content of the courses is coordinated with the Federal Police education and training centre.

Apart from this basic training, it is usually possible for officers of one agency to participate in the internal training courses of the other authority, if this can be justified by work requirements. Upon demand, or when need arises (e.g. changes in the legal environment) the agencies also run training courses for each other. For instance, during the field visits in Kiel and Hamburg, interviewees mentioned additional training courses offered by the Federal Police to members of the Customs Administration regarding

- the identification of counterfeit travel documents, and
- the Schengen or Visa Code.

Customs also trained the Federal Police when EU Regulation № 1889/2005 on the control of cash entering or leaving the Community came

⁸⁸ The training centre also offers training for officers of the Fisheries Protection (Fischereischutz), the Water- and Shipping Administration (Wasser- und Schifffahrtsverwaltung) and the Maritime Police of the State Police Forces (Wasserschutzpolizei der Länder).

into force, and the Federal Police was authorised to handle cases of undeclared cash seizures if these took place within the EU:

- The training focused on how to handle these cash seizures; (it should be noted that in cases where the Federal Police identifies undeclared cash which is not transported within the EU, it has to hand over the case to the Customs Administration), and
- Customs Administration also offered training to Federal Police regarding the identification of illegal drugs and procedural handling of small amounts of illegal drugs (the Federal Police is now authorised to process seizures of small amounts of drugs).

2.7. Criminal investigations

The areas of responsibility are very clearly delineated between the Federal Police and Customs Administration. Because of this, cooperation in criminal investigations is very limited. There are no permanent teams, but on-demand joint investigation teams can be established if justified by the nature of the investigation. This rarely happens. The Federal Police questionnaire only mentioned one such event for 2009 (Questionnaire, electronic survey, Federal Police, Question 38).

The only area where cooperation takes place more regularly is between the investigators of the Federal Police when they work on cases of trafficking, illegal entry and residence of aliens on the one hand, and the Financial Control on Black Labour (Finanzkontrolle Schwarzarbeit, FKS) of the Customs Administration, on the other hand.

FKS is a 6,500-strong task force of the Customs Administration with locations at all Main Customs Offices. Members of the FKS can carry out controls/audits even where there are no suspicious circumstances, and also conduct investigations based on concrete suspicions. The link (or joint interest) between FKS and Federal Police investigators is the employment of irregular immigrants.

There are two forms of cooperation in this field:

- Ad hoc, need-based cooperation, and
- Cooperation through formalised working groups (e.g. in the area of field research ASMIB; see below).

Need-based joint investigations are usually the initiative of one agency (e.g. when it identifies a case in lying the area of responsibility of the other). They are not a result of joint risk assessments or joint intelligence-led investigative approaches (Interview, Kiel, 14 June 2010). Joint investigations require the consent of the prosecutor leading the investigation (Questionnaire, Customs Administration, Question 36).

Concerning more formalised cooperation in the field of irregular migration and employment, in the Schleswig-Holstein region an institutional basis was created through the establishment of the Working Group for Human Trafficking, Migration and Illegal Employment (Arbeitsgruppe Schleusung, Migration, illegale Beschäftigung, ASMIB). ASMIB is located

at the State Criminal Police Office Schleswig-Holstein (Landeskriminalamt, LKA Schleswig-Holstein).⁸⁹ At ASMIIB three law enforcement agencies come together: the State Criminal Police Office, the Federal Police and Customs. Their work is directed by a joint risk assessment or situation assessment (Lageauswertung).

2.8. Joint operations

Joint operations are planned regionally according to situation reports and risk analysis of the focal points of criminal activities (high criminal risk areas), or ahead of major events that the risk assessments indicate contain threats.

They can be initiated at very different levels at which formal or informal cooperation between agencies takes place. One forum to initiate such operations, e.g. in the Kiel and Hamburg areas, is Cooperation Schengen South. Securing the Copenhagen Climate Conference 2009 necessitated a major joint operation, the coordination of which was significantly facilitated and managed by Cooperation Schengen North. The operation was necessary to control the flow of potentially violent groups of protesters.

On a more local level, e.g. the level of Kiel, joint operations can be informally initiated if one of the two agencies deems such cooperation necessary. As an example, interviewees mentioned joint search/investigations days (gemeinsame Fahndungstage) conducted by the Federal Police and Customs Administration in the Schleswig-Holstein-Baltic Sea area, when in the summer months marinas are jointly searched. Another recent joint operation targeted the trade in stolen vehicles that was identified by risk assessment as a problem area. As part of the joint operation Federal Police and Customs Administration jointly targeted ferries that were leaving Kiel harbour and heading either to Russia (St Petersburg) or the Baltic States.

Joint operations are not exclusively focused on the Federal Police and Customs Administration, but can involve several other agencies and institutions as might be necessary for the success of the operation (e.g. State Police Forces, Prosecution, etc.).

Within a joint operation each agency focuses on its legal tasks (i.e. Federal Police on irregular migration; Customs Administration on drugs, customs fraud, etc.). The contributions of each agency to a joint operation include:

- Agency personnel
- Specialised expertise and personnel (on demand)
- Information and intelligence
- Specialised equipment (if needed)
- Trained dogs (if needed).

⁸⁹ The State Criminal Police Office (LKA) is the criminal investigations unit within the State Police Force. It is the state-level equivalent of the Federal Criminal Police Office (BKA) located at German Federal State level.

During joint operations each agency covers its own costs. It is difficult to estimate the precise number of joint operations. The number of joint operations was estimated by the Federal Police and Customs Administration questionnaires to be around 10 since the beginning of 2009 (Question 46), while the Head of the Federal Police estimated the number of such joint operations in her area of responsibility as roughly once per month – including smaller joint operations within the regular service (Kiel, interview 14 June 2010).

The benefits of joint operations were summarised as follows in the questionnaires: ‘whatever [cases are detected] during the operation, the competent authority can ultimately take over the further proceedings’ (EQ-DE). Thereby, the time-consuming initial documentation of criminal cases and the handover to the responsible authority becomes unnecessary. The responsible authority is on site, and can immediately take over the processing of the case. Further benefits of joint operations include the pooling of personnel and relevant technical equipment (Follow-up interview with Customs Administration, 27 May 2010).

Joint operations are routinely evaluated afterwards, in order to identify lessons learnt for future operations. Results of the debriefing are then circulated. The specific aspects of this post-operational evaluation include, among others:

- Overall output/results of the operations
- Allocation of personnel and technical resources
- Choice of time and place of control
- Information policy (Questionnaire).

2.9. Control outside permanent BCPs

Control outside BCPs is characterised by fairly extensive mutual cooperation. In the maritime area, controls external to BCPs take the following forms:

- maritime patrols by each agency separately
- joint patrols of the two agencies
- coordinated patrols according to the Harbour Index.

Concerning **separate patrols**, there is a permanent operational coordination of each authority’s vessels within the coast guard network. Coordination of the surveillance measures in the maritime area takes place via the **Joint Operational Centre Sea** in Cuxhaven (Gemeinsames Lagezentrum See, GLZ-See). Coordination not only refers to Federal Police and Customs Administration vessels, but also to vessels of the Department for the Protection of Fisheries within the Ministry of Nutrition, Agriculture and Consumer Protection, the Maritime Situation Centre of the Central Command for Maritime Emergencies (Maritimes Lagezentrum des Havariekommandos), Water Police of the German coastal states (basically the maritime branch of the State Police Forces), Federal Water and Shipping Administration (Wasser- und Schifffahrtsverwaltung des Bundes) as well as a liaison officer of the German Navy. The Joint Operational Centre Sea is the central organisation within the Maritime Security Centre (Maritimes Sicherheitszentrum, MSZ).

In addition to individual but coordinated maritime patrols by each agency, Customs Administration and Federal Police authorities consented to the **joint manning of their patrol vessels**. The joint strategic planning concerns the development of joint training concepts for jointly manned vessels, i.e. customs and border guard vessels within the coast guard network and offshore surveillance (EQ: CA). The concept is currently being tested. Even during joint patrols, the personnel of each participating authority perform its own legal tasks, while operating the patrol vessel is under joint management. The aim of this cooperation is the economic use of resources concerning personnel and equipment as well as an optimal density of surveillance on sea (Customs Administration Questionnaire, Question 49).

Controls of smaller ports (ports, marinas and piers) without permanent inspection facilities are assessed in a joint risk analysis, the so-called **Port/Harbour Index**. Ports are classified in this analysis according to the risks they face. Checks in these smaller ports are then carried out according to their risk classification. The index determines time schedules within which the facilities must be monitored (a fixed timetable) and also determines responsibilities in terms of carrying out the controls (i.e. Federal Police or Customs Administration). The performed checks of the Federal Police and the Customs are reported and saved in a common database. An overview with a detailed description is used as a basis for the further development of the risk analysis.

In 2009, the EU Schengen Evaluation Team (Sea Borders) recommended this in its report as best practice.

2.10. Mobile units

Customs operates approximately 65 non-joint mobile units throughout the country (EQ: Customs Administration) including 32 ships and coastal vessels (Bundesfinanzdirektion Nord 2010), while Federal Police operates 15 such units, three on the internal land border, and 11 ships and coastal vessels in the North and Baltic Sea (EQ: Federal Police). In addition, the two agencies operate permanent joint mobile units: the Customs Administration Questionnaire revealed 10 such units, while respondents to the Federal Police Questionnaire mention 3; planned joint patrols for the maritime area (to be established in 2010) were also referred to.

Concerning these joint maritime patrols, the Federal Police and Customs Administration are developing a common operational strategy. Joint patrolling will begin on a daily basis this year and will include the exchange of crew members. On a non-permanent basis Federal Police and Customs Administration also jointly patrol smaller ports (marinas) along the North and the Baltic Sea coastline (see also Section 2.8 'Joint operations').

2.11. Infrastructure/ Equipment sharing

Sharing of infrastructure and equipment is limited to relatively few areas, and these are regulated by administrative agreements. Once again, the field where equipment and infrastructure sharing is most often shared is the maritime area. Here one finds partly shared use of the same vessels and boats for patrolling and surveillance of the sea border (e.g. via joint

units). There is also joint use of the buildings at the Common Operational Centre in Cuxhaven.

Joint use of staff, equipment and dogs also regularly occurs during joint operations (see Section 2.8 'Joint operations').

Further formally regulated fields of joint infrastructure and equipment use include the access of Customs Administration to Federal Police databases to carry out background checks on the identity of apprehended suspects (Erkennungsdienstliche Behandlung), as well as the joint upkeep of dog-training facilities (both agencies train their own dogs, but use the same facility and share the costs). If necessary, other specialised equipment can also be used by another agency, e.g. enclosed-space detectors (Hohlraumsichtgeräte), and x-rays.

On some occasions, use of another agency's infrastructure or equipment is requested on an ad hoc basis and, according to the interviewees, this request is almost invariably granted. For instance, a shift manager at Hamburg Airport explained how Customs ran a campaign to identify passengers' undeclared cash (ZAF Castens, Interview, Hamburg 15 June 2010). She asked the Federal Police for permission to use their space, as there was not sufficient room at the customs end of the BCP to adequately conduct the necessary in-depth searches. The Federal Police fully supported her request.

An important field is the joint procurement initiative of the Federal Government which gradually seems to be gaining in significance. The procurement needs of the various ministries are broken down into groups of goods (Warengruppen), responsibility for which is given to one ministry. For example, the MoF is responsible for the procurement of vehicles, while the MoI specialises in furniture (Follow-up interview with Customs Administration, 27 May 2010).

There appears to be a sense that further sharing of infrastructure and equipment *'would minimise the flexibility of each authority [in its] normal working process and [lead to] conflicts concerning priority use'* (Questionnaires of the Federal Police and Customs Administration, Question 67). Similar sentiments were expressed in some interviews (e.g. Head of Federal Police Kiel, Interview, Kiel, 14 June 2010).

2.12. Contingency/ Emergency

Both agencies have a concerted plan for dealing with any kind of emergency measures (Border Alarm Search and Terrorism Search [Grenzalarmfahndung und Terrorismusfahndung]). This plan specifies, among other issues:

- the locations which need to be occupied by each authority for carrying out control measures
- type of personnel provided, depending on the type of emergency
- information flows and
- responsibilities.

The following bodies are involved in in the emergency plan: Federal Police, State Police, Customs Administration, Maritime Reporting and Assessment Centre of the Central Command for Maritime Emergencies (CCME).

3. SUMMARY AND CONCLUSION

Main factors affecting Customs and Federal Police cooperation

The clear definition and separation of tasks emerged as the single most important factor facilitating cooperation between the Customs Administration and the Federal Police, both during the interviews and in the questionnaire. Over time this appears to have eliminated (or at least reduced) unhealthy inter-agency competition and eliminated ‘turf wars’ between the agencies. Respondents could easily identify negative stereotypes between *other* agencies (e.g. two respondents who had previously worked either for the Federal Criminal Police Office (BKA) or a State Criminal Police Office (LKAs) clearly described jealousy and tensions between these two law enforcement agencies); but they maintained that there were no comparable tensions between Federal Police and Customs Administration. Moreover, one respondent with decades of experience in the Customs Administration described jealousies and negative stereotypes between the Federal Police and Customs Administration in the early 1980s, but claimed that the increasingly clearer separation of tasks and responsibilities has gradually eliminated such tensions (interview, Kiel, 14 June 2010).

As there is no mistrust and competition for the processing of criminal cases or responsibilities, cooperation can develop in a tension-free environment. The impression is that both agencies gradually explore areas where cooperation could lead to improved efficiencies (in all senses of the *best practice* definition). There is a keen sense that not all cooperation arrangements would lead to increased efficiency (some might incur more cost in time, or a decrease in efficiency if the wrong resources, for instance, are shared). But due to the tension-free context, the pros and cons can be evaluated in an objective, factual manner and do not seem to be tainted by negative inter-agency stereotypes or fears of losing control and autonomy to the ‘other’.

This is not to say that all possible forms of efficiency gains have already been explored and are being implemented. Efficiency gains through cooperation are gradually, incrementally being explored as the two agencies move closer together.

The levels where cooperation gains are being explored appears to be the regional and the local levels, with relatively little (or even no) formalised cooperation taking place at the national/strategic level. The question arises whether increased levels of cooperation and coordination at national/strategic level might lead to further effectiveness and efficiency gains.

It is the maritime field where cooperation is most pronounced, most importantly through the institutions of the

- Maritime Safety and Security Centre
- Harbour Index (coordinated and delegated patrolling of marinas along the North and Baltic Sea coasts)
- The joint manning of boats by Customs Administration and Federal Police staff (this is now being tested).

The apparent reason for the more pronounced degree of cooperation (the 'drivers' of cooperation) appears to be the high costs associated with maintaining fully separate fleets of boats.

In addition, more institutions are responsible for the safety and security of maritime areas is higher than for land borders: Federal Police, Customs Administration, Maritime Police of the State Police Forces, Ministry of Nutrition, Agriculture and Consumer Protection (fisheries protection), Maritime Emergency Command and the Water and Shipping Administration. The high number of actors with responsibilities in this field makes cooperation imperative.

Obstacles to cooperation

There appear to be few, if any significant obstacles to cooperation. The questionnaires mention data protection and tax privacy regulations as impeding cooperation between Customs Administration and Federal Police to some extent. However, interviewees from the Federal Police claimed that they could think of only a few situations when such information would significantly help Federal Police work.

The Customs questionnaire also mentioned occasional problems regarding leadership in some joint patrols (Question 58).

Key improvements (effectiveness or efficiency) as a result of cooperation

The Federal Police and Customs Administration have achieved a good working relationship (facilitated by a clear delineation of tasks and responsibilities) resulting in good cooperation at the *local* and *regional* levels. The friendly atmosphere has allowed the development of a number of institutional arrangements that have increased the efficiency and cost-effectiveness of customs and/or border guard tasks.

In particular, many of the arrangements identified focus on the more *efficient* use of manpower and resources, such as the delegation of tasks (mostly of Federal Police tasks to the Customs Administration), joint manning of vessels or use of some equipment, and coordination of control activities in small maritime BCPs based on the Harbour Index. Joint procurement activities practised within the German administration fall within the same category of making operations more cost-effective.

Other arrangements have resulted in improving the *effectiveness* with which the two agencies carry out their tasks. In particular, the regular exchange of information (either formally through institutional arrangements or informally) has increased effectiveness by avoiding lack of coordination (e.g. the Maritime Safety and Security Centre); unnecessary concentrations of forces (coordination of operations; joint operations); resulted in higher rates of identifying suspects (e.g. joint mobile units and exchange of information); and increased the speed with which arrests pertaining to another agency can be processed and handed over (in particular in case of the joint mobile units).

Listed below are the main institutions and arrangements that were identified during the research as having improved the efficiency and/or cost-effectiveness of customs or border guard activities and can thus be considered as *best practice*.

- **Clearly defined tasks and areas of cooperation potential between the Federal Police and Customs Administration:** clearly regulating responsibilities, while seeking potential areas for cooperation between the two agencies appears to have created the foundation for their fairly tension-free cooperation.
- **Delegated tasks:** in particular, the Federal Police has delegated border police responsibilities to Customs Administrations officials (the reverse is very rare). This significantly alleviates pressures on Federal Police human resources.
- **Joint manning of maritime vessels:** this arrangement, which is currently being tested, could improve the speed and cost-effectiveness of maritime patrolling.
- **Exchange of information and joint assessments between regional coordination bodies (e.g. Cooperation Schengen South):** joint strategic assessments and information exchange at regional level appear to have increased the efficiency of law enforcement activities, although comprehensive statistical evidence is not yet available. (BGI-DE)
- **Operational coordination of sea vessels:** there is permanent operational coordination of sea vessels within the coast guard network. The coordination of the surveillance measures in the maritime area takes place via the **Joint Operational Centre Sea**. Coordination is not limited to Federal Police and Customs Administration vessels, but also includes vessels of the Department for the Protection of Fisheries within the Ministry of Nutrition, Agriculture and Consumer Protection, the Maritime Situation Centre of the Central Command for Maritime Emergencies (*Maritimes Lagezentrum des Havariekommandos*), Water Police of the German coastal states (basically the maritime branch of the State Police Forces), Federal Water and Shipping Administration (*Wasser- und Schifffahrtsverwaltung des Bundes*) as well as a liaison officer from the German Navy.
- **Harbour index:** this has already been defined as best practice; it saves resources by eliminating the necessity to separately patrol small marinas; the risk assessment-based patrols focus and regulate control of those harbours with higher risks of infringements.
- **Joint procurement:** this arrangement, affecting most areas of federal government administration, has the potential to significantly reduce procurement costs.

Future plans for cooperation

The joint use of maritime vessels with joint crews is currently being tested.

Further key changes might be introduced by restructuring plans of the Federal Government (see Introduction).

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COUNTRY STUDY: GREECE

TABLE 29. LIST OF INTERVIEWEES

Position	Department	Institution
Manager of Office for Exchange	Port Authority of Piraeus	Hellenic Coast Guard
Chief Petty Officer, (Special Forces)	Port Authority of Piraeus	Hellenic Coast Guard
Chief of Security	Port Authority of Piraeus	Hellenic Coast Guard
Head of the Department of Information & Counterfeit Products	Keratsini – Port of Piraeus	Customs Administration
Head of the Sub-Directorate 'A' of Customs	Keratsini – Port of Piraeus	Customs Administration
Manager of Information Office	Athens International Airport	Customs Administration
Officer at the Department of Information & Counterfeit Products	Athens International Airport	Customs Administration
Head of the Department of Information & Counterfeit Products	Athens International Airport	Customs Administration
Deputy Head of the Airport Security Department	Athens International Airport	Hellenic Police
Shift manager in arrivals/ departures	Athens International Airport	Hellenic Police
Shift manager in arrivals/ departures	Athens International Airport	Hellenic Police
Deputy Head	Evzonoï BCP	Hellenic Police
BCP shift manager	Evzonoï BCP	Hellenic Police
BCP officer	Evzonoï BCP	Hellenic Police
BCP officer	Evzonoï BCP	Customs Administration
Head of BCP	Evzonoï BCP	Customs Administration
Harbour guard	Port of Patras	Hellenic Coast Guard
Shift manager in arrivals/ departures (currently retired)	Airport of Zante	Hellenic Police

TABLE 30. LIST OF ABBREVIATIONS

Abbreviations	
AIA	Athens International Airport
AROC	Annual Reports on Organised Crime
ASEP	Supreme Council for Personnel Selection
ESDD	National School of Public Administration
FYROM	Former Yugoslav Republic of Macedonia
GSIS	General Secretariat for Information Systems
HCAA	Hellenic Civil Aviation Authority
ICIS	Integrated Customs Information System
MCP	Ministry for Citizen Protection
MPO	Ministry of Public Order
MRDF	Ministry of Rural Development and Food
SDOE	Financial Crime Investigation Unit (formerly Bureau of Special Inspections – YPEE)
SEMPO	Port of Piraeus container terminal
SEYYO	Training School of Ministry of Economy and Finance
SIS	Schengen Information System
SODN – EMP	Central Anti-drug Coordination Unit–National Intelligence Unit
YPEE	Bureau of Special Inspections (currently Financial Crime Investigation Unit)

1. INTRODUCTION AND CONTEXT

1.1. National context

Greece is situated at the southern end of the Balkan peninsula. It has land borders with Albania (282 km), the Former Yugoslav Republic of Macedonia (228 km), Bulgaria (its only EU border, of 494 km) to the north, and Turkey (206 km) to the east. The Aegean Sea lies to the east of mainland Greece, the Ionian Sea to the west, and the Mediterranean Sea to the south. Greece has the tenth longest coastline in the world at 14,880 km (9,246 miles), featuring a vast number of islands (approximately 1,400, of which 227 are inhabited).

The country has 123 ports that handle passenger ships, cruise ships and cargo. The main ports are Piraeus, Thessaloniki, and Patras. Greece also has a significant number of air BCPs (82 airports), the biggest of which are in Athens and Thessaloniki. Therefore, the efficient monitoring of entry points to the country constitutes one of the major priorities of the Greek state and its authorities.

FIGURE 30. MAP OF GREECE'S BCP



Apart from being a popular holiday destination, Greece is also generally considered to be 'one of the important transit routes of criminal goods and services into the EU' (EUROPOL, 2007: 23). Greece is at the crossroads of many smuggling routes for substances and goods such as cannabis, heroin, cocaine, synthetic drugs, stolen vehicles, contraband cigarettes and counterfeit products. According to the Greek *Annual Reports on Organised Crime* (AROC) published by the Ministry of Public Order (MPO, currently Ministry for Citizen Protection (MCP)) and other sources, customs violations are a major issue for the Greek authorities, comprising mainly the smuggling of excisable goods such as cigarettes, alcohol, foodstuffs and fuel (see, for instance, MPO, 2000; 2005; 2006).

Greece is also a popular destination and transit country for irregular migrants from Asia and Africa as well as Eastern Europe and other Balkan countries. For example, between 2001 and 2008, the Police and the Coast Guard arrested 794,137 migrants on charges of illegal entry and/or residence in Greece. The majority of those migrants (527,080 or approximately 66.37%) were Albanian nationals. In terms of frequency, Albanian nationals were followed by migrants from Asian countries (Iraqi, Afghan, Pakistani and Bangladeshi, among others), as well as Africans (e.g. Somali, Egyptian) (Hellenic Police, 2009). Irregular migrants are transported either by truck or car via Greece's borders with Turkey, Bulgaria, the Former Yugoslav Republic of Macedonia (FYROM) and Albania, or by sea, usually from the coast of Turkey to the Greek islands of the Aegean Sea or directly to the Greek mainland.

1.2. Institutional context

Excluding the Greek armed forces (operating within the Ministry of Defence, MoD), three agencies are involved in the management and protection of Greece's external border. These are: (1) The Directorate General of Customs and Excise (hereafter the 'Customs'); (2) The Hellenic Police (hereafter the 'Police'); and (3) The Hellenic Coast Guard (hereafter the 'Coast Guard'). These agencies (Customs on one hand and Police and Coast Guard on the other) are part of different ministries, as described below.

Customs

Customs is part of the Greek Ministry of Economy and Finance and their powers are spelled out in the National Customs Code (Law 2960/2001 – FEK 'A' 265/22.11.2001). The number of Customs staff presently stands at 2,950. It should be mentioned that not all islands and ports are covered by the Customs. A four-year freeze on the hiring of new Customs officers was introduced in late 2009 as part of the government's efforts to abate the financial crisis and cut down on public expenditure.

The Police

The Police was established in 1984 (Law 1481/1984) by merging two existing agencies: the City Police, operating within the then MPO, and the Greek Gendarmerie, operating within the MoD. The Police are currently under the Ministry for the Protection of the Citizen (MPC), and their powers and structure are regulated by Law 2800/2000.

In 2006, the Police was (administratively) integrated with the Border Guards Department (currently a sub-directorate of the Police); the Border Guards Department was established in 1998 (Law 2622/1998) and has been in charge of preventing irregular migration into Greece and suppressing cross-border crime. Officers of the Border Guards Department (of the Greek Police) have been operating in the prefectures of northern Greece and in some islands of the Aegean though *in areas other than the BCPs*. The responsibilities of the Police at the BCPs are limited to the control of passports and keeping public order. Police officers do not inspect goods and vehicles, although they may check passengers' luggage in the smaller airports. Excluding specialist personnel (e.g. forensic scientists) and civil/administrative personnel, the Police presently numbers approximately 55,000 officers.

The Coast Guard

The Coast Guard is a semi-military institution which was established in 1919 under Law 1753/1999. The Coast Guard has been under the auspices of the MPC only since October 2009. Previously, it was part of the Ministry of Mercantile Marine, the Aegean and Island Policy. The Coast Guard is responsible for: law enforcement in territorial waters and port areas; prevention of irregular immigration into and out of Greece by sea; and prevention of pollution of the sea and the protection of the maritime environment in general (e.g. prevention of illegal fishing). The Coast Guard presently has approximately 7,000 personnel. As with Customs, there is a freeze on new hires of coast guards.

Political context

The political context of border management is sensitive and interviewees were unwilling to discuss the subject. In general, all the agencies involved in border management – along with all other public sector agencies in Greece – are heavily politicised institutions. For example, the Director General of Customs and Excise, as the Head of the Customs Administration, acts as the link between the Administration and the political leadership of the Ministry of Economy and Finance, and is promoted to this position by the Official Council (Ypiresiako Symvoulío) (Ministry of Economy and Finance, 2009); this promotion is sometimes heavily influenced by politics. The Heads of the border management agencies are usually replaced when there is a change of power within a newly elected government.

Another interesting aspect of the political context of the operations of the Customs Administration and the Border Guards is the political appoint-

ments at Customs. On 29 July 2009, the Greek daily *Ethnos* publicised a short version of a long list of customs officers who were well-connected with government MPs and ministers, many of whom did not meet the initial, formal criteria of employment in the Customs Administration, and who were transferred to Athens, or even – among other positions – to the central offices of the political party in power (see Galanos, 2009).

Appointment, education and career development

The selection process for the Police is said to be more rigorous than for the other agencies. Entry to the Police is very competitive, and the candidates have to sit exams at national level that are also a requirement for all upper high school students wishing to attend a university course. Police constables can qualify for the rank of sergeant three years after their graduation from the police academy, having taken additional exams. Sergeants can qualify as Police Warrant Officer after five years service as sergeant, and after passing the relevant exams. Police Warrant Officers can qualify as Second Police Lieutenant after attending a course at the Department for Professional Post-education of Warrant Officers at the Police Academy (Hellenic Police, 2010).

New Coast Guard positions are advertised publicly and also involve exams on several subjects (for example Greek Language, Introduction to Law and Political Institutions, and History, among others) as well involving fitness tests. Officers above the rank of Warrant Officer are required to have a university degree. Harbour Guards (the lowest rank of coast guard) are required to be high school graduates as a minimum requirement. Additional qualifications are computer skills and knowledge of one or more foreign languages. Having served in the Special Forces is considered an advantage. Apart from these qualifications, coast guards are promoted every 3-5 years, on the basis of satisfactory evaluations/appraisals, and service in border areas (depending on the specialisation).

Customs officers are hired by the Supreme Council for Personnel Selection (ASEP), an independent commission responsible for the selection of personnel in the Greek public sector, and follow special training and seminars in relation to the competences of the Administration. There are only three grades within the Customs Administration – A, B and C, with A being the highest one. Customs officers are promoted on the basis of the number of years in service. Having university degree(s), computer skills and speaking foreign languages all accelerate the process.

1.3. Contexts at sites visited

Although a number of sources are used in the current report, including two informal interviews with a harbour guard in the port of Patras and a retired police officer who has served at Zante Airport, the bulk of information provided in this case study derives from the three site visits to: a) Athens International Airport; b) the Port of Piraeus; and c) the land-BCP of Evzonoi on the Greek-FYROM border. The first two sites are the biggest air and sea BCPs, respectively, and the Evzonoi

BCP is one of the busiest and most important land BCPs in the north of the country.

TABLE 31. ANNUAL STATISTICS OF SITES VISITED (2009)*

Site name	Nº of people crossing	No. of cars crossing	Nº of trucks crossing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards
Athens Intl. Airport	Approx. 10,600,000	---	---	Approx. 86,297 (& 8,965 tons of mail)	---	128	505 police officers (140 of which work on passport control)
Port of Piraeus	Approx. 1,820,000	Approx. 500,000	Approx. 15,000**	---	Approx. 1,500,000	73	92 coast guards & 13 police officers on passport control
Evzonoï BCP	Approx. 3,137,000	N/A	N/A	N/A***	---	18	14 police officers

* Data from Athens International Airport and Port of Piraeus are on international passengers and cargo only.

** This figure refers to freezer-trucks transporting vegetables from Israel. The merchandise is destined for the European market.

*** Evzonoï customs is a transit customs point and, due to the lack of adequate staff, archives of statistical data and information on cargo are not kept. The only available information is on the types of products imported and exported from the particular BCP.

Athens International Airport (*El. Venizelos*)

This airport was opened in March 2001 and replaced the Athens International Airport at Elliniko. The airport is managed by Athens International Airport SA, a joint venture between the Greek State and the German company Hochtief AG, and is located in the eastern part of the prefecture of Attica. There are 128 customs officers and 505 police officers, 140 of which work on passport control at the airport.

The central offices of the two agencies operating at the airport are not located within the same building. Unlike the Customs Administration building, the premises of the Police are not accessible to the public. Operationally, however, both agencies work closely together within the same area. All police officers have been trained at the Police Academy. Those employed in passport control have a week-long special training and then work alongside a more experienced colleague for one month.

With approximately 16.5 million passengers (domestic and international) per year, Athens International Airport is among the 25 busiest airports in Europe. Because of the volume of traffic the authorities at Athens International Airport face a number of 'risks' such as irregular migration and counterfeit documents for migration (e.g. forged passports and visas), and counterfeit products. The trafficking of drugs has also been

considered a 'risk' by the airport officials. For example, the available limited data on seized Ecstasy tablets suggests that sending Ecstasy in small shipments seems to be the most common way of delivering merchandise to the country (see, for example, Antonopoulos et al. 2010). In addition, in most of the cases of controlled deliveries at the external borders of the country (including BCPs such as the Port of Piraeus and Athens International Airport), the requesting authority is the Customs Administration at *Athens International Airport*. Finally, the Head of the Department of Information & Counterfeit Products interviewed for this study highlighted the large number of gun trafficking cases.

In 2009, the airport experienced a slight decline in traffic (1.5%), with the international passenger traffic decreasing by 5.1% (AIA, 2009). According to the interviewees, no change in the volume of smuggling has been observed as a result of the 'financial crisis'; however, there has been a reduction in the legal cargo cleared through the Customs. In addition, the Deputy Head of the Airport Security Department mentioned that there may be a large number of irregular migrants attempting to leave Greece in response to the 'financial crisis'.

Port of Piraeus

Piraeus is one of the largest cities in Greece, with a population of approximately half a million. It is also the largest port in Greece and the largest passenger port in Europe. The port of Piraeus employs 73 customs officers, 92 coast guards, and 13 police officers working on passport control.

These agencies (Customs, Police, Coast Guard) do not operate from the same premises, and their offices are at some distance from each other. Therefore, there is little familiarity or informal communication between staff. Communication between Customs and the Coast Guard is only via telephone.

The traffic at the port of Piraeus increases in the summer, when tourists start heading primarily to the Greek islands. The size and volume of traffic make the port of Piraeus susceptible to fraud and smuggling. The main risks identified are counterfeit goods, stolen vehicles, smuggling of weapons and radioactive material, and smuggling of excisable goods such as cigarettes and oil. Drug trafficking, and cocaine in particular, has also been considered a major 'risk' at the port. In 2001, for instance, 97% of all cocaine seized in Greece was in the prefecture of Attica, and specifically at the Port of Piraeus (see Kostakos and Antonopoulos, 2010). The bulk of the seized cocaine came from South America. Other illegal activities, however, such as the smuggling of irregular migrants, do not constitute a significant problem in the Port of Piraeus since the smugglers prefer other, less busy locations.

According to the interviewees, no change in the volume of smuggling has been observed as a result of the 'financial crisis'; however, there has been a reduction in the legal cargo cleared through customs. Interviewees expected that this trend will be reversed after the Chinese shipping company COSCO Ltd, one of the largest in the world, buys one termi-

nal at Piraeus in order to facilitate the transport of Chinese products to Central and Western Europe.

There have been salary reductions because of the financial crisis. Both agencies have also commented on the difficult working conditions at Piraeus, including defective air conditioning, long hours and traffic pollution.

With regard to corruption issues, a recent sociological study on the links between corruption and organised crime in the European Union (CSD, 2009) gave the following example from the port: After the 'disappearance' from the Port of Piraeus container terminal (SEMPO) of a container shipped from Latin America with a cargo of 20 tonnes of coffee, it emerged that the customs procedure was lax, and anyone could obtain the shipping documents and drive off with the cargo, which was suspected of concealing a quantity of cocaine. It also transpired that corrupt officers on duty at the Keratsini customs post (Piraeus) used to take a 'fixed' bribe from each lorry leaving the customs zone.

In addition, it has been reported that customs officers in Piraeus bypassed the risk analysis electronic system (on the basis of which suspicious cargos are identified) for specific containers (see Kostarelou, 2005).

Evzonoï border crossing point

Evzonoï BCP is located on the border with FYROM in the north of Greece, and within the prefecture of Kilkis. There are 18 customs officers and 14 police officers working at the BCP. Many of them are local, or broadly from the north of Greece. Both agencies operate under the same roof, which facilitates communication.

The traffic of goods and passengers through Evzonoï BCP increases during the summer, with the arrival of tourists from Central and Eastern Europe, and the Balkans. During the interviews, there was a specific reference to the 'waves' of Serbian tourists and the resulting intensification of controls. The main area of concern is the smuggling of legal and illegal goods, primarily from Balkan countries. For example, there have been many incidents of cigarette smuggling involving trucks and cars with Bulgarian licence plates, with specially adapted panelling.

An area of concern for customs and the police officers not related to everyday business or cross-border criminality is the farmers' border blockades, which impede the flow of people, vehicles and cargo. Irregular migration has not been a risk factor at this BCP since, in the vast majority of cases, irregular migrants attempt to cross using the 'green' border.

Both Customs and Police have signed agreements on cooperation with their counterparts at FYROM. Relatively recently, the reduction in personnel has begun to affect the work at the BCP, and primarily the work of Customs. A number of officers have retired, but they have not been replaced because of the freeze on public spending. Therefore, officers have to do six or seven night-shifts per month, while the usual number of night-shifts at other, similar BCPs is only two per month.

There have been numerous references in the Greek media, as well as in the study by Antonopoulos (2008) to customs officers working at the BCPs with FYROM receiving bribes to facilitate the smuggling of cigarettes into Greece. However, there have not been any media references to corruption associated with cigarette smuggling at Evzonoï BCP. Corruption has not been a significant issue at Evzonoï BCP, with the exception of alleged small bribes (€5-€15) to speed up truck clearance through customs (Alpha TV, 2010).

2. COOPERATION

2.1. Legal basis for cooperation

The cooperation between Customs and Border Guards (Police and Coast Guards) is defined and arranged by the following laws and decrees:

1. *The National Customs Code (L. 2960/2001)*: Law 2960/2001 is the core of the legal framework governing the cooperation between Customs and other law enforcement agencies. According to the Code, Customs cooperates with other agencies, which are obliged to assist if required by the Customs.
2. *The presidential decrees 139 of 1989 (PD 139/1989) and 126 of 1990 (PD 126/1990), and the Law 3459 of 2006 (L.3459/2006)*: Presidential decree 139/1989, established the Central Anti-drug Coordination Unit (SODN). Presidential decree 126/1990 defined SODN as the National Unit of Intelligence (EMP) in relation to drugs. The Law on Illegal Substances (L. 3459/2006) includes a section on the competence of SODN-EMP, which is under the Ministry for Protection of Citizens (MPC). Its members include officers from the Police, Customs, the Coast Guard and the Financial Crime Investigation Unit (formerly the Bureau for Special Inspections). The axis of SODN-EMP is closer cooperation among law enforcement agencies in order to improve their efforts against the trafficking of illegal substances. The competences of SODN-EMP are as follows:
 - exchange of information and evidence related to specific drug investigations on a national and international level;
 - exchange of information on the application of risk analysis;
 - coordination between the relevant authorities when immediate cooperation is required;
 - resolving differences arising in relation to the work and action of relevant authorities;
 - assisting other agencies during pre-trial investigations and investigations;
 - informing other relevant agencies about the methods and modus operandi of drug traffickers to improve prevention of drug-related criminal activities;
 - issuing common press releases (SODN-EMP, 2009).

3. *Law 2331 of 1995*: according to section 15, SODN-EMP is responsible for the detection of drugs imported into Greece, and is allowed to carry out 'controlled deliveries'.⁹⁰

The scope of the above documents is fairly broad and does not go into details of the cooperation between Customs and Border Guards. For example, there are no references to the specific ways in which cooperation can take place.

2.2. Strategic planning

Most of the strategic planning for border management is done by the relevant ministries that oversee the various agencies involved in border control. Customs and Border Guards do not cooperate in the preparation of long-term annual strategic or operational business plans. There has been, however, some cooperation regarding the budget for SODN-EMP, as well as between contact centres in Greece and Bulgaria (EQ-EL). There is no budget cooperation at the operational level. The SODN-EMP has provided an opportunity for some joint strategic planning (as it has an action plan).

2.3. Coordination of workflow at BCP

There is no coordination of the workflow at BCP level. The Customs Administration on one side and the Police/Coast Guards on the other are under different ministries, and there is no common management structure at BCPs that would allow for the coordination of workflow at the BCP level. Each border agency has its own management hierarchy, and makes its decisions about shifts, allocation of equipment and staff independently. There is no Head of an agency operating at a BCP, nor a shift manager, who exercises control over the other agency, or who is responsible for the coordination of all law enforcement activities at the particular BCP. The account from the (currently retired) shift manager in arrivals/departures at Zante Airport is perhaps extreme, but indicative of the independence with which the workflow is arranged: *'There were Customs officers in Zante Airport but we never had any contact with them. I did not know any of them and of course we did not have any communication about shifts and other work-related matters'* (BGI-EL).

Generally, Customs and Border Guards cooperate in specific cases and any issues that arise are solved on an ad hoc basis informally. Joint inspections (see the following section) can be requested by either agency in writing. This, however, is rare.

The exception in the clearly defined duties and responsibilities between the Customs Administration and an agency concerned with managing the border, is in the ports of the country, where there may be a conflict of interest between the Customs (operating in the sea BCPs) and the Coast Guard (which have the responsibility for the port in which the Customs-managed BCPs are located). A good example of this conflict of interest is the Port of Patras on the west coast of the country: in cases

⁹⁰ An investigative method to identify drug traffickers by following a batch of drugs transported through one or more countries.

of breaking up smuggling rings and intercepting illegal merchandise or merchandise that is transported illegally into or through the port, success is often claimed by both agencies.

On many occasions, cooperation in the daily management of the BCPs is informally arranged between staff and the heads of both agencies working at the BCPs. Interviewees provided two main explanations for the lack of formal evaluation of the cooperation between the Customs and the Border Guards. Firstly, cooperation is too rare to be subjected to formal evaluation procedures. Secondly, as the Head of Department II of the Anti-narcotics and Arms Trafficking of the Customs Administration suggested, the cooperation between the customs and the other law enforcement agencies varies significantly between BCPs (with virtually no cooperation at small BCPs) (EQ-EL).

2.4. Risk analysis

At BCPs each agency defines risks on an ad hoc basis depending on its priorities, which in most cases are clearly defined by the legal framework. For example, Customs has developed its own risk analysis system for the import and export of goods (see also Ministry of Economy and Finance, 2009); the system identifies timber cargos, for instance, as 'risky'.

The Police conduct their own risk analysis, primarily regarding the flow of travellers. There is no framework of cooperation that requires joint risk analysis among the agencies. Although each agency produces its own risk analysis, there is no formal sharing of this analysis on a regular basis. The only exception is the SODN-EMP, through which the agencies share risk analyses on drugs and drug trafficking. However, risk analyses are exchanged informally if this is deemed essential for the work of agencies on specific cases.

2.5. Communication & Information exchange

There are no regular, formal meetings between the Customs Administration and agencies concerned with the management of the border apart from the monthly meetings at the Athens International Airport's *Security Committee*. This committee involves all agencies operating at the airport – the Police, Customs Administration, Hellenic Civil Aviation Authority and the Safety and Security Department of the airport's management company. However, Customs and Border Guards communicate daily on an informal basis. Further, the heads of the BCPs, as well as shift managers and lower-ranking officers, often have known each other for a long time.

The agencies do not have access to one another's databases. Further, the agencies have their own access to EU databases such as SIS. However, despite the fact that databases that are essential for the Customs Administration and the Border Guards' work may be available to all agencies *separately*, such as SIS, the accessibility to one another's databases and information for any reason (e.g. technical problems that may occur with the information systems used), is not *formally* defined and arranged. The communication and information exchange between different agencies involved in the management of external borders is facilitated by the in-

formal relations between staff of different ranks/levels, including managers at BCPs. For instance, as a number of interviewees at Evzanoi BCP suggested, when one of the agencies cannot access SIS for technical reasons, an informal request for assistance is made to the other agency.

There are however, databases that are not readily available to all agencies. For instance, the Police have access to the National Database containing personal data, to which Customs officers have no access. On the other hand, the Customs officers have access to the Integrated Customs Information System (ICIS), which is not readily available to the Police. Access to information from the other agency's databases is sometimes arranged *informally*. As the deputy Head of the Police at Evzanoi BCP noted in his interview: *'if need be, we will ask for information, just like they will... Our subjects are different. Things are good as they are. Anything we ask is resolved'* (BGI-EL).

Similar accounts were provided by interviewees at the Port of Piraeus: *'in general our demands are satisfied'* (BGI-EL). This is also the case with the lower-ranking officers: *'I can learn whatever I need from the databases of the customs. I ask the customs officer for information about stolen cars. We ask and they give us the information'* (BGI-EL). The exchange of information flows in the opposite direction too, although officers from both the Customs Administration and the Border Guards consider the access to their own databases as sufficient for their everyday work. The types of information that are shared on an ad hoc basis informally include: intelligence/notifications on suspect individuals; vehicles that are driven by suspected irregular migrants; drug trafficking; and smuggled and counterfeit goods.

There are also intelligence bulletins on drugs exchanged at local and central level. There is also information exchange on drug trafficking through contact officers at SODN-EMP.

2.6. Training and Human Resource management

Although the Border Guards learn about the basic duties and responsibilities of the Customs Administration during their vocational training at the academy and vice versa, there is no specific cross-training among agencies. The explanation most often provided is that their responsibilities and duties in the management of the external border are different, and clearly set out by the law.

The Head of Customs at Evzanoi BCP directly suggested that *'there is no reason for common training'* (CI-EL). Nevertheless, there are seminars on various topics (such as the use of carbon dioxide detectors and searching for contraband cigarettes) that are organised regularly either at national level (for example, by the training school of the Ministry of Economy and Finance – *SEYYO*, or by the National School of Public Administration – *ESDD*) or at the BCP.

In addition, some Customs officers attend training sessions at the Greek Police Academy, on subjects such as handling sensitive classified matters and combating organised crime. Occasionally, there are longer training sessions for a limited number of officers at national level. In 2009, for

instance, two Customs officers participated in a seven-month intensive training course at the Police Academy. Participation in the training and/or the seminars is by invitation of the organising authority/agency. There have been, however, seminars and conferences on drug-related issues organised jointly by the agencies working at SODN-EMP and under the auspices of the Ministry for Citizen Protection.

2.7. Criminal investigations

The Customs, the Police and the Coast Guard have *pre-trial* investigative powers. They can gather evidence about a criminal offence and detain offenders. However, while Customs officers can arrest and interrogate suspects only in relation to customs-related offences, Police officers (with the rank of sergeant and above) and Coast Guard officers (with the rank of chief petty officer and above) have full rights of *general* pre-investigatory officers.

There are no joint investigations involving both forces. In some coastal BCPs Customs officers hand over suspects to the Coast Guard in more complex pre-trial investigations. The perception among some Coast Guard officers is that the Customs are not sufficiently trained to handle more complex cases.

2.8. Joint operations

Theoretically, joint operations between the Customs Administration and the Border Guards could take place, since the National Customs Code obliges all authorities in Greece to contribute to the work of the Customs Administration in any way possible. However, this has not been a very common occurrence at the external border of the country thus far. The main reason given by interviewees is that there are clearly defined roles between the Customs and the Border Guards. There are, however, instances of joint operations (informally and quickly organised) which are limited to:

- Operations aiming to facilitate the flow of passengers and cargo at specific BCPs to avoid the 'bottleneck effect'. At Evzonoi BCP, for instance, when there is a large number of passengers and cars during the summer months, Customs officers and Police officers cooperate to speed up the checks. Similarly, when there are strikes or demonstrations at the port areas, Customs relaxes normal controls in order to allow traffic through the ports more quickly, in order for business to continue relatively uninterrupted;
- Operations to regulate traffic in order to facilitate the transportation of dangerous substances such as flammable materials through the port;
- Requests from Border Guards for vehicles to be searched following border control check.

The best example of joint operations involving agencies concerned with border management are the ad hoc teams, which involve the participation of officers from the Police, Customs, the Coast Guard and the Financial Crime Investigation Unit within the SODN-EMP. There are a number of successful operations (in particular controlled deliveries) quoted in the annual report on drugs and drug trafficking in Greece for

2008 (SODN-EMP, 2009). What is evident from the details provided in relation to controlled deliveries is that the Customs is not the agency that coordinates the operation; however, it usually acts as the requesting authority or as an authority that contributes to the operation. According to SODN-EMP (2009) the work of SODN-EMP is generally deemed successful, and there have been a number of interceptions of drug-trafficking schemes in the country. However, there has also been a perception that, in some areas that are considered important and sensitive in terms of border management, there have been malfunctions that can be attributed to a lack of cooperation; specifically, it is considered that there have been an inadequate number of initiatives to establish ad hoc teams.

2.9. Control outside permanent BCPs

Customs is not actively involved in border control outside permanent BCPs since it does not have jurisdiction beyond the BCPs and the customs-controlled warehouses near BCPs. Border control beyond permanent BCPs is carried out by the Police (Border Guards Department) and the Coast Guard.

2.10. Mobile units

There are no mobile units for external border management in Greece which involve Customs. Investigations of financial crime or other pertinent issues outside BCP territory is the responsibility of the Financial Crime Investigation Unit (SDOE).

2.11. Infrastructure/ Equipment sharing

Generally, Customs and Border Guards have their own infrastructure and equipment, which is allocated by the relevant ministry. There are, however, some exceptions, such as the heartbeat and carbon dioxide detectors to identify irregular migrants in trucks (for example, at Evzonoï BCP), or x-ray machines (for example, at the Port of Piraeus). At both locations each agency can use this equipment for its own purposes.

There is a degree of sharing equipment and resources (for example, drug sniffer dogs, non-intrusive equipment) and facilities that are essential for business on an ad hoc basis and on specific occasions. This can be done upon request, most of the time informally, especially at smaller BCPs and at BCPs where the two agencies either share premises or are located near to each other. The main difficulty in sharing equipment is the fact that the agency that requests its use does not have trained personnel who know how to operate the equipment, and therefore a trained officer from the lending agency also has to come along to operate it.

Occasionally, sharing of infrastructure and equipment may cause some friction between agencies at BCPs. For example, in the Port of Piraeus the x-ray machine belongs to the Customs and is also used by the Coast Guard. When the machine sounds an alarm, the Coast Guards call the Customs officers who apprehend the suspect and then conduct the investigation, receiving credit for the operation, as the Coast Guards perceive it, at their expense.

Another example of infrastructure sharing is detention cells. At Athens International Airport (as well as at other BCPs throughout the country), Customs does not have custody cells and therefore, upon arrest the suspects are held at the premises of the Police.

2.12. Contingency/ Emergency

There is a national contingency/emergency plan, drafted by the General Secretariat for Civil Protection (GSCP), which is part of the Ministry for Citizen Protection. The plan has provisions for the following authorities: the Police, the Coast Guard, the army, regional government administration, local administration, the Red Cross and the Fire Brigade, among others. Although not a basic operational pillar of the GSCP, theoretically the Customs Administration can be part of such a plan.

3. SUMMARY AND CONCLUSION

Generally, in Greece there is limited, mostly ad hoc cooperation between Customs and Border Guards. There are cooperation provisions within the existing legal framework, which do not always translate into operational reality. Although the duties and responsibilities of each service are clearly defined, there is a degree of overlap between Customs and the Coast Guard, as the two agencies are in charge of investigating the same subject (e.g. smuggling) and in the same area (i.e. ports).

In addition, there are a number of informal factors that have an impact on the cooperation between Customs officers and Border Guards. These include personal acquaintances between all ranks from each service at BCPs, which facilitate cooperation. This occurs mainly in BCPs in which the two services share premises or are located near to one another (for example at Evzonoi). Another good example of cooperation is SODN-EMP. However, it has been difficult to identify genuine cooperation best practices as there has been no evaluation of the existing forms of cooperation. For instance, although the work of SODN-EMP is considered successful, there has been no evaluation of whether the presence of the ad hoc teams has led to reduction of drug trafficking in Greece.

The resolution of differences arising from the work and actions of the authorities participating in SODN-EMP is identified as a major objective (in the latest SODN-EMP report), and this indicates that differences among the various authorities do exist. Moreover, the fact that the SODN-EMP annual report on drugs is self-critical, shown by its highlighting of the unsatisfactory level of initiatives in establishing ad hoc operational teams, clearly shows that there is room for further cooperation between the Customs Administration and the Border Guards within the context of SODN-EMP and beyond.

The study highlighted that there may be obstacles to cooperation when this could be deemed as necessary. The legal framework that defines the cooperation between Customs and Border Guards does so imprecisely,

without providing details either on how this can be done, or which agency (and this applies primarily to the Customs and the Coast Guard) will have the credit in the case of a success. In addition, there are some cultural factors that affect the relationship between Customs officers and Border Guards, and, as a result, the level of cooperation between them. Below are listed some of the administrative and cultural differences between the agencies.

- **Semi-military vs civil culture:** The Police and Coast Guards are semi-military agencies, with a strict hierarchical structure. Despite the fact that Customs officers wear a uniform and have the authority to carry arms, they are not perceived as ‘real’ law enforcement agents by Police Officers and Coast Guards. They are viewed as civil servants with ‘direct discretionary access to tangible wealth’ (Velkova and Georgievksi, 2005: 66). The Customs are seen by other agencies as having a more-or-less public servant rather than a law-enforcement mentality.

A high-level interviewee from the Coast Guard at the Port of Piraeus suggested that ‘in general, there are different work-related attitudes. The customs officers follow their shifts and they do not extend them. In contrast, the coast guards are on stand-by on a 24-hour basis, and they do not follow their shift if a case has to be solved or investigated’ (BGI-EL). Interestingly, this was not the same self-perception of the Customs, as put forward by the two Customs officers interviewed at the Port of Piraeus. The first interviewee argued: ‘*At the Customs there are no shifts, we are on stand-by 24 hours a day. My phone can ring at midnight and I am obliged to come to work*’ (CI-EL); whereas the second interviewee highlighted the position of high responsibility occupied by customs officers since – among other things – they deal with issues of public health (CI-EL). Similar, but differential perspectives between the Customs and the Police were evident at Athens International Airport.

Customs officers are also subject to the provisions of the Civil Servants’ Code and, unlike the Police and Coast Guard, they can go on strike. In a table providing the corresponding ranks of the defence forces and law enforcement agencies there are no Customs Administration ranks. Apart from the country’s armed forces, the agencies that appear in the table are the Police, the Coast Guard and the Fire Brigade (Hellenic Police, 2010).

- **Salaries/disparities in income:** Customs officers are paid better than other law enforcement agencies, and this was emphasised by most interviewees from all agencies. At the Port of Piraeus and at Athens International Airport the issue of differing salaries and amounts of work was more problematic than at Evzonoï BCP. As one Coast Guard interviewee serving at the Port of Piraeus commented: ‘*here we check every passenger⁹¹ and as a result the pressure is greater... Customs do only ‘random’ checks, but they are paid double compared to us*’ (BGI-EL). Similar accounts were also provided at Athens International Airport.

⁹¹ As opposed to Customs officers who conduct targeted controls after risk analyses with common criteria in the EU.

- **Competition:** As there have been significant cuts in public spending because of the global financial crises, competition between the agencies has intensified and this has in turn affected the level of cooperation. This is particularly relevant in major ports in relation to the work of Customs and the Coast Guard. In many cases the agencies are protective of their sources of information. What an interviewee from the Coast Guard suggested is partly indicative of the situation: *'the Customs officer does not want anyone [else] in his own [customs] area'* (BGI-EL).

This friction and competition is the product of a long history of blurred jurisdictions: in 1931 the Customs acquired small warships and the area of competence of the agency was to facilitate the control of other vessels and the transported merchandise. These ships, which were later called 'Anti-smuggling Ships', were moved in 2004 to the jurisdiction of the Coast Guard for the security needs of the Athens Olympic Games (see Ministry of Economy and Finance, 2009). It should be mentioned that the presence of systemic problems that facilitate this competition (i.e. rivalry at the political level) should not be dismissed.

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COUNTRY STUDY: ITALY

TABLE 32. LIST OF INTERVIEWEES

Position	Department	Institution
Deputy Head – in charge of the border controls	Rome ‘Leonardo da Vinci’	Polizia di Stato
Head of Investigation	Rome ‘Leonardo da Vinci’	Polizia di Stato
Head of the border controls investigative unit		Polizia di Stato
Deputy Head of Investigation	Rome ‘Leonardo da Vinci’	Polizia di Stato
Deputy Head – in charge of controls and anti-fraud	Rome ‘Leonardo da Vinci’	Agenzia delle Dogane
In charge of anti-fraud operations	Rome ‘Leonardo da Vinci’	Agenzia delle Dogane
In charge of passengers	Rome ‘Leonardo da Vinci’	Agenzia delle Dogane
Customs officer (passengers, luggage, crew control and tax refunds)	Rome ‘Leonardo da Vinci’	Agenzia delle Dogane
Anti-fraud unit	Rome ‘Leonardo da Vinci’	Agenzia delle Dogane
Anti-fraud – head of passengers unit	Rome ‘Leonardo da Vinci’	Agenzia delle Dogane
Director	Customs – Port of Bari	Agenzia delle Dogane
Anti-fraud operations	Customs – Port of Bari	Agenzia delle Dogane
Risk Analysis	Customs – Port of Bari	Agenzia delle Dogane
Customs officer (passengers and risk analysis)	Custom – port of Bari	Agenzia delle Dogane
Deputy Head – in charge of border controls and investigation	Border Police (sea) – Port of Bari	Polizia di Stato
Head of border controls unit	Border Police (sea) – Port of Bari	Polizia di Stato
Head of investigation unit	Border Police (sea) – Port of Bari	Polizia di Stato
Shift supervisor	Border Police (sea) – Port of Bari	Polizia di Stato
Lieutenant Colonel – Commander, Nulceo Operativo (passengers)	Rome ‘Leonardo da Vinci’	Guardia di Finanza
Captain	Port of Bari	Guardia di Finanza
Port operator	Guardia di Finanza – Port of Bari	Guardia di Finanza

TABLE 33. LIST OF ABBREVIATIONS

Abbreviation	
PDS	Polizia di Stato
Dogana	Agenzia delle Dogane (Customs)
GDF	Guardia di Finanza
CC	Carabinieri
CFS	Corpo Forestale dello Stato
TULD	Testo Unico Leggi Doganali – Consolidated Custom Laws
FCO	Rome ‘Leonardo da Vinci’ Airport

1. INTRODUCTION AND CONTEXT

1.1. National context

Italy has no external land borders. The total length of its land borders is 1,899 km: Austria 430 km, France 488 km, Holy See (Vatican City) 3.2 km, San Marino 39 km, Slovenia 199 km, Switzerland 740 km. Italy has 7,600 km of coast line.

FIGURE 31. MAP OF ITALY'S BCP



The Roma Fiumicino (Leonardo Da Vinci International Airport) and Malpensa Airport in Milan are the busiest airports in Italy, with annual traffic of, respectively, 33.8 million and 17.6 million passengers in 2009. Roma Fiumicino is the sixth busiest airport in Europe by passenger traffic. Other important entry points include the Palermo, Bergamo, Venice, Catania, Pisa and Bologna airports.

Main sea ports include Ancona, Bari, Pescara, Trieste and Venice on the Adriatic Sea; Gioia Tauro, Genoa and Palermo, on the Mediterranean Sea; and Civitavecchia, Naples and Livorno, on the Tyrrhenian Sea.

Major challenges to border control are illegal trafficking of people, in particular from the Balkan, African and Middle East countries, smuggling of drugs and counterfeit goods (notably, container traffic from China and Greece). Another serious risk is the infiltration of Eastern European criminal groups to Italy (from EU and non-EU countries).

In terms of seaport threats, contraband often passes through other EU countries before reaching Italy, and it is thus more difficult to detect.

Considerable amounts of counterfeit goods and cigarettes appear to come from China via Greece. This smuggling is apparently operated by organised crime groups. Since the accession of Romania and Bulgaria to the EU, Dogana has experienced an increase in the seizure of cigarettes. Romanians have been identified as a risk group, as there are many cases in which Romanian citizens fill their suitcases with cheap cigarettes that can be sold on at a considerably higher price in Italy and throughout Europe. In the last 3-4 years Dogana also has noticed an increase of the smuggling of good-quality counterfeit shoes and sports clothes from North Africa, mainly Libya.

Bari port is especially vulnerable to the so-called 'Balkan route' (drug, arms and tobacco smuggling). In the past, Albania was the source of most of the problems at the port, but that situation is now under control, although Macedonians and Kosovars still use Albanian ports to try to come to Italy. After the accession of Bulgaria to the EU, many cars, drivers and documents used to smuggle people through Bari are mainly Bulgarian.

Irregular migration is another major risk. An increasing trend of third country nationals trying to illegally reach northern European countries has been observed in the past two years at Rome Airport. A significant number of people, for instance, try to embark for the UK and Ireland at Rome. In the last three years irregular immigration has been attempted mainly by Afghans and Iraqis, hidden and smuggled in trucks.

The island of Lampedusa is of special concern. Lampedusa has been in the international news as a prime transit site for irregular immigrants hoping to enter Europe from Africa, the Middle East and Asia.

1.2. Institutional context

The main border control agencies are the Police (Polizia di Stato or PDS), which is under the responsibility of the Ministry of Interior (MoI) and the Customs (Agenzia delle Dogane or Dogana), which operates within the Ministry of Economy and Finance. The division of labour is completed by two other agencies with more targeted control functions – the finance police (Guardia di Finanza or GDF), which is a military structure, and the Carabinieri (who are a military equivalent of police – a gendarmerie), which has some police functions at BCPs. In addition, a separate agency Coast Guard (called Guardia Costiera),⁹² cooperates with Police authorities (especially with the GDF) to control sea areas within 10 miles from the coast, and a State Forestry (Corpo Forestale di Stato). Occasionally Dogana requests the support of Polizia Stradale (Road Police), mainly in cases of complex checks of cars

⁹² The Italian Coast Guard (ITCG) is a branch of the 'Marina Militare' (Italian Navy) that has tasks and functions connected mostly with the civil use of the sea (activities with commercial and recreational navigation) and with functional dependence on various other government departments (Ministry of the Infrastructures and Transports, for instance). The main activities of the ITCG are the following: Search and rescue at sea (SAR); safety; Protection of the Marine Environment; Protection of the Marine Environment; Control of maritime fishery; Cultural Activities and Treasures search; assistance in anti-illegal immigration. Yet it is not considered part of border control, although at times it assists (but does not take the lead) in the interception of irregular immigration. Therefore, it will not be discussed in detail later in the text. (Source: <http://www.guardiacostiera.it/en/>)

and trucks. Polizia Stradale has access to dedicated databases and has specialised experience in this field.

The Central Directorate for the Fight against Drug Trafficking is the national unit charged for combating crimes related to drugs, where both the Police and the Customs Authorities are represented.

Customs administration and Guardia di Finanza

The customs control in Italy consists of two components: the civilian component represented by the Customs Agency; and a primarily law enforcement component embodied in the Guardia di Finanza. According to Customs law (Testo Unico Leggi Dogana or TULD), adopted on 23 January 1973), Customs has responsibility for the controls at BCPs, while the GDF controls the areas beyond. It is also responsible for all seizures and investigations carried out in the customs zones. If the seizure is requested by a Prosecutor (search and seizure warrant) the law enforcement agency (GDF/PDS) must notify the Director of Customs and this organisation will draft the minutes of seizure. Customs mainly operates at external EU border BCPs, and inland only if violations are detected. Nevertheless, everything happening in the customs area of competence is under the control and leadership of Customs by law.

Article 63 of Legislative Decree № 300/1999 lays down the powers of the Customs Agency and those that perform services related to the administration, collection and litigation of customs duties and internal taxation in international trade, and excise duties on production and consumption. The Customs took over the functions of the Customs Department of the Ministry of Economy and Finance, including those performed according to EU treaties and other international acts and conventions. Minister of Finance Decree № 28/12/2000 1390 inaugurated the Customs Agency as from 1 January 2001.

Law Decree no. 68, dated 19 March 2001, while confirming the Guardia di Finanza Corps' configuration as a military structure, enhanced its role as a police force having general competence in all economic, financial and judicial matters for the safeguard of the public budget and that of the regions, of the local authorities and of the EU.

Following the merger between several state agencies (Customs, Anti-Monopoly Commission, Excise controls, and others) under the umbrella of the Customs in 2006 – 2007, the competences of the Customs were significantly extended as employees of the merged organisations brought new skills to Customs.

The Customs delegates to the GDF most of the checks and investigations of criminal matters, especially drug or arms trafficking. The PDS and the Carabinieri also have competencies in drugs and arms trafficking matters. Customs officers, though, cannot carry arms and may exercise document/passport control only for the purposes of customs matters. Before closing the land BCPs with Switzerland, Slovenia, Austria and France, the GDF performed both border guard and customs duties in some small BCPs.

Customs officers deal with a variety of other cases: product safety, forensic accounting, as well as control of cultural goods, agricultural and animals, and tax inspections. From 1 January 2011, however, Customs will have greater responsibility for the safety and security of freight crossing the border.

Police

The Police (PDS) have the following operational structure:

- Border guards (irregular immigration and emigration – prevention and repression)
- Security
- Judiciary police (investigation non related to illegal immigration and emigration).

In 2005, the State Police had a total staff of 105,324.

The so-called 'Bossi-Fini' law (Legge 30 luglio 2002, n.189) created a new PDS Directorate (*Direzione centrale dell'immigrazione e della polizia delle frontiere – Central Directorate for Immigration and Border Police*). In reality, though, this law did not change the structure of the PDS at the borders.

The PDS has a special unit that specialises in the identification of counterfeit and/or false IDs. If appropriate, these agents communicate to Customs if suspects are identified, so that more thorough customs checks can follow. When the PDS arrests a suspect they carry out the luggage search in cooperation with representatives of Customs.

Regarding border controls, the PDS checks the IDs of all passengers arriving from non-Schengen countries. Typically, it does not require the support of other agencies to perform its duties.

Political context

As with all state institutions, the top levels of law enforcement state agencies are influenced by the political constellation and parties in power. Yet politisation remains only at the highest level and does not affect the appointment of BCP Heads or the day-to-day cooperation between Customs-GDF-Police at BCPs.

Cultural context

The cooperation between agencies is sometimes influenced by various institutional – cultural factors. Joint actions are good examples of this. The creation of joint units of GDF-Customs was reportedly discussed 4-5 years ago. Negotiations, however, stalled as there was no agreement on who would lead the units. GDF (with its military-like culture) would not agree to be commanded by the civilian Customs. Customs reportedly found it difficult sometimes to communicate with the GDF because of its military structure and methods of work, which apparently favoured rigidity in decision making. When urgent decisions need to be taken,

or emergency situations arise, processing operations can take longer as GDF agents are not entitled to act without authorisation from their superiors.

Corruption

In the last three years, the Customs' headquarters started to 'refresh' the human resources in the Port of Bari. A fairly low level of education and a number of episodes of corruption triggered a renovation process at the port. Many officers stationed there for many years were encouraged to leave. Some public servants were arrested in May 2010 on corruption charges, including three Customs officers and three GDF agents. A new Director was appointed two-and-a-half years ago, and a number of new employees joined his team.

An anonymous GDF officer stated that until 2-3 years ago the situation at the Port of Bari was contaminated by corrupt officers, and it was considered an unpleasant place to work. A number of longstanding GDF agents retired, and some internal investigations carried out by the Customs and the GDF seem to have finally resolved the problem. Nevertheless, the multi-institutional approach to border control in Italy is seen to have an anti-corruption effect, as institutions can work together and therefore it is not so easy to take bribes.

1.3. Border crossings visited

The Italian case-study is based on two site visits – Rome Airport (Leonardo da Vinci (FCO)) and the Port of Bari. The two were selected as important crossing points with good cooperation practices.

Rome airport

Rome's Leonardo da Vinci Airport (FCO) is the largest airport in Italy for passengers and it is one of the two biggest ones for cargo.

TABLE 34. ANNUAL STATISTICS OF ROME 'LEONARDO DA VINCI' AIRPORT (2009)

N° of people crossing (in thousands)			N° of airplanes			Tons of cargo			N° of officers	
Do-mestic	EU	Non-EU	Do-mestic	EU	Non-EU	Do-mestic	EU	Non-EU	Cust-oms	BG
12,629	12,512	8,669	144,097	115,036	65,364	5,963	13,012	108,108	796	236

Irregular immigration remains a major risk as FCO is an important transit area. Terrorism has always been a high-priority risk area, as the airport has been targeted by terrorist activities in the past. Customs identifies as risks currency violations, narcotics (from Africa, South America and the Middle East), and counterfeit goods (e.g. medicines from India).

Additional work has been created by the new law considering that all irregular migrants expelled from Italy must now be reported to the local Prosecutor. Previously, they were expelled without any criminal consequences. In order to manage the additional workload the PDS has made an agreement with their Rome Head office and the latter has opened an office at FCO in order to quickly handle those cases. A slow response from the head office would cause disruption at FCO due to the additional workload and the difficulties of managing a large number of irregular migrants.

With the creation of the independent Customs Agency in 2001 and the expansion of its competencies, its jurisdiction expanded to the area around the airport (Fiumicino) for customs and excise duty cases. The merger with other agencies has resulted in reduced human resources handling a wider spectrum of cases. Additionally, the training in customs matters of the new staff proved to be a long and demanding process. The former staff of excise offices found that adapting and learning the new skills necessary for the customs profession was a difficult process.

Port of Bari

The Port of Bari on the Adriatic coast is the most important passenger port in Italy, handling 95% of all European traffic with Albania. It also has regular traffic with Montenegro, Croatia and Greece. It has 15 docks: 7 extra Schengen, 6 Schengen, and 2 for cruise ships. There are two customs gates, both manned by the GDF.

TABLE 35. ANNUAL STATISTICS OF BARI PORT (2009)

Nº of people crossing	Nº of ships	Nº of cars	Nº of trucks	Nº of buses	Tons of cargo	Nº of customs officers	Nº of border guards
1,961,283	3,549	271,081	176,674	5,674	4,935,722	135	80

Heads of different agencies meet formally only at meetings organised by the Prefect, the Port Authority or other institutions, but personal relationships appear to be very good. When they have important information to share with others, they just telephone. There is a constant exchange of information between the director of Customs and the GDF. There is no protocol in place, but everything is arranged over the phone and formalised later; it helps that the three agencies cooperate quite closely on the docks.

Similarly to all other ports, Bari's Customs office also has a four-person anti-fraud unit. Customs stated that their anti-fraud unit meets/works for 3-4 hours per day with the GDF. There are regular exchanges of information for about dual-use goods and anti-dumping.

Dogana is the headquarters of all customs matters, and by law the Guardia di Finanza supports its activities; therefore the Customs director can issue orders to the GDF. Anti-drug activities are also conducted by the GDF, because they are better staffed in the port and because of their widespread presence (compared to Customs) in the rest of Italy.

At the same time, the PDS is responsible for border controls and the security of ports and airports, mainly concerning immigration and flow of people. The GDF also supports the Police in its day-to-day duties.

The Port Authority or the Coast Guard are responsible for the security of the port and checks to be performed at the magnetometers. The Coast Guard is responsible for the management of the traffic in the port. The PDS typically uses the help of the Coast Guard

- to stagger the arrivals during the peak periods in order to have the time to carry out the necessary controls
- to dock ships at specific quays in order to better manage the controls (easy access for special equipment).

The Coast Guard command centre also communicates to all agencies the details of the arrival of yachts, fishing ships and other boats in order to arrange for controls if deemed necessary.

2. COOPERATION

2.1. Legal basis for cooperation

The functions and competencies of each agency were arranged by the respective legal decrees discussed earlier.

There is no MoU between the PDS and the GDF, or between the PDS and Dogana specifically covering cooperation at the external borders. There are, however, some local work agreements between Dogana and the PDS, and also between the GDF and the PDS, albeit not formalised ones.

The joint work of the Customs and the GDF, on the other hand is regulated by **Legal Decree № 68/2001**.⁹³ **The overall goal of this area of cooperation is** safeguarding public revenue and ensuring fiscal equity and justice by:

- countering **tax evasion/avoidance** through a targeted verification and control programme;
- combating the **hidden economy**, including **illegal gambling**, tax and social benefit fraud, trafficking in goods, and **irregular immigration**;
- the prevention of fiscal fraud at both national and local level, and the **EU**, particularly with regard to EU subsidies and the relevant national

⁹³ 'Adeguamento dei compiti del Corpo della Guardia di finanza, a norma dell'articolo 4 della legge 31 marzo 2000, n. 78'.

- co-financing resources;
- combating fraud in the **public health** system;
- safeguarding the operations of the capital and savings markets; and, by means of **anti-money laundering controls**, promoting activities to protect legitimate financial transactions and to counter terrorist financing;
- the protection both of consumers and the Italian manufacturing sector by countering economic criminality in the field of **trademark counterfeiting and audio-visual and agricultural and food piracy**.

At the local level there might be additional arrangements. For instance, the cooperation between Customs and the GDF is regulated by a Memorandum of Understanding in the case of FCO.

Apart from formal agreements, the survey also indicated that other forms of cooperation between the agencies included informal contacts. Personal relationships appear to be very good at the Port of Bari, for instance. Heads of agencies reportedly meet or talk informally on a regular basis, and when they have important information to share they just phone each other.

Similarly, in Rome, the Customs officials reported good relationships with the other agencies, based on informal regular meetings. Ad hoc informal meetings are also organised immediately in emergencies. Joint solutions are sought, and mutual logistical support offered when required.

2.2. Strategic planning

The surveys and field interviews did not find any evidence of a developed and functioning mechanism for joint strategic planning. Most of the duties in this area were created by the Schengen Agreement, which promotes closer cooperation in this field.

2.3. Coordination of workflow at BCP

At any BCP both the PDS and the Customs Agency have their own management structures. As already noted, the Police is charged with border checks and all situations related to passenger flows, and it is also responsible for security matters at the BCPs, while Customs/GDF carry out all the checks within the Customs competence. At airports, Customs have two departments: freight and passenger. There are two teams: one to carry out the routine checks and one investigative team focused on anti-fraud activities.

Customs and the PDS also have two separate management structures for monitoring and evaluation, which are used only in special cases, where there is cooperation on a temporary basis.

On the basis of risk analysis (concerning peak hours, high-risk flights or ships at BCPs), border guards and customs officers are employed on separate shifts one followed by the other (although these are not coordinated). Inspection of passengers' documents is carried out before the luggage/cargo controls. Where they have any suspicions about a passenger, the border guards can ask Customs to intervene and vice versa.

Smaller BCPs have the same organisation as the bigger ones. Where there is no permanent presence, each agency may set up its services autonomously (for example, on the basis of a fax or a phone call by the air carrier, the seasonal opening periods of the BCP, and so on).⁹⁴

If during controls on import-export firms the customs officials discover trafficked persons, they will normally ask the PDS to intervene. Customs can also request support from the GDF when specialised expertise and competence is needed (in particular, drug sniffer dog units). The PDS also has specialised units for drug searches and, if any intervention is required in the areas where Customs are already working, it is jointly managed in order to avoid duplication of activities.

Customs has developed several interesting modes of cooperation with the GDF in matters concerning imported goods.

- A GDF/Customs team checks all the incoming manifests in order to identify suspicious shipments.
- The GDF concentrates on drugs and arms smuggling and Customs on all other potential crimes/tax evasions (e.g. counterfeit, protection of products made in Italy, product safety). If the GDF identifies suspicious shipments, it communicates the information to Customs.
- If Customs agrees with the GDF's conclusions, it orders an inspection, which is usually done jointly. The seizure, though, is formally announced as a Customs seizure, but it acknowledges the presence of the GDF.
- In the case of counterfeit goods, the importer has a short period to submit the declaration of import. Only then may GDF and Customs seize the goods and file a criminal complaint against the importer.

Normally, the GDF leads anti-drug checks. The GDF has many more officers than Customs at FCO, for example, and is supported by a number of sniffer dog units; furthermore, it is also able to carry out investigations outside the airport boundaries.

For the purposes of coordination, inter-agency operational meetings are periodically organised, where important decisions are made about border management. All BCP operators are represented at these meetings. Customs reported several levels of coordination – joint detailed checks, shifts, equipment, specialised equipment and available space. (EQ)

2.4. Risk analysis

The PDS carries out its analysis almost exclusively on the identification of irregular immigrants, whereas Customs prepares risk analysis concerning the general flow of goods. Thus, in general, there is little interaction between the PDS and Dogana/GDF over risk analysis. Risk analysis information between the PDS and Customs is shared on a case-by-case basis, and most often informally during joint meetings of BCP authorities (EQ-IT).

⁹⁴ It should be remembered that while the GDF is a regular police force, the PDS and Carabinieri do not have the tax/customs powers that Dogana and the GDF have.

Dogana and the GDF work closely together because they have the same mission at the borders. The information on purely criminal activities, such as weapons/drug smuggling, is usually not shared with the PDS because the GDF, being also a regular police force, would carry out the appropriate response.

The Customs risk analysis unit analyses lists of passengers and ships. It also performs preliminary risk analysis for freight: checking databases, analysing the objective risks, and assessing their probability. If a customs officer obtains information about a matter of potential joint interest to Customs and the GDF (smuggling, anti-terrorism, traffic of antiques, smuggling of counterfeit goods, and weapons), then this information is informally disseminated to the GDF, which could result in their undertaking a joint operation.

Risk analysis data are generally shared on a case-by-case basis. It is an informal procedure, usually taking place during meetings between BCP authorities. Customs operates a database called 'M.E.R.C.E.'⁹⁵ Customs has granted access to the database only to a limited number of GDF contact points which are involved in VAT fraud investigations at the provincial head office.

Customs communicates new risk trends through the Risk Information Form. The GDF and Customs usually inform each other confidentially about ongoing operations.

Operationally at Bari Port, the Customs carries out preliminary risk analysis using both past data (i.e. previous problems with a particular carrier) and other risk criteria (origin of goods, unusual routes, etc.). The alert given on the 'special risk profile' generates a thorough review of the documentation accompanying the goods. Physical checks will verify whether it is a false alert, an isolated incident or a new trend. The outcome is shared with the GDF.

Other than this, because of their different competencies, risk profiles are not exchanged in a systematic manner with the Police – only during joint Customs and Police operations. Such cooperation is achieved by the exchange of electronic information and paper-based data during meetings. Each agency develops its own risk analysis – the Police for illegal immigration and trafficking of people, and Customs for customs fraud and smuggling of goods, traffic of antiques, weapons, counterfeit goods and drugs. There are some overlapping areas, such as counterfeit money and documents, anti-terrorism and stolen vehicles.

⁹⁵ This database analyses the market values of imported goods, and if there is more than a 5% deviation between the declared value of the good and its market value as indicated in the system (maximum and minimum values are considered), the system raises a red flag (<http://www.ddCustomslaw.com>).

2.5. Communication & information exchange

Customs have developed fairly good relations with the GDF regarding the exchange of information. Customs officials exchange sensitive information on a daily basis with Guardia di Finanza agents operating at the BCPs. In terms information exchange, there is close cooperation between Customs and BGs within the criminal investigation framework, especially in the Police and Customs Cooperation Centres (CCPD). Information involving the management of the BCP is shared directly between managers, by fax, mail or in person.

At the operational level, relevant information is communicated directly between border guards and customs agents who work in the same area. If, for example, the Police obtain information about the expected arrival of counterfeit goods or other illegal materials, or if customs officials stop someone in possession of a false passport, the actions leading up to the arrests can be jointly conducted (i.e. by communicating with the judicial authorities, by service reports, by identification of the people involved, and by the control and seizure of personal belongings). It appears that this is the normal way for the agencies to cooperate during sea, air and land border/customs controls.

One of the reasons why information is shared informally is the bureaucratic obstacles involved in doing otherwise. The information should go through the head offices of the two organisations, which are part of different ministries. According to interviewees, the official hierarchy is normally inflexible and slow to respond. It therefore makes more sense to talk with their counterparts directly.

Information contained in a database of a particular agency can be shared on request. The use of European databases, however, is more specific – SIS is not directly available to Customs, and BGs cannot consult the CIS directly.

Information about flows of people and goods are collected and shared by the company hired for the management of the port/airport.

Nevertheless, some issues were identified both through the survey and during the site visits. For instance, Customs referred to problems with the non-compatibility of the respective databases, as well as legal issues connected with access to information.

2.6. Training and human resource management

Customs officers and Border Guards receive separate training. There are no instructions for cooperation between border guards and customs in this area. Thus, human resources matters are separately managed, because the two agencies have a different personnel *status*, a different *trade-union* relationship system, and different hierarchical structures and tasks.

Basic training for BGs and Customs officers includes information about the powers and competencies of the other agencies operating within national boundaries. The work environment also contributes (for example, by the provision of work experience in other agencies, meetings with staff from other institutions, and routine training activities). Some joint

courses, such as languages, or professional conferences, are organised by local independent institutions (e.g. universities, provincial boards), and these are attended both by Customs officials and Border Guards. The State Police and the Guardia di Finanza participate in joint initiatives led by Frontex.

2.7. Criminal investigations and intelligence

From the executive point of view, there is no cooperation between Customs and Border Guards on a regular basis mainly because, in Italy, criminal investigations are led by the judicial authorities. Collaboration takes place when required by these authorities, and the budget for such investigations is provided by the Ministry of Justice.

However, when Customs, for example, discover human trafficking during import-export inspections, they will ask the Police to intervene. Also, a prosecutor assigned to investigations can decide to create a specific joint team.

In Italy, both Customs and Police have investigative powers. Whereas the GDF has the same powers as the police, the Customs Agency has similar powers only within the limits of the functions they perform within the administration. Therefore Customs usually involves the GDF in their investigative activities from the outset.

There is closer cooperation between Customs and BGs within the framework of criminal investigations at the Police and Customs Cooperation Centres (CCPD). Intelligence information from CCPDs can be the starting point for investigations performed by the competent operational services. There are four CCPDs, located in Ventimiglia, Modane, Chiasso and Thori/Maglern (even though the last does not formally include customs cooperation). They are run by staff seconded from the different law enforcement agencies (Polizia di Stato, Guardia di Finanza, Carabinieri, Dogana). Their main tasks are:

- collecting and exchanging Police and Customs information, regarding in particular irregular immigration, and trafficking in the cross-border areas, and public order and security;
- coordinating the activities of the various law enforcement agencies;
- enforcing the international agreements governing police operations in the border areas, and the re-admission of irregular migrants;
- any activity where mutual assistance between neighbouring states is required.

Cooperation also takes place within the framework of the Central Directorate for the Fight against Drug Trafficking, where both Police and Customs are represented. It facilitates the exchange of intelligence information during investigation.

2.8. Joint operations

As noted earlier, joint operations between the two agencies take place only if needed or required (only twice in the past three years). They may cover different areas of competency, but they are most often launched

against trafficking of weapons. The agencies may contribute accordingly, with their specialised personnel, dogs, or equipment, as well as providing intelligence information.

Some problems, however, persist in the formation of such teams, notably between Customs and the GDF, as to what the hierarchy and leading institution of the team should be. By law, Customs has to be in charge in operations covering exclusively customs matters; but as noted earlier, the GDF objects to being commanded by a civilian organisation.

2.9. Control outside of the permanent BCP

Surveillance and patrol of areas beyond the BCPs (i.e. of the land, sea and air borders) are the responsibility of the Border Police, which cooperates with the GDF, the Carabinieri, the Coast Guard (Guardia di Costiera) and the local police authorities. Supervision of the customs area at the maritime borders is provided by the Guardia di Finanza. Thus, the GDF has always been the law enforcement agency that counters most of the smuggling along the blue and green borders. The (Coast Guard), however, operates the surveillance radars.

The Guardia di Finanza is responsible for surveillance at sea for police purposes, and protection of the country's financial interests, laid down by customs rules. It also provides maritime police assistance and reporting, and exercises in these areas, exclusively the powers.

Border Guard/Police and Customs share the same competency over drug trafficking issues. The Police also has specialised units for drug searches and, if any intervention is required in the areas where Customs are already working, it is jointly managed in order to avoid duplication of activities.

2.10. Mobile units

Normally, Customs and Border Guards do not operate as mobile units, because in general Customs do not participate in protecting the security of the BCPs, or along the green or blue borders. Following ad hoc decisions by managers of the different agencies, however, a joint mobile unit may be organised in order, for example, to carry out an inspection of the external border areas more effectively; this would be initiated by a pre-arranged signal. Joint mobile units were not reported in the survey or during interviews.

The Police has 13 mobile units located in the main Italian cities, but these are rarely involved in border management. They can be deployed throughout the country to maintain public order with crowd-control equipment and vehicles, or perform rescue services in areas affected by natural disasters.

2.11. Infrastructure/ Equipment sharing

Generally, there is no sharing of infrastructure and equipment between BGs and Customs. Each agency has its own equipment and facilities. This is because Customs and BG are separate agencies with their own budgetary and administrative structures.

However, infrastructure sharing does sometimes occur. The CCPDs, for example, are situated in common buildings where personnel deployed by the two agencies use the same rooms and equipment. In the CCPDs, human resources are headed by a coordinator chosen in rotation from among the representatives of the different law enforcement agencies involved. Also, in some sea BCPs Customs and Police share the same building, even though they work in separate offices. Equipment can be shared, if required, during special investigations; a good example is the use of truck scanners in order to search for illegal goods or irregular immigrants.

The GDF has the most equipment, as it has to invest a great deal in infrastructure, education and equipment in order to combat smuggling. They often use the vessels seized from smugglers for their own purposes. Thus, the GDF is better equipped than either the Guardia di Costiera or the PDS.

Customs do not have boats or a significant amount of equipment (excluding scanners). The reason is that Customs do not do mobile controls, which are undertaken by the GDF. Customs may conduct more administrative controls, such as inspections at the importer's premises.

2.12. Contingency/ Emergency

Any emergency situation is coordinated by the Committee for Public Order and Security, which comprises all the agencies involved. Normally these agencies would be the police, customs, local authorities, regional governmental administrations and Red Cross. If the situation is local in scale, the Committee meets at a provincial (sub-regional) level and is headed by the higher local government representative (the Prefetto). When the disaster is on a national scale, the Committee meets at a national level, and is headed by the Minister of Interior. Coordination of activities, establishment of tasks and responsibilities are undertaken by a local or national operational centre.

In either case, each BCP has its own local emergency plan, where tasks and responsibilities are clearly outlined. For example, airports have operational plans in the event of terrorist attacks or aviation accidents. The plans also detail the actions and responsibilities of the airport operators and law enforcement authorities in situations where aviation safety is at risk of being compromised, in other emergency situations, or in case of accidents related to public order and safety. Airport operators know what their tasks and duties are in case of risk situations:

- the joint committee meets in the crisis centre;
- the control tower declares a state of emergency, which requires radio silence, and decides when to close or re-open the airport to air traffic;
- the fire brigade sends its own personnel and vehicles to the scene, where they take operational command until they declare the accident area safe;
- the health services make an initial evaluation of the accident, and coordinate the external medical personnel and ambulances;
- law enforcement agencies (Polizia di Stato, Guardia di Finanza, Carabinieri and Customs) cordon off the area, cover the entry points for

first aid vehicles, and arrange for and oversee rooms for relatives and journalists;

- the airlines provide up-to-date information about flights and passengers, participate in the joint committee and cooperate in preparing press releases;
- the civil aviation authority is in charge of the management of the joint committee.

Emergency plans exist at all levels – central, regional and local BCP levels – and these are updated less than once a year.

3. SUMMARY AND CONCLUSIONS

Cooperation between the customs administration (Customs), Police (Polizia di Stato – PDS) and the Guardia di finanza (GDF) takes place within a complex, albeit evolving legal framework, within a changing institutional environment and practices. The mere existence of two different agencies with police responsibilities, in addition to Customs' monopoly on investigation in customs zones, is indicative of the existing legal challenges. Even recent legal changes, such as the broadening of the customs administration functions, are not perceived as conducive to a more adequate institutional setting. Formal cooperation, not to mention strategic planning and long-term regional cooperation, is limited and sporadic. On a practical level, there is no regular cooperation at national or regional level (i.e. annual planning, risk analysis, investigations, equipment, joint operations, or mobile units) between Border Police and the Customs, with the exception of some overlapping areas of competency, because their responsibilities generally differ.

Overlapping responsibilities and different institutional affiliations may produce added value in terms of countering corruption, but are restricting the possibilities for common action. This leaves much room for informal cooperation on the spot – at the BCPs and in their immediate vicinity, and emphasises the importance of personal relationships between local heads of agencies at the borders. Chief among the institutional constraints is the traditional mistrust and/or communication difficulties between civilian (Customs) and police/military (PDS, GDF) agencies, because of their different cultures and administrative procedures.

Obstacles to cooperation

Institutional

While the Customs Agency remit is more-or-less clearly defined, policing the international borders is undertaken by several services that are part of different ministries. The inevitable outcomes are overlapping competencies and institutional competition; the PDS and Carabinieri have virtually the same powers and the GDF can also potentially carry out all kinds of investigations. All this makes interaction and coordination be-

tween Customs officials and Border Guards a challenging task. Although the 'waste of resources' argument is a powerful one, some consider the presence of parallel police entities as an anti-corruption measure, which outweighs bureaucratic redundancy.

Reportedly, problems exist when one of the agencies wants to take exclusive credit for a police operation. The reason is that, within the GDF in particular, promotion depends upon the number of cases and seizures achieved. Interviewees indicated that this tendency is fairly common within the GDF, whereas Customs does not directly benefit from such operations. Customs has experienced a similar relationship with the Carabinieri. Rivalries, and a lack of common sense and respect for the other institutions, lead to 'thefts' of operations between the law enforcement agencies. There was also friction between Customs and PDS over a successful case that was claimed by PDS while the Customs were not sufficiently recognised.

Some tensions exist concerning remuneration. There are discrepancies between the salaries of Customs and the GDF. Customs officers do not earn the police indemnity, therefore they earn less than their counterparts within the PDS and the GDF. With the creation of the Agenzia delle Dogane, they have suffered overtime cuts and some other indemnities, resulting in a considerable reduction in their remuneration. Customs officers resent this differential, considering that they do a similar job to GDF personnel but earn less. Another factor that affects their morale is that career progression in Customs is much slower and much more limited compared with the GDF.

Some police forces are eager to carry out seizures/arrests independently because they gain media attention, and the prospect of promotion for the officers involved. Therefore, occasionally, GDF units carry out operations without notifying Customs.

Cultural barriers

Because of the cultural biases – Customs is not a police force, and its officers have the powers of judiciary police only in Customs matters – they encounter resistance, especially from police units, apart from those operating in the airports; the police usually do not want to share information with them. Investigative units that have a military culture, and that are not familiar with how airports function, do not appreciate that an administrative (civilian) entity such as Customs has overall responsibility for all investigations in the Customs arena.

Cooperation between agencies

It is clear that there are some positive aspects of the cooperation between the agencies. For instance, Customs often shares the same premises with the GDF and there is good cooperation during freight inspections. The GDF has a much higher number of personnel at FCO, therefore Customs often request their assistance. If the GDF finds freight that is subject to duty, it typically informs Customs.

Cooperation between Customs/GDF and the PDS is much less intensive. Typically, Customs/GDF call for PDS support in cases of detected counterfeit travel documents or suspected irregular immigrants. Cooperation, therefore, takes place mainly at passenger terminals, and it is quick and flexible, in order to minimise the impact on passenger flows. Difficulties arise occasionally, usually as a result of the lack of formal protocols or memoranda of understanding. Middle-ranking officers of both the PDS and Customs recognised the need for a more formalised approach in order to share information and experience.

The institution of the CCPDs, although focused on the internal borders, has led to a more efficient and faster exchange of information, both among the national agencies (Customs/PDS) working together at CCPDs, and the law enforcement authorities of neighbouring countries. This also facilitates information flows from other countries (i.e. Spain, Belgium, Germany, Greece), owing to the bilateral agreements among them.

4. BIBLIOGRAPHY

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Guardia Costiera, <http://www.guardiacostiera.it/>

COUNTRY STUDY: LITHUANIA

TABLE 36. LIST OF INTERVIEWEES

Position	Department	Institution
Deputy Head	International Relations	Customs HQ
Deputy Head	Violations Prevention Division	Customs HQ
Head	Crime Investigations	Customs Criminal Service
Head of Information Analysis, Customs representative at Criminal Information Analysis Centre	Information Analysis	Customs Criminal Service
Deputy Head	Kybartai Road BCP	SBGS
Shift Head	Kybartai Road BCP	SBGS
SBGS Inspector	Kybartai Road BCP	SBGS
Head	Kybartai Road BCP	Customs
Shift Head	Kybartai Road BCP	Customs
Customs Inspector	Kybartai Road BCP	Customs
Deputy Chief	Personnel Board	SBGS HQ
Deputy Head	SBGS	SBGS HQ

TABLE 37. LIST OF ABBREVIATIONS

Abbreviation	Full name
SBGS	Lithuanian Border Guards

1. INTRODUCTION AND CONTEXT

1.1. National context

The Republic of Lithuania ('Lithuania') is the southernmost of the three Baltic states (the others being Latvia and Estonia). Situated along the south-eastern shore of the Baltic Sea, it shares borders with Latvia to the north, Belarus to the southeast, Poland, and the Russian enclave of Kaliningrad to the southwest. Across the Baltic Sea to the west lie Sweden and Denmark.

FIGURE 32. MAP OF LITHUANIA'S BCP



For centuries Lithuania has had a complex history of relationships with its neighbours, which has repeatedly altered its borders. Following the collapse of the Soviet Union, Lithuania declared independence in March 1990, becoming the first Soviet republic to do so.

Seeking closer ties with the West, Lithuania applied for NATO membership in 1994, becoming a full member ten years later in 2004. The move came just weeks before a second historic shift for the country as it joined the EU in May 2004.

Lithuania has a particular relationship with Russia as they share an important border with the Russian exclave of Kaliningrad. After prolonged negotiations, the EU and Russia adopted a transit procedure allowing Russian citizens to go through Lithuania in order to reach 'mainland'

Russia without the need of a proper Schengen visa. It came into force in July 2003.

Geographic specifics of the external border and main BCPs

Lithuanian border guards protect and control one-tenth of the whole EU external land border, a total of 1,043 km. This includes Belarus in the east – with a 678.8 km border – and Russia in the west with a 249.3 km land border, and with a further 18.5 km in the Curonian Lagoon and 22.2 km in the Baltic Sea.

Lithuania has four international airports in the cities of Vilnius, Kaunas, Palanga and Šiauliai. There is an international seaport in the town of Klaipėda. There is a total of 41 designated BCPs:

- 8 road posts and 7 railway posts;
- 4 airport posts (Vilnius, Kaunas, Palanga and Šiauliai); and
- 4 seaport posts and 4 river posts.

Organised crime

As far as organised crime is concerned, the greatest threat perception in Lithuania is the link between mainland Russia and the exclave of Kaliningrad and the geographical position Kaliningrad enjoys on the Baltic Sea. Residents of Kaliningrad, though, have much lower average incomes than those in Lithuania. Poverty is aggravated by economic isolation, which has made Kaliningrad into a centre of organised crime. Its proximity to Lithuania has made the country particularly sensitive to illegal transit routes. The illicit opportunities include contraband cigarettes, clothes, vehicles and technology, as well as illegal movements of hard currency and human smuggling.

Since 2005, one particular brand of cigarettes has become a major problem: 'Jin Ling' started trickling from Kaliningrad into Lithuania and Poland in 2005. The first large-scale contraband shipment found entering the EU was discovered by Polish border guards patrolling the Lithuanian border (an external border at that time) on 10 August 2006. A consignment of 8 million cigarettes, worth nearly \$3 million (about €2 million) in Western European black markets, was found in a truck supposedly carrying fuel. The scale and growth of Jin Ling smuggling reportedly 'marked a major new development in organised crime', prompting European customs agencies to respond by launching 'Operation Baltic' early in 2008.

Lithuania faces a number of other risks in terms of cross-border crimes. The country is particularly exposed to heroin trafficking as it lies on one of the routes (Afghanistan – Central Asia – Russia – Baltic States – Scandinavia/Western Europe) (Karrstrand, 2007: 18). Smuggling of stolen vehicles, alcohol and cigarettes is also an issue in Klaipėda, Lithuania's main port, or at Kaunas (Rawlinson, 2001: 20).

1.2. Institutional context

Control of the border is managed mainly by Border Guards and Customs. Border Guards are under the auspices of the Ministry of Interior, while Customs are part of the Ministry of Finance. There are further specialised agencies involved in border management, such as the Phyto-Sanitary Service and the Veterinary Service, which are also present in some designated BCPs.

Border Guard Service

The State Border Guard Service (SBGS) is in charge of controlling the borders (border surveillance and border checks) in Lithuania, pursuant to Article 2 of the Law on the State Border Guard Service (№ VIII-1996, adopted on 10 October 2000).

The Law on the State Border Guard Service sets out the tasks and functions of the SBGS, as well as the rights and responsibilities of the SBGS personnel.

The structure of the SBGS is as follows:

- Commander of the Service
- Central Headquarters
- 7 Frontier Districts
- Foreigners' Registration Centre
- Border Guard School
- Ignalina Nuclear Power Plant Security Unit
- Aviation Department
- Special Tasks Department

Most recently, in **February 2001**, the Lithuanian government re-organised the existing Border Police Department into the State Border Guard Service at the Ministry of the Interior. As part of the re-organisation, a number of legal acts were adopted to regulate the activity of the State Border Guard Service. Of these, the most prominent are the above *Law*

on the State Border Guard Service, as well as the Law on the State Border and Protection Thereof (adopted in May 2000).

Prior to the re-organisation, the Border Guard and its activities were regulated by the general laws governing the police and civil service, among others, as well as by the Statutes of Service in the Agencies of the Ministry of the Interior. These legal acts, however, had a more general nature and were related mainly to the activities of the Police.

There are currently 3,669 employees in the service.

TABLE 38. NUMBER OF BG EMPLOYEES

	Officers at external borders	Frontier stations at external borders
01/01/2008 (before Schengen)	1,830	28
01/07/2010	2,114	32

Customs

Following the declaration of Lithuanian independence in March 1990, in October the same year, the Supreme Council of the Republic of Lithuania adopted a temporary Law on Customs. Two days later, the Customs Department was established by Government Resolution.

Initially the department had only 30 employees. The same year, the Government formed the first seven customs offices: Vilnius, Lazdijai, Varėna, Skuodas, Zarasai, Šalčininkai and Joniškis.

The re-establishment of the Lithuanian Customs took place under challenging circumstances. On 31 July 1991, Russian special forces (OMON) attacked Medininkai post on the border with Belarus, and ten customs inspectors and four policemen on duty at the post were murdered. Only one customs inspector survived.

Pressure on the Lithuanian border was kept up not only by such attacks, but also by the presence of two customs services at the border. The Customs Service of the Soviet Union continued to operate in Lithuania until August 1991, when its responsibilities were transferred to the Lithuanian Customs Department.

In 1992, Lithuania became a member of the Customs Cooperation Council (presently World Customs Organisation).

In 1993, the Government passed the *Customs Law and Tariff Law*, replacing previous provisional legal acts, and adopted the first *Statutes of Service in the Lithuanian Customs* (revised in June 2003). The same year, the Customs Department of Lithuania was reorganised into a Customs

Department under the Ministry of Finance, pursuant to a Government Resolution.

Lithuanian Customs, having started its activities on the border in temporary caravans, presently has several well-equipped modern customs posts. These are Medininkai and Šalčininkai road posts on the border with Belarus, Nida road post and Panemunė road post opened this spring on the border with Kaliningrad region (Russia).

In 2002, Customs also established its own Criminal Intelligence Service.

In July 2002, in preparation for Lithuania's EU accession, the 10 regional customs offices were reorganised into five, operating in the biggest towns of Lithuania: Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys. However, these five customs offices will be reduced to three in the near future.

Cultural aspects

There do not appear to be any major cultural differences between the two services. Neither do there appear to be any issues over differences in salary. Both agencies at the BCP concur that the general public has the same attitude to both services. There are slight differences in this respect, however, in that Customs are seen as the more invasive agency, as they have the right to search personal belongings. Further, Border Guards are seen as a more general law enforcement agency, because they also patrol the green border, while Customs operate only at the BCP.

1.3. Contexts at sites visited

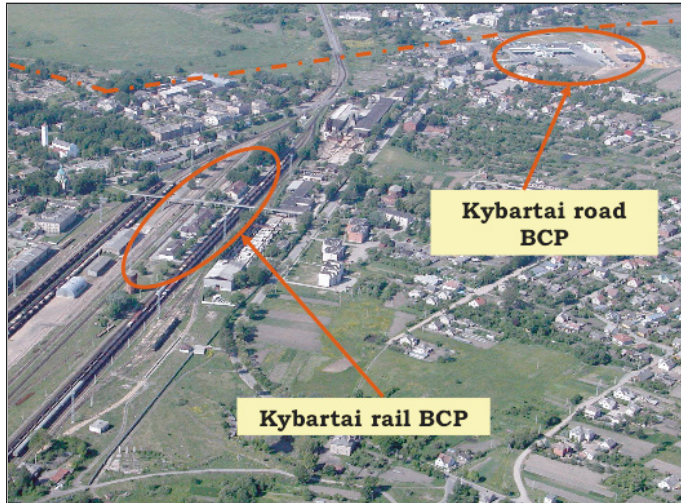
TABLE 39. STATISTICAL DATA (2009)

Site name	Nº of people crossing	Nº of cars crossing	Nº of trucks crossing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards
Kybartai land BCP (2009 data)	569, 700	223,139	93,060	n/a	n/a	50	30

Kybartai BCP ('Kybartai') is the largest BCP at the border with the Russian Federation. It is the main entry/exit point on the facilitated Kaliningrad Transit route by land, a scheme whereby Russian citizens are granted special transit documents in place of a visa to travel through Lithuanian territory to the Belorussian border.

The BCP is situated in Kybartai settlement (with approximately 7,000 residents); on the Russian side there is Chernyshevskoye settlement (with around 2,000 residents).

FIGURE 33. KYBARTAI BCP



The operating agencies at the BCP include SBGS, Customs, Veterinary Service and the Phyto-Sanitary Service. Kybartai is open 24 hours a day all year round.

There are two BCPs – Kybartai road BCP and Kybartai rail BCP. The BCP also carries out surveillance of a 7.2-km stretch on the border with Russia

Officers carry out their duties in five shifts of 12 hours each. At the Kybartai road BCP shifts change at 8.00 am and 8.00 pm. At Kybartai rail BCP shifts change at 7.00 am and 7.00 pm.

There are the following facilities at the road BCP:

- 4 inbound and 4 outbound lanes
- inbound lanes: 2 lanes for cars (and buses), 2 lanes for lorries
- outbound lanes: 2 lanes for cars (and buses), 2 lanes for lorries
- 1 lane for incoming and 1 lane for outgoing pedestrians
- 5 border check booths
- fixed border check points equipped with SBGS IS terminals at the inbound lanes (including the lane for pedestrians)
- 3 fixed border check points equipped with SBGS IS terminals at the outbound lanes (including the lane for pedestrians)

Customs and Border Guard officers sit side by side in the crossing point checking area. Each vehicle is first checked by a Border Guard officer, and then by Customs. There is an average of 17 officers on each shift (duty hours at the Border Station, border checks, border surveillance). There are 5-6 officers in charge of border checks at the Kybartai road BCP, 2-3 officers in charge of border surveillance and 8-9 officers in charge of border checks at the Kybartai rail BCP.

In summer, when the flow of train passengers increases, the number of officers at the Kybartai rail BCP is increased by assigning additional officers either from the Kybartai road BCP or from land border surveillance.

During peak periods, officers from the Kybartai rail BCP may also render assistance to the officers of the Kybartai road BCP.

Additional officers can also be assigned from the Quick Response Squad. Each territorial unit of the SBGS (in other words each Frontier District), has a special sub-unit called the Quick Response Squad; this is a reserve force of sorts, used by the Frontier Districts. Each squad has about 30 officers and all necessary means of transport, as well as equipment, to ensure mobility and rapid deployment within the territory controlled by the particular Frontier District. Further, when a request is made, and upon orders from the Commander of the Service, such squads can be sent to support another Frontier District. In this way, the SBGS is capable of enhancing border control, reacting to and dealing with situations in a flexible way. The nature of the reserve force means that it can be deployed along the borders very rapidly.

Border Guards and Customs officers interviewed at Kybartai commented that cigarette smuggling has only become a major issue at the border with Russia in the last five or six years following Lithuania's joining of the EU, which created a price differential between the two countries. Further, the situation is made worse by the fact that there are several big cigarette factories in Kaliningrad which produce mainly for export. The economic situation both in Kaliningrad and in the border area in Lithuania is sufficiently challenging to create an environment that encourages cigarette smuggling.

Another major problem is so-called 'petrol tourism', whereby Lithuanians from the border region with Russia travel across the border with empty petrol tanks and then re-sell the petrol on their return. This is hard to monitor because it is largely not illegal, however, the sheer volume of 'petrol tourists' increases the traffic through the BCP.

2. COOPERATION

2.1. Legal basis for cooperation

General cooperation between the three main agencies involved in border management, such as the Police, Customs and the SBGS, is regulated by the *Inter-agency Cooperation Agreement of 2002*. The Police are included in this agreement as they have the right to check identification documents and identify irregular immigrants within the country, as well as being able to check the paperwork of retailers and identify smuggled goods.

There is also an Agreement on cooperation between Customs, Border Guards and the State Food and Veterinary Service, as well as the State Phyto-Sanitary Service and Lithuanian Railways.

Further, there is an initial tripartite Protocol of 29 October 2000 on cooperation between Customs, Border Guards and the Police. The Protocol was the first official memorandum-type of document on cooperation between the three main border management agencies. The subsequent 2002 Agreement is the more significant document in the 'hierarchy' of legal acts regulating inter-agency cooperation. It was based on the Protocol of October 2000, as well as on a preceding Agreement on Cooperation

of Operational Services and Coordination of Operations signed by the agencies on 2 February 2001.

An additional multi-partite order, №1B-159/2IV/4-99/V-61 of 26 February 2003, guides the cooperation between four authorities: SBGS, Customs Department, Police department and the Financial Crime Investigation Department. It aims to strengthen the efforts made by these agencies against smuggling. It also established central and regional working groups on smuggling. The Annex to this Agreement lists contact points at the relevant authorities at central and regional levels.

Further, the following documents also specifically guide cooperation between Customs and Border Guards:

- Government Decision no.126 of 2 February 2001. This regulates activities at BCPs, listing the main functions of the five main border management agencies present at BCPs.
- Government Decision №763 of 28 May 2002. According to this act, the SBGS is designated as the coordinating institution at the BCPs.
- Order №397 of the Border Guard Service of 12 October 2002. This established cooperation at central, regional and local levels, and listed contact points of the four main authorities at BCPs: SBGS, Customs, the Veterinary Service and the Phyto-Sanitary Service. This order explains how Decision №763 of 28 May 2002 must be implemented.
- Bilateral agreement on cooperation №11B-154/8-10 of 7 October 2005, and BCPs Working Regulations. These established the main provisions of the SBGS and Customs mobile control groups, as well as how the joint patrols/operations of the Customs mobile units and the Border Guards must be carried out outside the BCPs. The main goal of these patrols/operations is combating smuggling and the control of illicit traffic of excise goods.

This agreement aims to simplify the procedures for offering mutual assistance (for example, detaining goods or individuals); to cooperate in making urgent decisions when performing common inspections; to simplify the exchange of operative information; to allow information exchange regarding results of cooperation between Customs and BGs' districts.

All the above laws appear to encompass most aspects of cooperation, including operational procedures, information exchange, communication, risk analysis, training, investigations, mobile units, joint operations and equipment sharing.

2.2. Strategic planning

It appears that at present in Lithuania there is limited joint strategic planning involving both the Border Guards and Customs, as the two agencies have separate budgets under the auspices of two different ministries.

The SBGS's strategy is contained in the State Border Security Development Programme, which is then approved by Parliament, whereas Cus-

toms follows its document on Strategy for 2005 – 2010, approved by the Director General of Customs.

The Customs Strategic Plan for 2005 – 2010 contains a plan to enhance cooperation with other law enforcement agencies in exchanging information on violations of law (EQ-LT).

According to the SBGS electronic survey, there is also a Governmental Act 'Regarding the Implementation of the Action Plan of the State Border Security System Development Programme'. It contains a separate discussion (in Chapter 5), on 'Development of cooperation', which makes the following specific points:

- §16. To legally regulate cooperation between the State Border Guard Service and the Customs Department with carriers regularly carrying passengers by air, water and land routes.
- §17. To execute a cooperation agreement between the State Border Guard Service and the Police Department with regard to information exchange.
- §21. To include the State Border Guard Service information system in the National Schengen Information System, to create opportunities to use the State Border Guard Service registers by other stakeholders.

Furthermore, Customs, Border Guards and the Police participate in the activity of the tripartite Criminal Information Analysis Centre. The Heads of Border Guards, Customs and Police approve an annual plan of activity for the Joint Centre for Analysis of Criminal Information. Usually there are six topics of strategic analysis – each agency suggests two topics. Analytical reports on all topics are prepared jointly by experts from all three agencies. The Joint Centre also undertakes operational analysis of criminal activities on an ad hoc basis. Depending on their relevance, the reports of the Joint Centre are distributed either at central, regional or local levels. In turn, in order to prepare new analytical reports or to carry out analysis of criminal information, experts from the Joint Centre approach all three levels at the agencies they work for (Border Guards, Customs or the Police) for information.

Customs also participate in working groups together with the SBGS, such as the working group on implementing 'single window' checks for cargo transporters at BCPs, and the working group on implementing the automated licence plate recognition system at EU external borders (this project is lead by Customs), as well as a working group on updating secondary legal acts related to border checks and BCP regulations.

2.3. Coordination of workflow at BCP

In Lithuania the SBGS is the coordinating institution at BCPs. According to Decision № 763 of the Government of the Republic of Lithuania of 28 May 2002, the SBGS is assigned to coordinate the inspections at the BCPs undertaken by any state authority or institution, and all other activities and services related to these inspections.

However, Article 26 of the Updated Customs Code (23 April 2008, No. 450) states that, in cases where there need to be inspections of the same goods apart from Customs controls, in cooperation with the above-mentioned institutions Customs shall endeavour to ensure whenever possible that these inspections are performed at the same time and at the same place as customs controls, with Customs acting as the coordinator.

Since SBGS has a legal obligation, within the territory of the BCP, to refer all customs violations to Customs, according to interviewees at Kybartai BCP there are no conflicts of authority between the two services in the course of their daily routine.⁹⁶

Although there is no formal joint coordination of the workflow at the BCP and each service has its own work plan, cooperation between the two services is defined by the BCP Regulations. The Heads of Customs and Border Guards at the BCP agree the practicalities informally; for example, the number of vehicles that will be allowed through the check zone of the BCP at any particular time.

There is also coordination of detailed checks and equipment use on the basis of the 2002 Agreement. This appears to be fairly effortlessly executed at Kybartai BCP, as the two services work very closely together and the workflow is managed simultaneously by both. Interviews with Customs and SBGS at Kybartai BCP indicated that there is frequent informal communication on a daily basis at all levels. Customs officers and Border Guards sit side by side in their own cabins and can communicate freely through a window linking the two.

As detailed checks of vehicles have to be performed by both services in the same garage, which is maintained by Customs, they are done at the same time, which makes the coordination of work fairly easy.

Both the SBGS and the Customs are operative at all BCPs, except for 11 local traffic BCPs at the border with Belarus where only the Border Guards are deployed. Border Guards at these BCPs have been trained to carry out routine customs checks. When they suspect customs violations, they refer the suspect vehicle to the nearest BCP that has Customs officers present, so that they can carry out a full check. This also applies to commercial traffic, which cannot cross the border at these BCPs.

2.4. Risk analysis

Customs and Border Guards cooperate in developing and sharing risk analysis through the Criminal Intelligence Information Analysis Centre. There are regular meetings organised at central level (once a year), at regional level (twice a year), and at local level (four times a year, or more often if necessary). Meetings at central level usually relate to the activity of the Joint Centre for Analysis of Criminal Information and are attended by the Heads (or their deputies) of the Border Guards, Customs and the Police. These meetings are also attended by experts from

⁹⁶ At smaller BCPs there are only Border Guards present. It is part of their duties to carry out basic customs controls. Should they detect customs violations, they have to refer them to another BCP that has Customs officers present.

each institution. During these meetings the attendees evaluate the annual activity of each organisation and set out priorities for the next year. At the meetings, attendees also approve an annual activity plan for the Joint Centre for Analysis of Criminal Information. Meetings at regional level are focused on evaluating regional operational activities and are attended by relevant staff members, depending on the issues to be discussed. Most often attendees represent the criminal intelligence branches of regional units. Meetings at local level involve heads and staff of BCPs who discuss tactical matters.

Independently, Lithuanian Customs carries out risk assessments at central and regional level using all available information sources. It creates risk profiles, which automatically notify Customs officers about potential risks at the border. Information concerning smuggling and other customs-related crimes is gathered from other law enforcement agencies, enterprises, organisations and private individuals.

2.5. Communication & information exchange

According to both Lithuanian Customs and Border Guards, there are regular meetings between the relevant employees of each agency at all levels. This is done mainly through the work of the Joint Centre for Analysis of Criminal Information, referred to above.

Strategic analytical reports of the Joint Centre for Analysis of Criminal Information are disseminated in paper format if classified. If not classified but not for public use, the strategic analytical products are disseminated via office email.

On the other hand, the SBGS has set up and administers its own internal databases, VSATIS, which stands for a State Border Guard Service Information System. This information system registers border crossings (entry and exit via BCPs) of third country nationals and vehicles, with the aim of facilitating the exchange of information. Other law enforcement agencies – Customs and Police in particular – have access to databases administered by the SBGS on the basis of inter-agency agreements.

The SBGS, in turn, receives information on irregular immigration, cross-border crime from the Lithuanian Criminal Police Bureau, the Customs Criminal Intelligence Service, the Migration Department under the Ministry of the Interior and other law enforcement agencies, the border guard services of neighbouring countries, Europol, Interpol, Frontex and working groups of the EU Council, among others.

Information related to joint activities is normally exchanged either by letter, or verbally during meetings.

Information from Europol and Interpol is distributed to both Border Guards and Customs by the Lithuanian Criminal Police Bureau, because Europol and Interpol (as well as SIRENE) national units are established within the International Liaison Office at the Lithuanian Criminal Police Bureau.

At national level, there is a review of all incidents, which is compiled on a daily basis from information supplied by Customs, Border Guards and the Police and distributed each morning to the relevant individuals at all HQs, as well as to the heads of all the agencies at designated BCPs. The reports are distributed via an official electronic mailing list.

Further, Customs and Border Guards contribute information to the Risk Analysis Departments at their HQs. Our interviews at Kybartai BCP also revealed that there is a high degree of informal communication at local level.

2.6. Training and human resource management

Although Customs and Border Guards have not developed common training manuals, the two agencies are said to share relevant training materials on an informal basis. For example, Border Guards have copies of the Customs manual on how to search vehicles for narcotics.

The Customs Training Centre provided two-day training courses for Border Guards on drug searches in November and December 2006, as well as English language courses for Border Guards in February and December 2008.

There have been some training sessions for Border Guard officers who carry out customs-related duties, which were run by Customs. A one-day training course for Border Guards was also organised in 2005 at the Border Guard school by instructors from the Customs Training Centre. The main aim of the course was to train Border Guards how to perform customs checks, and how to carry out inspections of travellers' personal belongings, in line with EU Customs Code requirements.

None of the interviewees at Kybartai BCP could recall a joint training opportunity. However, representatives from both Customs and Border Guards noted that the best training is to work jointly on detailed checks, which take place on a daily basis.

2.7. Criminal investigations

Under the legislation of the Republic of Lithuania both Customs and Border Guards have investigative powers. Notably, in 2002, Customs set up its own Central Investigative Service, which has been the source of some contention with SBGS, because of overlapping investigations.

In Lithuania there are two types of investigation: operational investigations and pre-trial investigations. Operational investigations are guided by the 'Law on Operational Activities' of June 2002, and basically gather intelligence using both covert and overt methods. Pre-trial investigations are based on the 'Code of Criminal Procedures' of March 2002 and lead to judicial proceedings in court.

With pre-trial investigations, a prosecutor decides which particular law enforcement authority will conduct the investigation. A prosecutor may also decide to set up a joint investigation team, to be lead by one particular agency.

As far as operational investigations are concerned, they can be started by any law enforcement agency with operational investigative powers, under the 'Law on Operational Activities'.

In theory, agencies ought to cross-check their operational investigations, in order to avoid duplication. If Border Guards and Customs find common links in operational investigations, both agencies can then decide on how to share their investigative responsibilities. To this end, a joint investigation team may be set up; however, in practice there are only joint activities within an operational investigation, rather than full-scale joint investigations.

There is also a specific Agreement on Coordination of Operational Activities (signed by the Prosecutor General's Office and agencies with operational investigations powers on 28 November 2003), which requires all such agencies to pass on to each other intelligence related to criminal activities.

During pre-trial investigations, various information requests (such as estimates of the value of goods seized, for example) are submitted to Customs, which has to be informed of all seizures of goods of non-EU origin.

Generally, there is an informal rule that the agency which first detected the suspected criminal activity will undertake the pre-trial investigation. Afterwards, information is shared via the Joint Centre for Analysis of Criminal Information.

The Joint Centre was designed to avoid duplication of investigations of suspected criminal activities and to make investigations more cost effective. However, according to interviews with Border Guards and Customs, duplications persist and are a source of some contention. According to interviews with Customs, there would appear to be a degree of competitiveness between the two agencies regarding seizures of smuggled goods. However, Border Guards questioned this. During interviews at both central and local level, Border Guards also noted that they struggle with storing the seized goods because the agency lacks adequate facilities, such as warehouses. In addition, at local level, Border Guards explained that they have dual tasks monitoring the green border for both irregular immigrants and smugglers.

2.8. Joint operations

Joint operations are organised on an ad hoc basis. There have been a number of joint operations between Customs and Border Guards. According to the interviewees, there have been at least three such operations in 2010. The latest major operation took place between 13 and 15 May 2010 on the Russian border at Kybartai, Ramoniskes and Panemunė BCPs. As part of the operation there were additional SBGS and Customs patrols patrolling the 'green' border.

About 20 officers from SBGS and Customs participated in the joint venture, which targeted irregular immigration and cigarette smuggling at the

border with Russia. This joint operation was supported by the aviation department of SBGS with air surveillance from helicopters.

There were no major incidents reported during the joint operation, apart from a few small seizures of illegal smuggled goods, a few cases of breaches at the border zone and a few cases of administrative offences.

There has also been a joint operation on the detection of stolen vehicles and trucks, involving the SBGS, Customs and the Police. The SBGS checked for vehicles at the BCPs, while the Police and Customs carried out checks on the main roads and railway loading places, where used vehicles are loaded for export. (EQ-LT)

As noted earlier, the SBGS also has rapid response teams, which are called upon should there be a need to strengthen control of certain border areas. Each team consists of 30 border guards. There are also Special Tasks teams that the SBGS can call upon.

According to the interviewees at Kybartai there are on average at least two joint operations a year.

2.9. Control outside permanent BCPs

Control outside the permanent BCPs in Lithuania is carried out mainly by the SBGS. Customs is located only within the territory of the BCP, although both services have mobile units, which are referred to in greater detail below.

The management of the border near the BCP is undertaken by Border Guard patrols. They can cover an area of up to 5 km inside Lithuanian territory.

2.10. Mobile units

Both Customs and Border Guards have mobile units that carry out control functions outside the territory of BCPs in a defined perimeter along the border.

Each regional Customs office has a mobile response unit, which is part of the prevention team. Mobile units have a schedule, which is prepared one month ahead using risk analysis. They work within the country, beyond the BCP, mainly on the routes to Russia, on the so-called 'transit risks' routes.

There is an Agreement on Cooperation between Customs mobile units and Border Guards Frontier Districts, which was signed on 7 October 2005. The main aims of this agreement are as follows:

- the effective use of Customs mobile units and the resources of BG's districts;
- to simplify the procedures of rendering assistance (for example, detaining goods or persons);
- to cooperate in making urgent decisions when performing joint inspections;

- to simplify the exchange of operative information;
- to allow information exchange about the results of cooperation between Customs mobile units and BG's districts.

There is no joint operational plan for the mobile units; however, members of the mobile units receive Official Assignments which are coordinated between the institutions and contain the following features: (i) prioritising tasks and operation of joint groups; (ii) detailed objectives and responsibilities of members; (iii) explanation of coordination procedures; (iv) timing and duration of mobile unit checks; and (v) available technical equipment for operations. These assignments are issued separately.

Customs mobile units can carry out inspections throughout the country. In some cases, there are joint patrols with the Police or BGs. This was often the arrangement until 2004, when Customs had no right to stop vehicles on the road. Subsequently, they signed an additional agreement with the Police to do so until the Law on Customs was amended. Presently, Customs have the same powers as police patrols.

2.11. Infrastructure/ Equipment sharing

Our research revealed that there is good cooperation over the sharing of equipment and infrastructure, which is detailed in the 2002 tripartite agreement on cooperation.

At Kybartai road BCP both Customs and Border Guards carry out checks of vehicles in a joint garage, which is the property of the Ministry of Roads and Communications. All buildings at the BCP are property of the Ministry of Roads and Communications, and there are no issues regarding sharing expenses and resources for maintenance.

2.12. Contingency/ Emergency plans

Frontier Districts and territorial Customs offices have joint instructions for emergency situations signed and approved by the commander of the Frontier District in coordination with territorial Customs.

At regional level, the Head of the SBGS Frontier District coordinates, along with the heads of various state institutions, the instructions for actions in emergencies.

Each BCP point has Emergency plans, drafted at regional level, approved by order of the Commander of the Frontier District. The SBGS, Customs, Veterinary and Phyto-Sanitary services participate in the drafting.

3. SUMMARY AND CONCLUSION

In Lithuania there appears to be a good degree of both formal and informal cooperation between Customs and Border Guards. The two services have to perform detailed checks together, which facilitates the exchange

of information and improves practical knowledge of each other's functions, particularly at local level.

Key improvements

Following EU accession, there has been much closer cooperation between the two services. Border Guard and Customs officers now sit side-by-side at the inspection area of BCPs, and can easily communicate through a window connecting the two cabins.

Further, both Customs and Police have access to the Border Guards' database of third country nationals entering and leaving the country, VSATS. There is also an ongoing project to grant access to other agencies to the Customs licence plate electronic recognition system.

Obstacles

The only area of attrition is criminal investigations, as both services have investigative powers. The situation appears to have been exacerbated by the creation of the Customs Central Investigative Service in 2002, whereas previously most of the investigations were apparently handled by the Police Force and Border Guards.

Interviews revealed that there are instances of overlapping investigations, which are apparently hard to resolve. There were also further comments regarding the lack of sufficient Customs backing at the 'green' border. Border Guards commented that they perform dual functions along the 'green' border – proactively fighting both irregular immigration and smuggling, whereas Customs were seen as being 'reactive' and 'anchored' at the inspection area of the BCP.

Although Customs claimed that Border Guards are interested in seizures of smuggled goods, because these are a good indicator of their performance (irregular immigration has gone down, apparently), Border Guards stated that they in fact have difficulty dealing with the volume of seized goods, as they do not have adequate facilities (such as warehouses) to store them prior to prosecution.

In all other aspects, there is a good level of informal cooperation. There were no reported obstacles to sharing equipment and infrastructure, or in the exchange of information. These functions and activities also appear to have been fairly clearly regulated by several legal documents introduced in the early 2000s.

Future plans

There is now a 'virtual' Joint Centre for Analysis of Criminal Information, which has been quoted by both services as a best practice example. Although, the Centre is still in the process of development and does not have permanent premises, it has provided a good forum for exchange of information and the setting of strategic priorities by border management agencies and the Police in tandem.

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COUNTRY STUDY: NETHERLANDS

TABLE 40. LIST OF ABBREVIATIONS

Abbreviation	
API	Advanced Passenger Information
BPVS	Beveiliging Publieke Veiligheid Schiphol – Public/Private Security Partnership, Schiphol Airport
BPVS	Beveiliging Publieke Veiligheid Schiphol
CG	Coast Guard
CGC	Coast Guard Centre
CITES	Convention on International Trade in Endangered Species
CSI	Container Security Initiative
EAASP	European Association of Airport and Sea Police
ECH	Port Expertise Centre (Expertisecentrum Haven)
FIOD	Financial Criminal Investigation Branch
GTB	Geïntegreerde Toezicht Beitengrens – Joint Working Group Rotterdam Sea Port Police and Customs
IAASP	The international version of the EAASP
IND	Immigration and Nationality Department
KLPD	National Police (het Korps landelijke politiediensten)
NCTb	The National Coordinator for Counterterrorism
PARDEX	Passenger-related Data Exchange
RNM	Royal Netherlands Marechaussee
SGPS	Samenwerking Grenstoezicht Passagiers Schiphol’ – Stadning Working Group KMar/Customs Schiphol
SGPS	Passenger-related Border Control Cooperation (Samenwerking Grenstoezicht Passagiers Schiphol)
SIOD	Social Information and Investigation Service
SPP	Sea Port Police (Rotterdam)
VGM	Border management (Programma Vernieuwing Grensmanagement – Integrated Border Management Programme)
VROM/IOD	Environmental Information and Investigation Service
ZHP	Zeehavenpoliti – Rotterdam Sea Port Police
ZUIS	Zeevaart Uitbreidbaar Informatie System – Integrated Maritime Information System

TABLE 41. LIST OF INTERVIEWEES

Position	Department	Institution
Brigade Commander	Head of Schiphol Airport (RM)	Royal Marechaussee
Policy Expert	Strategic Policy	Royal Marechaussee
Policy Efficer	Strategic Policy	Royal Marechaussee
Border Control higher officer (Supervisor)	Border Control	Royal Marechaussee
Policy Advisor	Strategic Policy	Douane/Customs
Team Leader	Passenger Operations	Douane/Customs
Team Leader	Passenger Operations	Douane/Customs
Team Leader	Passenger Operations	Douane/Customs
Team Leader	Passenger Operations	Douane/Customs
Senior Police Officer	Strategy Department	Rotterdam Sea Port Police
Senior Inspector	Border Police Department	Rotterdam Sea Port Police
Police Officer	Border Police Department	Rotterdam Sea Port Police
Senior Detective	Border Police Department	Rotterdam Sea Port Police

1. INTRODUCTION AND CONTEXT

1.1. National contexts

The Netherlands has both air and sea external (third country) borders, and a Schengen-compliant land boundary and sea canal.

Its main international airport is **Amsterdam Schiphol**, a transit hub for passengers departing from and arriving in Europe. Schiphol is also the main third country gateway to the country, and accounts for 90% of all passenger air traffic entering or transiting the Netherlands. In 2009, 43 million passengers used Schiphol. In the same year the airport also handled over 1.2 million tons of air cargo and post.

Other international airports include Rotterdam-The Hague, Eindhoven, Groningen and Maastricht-Aachen.

The 1,913-km coastline of the Netherlands extends north to south, from its central point of the Dutch parliamentary capital, The Hague.

Rotterdam Harbour and sea terminal caters to ocean liners, cross-channel ferry boats and cargo traffic. Rotterdam Europort is one of the world's leading containerised sea ports. As the busiest port in Europe, in 2009 Rotterdam handled 33,000 vessels carrying 360 million tons of cargo and 9.7 million Twenty Foot Equivalent Units (TEUs) in container traffic.

FIGURE 34. MAP OF THE NETHERLANDS' BCP



A number of smaller harbours also handle third country traffic.

The country's biggest trading partner is the European Union, which accounts for 66% of all exports and 47% of imports. The United States is the next most significant trading partner, accounting for 5% of exports and 8% of imports. China is also an increasingly important trading partner.

Among the principal risks in border control is irregular migration, and in particular bogus asylum seekers (although this number has reduced since a 2006 amnesty). Class A controlled drugs and the breaking of international laws, in particular CITES (Convention on International Trade in Endangered Species) are also high on the risk list produced by Customs. The smuggling of counterfeit textiles goods which contravene

intellectual property rights is also an increasing problem within shipped cargo. International organised crime syndicates are known to operate in the main cities of the Netherlands.

1.2. Institutional context

The Ministry⁹⁷ of Security and Justice, the Ministry of the Interior and Kingdom Relations and the Ministry of Finance are involved in developing border control policy.

External border control is provided by the Royal Netherlands Marechaussee (RNM) and Customs. This is the case for all the borders of the Netherlands except in the port of Rotterdam, where the Sea Port Police (SPP), performs border control (of persons).

RNM⁹⁸ is a police organisation with military status. It has a wide range of tasks, both civil and military. Together with the Royal Netherlands Navy, the Royal Netherlands Army and the Royal Netherlands Air Force, the Royal Netherlands Marechaussee is part of the Ministry of Defence. The Marechaussee performs 80% of its tasks, however, under the authority of other ministries, such as the Ministry of Security and Justice and the Ministry of the Interior and Kingdom Relations. The prime tasks of the RNM are:

- security, including guarding important installations, VIP personal close protection, civil aviation security and high-security escort duties;
- policing, including at civil airports, supporting the Ministry of Defence, as well as Civilian Police, e.g. riot control;
- enforcement of aliens legislation: including border control, mobile monitoring of aliens, supporting the asylum procedure;

⁹⁷ Recently, the names and tasks of ministries in the Netherlands have changed.

⁹⁸ <http://www.defensie.nl/english/marechaussee>

- criminal investigations;
- supporting international peace-keeping missions.

RNM's enforcement of aliens legislation function includes: border checks and border surveillance; monitoring of irregular migrants; assistance in the asylum procedure; issuing visas at the border; refusal of entry and removal of irregular migrants. In border control, the RNM also has the authority to conduct criminal investigations relating to smuggling of persons and border offences.

Customs is a part of the Tax and Customs Administration of the Netherlands: this administration is an agency of the Ministry of Finance. They operate at all major entry and exit points within the Netherlands (except Schengen Border Crossing Points).

Customs⁹⁹ has three core tasks:

- to stop attempted smuggling of goods at the border
- to control the proper application of laws and regulations
- to levy and collect taxes

Customs is currently undergoing a major reorganisation. This is necessary because the European Union wishes to step up security at Europe's external borders. Within this programme, customs will create new computerised systems for electronic data exchange.

The Fiscal Information and Investigation Service (FIOD) is a part of the Tax and Customs Administration of the Netherlands. If the Tax and Customs Administration suspects fraud, the matter is referred to the FIOD. The FIOD then assesses whether fraud is indeed being committed. If this is the case, the FIOD, in consultation with the Public Prosecution Service, may decide to start a criminal investigation.

The FIOD also performs supervisory activities in the area of economic planning, financial integrity and goods movements. This involves matters such as bankruptcy fraud, anti money laundering legislation and the Health Care Charges Act (Wet tarieven gezondheidszorg). In addition, the FIOD contributes to the fight against organised crime and terrorism by mapping money flows of criminal and terrorist organisations.

Rotterdam: Sea Port Police (SPP) (Zeehavenpolitie – ZHP) is a separate division of the Rotterdam-Rijnmond Police Force. Its core tasks include: border security (including immigration checks of ships' crews and passengers disembarking at the Rotterdam port); environmental enforcement; shipping safety; port safety and security; and combating organised crime.

Coastguard (CG) is under the aegis of several ministries: the Ministries of Infrastructure and Environment, Defence, Security and Justice, the Interior and Kingdom Relations, Finance, Economic Affairs, Agriculture and

⁹⁹ www.douane.nl

Innovation. The CG was instituted by Cabinet Decree of March 2006 to carry out multi-agency tasks in home waters.

The (operational) Coast Guard Centre (CGC) is based at the Royal Netherlands Navy Base in Den Helder. In cooperation with organisations from different ministries, including Customs and RNM, the CG's geographic responsibilities cover the North Sea and it is responsible for performing 14 designated functions which are divided into two sub-categories, '**Service**' and '**Law Enforcement**', as follows.

Service

- Distress, Urgency and Safety Radio traffic.
- Maritime assistance and Search and Rescue (SAR) operations.
- Limiting and dealing with the aftermath of disasters and incidents.
- Vessel Traffic Services (VTS).
- Aids to navigation.
- Maritime traffic research.

Maritime Law Enforcement

- Maintaining law and order (police).
- Monitoring import, export and transit of goods (Customs).
- Upholding environmental laws.
- Monitoring measures aimed at limiting catches and fishery protection.
- Monitoring compliance with shipping regulations.
- Checking ships' equipment.
- Monitoring gas and oil production in the North Sea.
- Border control.

Size of the institutions

The RNM is geographically divided into operational districts (West, North-east, South and Schiphol). Each district has its own staff and a number of brigades which perform the operational tasks. In addition, there is a National and International Operational District and a National Centre for Training and Expertise. The RNM has an organisational strength of more than 6,600 officers. Of those, 1,800 are based in the Schiphol District. Around 660 officers at Schiphol are primarily designated for border control tasks. However, all RNM officers are trained for all its task fields (as generalists), and can be deployed in any one of them.

SPP (ZHP) Rotterdam is divided into two districts, East (Rotterdam Port) and West (Botlek, Europort, Maasvlakte). The Border Control Department of the SPP in its present form was set up in 2000. It has six teams made up of 10-12 officers engaged in border surveillance duties, who have at their disposal a fleet of 13 vessels of various sizes, plus 40 vehicles to patrol wharves and terminals.

The Tax and Customs Administration of the Netherlands employs 30,000 full-time employees. Of these, as of 1.1.2011, almost 4,900 full-time employees operate as Customs officers. Under the present organisational structure, Customs territory is divided into nine regions with a national office in Rotterdam.

Currently, Customs employ 630 officers at Customs Schiphol Passengers region in passenger control, and 750 officers at Customs Schiphol Cargo region in cargo control.

At the Port of Rotterdam there are two Customs regions: Rotterdam Haven and Rotterdam Rijnmond., They deal mainly with cargo clearance. The total staffing in these Customs regions is 1,000 officers (excluding the employees at the National Office). Just over 45% of Customs officers in the Netherlands work either at Schiphol or Rotterdam.

1.3. CONTEXTS AT SITES VISITED

TABLE 42. LIST OF OBSERVED BORDER FACILITIES AND ACTIONS NETHERLANDS
COUNTRY STUDY

Observations	Date	Place	Agency
Observation of passenger control Amsterdam Airport	29 June 2010	Schiphol	Customs
Visit to Rotterdam Sea Port Police HQ	30 June 2010	Rotterdam	Sea Port Police
Observation of Rotterdam harbour and sea canal	30 June 2010	Rotterdam	Sea Port Police
Observation of passenger entry & exit passport controls Amsterdam Airport	1 July 2010	Schiphol	RNM/Min of Interior

Amsterdam Schiphol Airport

At Schiphol, the officers interviewed were selected by each agency, according to the requirements of the study. RNM provided a cross-section of staff, ranging from Brigade Head, policy advisers to junior officers. Customs arranged for senior officers and one policy official to be interviewed.

Schiphol is the main international 'hub' airport in the Netherlands, accounting for 90% of international traffic in the country. It occupies a large geographical area approximately 20 minutes outside Amsterdam city, with good road and rail links (including an international rail link). In 2009 it handled in excess of 170,000 passengers on peak days. The airport employs a total of 60,000 workers. It has five main runways and is, in terms of passenger numbers, the fifth largest airport in the world.

TABLE 43. ANNUAL STATISTICS OF SITES VISITED (2009)

Site name	Nº of people crossing	Nº of cars crossing	Nº of trucks crossing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards
Schipol	43,500,000	0	0	1,270,000	n/a	1,380+	1,800 ¹⁰⁰ (Rotterdam Port)
(cargo)		0	0	360,000,000	11,000,000+	1,000+	115 (Sea Port Police)

Issues related to organised crime¹⁰¹

As a major international airport, Schiphol provides an access point for those involved in organised crime and those interested in gaining illegal access to the EU. Stringent border controls are carried out by Customs and RNM. Additionally several specialist 'hit-and-run' teams specifically target organised crime at the airport. In combating some fields of organised crime, legislation allows for cooperation between Customs and RNM. Examples of such teams are the Schiphol team and Cargo HARC team (both targeting drugs), consisting of both Customs and RNM officers. Both organisations also have their own specialist teams targeting organised crime in their own field of expertise.

Organisation of management structure

Customs and RNM are physically located in adjacent administration blocks within the main Terminal 3 arrival area. Officers from each service operate in close proximity in the arrivals halls of all terminals, and some are based together in a joint forward office, set up under SGPS. The office provides daily joint briefings, as well as intelligence and information exchange.

Issues of international cooperation

Customs, the SSP and the RNM each have liaison officers based overseas and work closely with liaison officers from abroad who are stationed in the Netherlands. All three organisations are represented in a number of international forums, including the World Customs Organisation, European Association of Airport and Sea Police and Frontex.

¹⁰⁰ Of approximately 1,800 RNM officers working at Schiphol Airport, about 660 are employed in the Border Control Brigade. The other officers work at other Brigades, or are Schiphol District staff, and perform tasks other than border control. Operational officers, however, are trained to work in all task areas, including border control, and can be deployed for other tasks if needed.

¹⁰¹ This issue was not the objective of the study.

Rotterdam Sea Port

Interviews were held on site with four SPP officers representing senior grade to junior ranks and one detective with an intelligence background.

The Port of Rotterdam stretches over 40 km and covers 105 square kilometres (40.5 sq miles). The port is the busiest in Europe, far more so than any other port within the EU in terms of cargo tonnage and containers handled.

Border control is provided by Customs and the SPP; generally the RNM is not present.

Customs has some 1,000 staff in the Rotterdam region. The organisational structure includes two Customs operational offices: Rotterdam Rijnmond and Rotterdam Haven (Seaport). The regional Customs Control Centre (CCC) is a part of the office Rotterdam Rijnmond. The national Customs HQ is also located in Rotterdam.

The SPP has jurisdiction over the whole of the Rotterdam Harbour area and the surrounding wharves and other commercial premises adjacent to the port. SPP employs 115 officers, all drawn from the regular Rotterdam Rijnmond Police. The SPP has a policing role within the harbour environs combating crime and enhancing Port security. Through its links with its Rotterdam Police colleagues, the SPP has established close cooperation and practices in the regular shore-based Police service.

The other main task of the SPP is the exclusive control of immigration at the port. Immigration control as undertaken by the SPP follows a system of related checks based on risk, type of vessel, cargo and port of origin, among other factors.

Information from ship inspections is input into a Police computer system – Ocean Shipping Expandable Integrated System/Zeevaart Uitbreidbaar Informatie System (ZUIS). The system is used to undertake risk-based checks of vessels, cargo manifest, cargo, crew, and origin, among other factors. The Sea Police are able, through risk analysis, to profile and grade the level of risk associated with a potential target, i.e. from A – High Risk, to D – lowest risk. This informs operational decisions concerning the deployment of resources to manage the risk accordingly.

There is limited direct cooperation/joint working between Rotterdam Sea Port Police and RNM, other than through links and official channels within the IND and in exceptional circumstances. However, both these Police Forces (but not Customs) have access to the ZUIS database in order to conduct checks of suspects, or run risk analysis on vessels and ship crews.

The Netherlands is an active participant in the US-sponsored Container Security Initiative (CSI) at Rotterdam. Since 2004, the Dutch authorities have purchased and installed 40 portal monitors that give almost complete coverage of the Port of Rotterdam.

2. COOPERATION

2.1. Legal basis for cooperation

There is a Memorandum of Understanding (July 2010) governing cooperation between Customs and RNM in the Netherlands as a whole (sea, land and air).

At Schiphol, there are two main initiatives governing cooperation between the two organisations. One of these is aimed at increasing security and safety – Beveiliging Publieke Veiligheid Schiphol (BPVS). This agreement, supported by both public and private stakeholders, incorporates closer cooperation on identifying security risks and procurement of equipment, such as the millimetre wave scanners, which are jointly used for security and customs procedures depending on traffic peak flows.

At Schiphol, another document guiding cooperation between the two services has been the Passenger-related Border Control Cooperation (Samenwerking Grenstoezicht Passagiers Schiphol (SGPS). Signed in 2008, the agreement's main objectives are to:

- verify identify information
- provide joint assistance in emergencies
- coordinate information exchange
- undertake joint operational control.

In March 2010, the project SGPS was formally wound up, with all its activities being integrated into the two organisations' standard operating procedures. Currently both organisations are involved in a joint study to identify possibilities for rolling out the same cooperation initiative to other Dutch airports.

In October 2007, eight agencies from different ministries signed an agreement for law-enforcement cooperation in the ports in (the region of) Rotterdam. Participants in this agreement are: the Public Prosecution Service (OM), SPP, Customs, RNM, Fiscal Information and Investigation Service (FIOD), Social Information and Investigation Service (SIOD), the National Police (het Korps landelijke politiediensten (KLPD) and the Environmental Information and Investigation Service (VROM/IOD). The objectives of this agreement include increased cooperation, information exchange, and joint actions.

Cooperation is organised by the Port Expertise Centre (Expertisecentrum Haven, or 'ECH'). The ECH is located at the office of the Sea Port Police at Rotterdam. Under this umbrella, SPP and Customs exercise Havengerelateerd Vreemdelingen Toezicht (HVT) (Harbour Related Immigration Surveillance Group), and Integrated Monitoring of External Border (Geïntegreerd Toezicht Buitengrens (GTB)¹⁰². While it is accepted that cooperation exists between the SPP and Customs at the port, and that

¹⁰² The Integrated Monitoring Outer (GTB) was implemented in 2008. It makes improvements in the structural alignment and deployment of information between border authorities in linking information from border authorities, streamlining processes between border authorities, particularly at Schiphol.

it serves to enhance the flow of information between them, resourcing issues mean that this could not be advocated as a genuine best practice in joint agency working. The obstacles include their different powers, responsibilities and tasks (persons versus goods) and their different IT systems.

In contrast, the 'hit-and-run' container team with 21 officers drawn from Customs and Fiscal Information and Investigation Service (FIOD), is viewed as a more effective form of cooperation and is a genuine best practice example, especially in the area of information/data collection and dissemination. It is relevant to note here that the FIOD officers have other powers (investigation) that Customs (control) does not possess.

Under the title 'Reviewing Inspection' in July 2008 six agencies of different ministries signed an agreement for cooperation in the ports in (the region of) Rotterdam. The main objective of this is to realise the concept of 'one-stop-shop' by undertaking joint operational control. Participants in this agreement are: Customs, SPP, VROM Inspectorate, Voedel Authority (Including Plant Protection Service) and the Transport and Water Inspectorate.

Nationally, since March 2006 Customs, RNM and SPP cooperate in integrated border protection at or near the coast, in small seaports and at small airports. The main goal of cooperation here is to strengthen supervision of the 'Schengen Border'-/EU-external border. The basic elements of this strategy are: intelligence; risk analysis/risk-based and information-based and combined enforcement (passengers, cargo). Cooperation is based on the powers, responsibilities and tasks of the participating organisations. Each performs its own tasks based on its own regular powers, yet the agencies complement each other in covering of the known risks and prevention.

2.2. Strategic and operational planning

At Schiphol, the joint forward office at the passenger terminal is staffed by both Customs and RNM. At the beginning of each shift or at each operational change-over, a briefing is held to ensure resources remain targeted to risk. Known current intelligence information is also collated and disseminated through the forward office on an operational need-to-know basis. The office also collates information about current operations/targeting of flights, and so on.

A significant initiative to enhance cooperation between the agencies at operational level is the 'Programme of Innovation in Border Management' – Programma Vernieuwing Grensmanagement (VGM). The VGM programme, which has the motto 'Smarter, Faster, Better', was initiated at the beginning of 2008 under the direction of the Minister of Justice. The programme was developed with the participation of all the relevant government and private sector stakeholders.

Until the end of 2011, the programme will focus on developing and implementing an automated border crossing concept for Schiphol Airport as a Schengen border point. The concept must be widely applicable

and suitable for being rolled out at other airports and seaports. The programme's mission, endorsed by all parties, is:

"To create an effective and efficient border management process whereby use is made to the fullest extent possible of automated supervision and risk-based action on the basis of information on passengers and goods received in advance. This process should strike a sound balance between maximum security and optimal mobility."

The VGM Programme ties in with the strategic guidelines of the European Commission for managing the external EU borders and will assist in the formation of strategic policy direction in 2011.

Programme structure

The VGM Programme aims to distinguish between passenger flows on the basis of risk profiles and automated control. The parties involved are:

- the Ministry of Security and Justice
- the Royal Netherlands Marechaussee (RNM)
- the Ministry of Finance
- Customs
- the Immigration and Naturalisation Service (IND)
- the National Coordinator for Counterterrorism (NCTb)
- the Seaport Police (SPP)
- the Ministry of the Interior and Kingdom Relations
- the Schiphol Group
- KLM Royal Dutch Airlines.

Projects

The VGM programme consists of four projects: **PARDEX**, **API**, **No-Q** and **RT**. The **Passenger Related Data Exchange** (PARDEX) project is part of the Programme IBM. PARDEX, which involves biometrics, E-passports and E-visas, has the following objective:

"... to jointly develop proposals for scenarios enabling the stakeholder organisations to collect, analyse and disseminate passenger-related information faster, smarter and better and in mutual collaboration in order to increase safety and mobility in and around passenger traffic."

PARDEX impact analysis

The impact analysis was concluded in April 2009. Four scenarios for the future configuration of information management on behalf of border surveillance were proposed to the Programme IBM's sponsor board. An assessment by the sponsor board and approval from the Minister of Justice resulted in a follow-up assignment involving an integral impact analysis for scenario 4 (the traveller as the primary source of information) combined with scenario 1 (verification by means of API data¹⁰³).

¹⁰³ Advance Passenger Information.

Advance Passenger Information Pilot (API Pilot): This aims to collect, match and analyse API data on the basis of a limited number of flights. The pilot focuses on compliance with the European API Directive, as it is laid down in article 4 of the Aliens Act. The API pilot scheme runs until 31 December 2010 and there is a renewal option up to December 2011 at the latest. Once the API pilot has been concluded, compliance with the European API Directive will be structurally integrated into the PARDEX model on the basis of systems and techniques that are still to be acquired.

NO-Q (i.e. 'no queue') aims to realise a fast and incorruptible concept for automatic border crossing. The primary aim is to enable all EU/EER/CH subjects who possess an E-passport and who enter and exit the Schengen Area via Schiphol Airport to cross the border using an automated system by 2011.

Registered Traveller (RT) consists of two sub-projects, FLUX and Orange Lane. The aim of FLUX is to widen the bilateral collaboration between the USA and the Netherlands in relation to automatic border crossing to include a multilateral programme in which multiple countries participate, and to do so in the medium term. The existing FLUX operation in the Netherlands is being optimised from a commercial, logistical and legal perspective. Important current topics in this context are (repeated) background investigation (vetting), the registration procedure (enrolment), registration and membership fees, and the renewal procedure. The emphasis is on designing and building a system that makes it possible to conduct the studies required to execute the FLUX operation faster, better and more efficiently. The vetting information system can then be used in other sub-projects, such as Orange Lane (see below).

This means that other countries can align their national registered traveller programme with the existing Dutch and American partnership programme (FLUX) on a reciprocal basis. Members of one national programme can become members of the programmes of any of the scheme's other member countries.

Orange Lane aims to create a fast border-crossing facility that can be used by special groups of third country nationals. This is to be achieved initially by asking third country nationals to become a member of the Privium¹⁰⁴ service programme. Policy frameworks are being developed to this end, after which impact analyses will be carried out. The Orange Lane policy and process will then be implemented on the basis of these analyses. The question as to whether the biometrics obtained during visa issuance can be used when granting access to Orange Lane is emphatically included in this context.

¹⁰⁴ The Privium programme of the Schiphol Group is a privately run service programme for which EU subjects are eligible. It includes fast automated border passage. Aspirant members undergo a background screening, conducted by the RNM. After paying the membership fee, the member can make use of the service, including automated border passage. This involves verification using the iris scan, which is stored on a smartcard. RNM supervises the automated border passage system.

The four projects provide input for the VGM programme's second phase, in which improvements will be implemented, and automated control at borders will be taken a step further. The Dutch Cabinet has stated that the four projects described above will be developed in more detail in conjunction with European initiatives on the management of external borders and the collection of personal data.

At Rotterdam Port, SPP and Customs operate together under the GTB. Between BCPs joint patrols consisting of relevant organisations (mostly RNM and Customs) perform GTB as well.

2.3. Coordination of workflow at BCP

At Schiphol Airport, passenger flow and control is divided into Schengen and non-Schengen terminal areas. The RNM provides border control which involves the inspection of all passengers crossing external Schengen borders (arriving, departing and transiting). Customs are entitled by law to conduct searches on luggage of all passengers at the airport. Officers are concentrated in terminals receiving flights determined as 'high risk'. As noted above, Schiphol Airport Group, in collaboration with the RNM has also initiated an automated border-crossing programme ('Privium').

First line border control is performed by RNM officers in control booths. Secondary control can, if required, be applied by RNM officers working in offices adjacent to the control booths. This enables the officer to make a more detailed enquiry about the passenger; if it is necessary to search the passenger's baggage, Customs will be requested to do this. The search is either conducted in the offices for secondary checks, or in the Customs hall. RNM officers remain present throughout any search. If a RNM officer decides to refer a passenger for refusal of entry, the case is taken to the Chief Immigration Officer. This senior RNM officer makes the final decision.

Some joint gate checks are carried out together by RNM and Customs, as passengers first disembark from an aircraft. These joint gate checks are organised under the SGPS initiative. Operating a joint control relies on an appropriate level of resources being made available by both services, in order to address effectively any perceived areas of risk. On all flights selected for such an exercise, each passenger has his/her passport checked by a RNM officer who, if any doubt arises as to reasons for travel, will either refer the passenger for further immigration-related questioning or, if a Customs interest/offence is suspected, the passenger is referred to the Customs officer on duty at the gate. Flights selected for joint gate checks are the subject of risk analysis prior to their arrival. The RNM has access to Advanced Passenger Information (API) under EC Council Directive 2004/82/EC, Customs has access to API and Passenger Name Record (PNR) data. The process of risk management in this case is further augmented by the experience of individual officers or from information passed by other national or international partners.

Control of cargo from third countries is the exclusive domain of Customs.

In Rotterdam Port, traditional immigration and customs duties generally remain as separate functions. However, cooperation occurs if a particular need is identified during the normal course of work. The GTB joint working arrangement between Seaport Police and Customs coordinates the use of human resources as well as other primary assets such as vehicles and equipment.

Since 2008, a project has been ongoing to establish a central control room for the SPP under a plan sponsored by the Ministry of the Interior and Kingdom Relations. In this instance, the intention is *'to reinforce the exchange of information and cooperation between the different services such as the SPP, Customs and RNM'*.¹⁰⁵

2.4. Risk analysis

Both the SGPS and the VGM innovation border management programme have elements of joint risk analysis. The VGM programme is sponsored by the Ministry of Justice and can be considered a more high-level initiative, in that it sets risk policy at national level. The SGPS, on the other hand, is more operationally focused, targeting specific flights, personnel, and passengers. This risk analysis and information is input to separate database systems, but with different levels of shared access, and disseminated on a need-to-know basis to the appropriate officers/service.

Joint risk analysis between Customs, RNM and SPP takes place during special operations organised annually over a number of days when both fishing vessels and pleasure boats are targeted for control.

Information from ship inspections is input into a Police computer system – Ocean Shipping Expandable Integrated System/Zeevaart Uitbreidbaar Informatie Systeem (ZUIS). The system is used to undertake risk-based checks of vessels, cargo manifest, cargo, crew, and origin, among other factors; the Sea Police are able, using risk analysis, to profile and grade the level of risk associated with a potential target, i.e. from A – high risk to D – lowest risk. This informs operational decisions concerning the deployment of resources to manage the risk accordingly. Customs, however, do not have direct access to ZUI, but added value for Customs to have direct access to ZUIS is being explored.

2.5. Communication & information exchange

At Schiphol Airport, the Customs and RNM exercise joint control of passengers under the SGPS. This agreement provides and promotes information exchange in a risk management context. Currently, IT systems remain 'restricted' in the sense that levels of access are controlled by legal constraints on personal data sharing. This means that requests for information from alternative users, i.e. from different agencies, are granted only on a 'need-to-know' basis.

¹⁰⁵ <http://www.rijksoverheid.nl/bestanden/documenten-en-publicaties/richtlijnen/2009/02/25/meerjarenprogramma-ebf-2007-2013/meerjarenprogrammaebf20072013.pdf>

In the Port of Rotterdam, the Seaport Police, SPP, conducts some joint operations with the Customs Department and has established a Port Expertise Centre (ECH) to collate and share information with both public and private stakeholders (see para 2.1).

The 'Hit-and-Run' initiative, involving joint operational teams operating at Rotterdam Port and Schiphol, is viewed as having already established an effective basis for inter-agency cooperation in the Netherlands, and therefore is considered a genuine best practice example in that information/data collection and dissemination between the stakeholder organisations is collated, exchanged and utilised with tangible effect

The necessary radio connection can be established with the national c2000 radio communication system. Officers who need to make contact regarding operational matters use landline or mobile phone.

2.6. Training and human resource management

In Schiphol, the SGPS initiative provides ongoing training for both Customs and RNM officers. This has provided 75 officers from each service with multiple skills which enable them to assist the other organisation in first line controls in emergencies. Additionally, drug-detector ('sniffer') dog training is also shared between RNM and Customs.

In Rotterdam, officers of SPP, have received some ad hoc training from Customs on vehicle and ship searches.

Nationally, there are no human resources systems that are common to the three border agencies.

2.7. Criminal investigations

Due to legal constraints there are no joint investigations specifically targeting border control. However cooperation does exist between the border agencies targeting criminal organisations. Specialist joint 'hit-and-run' teams operate at BCPs. Some pre-trial investigation work and materials can be shared by the agencies; however, this is usually routed through the Customs' Fiscal Information and Investigation Service Fiscale inlichtingen- en opsporingsdienst (FIOD). As part of the Tax and Customs Administration of the Netherlands, FIOD functions as an anti-fraud agency whose main roles are investigation and governance. Investigations are mainly concerned with economic, fiscal and financial fraud.

2.8. Joint operations

Since March 2006 Customs, RNM and SPP cooperate in integrated border protection at or near the coast, in small seaports and at small airports. Also, at Rotterdam, SPP and Customs cooperate under the Geïntegreerd Toezicht Buitengrens (GTB). GTB is border patrol between the BCPs, whose tasks are to identifying and prevent illegal entry of individuals and the smuggling of goods. Since its inception five years ago, the GTB team has had few tangible results in terms of detecting illegal activity. However, its presence on the border has a preventive effect and improves the information position of both agencies. Shifts in migration flows can be quickly noticed because of the presence on the sea border.

Although the border agencies generally find the GTB's work useful, some officers interviewed disagreed. One interviewee stated that he did not think the team served any real purpose, or could address risk, because of insufficient resourcing. He also gave his opinion that irregular immigration through Rotterdam is rare, and that no suspects have been identified or detained as a result of this joint team's effort in the five years of its existence. With maritime traffic into Rotterdam being so heavily monitored and controlled, for example in the form of regular seaborne and land-based patrols, it was the opinion of some interviewees that most would-be irregular immigrants to the EU would not enter via Rotterdam, preferring other Northern European ports, particularly in France. Currently, there are no plans to expand this team or its activities.

The 'Hit-and-Run' Container Team has had a greater impact in terms of joint border enforcement. The team comprises 21 officers, drawn in equal numbers from the Sea Port Police, Customs and FIOD officers. This unit targets specifically risky vessels and consignments. Information sharing is constant and although restricted, the unit provides valuable intelligence to other European enforcement agencies.

2.9. Control outside permanent BCPs

The Coast Guard (Kustwacht) has no sea-going or airborne assets of its own to undertake border management functions on the Netherlands maritime border. However, the Governmental Shipping Company and some other ministries have placed resources at the disposal of the CG so that it is able to carry out this function. For example, two surveillance vessels are permanently attached to the service but, in addition, the CG can call upon the shipping assets of the Royal Netherlands Navy and patrol craft of the RNM. Air support is provided by two coast guard aircraft managed by the Royal Dutch Air force which are operated by personnel from the Royal Dutch Air force, the Navy and observers from other ministries.

The Coast Guard operational centre is based at the Royal Netherlands Navy Base in Den Helder. The centre operates on a 24-hour basis, and is responsible for both planning and coordinating the tasks of all the operational units involved in coastguard activities.

Two policy plans are developed annually for the CG. One focuses on the provision of services, drafted by the Ministry of Transport and Public Works, and the other for law enforcement tasks, drafted by the North Sea Law Enforcement contact group. These plans are aligned with the integrated '**North Sea Management Plan 2015**', and are used to formulate annual policy and assist operational outputs in the following areas:

- relief and rescue
- disaster
- investigating criminal offences
- incident control
- other enforcement (monitoring and control)
- management tasks
- other tasks.

The CG Director ensures that the resources are available to meet the needs and objectives as set out in the annual policy plans. The plans are then integrated into a single operational plan, to ensure that targets are achieved and available resources utilised as efficiently and effectively as possible. The Coast Guard Centre, Den Helder, has an operational centre which plans and coordinates the tasking of all operational units involved in CG activities, including joint patrols. In addition to the CG, RNM also has maritime enforcement role and capability. Similarly, SPP exercise similar control beyond the immediate area of the Rotterdam port. Under the GTB this could sometimes be a joint operation involving SPP and Customs. There is no joint patrol/regular cooperation activity between RNM and SPP.

2.10. Mobile units

At Rotterdam Port, joint mobile teams operate within the terms of the GTB initiative as well as the sea coast patrols of RNM and CG.

Nationally, RNM operates its own (i.e. not inter-agency) mobile teams within the territory (Mobile Security Monitoring). The teams perform random checks in the area along the border with Germany and Belgium. The primary function of these teams is to operate spot-checks to identify cases of irregular immigration as well as to combat other types of criminal activity.

2.11. Infrastructure/ Equipment sharing

Equipment between the border management services is not necessarily shared but each service does have access to the other's equipment, document readers, x-ray, and so on. Radio communication is completely separate and is not on a shared frequency.

In Rotterdam Port, the GTB initiative enables sharing of vehicles and portable examination equipment.

At Schiphol, technical border management equipment is usually assigned to one of the border agencies. Specialist equipment can be used by either agency on request; for example, the RNM 'own' the document checking devices and associated technology. Customs can use this equipment, but the physical check is usually performed by a RNM officer.

Likewise Customs and airport security jointly operate the large x-ray devices. If there is a need, the RNM can use this x-ray facility under supervision of Customs. Office premises, such as the forward passenger control office at the airport terminal, are shared. Other shared premises include detention cells and inspection rooms for secondary checks, as well as some limited general office space.

Joint maritime surveillance, as performed by the CG, is made possible because military, enforcement and regulatory agencies from other ministries, e.g. RNM and the Royal Netherlands Navy, make personnel and equipment resources available.

All three agencies use drug-detection sniffer dogs, and there are some joint operations and shared use of resources/equipment on request.

2.12. Contingency/ Emergency

At Schiphol, the RNM works with the airport authority to perform a large number of preventative tasks in the field of civil aviation security.

The public/private BPVS agreement also focuses attention on security and cooperation between the airport management and other government authorities to contribute to security policy in an effort to both prevent and deal with emergency situations. Additionally, the SGPS agreement enables RNM and Customs officers to conduct full primary as well as second line checks for the other organisation in emergencies. This was highlighted during the emergency following the Turkish Airlines aeroplane crash in 2008.

3. SUMMARY AND CONCLUSION

The main factors that have an impact on the Customs and BG cooperation are:

At Schiphol, the SGPS initiative is viewed as a good platform for enhancing inter-agency cooperation between RNM and Customs. At present, however, this operational agreement only identifies and targets joint gate checks and daily sharing of risk/target information and assistance during emergencies (e.g. SGPS-trained officers can perform first line checks on behalf of the other organisation). However, the physical aspects of immigration control undertaken by RNM and the control of goods by Customs remain separated functions as stipulated by law.

Apart from the SGPS initiative, joint 'hit-and-run' teams such as the Schiphol team and Cargo HARC team are targeting specific types of crime at the airport.

The VGM programme is an initiative based on a high-level strategy that promotes enhanced security and risk management capability alongside more automated and facilitative passenger control, in line with broader EC policy and initiatives concerning border control. The VGM will be underpinned by enhanced data collection and associated risk management processes designed to target high-risk passenger movements. The programme also seeks, at the same time, to be facilitative to the legitimate travelling public. However, its impact on the integrated border management of the Netherlands cannot yet be fully assessed. It is anticipated that after a trial period, the VGM programme will be implemented at other BCPs across the country.

The evaluation of GTB cooperation¹⁰⁶ shows 'that the results – in terms of finding irregularities – are limited. The GTB-specific activities hardly ever lead to finding irregularities which are relevant in terms of the origin and the background¹⁰⁷ of the introduction of the GTB. From the per-

¹⁰⁶ Nota Beknopte evaluatie Geïntegreerd Toezicht Buitengrens (GTB) over 2008 en 2009 dd. 21 juli 2010.

¹⁰⁷ i.e. the fight against terrorism.

spective of safety and security this is positive'. From the point of view of visibility and prevention, the GTB initiative still remains relevant.

At Rotterdam Port, the GTB cooperation agreement does not appear to be functioning well. It has not produced any tangible results in the five years of its operation, despite there being systems and procedures for cooperation (such as information sharing on a one-to-one basis, and resource sharing between the Rotterdam Sea Port Police and Customs). A critical drawback to its ability to provide fully effective operational cover, and therefore to achieve its key objectives, is that cooperation between the joint teams only operates on a limited basis, i.e. during the normal working week. Customs does not provide sufficient resources to extend cover beyond these times. As the Port of Rotterdam is very security conscious, and it is very difficult for irregular immigrants or smugglers to gain entry from the sea, there is a question mark over the need for this team.

The **'Hit-and-Run'** container team based at Rotterdam, has members from the three main front line border agencies – Customs, Police and FIOD (the Dutch anti-fraud agency). This initiative has been referred to as being an example of best practice in cooperation. Information is gathered, shared and disseminated according to need and risks. It is a combination of powers: control and investigation.

At the Maritime Border, the CG performs a border management function under an inter-agency operational plan. There is significant reliance on the human and technical resources of other agencies, including the involvement when required of members of RNM and Customs. This enforcement function is considered by those interviewed as beneficial, because it provides a platform for the exchange of ideas, information and joint tasking, as well as being an example of inter-agency cooperation. Those interviewed assumed that such activities are undertaken at considerable financial cost.

Obstacles

Although the key border management agencies are making efforts to collaborate, and to combine their policies and legal status where possible, it is evident that, at present, each offence is treated under the respective separate legal powers of the various agencies.

A good example of the continuing degree of operational separation between the services is provided at Rotterdam where, during GTB joint patrols, if an event of note takes place, Customs and the ZHP file separate reports of the same event. There is no subsequent joint investigation leading to criminal or civil proceedings.

In terms of general sharing of IT systems and other technical assets, this is done on an ad hoc basis. Each border agency has expressed a need to retain some independence and autonomy; and sometimes this may be an obstacle to closer inter-agency cooperation or integration.

It is clear that the Dutch law enforcement agencies are keen to look at solutions in the context of the greater efficiency and effectiveness of border management, and it is understood that 'mission statements' have been drafted concerning the future shape of each service. However, the issue of combined/joint operations is not a priority for any of these organisations at present.

Long-standing institutional arrangements in the Netherlands, such as the separation of the maritime policing function of the sea border between the RNM and Rotterdam Sea Port Police, may also present a challenge to fostering a more integrated system of border management.

Key improvements

- Under the SGPS agreement, the passports of passengers at Schiphol can now be screened by 'one' agency, through the system of joint gate checks to identify higher-risk passengers; followed by the regular checks of RNM (immigration) or Customs (goods).
- The flow of legitimate passengers is now being facilitated by the VGM programme and, as more automation and risk-focused targeting come 'on-stream', this can be expected to speed up the flow of passengers as well as the detection and prevention of irregular migration.

The BVPS therefore provides a multi-stakeholder platform, by means of which the border-management agencies can link up with the private sector organisations involved in the operation of Schiphol Airport, in order to draw up policies that will increase the safety both of passengers and staff.

Future plans

Policy units at all agencies are looking at ways of overcoming differences within their legal frameworks and the selective powers currently maintained by the three main agencies. In this context of forward planning, joint working groups have been set up to facilitate closer cooperation. For example, the possibility is being explored of extending the SGPS initiative at Schiphol to other ports and airports in the Netherlands.

The VGM programme is also designed to be introduced nationwide, and represents another significant example of inter-agency cooperation, in this case to automate the border management function. The VGM will be underpinned by enhanced data collection and associated risk management processes designed to target high-risk passenger movements. The programme also seeks to facilitate legitimate travel, through controls under the Registered Traveller Programme.

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COUNTRY STUDY: POLAND

TABLE 44. LIST OF INTERVIEWEES

Position	Department	Institution
Head of External Border Section	Border Guard Headquarters	BG HQ
Head of the Border Group	BCP Medyka	BCP Medyka
Line Manager	Customs Department in Medyka	Customs Office Przemyśl
Customs Officer	Customs Department in Medyka	Customs Office Przemyśl
Branch Manager	Gdańsk Container Terminal	Customs Office Gdańsk
Team Leader	Customs Branch Office, Władysław IV Basin, Gdańsk Port Authority	Customs Office Gdańsk
Officer	Gdańsk Container Terminal Customs Procedures Office	Customs Office Gdańsk
Customs Officer	Gdańsk – Rębiechowo Airport	Customs Office Gdańsk
Border Guard Group Manager, Gdańsk		Border Guard Gdańsk

TABLE 45. LIST OF ABBREVIATIONS

Abbreviation	
CO	Customs Officer
MoAI	Ministry of Administration and Interior

1. INTRODUCTION AND CONTEXT

1.1. National context

A number of the most important European trade routes pass through Poland. From the East, the Paris-Berlin-Moscow route connects Belarus, Russia and the Ukraine to Western Europe. Along the north-south axis, land routes and waterways link the Scandinavian and Baltic countries to Southern and Eastern Europe. Upon Poland's accession to the European Union, the country's external border became the external border of the EU, which runs as follows: in the north-east, along the Russian exclave of

FIGURE 35. MAP OF POLAND'S BCP



Kaliningrad; in the east, along the border with Belarus and Ukraine. In total, the external EU border is 1,185 km long, and dotted with over 50 cargo and passenger Border Crossing Points (BCPs),¹⁰⁸ including BCPs along roads, railway routes and waterways, as well as sea ports and airports designated for clearing persons and freight. Some Polish BCPs deal specifically with tourists: the river BCPs in Rudawka, the tourist BPC for cyclists and pedestrians in Białowieża, or the BPC in Medyka, which includes a special terminal for pedestrians.

As in most former communist countries in Central and Eastern Europe, Poland's road infrastructure is underdeveloped, particularly in the eastern part of the country. Therefore, the most important cargo crossing points – Korczowa, Dorohusk (between Poland and the Ukraine), Kuźnica, and Kukuryki (between Poland and Belarus) – are located within the main east-west international

transport corridors. The three best developed, and therefore busiest, passenger crossing points are Medyka (on the border with Ukraine), Terespol (on the border with Belarus), and Bazledy (on the border with the Russian Federation). Cross-border passenger traffic has decreased by over 30% since the introduction of visa regimes for Belorussian and Ukrainian citizens; nonetheless, numbers have remained relatively high, partly due to the introduction of local border traffic permits for the residents of the Polish-Ukrainian border districts. Poorly developed road infrastructure combined with high mobility among Polish citizens (mainly due to labour migration) was one of the stimuli for the growth of airports, the most important of which is the Warsaw Chopin Airport, serving up to three million passengers per year. Other significant airports include Kraków-Balice and Gdańsk Lech Wałęsa airports.

It should be noted that the main trans-border traffic routes are also used as channels for irregular migration and smuggling. Migration routes for irregular migrants from Russia (often of Chechen origin), and the Ukraine (mostly labour migrants working or looking for employment in Poland, or transit labour migrants travelling to Western European countries) cross the Polish-Ukrainian and Polish-Belorussian borders. Cases of human trafficking have been reported. Substantial price differences of excise goods between Ukraine and Belarus and the EU, combined with widespread unemployment and poverty in border areas, foster smuggling and small-scale cross-border trade. Goods making their way into the EU are mainly cigarettes, alcohol, fuel and clothes; goods exported from the EU and Poland include food products, electronics, white goods, and cars. Smuggling activities centre on excise goods (cigarettes and alcohol), cultural artefacts, am-

¹⁰⁸ Calculations based on the information provided at the Border Guard HQ website. (<http://www.pasienis.lt/lit/English>)

ber, and – in small amounts – drugs transported to Western European and Scandinavian countries.

1.2. Institutional context

Poland has two institutions responsible for the day-to-day management of BCPs: the Border Guard and the Customs Service. The Border Guard, a stand-alone institutional unit, is headed by the Border Guard Commander-in-Chief, who answers to the Ministry of Interior and Administration. Customs Service Headquarters, on the other hand, falls within the Ministry of Finance. Other significant institutions involved in external border management are local representatives of the Government (voivodes), who are responsible for the upkeep of the infrastructure, and the provision of veterinary and agricultural inspection services.

Border Guard

The Border Guard comprises ten Divisions (five of which conduct checks on external BCPs) and four training centres (in Kętrzyn, Koszalin and Luban). It currently employs about 17,000 officers; however, interviewees voiced the need for increased staff levels. A preventive, police-like institution, the Border Guard is a direct descendant of the Border Defence Army, which was a military organisation (the political transformation process precipitated the change in 1991). The military history of the Border Guard has heavily influenced its organisational culture, notwithstanding the changes it has recently been undergoing. In the last 20 years, the Border Guard implemented a number of organisational reforms, most of these necessitated by Poland's accession to the EU and the Schengen Area and the resulting changes in border management. The abolition of controls on internal EU borders and application of the compensation principle resulted in officers being reassigned to posts on external borders. Off-the-record assessments of the Border Guard (and Customs) officer relocations are fairly critical. A substantial number of reassigned officers did not remain at their new posts; many could not adjust to working in the harsher conditions of eastern Poland. Obligatory relocations have also led to many personal and family problems.

Customs Service

The Customs Service comprises 16 Customs Chambers,¹⁰⁹ nine of which are directly responsible for external border checks and control.¹¹⁰ Customs chambers are functionally separate from the MoF. The 16 Chambers are divided into 46 Customs Offices, which in turn are organised into 159 branches. In 2004 the number of Customs Offices was reduced by 20%, accompanied by a 40% reduction in the number of branches. The Customs Service currently employs over 13,000 officers; however, as with the Border Guard, these staff levels are not sufficient for the tasks

¹⁰⁹ Struktura organizacyjna Służby Celnej 2010. Projektowane zmiany, Służba Celna RP 2010, 11.03.2010, pp.2: (Customs Service Organisational Structure 2010: Planned amendments. Polish Customs Service 2010 11.03.2010). Available at: http://www.mf.gov.pl/_files_/sluzba_celna/organizacja_sc/struktura/12.03/struktura_tekst_11_03_2010__2__2_.pdf;

¹¹⁰ Including the Warsaw Chamber servicing Poland's busiest airport.

assigned to the agency. The Customs Service estimates that it needs 320 additional posts. Other sources, however, indicate that in the four Chambers at the eastern border alone, there are 560 vacancies. These vacancies should be filled as a matter of urgency; however, the delay in implementing a revised legislative framework, low salaries, difficult working conditions and limited opportunities for promotion and development combine to make recruitment something of a challenge.

TABLE 46. THE MAIN POWERS AND COMPETENCIES OF THE BORDER GUARD AND THE CUSTOMS SERVICE

	Border Guard	Customs Service
Passenger control	<p>Passport control; issuing visas and other permits; personal searches; luggage inspection (in order to enforce the limits on imported excise goods)</p> <p>Polish BG is responsible for inspecting documents and identifying undesirable persons etc. (by consulting SIS and Polish databases)</p>	<p>Customs luggage inspection; searches for smuggled items, such as drugs, goods violating Intellectual Property Rights, and endangered plants or animals (the Washington Convention); enforcement of the restrictions on imported excise goods</p>
	Foreign and Polish currency inspection	
Inspection of vehicles and goods	<p>Inspection of ports and waterways, aircraft, motor vehicles, and trains, in order to prevent illegal movement of persons and smuggling of narcotics, weapons, and excise goods.¹¹¹ Polish Border Guard is responsible for preventing unauthorised transportation of waste, radioactive materials (and waste), and chemicals through the state border</p> <p>Polish Border Guard is solely responsible for radiometric control of goods, vehicles and persons travelling through the border (<i>no other Polish agency performs this duty at the state border</i>)</p> <p>During its inspection activities, Polish BG also searches for stolen cars and documents (checked against the SIS and Polish databases)</p>	<p>Inspection of customs seals on goods and vehicles, verification of features and ID numbers of goods and vehicles for compatibility with accompanying documents (Customs are authorised to check packaging condition, the amount of goods, code numbers and any identifying signs), customs control of goods, inspections aiming at preventing the illegal movement of narcotics and intoxicating substances, and excise goods</p>
	Preventing illegal (i.e. not authorised by the proper institutions) removal of national heritage and cultural artefacts	

¹¹¹ Na podstawie art. 134 Kodeksu karnego skarbowego (On the basis of Art. 134, Fiscal Penal Code).

TABLE 46. THE MAIN POWERS AND COMPETENCIES OF THE BORDER GUARD AND THE CUSTOMS SERVICE (CONTINUATION)

	Border Guard	Customs Service
Road traffic control	Inspection of vehicles using public roads in order to verify compliance with road traffic law, as well as cross-border movement of waste and hazardous substances (waste, explosives, radioactive materials etc.)	
Combating irregular migration and human trafficking	Regular patrols in areas selected on the basis of risk analysis and reconnaissance; ID and passport control	
	Regular or seasonal control of public spaces where third-country citizens are known to gather (marketplaces, railway stations), in order to establish their legal status, employment and business activities.	

Political context

Throughout Poland's recent history, change of the 'political guard' very often entailed personnel reshuffles in both the BG and Customs Service. New appointments at the executive level have in turn led to changes at regional level, and at times even at specific BCPs. Between 2002 and early 2008, the Customs Service had five different Heads; in the first half of 2006, more than half of Chamber directors were recalled after a new Head of Customs was appointed.

Reshuffles at the executive level have also resulted in the introduction of new management and development strategies, and the discontinuation of previously prepared strategic plans (i.e. the cancelled Customs Service Operation Strategy 2007+). The lack of continuity resulted in a two-year delay in implementing anti-corruption standards and procedures (Supreme Chamber of Control, p.10). An anti-corruption Customs Service programme (2010–2013+) was only approved by the Head of the Service in August 2010.

Appointment, education and career development

Officers interviewed for this project gave prestige and a sense of mission as their professional motivations. However, these are not accompanied by an adequate level of salaries in either institution. Customs officers in particular have voiced the need to have their powers augmented and their privileges equalised with those of the Border Guard. The protests by Customs officers in 2008 were fuelled by grievances regarding employee entitlements – in particular the demands to have officers' salaries, relocation weighting, and pension funds aligned with those of Border Guards. The protests have resulted in changes to employee entitlements, which have, however, fallen short of equalising the remuneration and privileges of the two institutions.

The record of corruption within the border services, although it is better than it was during the last 20 years, still shows room for improvement. Mass dismissals at busy BPCs such as the Polish-Ukrainian Medyka-

Szeginie, Korczowa or Terespol, have led to replacements of large numbers of employees, which in turn has had a definitely negative impact not only on human resource issues but also on the public image of both the BG and Customs Service (Polish public opinion does not fully differentiate between the two institutions). These dismissals were particularly damaging because they involved experienced senior officers. Until March 2008, Customs officers could be dismissed before an official court sentence has been handed down (a procedure encouraged by the legal framework, which was changed after the 2008 Customs protests). Currently, neither BG nor Customs officers can be expelled before being sentenced by the Court (for committing crimes such as receiving goods in exchange for not undertaking an inspection); however they are suspended for the duration of the trial. As court proceedings in Poland tend to be time-consuming, and their duration exacerbated by the complexity of particular cases, officer suspensions could be in effect for up to two years.

Currently, anti-corruption controls operate within both agencies; however, suspensions on the basis of suspicion of corruption were still recorded. Available figures are not transparent or consistent in this regard. In the period 2004 – 2008, charges against Border Guards (including former officers) involved 321 officers; against Customs, 100 officers (CBA, 2010, pp.47). Other sources indicate that in 2009, over 200 Customs officers were suspended after accusations of corruption (NIK, 2009, p.19). Wide application of anti-corruption measures suggests that incidents of corruption have fallen in number, or that corruption is limited to small, closely cooperating criminal groups (Matejko and Kindler, 2008, p.9).

1.3. Contexts at sites visited

The Poland case study is based on two study site visits: to the cargo/passenger marine BCP in Gdańsk and the cargo/passenger land BCP in Medyka. The choice of border crossing points was based on their size and the type of traffic they service: overland passenger and cargo traffic in Medyka, sea cargo traffic in Gdańsk.

TABLE 47. ANNUAL STATISTICS FOR SITES VISITED (2009)

Site name	Nº of people crossing		Nº of cars crossing		Nº of trucks crossing		Nº of customs officers	Nº of border guards
	Entrance	Exit	Entrance	Exit	Entrance	exit		
Medyka-Szeginie	1,469,048	1,462,497	295,973	288,778	27,854	32,442	137-140	287
Gdańsk – Port	29,202	33,252	0	0	0	0	n/a	80

Medyka-Szeginie

Medyka is the busiest BCP on the Polish-Ukrainian border; it clears cargo and passenger road traffic. The BCP was opened in 1945 in order to process international cross-border traffic and expanded significantly in the early 1980s for the Moscow Olympic Games (1980). Initially, the BCP processed passenger and cargo vehicles;¹¹² currently the cross-border traffic includes passenger and cargo units, as well as local border traffic permit holders. In total, Medyka is one of the busiest passenger/cargo BCPs on the EU external borders, clearing almost 3 million passengers in 2009, and almost 6 million in 2008.

Medyka is also the only fully equipped pedestrian BCP, with a capacity of up to six thousand persons in 24 hours.

FIGURE 36. PLAN OF MEDYKA BCP (2010)



The nearest urban centre is the town of Przemyśl, 10 km away, which has a population of 70,000. The border crossing itself is situated on international route E-40 (linking Calais in France and Ridder in Kazakhstan), national route 20, and on the main road M11 in the Ukraine, connecting the crossing to Szeginie, Mościska and further on to Lviv.

The Medyka border crossing falls within the jurisdiction of the Bieszczady Border Guard Regional Office, and within the catchment area of the Customs Chamber in Przemyśl. Three customs offices conduct direct

controls in Medyka: Medyka Office (for road passenger and cargo traffic), Medyka-Żurawica Office (rail cargo traffic), and the Railway Customs Office in Przemyśl (rail passenger traffic).

Those crossing the border at Medyka fall into several categories; the numbers within each category depend on the season. According to the Border Guard, during the summer holiday, tourists make up roughly 50% of traffic. These include Ukrainian and Russian tourists travelling to Poland and other EU countries, as well as Poles and residents of other EU Member States. Other users of the border crossing include the residents of the border areas, among them small-scale traders and persons travelling for work-related purposes. At other times of the year, the majority of those crossing the border at Medyka are small-scale traders,

¹¹² Umowa między Rządem Rzeczypospolitej Polskiej a Rządem Ukrainy w sprawie przejść granicznych, sporządzonej w Warszawie dnia 18 maja 1992 r. (M. P.2003 r. Nr 37 poz. 530); (Polish-Ukrainian Agreement on Border Crossing Checkpoints, Warsaw, 18 May 1992).

FIGURE 37. BCP MEDYKA: PEDESTRIAN CHECKPOINT (2010)



legal or quasi-legal businessmen procuring goods on both sides of the border, labour migrants, and students. Therefore, the Medyka crossing is usually referred to as a trade or wage/labour crossing.

Goods imported to Poland include mineral oils, coal, iron, timber, chemical and metallurgical products. Along with official imports, excise goods, such as cigarettes, fuel, and alcohol, are carried by individual travellers and normally declared in permitted quantities in personal luggage. Other goods include cotton clothing items, counterfeit brand sports shoes sourced in China and Turkey, underwear, jewellery

and small white goods. Transporting goods in parts (for example, shoe soles and uppers are normally brought in separately) is a fairly popular duty-avoidance method. The flow of goods out of Poland consists mostly of electronic goods, machines, vehicles, chemical and agricultural products; products illegally exported from Poland include white goods (both new and used, the latter referred to as *bełuszka*), used cars and bikes, foodstuffs, meat, and vegetables.

The Medyka road crossing is relatively efficient in identifying stolen cars and preventing their removal from EU territory. In 2009, officers seized 51 cars worth 1,959,000 PLN; in the first six months of 2010, the number was 36 (with a similar monetary value). The identification of stolen cars is carried out in cooperation with German, Italian and Czech police contact points.

Incidents of irregular migration have been recorded at the BCP, at the green border, and in neighbouring areas (illegal residence). In 2009, officers recorded 800 detainment cases at the BCP and 60 in other areas. Also in 2009, a total of 2,500 travellers were refused entry; for the first half of 2010 the total was nearly 1,000.

The Medyka border crossing has noted a significant success rate in its activities related to Article 96 of the Convention Applying the Schengen Agreement, referring to refusal of entry to aliens (in 2008 about 1,300 refusals of entry, in 2009 about 800), and to Article 100, which pertains to the seizure of objects, especially stolen vehicles (in 2008, about 180 seizures of goods were carried out; in 2009, there were over 100).

Gdańsk Port

Gdańsk (population 500,000) is located on the southern shore of the Baltic Sea (the Bay of Gdańsk). A hanseatic city,¹¹³ it played a historically important role in trade and exchange among the states of northern and western Europe on one side and those of the central and eastern part of the continent on the other. Present-day Gdańsk lies at the crossroads of the Baltic maritime routes and the overland section of the VI Trans-European Transport Corridor. It is an important international transportation hub, comprising one of the biggest ports on the Baltic Sea, an international airport and a network of road and rail connections.

Gdańsk has three BCPs:

- maritime Gdańsk Port (cargo and passenger traffic)
- maritime Gdańsk Górkki-Zachodnie (processes passenger traffic for sports activities only, and cargo for Polish fishing boats only)
- airport Gdańsk-Rębiechowo (cargo and passenger traffic).

As a deep-water harbour (one of the most accessible on the Baltic Sea), Gdańsk Port plays an important part in cargo transport and trade. The Port is divided into two principal sections: Port Polnocny (Northern Port) and Port Wewnetrzny (Inner Port). The Inner Port (located along the Dead Vistula River) has a container terminal, a passenger ferry, a Ro-Ro vessels terminal, facilities for mass handling of passenger vehicles and citrus fruit, as well as phosphorite and sulphur handling centres. The remaining quays of the Inner Port, appointed with versatile equipment and multi-purpose infrastructure, can be used for handling a variety of bulk cargo, including rolled-steel products, grain, artificial fertilizers, ore and coal. The Northern Port, situated on the Gulf of Gdańsk, has piers, quays and cargo handling jetties with direct access to the sea. This section of the port is equipped with specialised facilities suitable for handling energy raw materials such as liquid fuels, coal and liquefied gas; it also houses a modern Deepwater Container Terminal.

The interviews with Customs officers in Gdańsk indicated that the fluctuations in the flow of goods may point to Gdańsk Port being a seasonal hub, peaking in September-October. During these months, an increased amount of goods for the Christmas period and coal and fuel for the winter are brought in. In January the amount of goods transported decreases, most probably because contracts are being renewed at the beginning of the year.

According to the Gdańsk Port officials, the vessels' ports of origin often determine the main risks they could possibly constitute for the BCP. Incidents of intellectual property rights violation, under-pricing of cargo (particularly textiles), and tobacco and alcohol smuggling are usually connected

¹¹³ The Hanseatic League was an economic alliance of trading cities and their guilds that established and maintained a trade monopoly along the coast of Northern Europe. Active in the Late Middle Ages and early modern period (c.13th-17th centuries), it stretched from the Baltic to the North Sea and inland.

with vessels from south-east Asia; drug smuggling is often an issue with Latin American vessels.

In 2009, the Gdańsk Border Guard branch intercepted smuggled goods and foiled other criminal activities to the total estimated value of 177,470 EUR. This included small quantities of drugs, cigarettes, fuel, jewellery, and stolen car-parts. Most of the significant seizures were of counterfeit goods (garments, jewellery, and music).

2. COOPERATION

2.1. Legal basis for cooperation

The legal framework for the cooperation of the Border Guard and the Customs Service comprises regulations on two levels: 1) national laws, decrees, and agreements between the Head of the Customs Service and the Commander-in-Chief of the Border Guard; 2) regional agreements between the directors of the Customs Chambers and Border Guard Division Commanders, executed by Customs Offices directors and Border Guard post commanders. These are supplemented by ad hoc agreements resulting from specific situations at the BCPs, which are not to contravene the existing law.

Poland's accession to the EU and the Schengen Area resulted in increased responsibilities for the Border Guard and the Customs Service. For this reason, the last few years has seen a significant transformation of the legal framework pertaining to the border services. The main change is the extension of powers of both the Border Guard and the Customs Service. The official reason for this is the need to increase the efficiency of both agencies.

Due to the nature of their work, some powers and functions have been allocated to both agencies; examples include combating fiscal crimes and violations of laws regulating the transportation of restricted or prohibited materials endangering public and/or international security (waste, chemicals, radioactive and nuclear materials, firearms, munitions and explosives).

For example, the Border Guard was authorised to conduct customs control at tourist border crossings (Decree of the Finance Minister, April 2010) and exercise control over excise goods (however control only, not application of punitive measures). Customs officers were authorised to use firearms while on duty, a power which had hitherto been reserved for the Border Guard.¹¹⁴

As indicated in Table 4, the Border Guard and Customs Service share many tasks and responsibilities; the reader might therefore conclude that there are no real distinctions between their tasks. However, shared

¹¹⁴ Rozporządzenie Rady Ministrów z dnia 22 grudnia 2009/ Cabinet Decree dated 22 December 2009; <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20100060031>

competencies and responsibilities do not necessarily generate conflict. Officials engaged in operations at border crossing points consider the expansion of powers and responsibilities of both services desirable, as they enable more frequent cooperation.

The agreements between the two services are clear and unequivocal: Border Guard officers ascertain that those who cross the border do so legally, while Customs officers are responsible for the legality of goods brought into and moved out of the EU. During the Customs officers' protest actions in January 2008, Border Guard took over some of Customs duties. Due to the risk of another wave of Customs protests in 2009, a group of 556 Border Guard officers were trained to carry out Customs clearances.

It should be noted that being authorised to carry out specific control procedures does not mean that the authorised service performs them out without assistance from the other. In fact, BG officers are obliged to request Customs officers to remove official seals. Border Guard officers are entitled to participate/be present during customs control procedures, subject to agreement on the scope of participation.

As mentioned above, the framework for cooperation between the Border Guard and Customs Service is laid down in agreements between the Head of the Customs Service and the Border Guard Commander-in-Chief. The most recent of these agreements was signed on 7 May 2010.

The agencies cooperate in the following areas.

- Apprehending persons attempting to cross the border illegally, and those involved in organising illegal cross-border movement of goods;
- Provision of public security and order at border crossings, in their immediate neighbourhoods, and in international transport.
- Providing assistance in combating fiscal crime.
- Streamlining cross-border traffic and preventing crime.
- Organisation of joint activities within Polish territory.
- Establishment of joint working groups and task forces.
- Combating violations of intellectual property rights.
- Identification of sites where goods and substances originating in criminal activity and fiscal offences are collected and stored.
- Verifying the legality of residence of third country citizens.
- Re-establishment of control procedures on state boundaries constituting internal Schengen borders.
- Liaising with the parallel services of neighbouring states as appropriate within the scope of joint border control.
- Exchange of statistical data.
- Training.
- IT and communications.
- Exchange of information.
- Construction and maintenance of the security infrastructure at BCPs.
- Cooperation on reconnaissance and operational activities carried out by the Border Guard.

Both agencies can offer each other assistance with carrying out control procedures. Such assistance includes the following.

- Sharing technical equipment and training new users.
- Making accessible the training facilities and educational materials.
- Reciprocal assistance with carrying out expert criminal assessments.
- Use of warehouse facilities in order to store goods intercepted during criminal or fiscal offence proceedings.
- Offering assistance in case of attack or resistance offered by persons either attempting to cross the border or encountered during joint operations on Polish territory.

The agreement on cooperation regulates the scope and method of the exchange of information between the Heads of the Border Guard and Customs Service. It also determines the procedure involved in preparing annual reports on cooperation and in issuing press releases (the agency which initiated a specific action elaborates and issues the press release after consultation with the participating agency).

It should be noted that because the agreement discussed here is a recent one, its adaptation at regional level is still work in progress. The agreement's guidelines and substantive content will remain largely unchanged; the regional agreements only adapt them to the local conditions, i.e. the type of the border crossing and the actual opportunities to implement the cooperation initiatives given the available human and technical resources.

The interviewees indicated that the practical implementation of the cooperation agreement proceeds smoothly in areas such as information exchange and requests for carrying out control procedures, as mentioned above. Joint exercise of control procedures is currently hampered by the personal data protection laws, which prohibit the use of personal data for purposes other than the one they were specifically collected for.

2.2. Strategic planning

Cooperation between the BG and the Customs in the context of strategic planning takes place through the Interdepartmental Panel on Planning the Border Crossing Points and their Management established by the Polish Prime Minister on 30 October 1998. The Panel has been positively assessed by both Border Guards and Customs Officers. Since 2000, it has been preparing annual development plans, three-year border management programmes, and the 'Strategy for Integrated Border Management of the State'. The Cooperation Strategy is based on plans developed with input from all interested parties (dedicated meetings are organised every 2-3 months). Prior to Poland's accession to the EU, the focus of the Strategy was on the adjustments needed at the Polish borders when they became external EU borders. The current focus of the Strategy is on the improvement of the organisational and infrastructural capacity of the BCPs before EURO 2012, as it is expected that there will be a significant increase in border traffic between Poland and the Ukraine. Closer cooperation between BG and Customs is included and thus promoted in the Strategy.

The Interdepartmental Panel on Planning the Border Crossing Points and their Management is definitely an example of good practice. It brings together representatives of ministries and other bodies responsible for border management, and is the platform for solving interdepartmental problems in this field.

2.3. Coordination of workflow at BCP

As discussed above, the agreement between the Head of the Customs Service and the Border Guard Commander-in-Chief obliges officials to cooperate in the planning and implementation of measures aimed at streamlining border traffic, ensuring adequate BCP staffing levels, and adjusting border control procedures to specific conditions and the volume of traffic at a BCP. BGs are also obliged to support Customs officers if there are contingencies endangering the flow of traffic at a BCP.

BCP Border Guard Commanders and Customs Chiefs are responsible for setting detailed rules and procedures of cooperation and staffing for each shift. Duty managers agree on how they will cooperate on a given day; they also supervise the flow and management of traffic. However, the coordination of traffic flow in the day-to-day functioning of BCPs depends on a constant, ad hoc exchange of information among the front line officers organising the traffic flows.

The scope of cooperation depends on the type of BCP. In general, cooperation in managing traffic flow includes: 1) exchange of information regarding the results of customs control procedures (inspection of persons, vehicles, and goods); 2) BG assistance to Customs officers in situations involving any attack on Border Guards and Custom Officers on duty by travellers; 3) cooperation in detecting the presence of and locating people concealed within enclosed spaces; 4) cooperation between mobile units. In addition, BG and Customs commanders at land BCPs agree on the introduction of expedited 'nothing to declare' control (known as the 'green wave'), and set detailed rules for one-stop control. At sea, the marine units of the BG provide escorts for the Customs vessels.

FIGURE 38. FOUR ONE-STOP, DIAGONAL CONTROL POSTS AT THE MEDYKA BCP (2010)



As indicated by the study visits to Medyka and Gdańsk Port BCPs, in practice the coordination of traffic flows does not create many problems. It does, however, need to be stressed that the degree of cooperation between the services is determined to a large extent by the infrastructure at individual BCPs. A 2007 study of the Medyka BCP (Matejko and Wasilewska, 2008) concluded that poor infrastructure and long-term construction work within the BCP, combined with sub-optimal levels of staff in BG and Customs caused delays and hampered cooperation efforts (for example, there were misunderstandings about the use of facilities, and some traffic lanes were blocked by officials carrying out detailed control procedures; the latter should normally be carried out in designated facilities). The state of the facilities at Medyka has been improved, however, due to extensive construction work and implementation of one-stop control procedures, with BG and Customs officials inspecting vehicles simultaneously. The one-stop control procedures were further improved by the introduction of the so-called diagonal control system,¹¹⁵ which allows for a more efficient use of space at the BCP.

BG and Customs officials at the Medyka BCP estimate that one-stop clearance speeds up the control procedure by about 30%. Due to the efficiency of the procedure, it is to be extended to coach inspection at Medyka, as well as at the Hrebenne and Dorohusk BCPs. BG and Customs officials conceived the idea of one-stop control during a joint study visit to Germany; it is therefore considered a joint success.

Due to preparations for the EURO 2012 football championships, BG and Customs are improving cooperation procedures in order to streamline the management of traffic flows at Polish-Ukrainian BCPs. A new method of border control, the so-called 'green wave' or 'green corridor', has recently been put into practice. The green wave involves applying fast-track passport and Customs control procedures for cars and buses carrying up to nine people. Although the 'green wave' is quicker than the standard procedures, inspection of travellers and vehicles is still conducted in full compliance with the Schengen Code and Customs Code regulations.

'Green wave' travellers are not permitted to carry goods in commercial quantities. This applies especially to cigarettes and alcohol; the quantity of these commodities cannot exceed allowed limits. If, during the 'green wave' control, a smuggling offence is detected, it is punishable by the highest applicable fine. The goal is to apply such simplified procedures two to four times per shift; the timing is based on smuggling risk analysis.

Cooperation between the agencies is somewhat different at the Gdańsk Port BCP. Due to the character and infrastructure of the Port, as well as the type of control procedures (cargo), direct contacts among BG and Customs officials are limited as Customs officials carry out most of their control procedures using documentation (the simplified procedure).

¹¹⁵ The diagonal control system is based on specially designed infrastructural solutions, namely traffic-directing lines. Located diagonally between the line for vehicles awaiting inspection and those already inspected, these traffic lines point vehicles toward a number of control points and then toward a common exit. This infrastructural solution significantly improves border traffic flows.

It should be noted, however, that close daily cooperation 'in the field' between both agencies takes place during inspection of incoming/outgoing vessels.

Examples of procedures carried out in order to increase efficiency include:

- Upon becoming aware of the entry of non-Schengen vessels to Gdańsk Port or any other harbour within the Customs precinct, the BG duty patrol immediately notifies the Customs Marine Mobile Unit (the alert includes the vessel's name and flag, and time and place of entry).
- Sharing and exchange of information on vessels entering the port outside their regular schedules (including tourist and recreational vessels).
- Regular inspection and planning regarding security of the container terminal. Planning is carried out by a joint working group supervising the exercise of procedures related to, among others, high-risk containers.

Yet another form of cooperation is the periodic (about every four months) joint operations involving the BG, Customs and the Regional Environmental Protection Inspectorate. BG and Customs officials designate containers which are to be inspected for possible transport of waste and the smuggling of tobacco and narcotics.

According to Customs officials, cooperation between Customs and BG was (perhaps paradoxically) closer before Poland's accession to the EU. Before 2004, Gdańsk Port housed a BCP within the ferry terminal, where officials of both agencies were required to coordinate the flow of passengers and goods.

2.4. Risk analysis

Although the agreement between the BG Commander-in-Chief and Head of Customs Administration stipulates cooperation, Border Guard and Customs do not carry out joint risk analysis and assessment at executive level. The chief explanation is that division of tasks/powers is different in both agencies. Both Border Guard and Customs collect rich data sets; however, the collection of data is geared towards different objectives, which results in only one agency using the data collected.

However, joint risk analysis is conducted at the strategic and operational levels. It leads to elaboration of reports, statements and analyses, processing information obtained through operations carried out jointly by the Border Guard and Customs, as well as monitoring BG and Customs websites (BG Commander-in-Chief Guideline No. 189 dated 29.09.2006 on the conduct of risk analysis at border organisational units of the Border Guard). At the operational level, cooperation also involves ad hoc contacts between BG and Customs officers and preparation of analyses that are mostly used by mobile units.

At the tactical level, agencies work together on a day-to-day basis. It involves mainly exchange of statistical information, disclosure of information on persons from 'high-risk' countries, illegal introduction of banned

goods into the Polish Customs territory, and information associated with terrorist threats.

2.5. Communication & information exchange

The agreement between BG Commander-in-Chief and Head of Customs Administration states that inter-agency information exchange should include all data which could potentially assist in combating crimes that fall within the jurisdiction of both agencies (§1, p. 16) as well as statistical data collected by both agencies (§1, p. 13). It also points to the need for cooperation between the IT and communications departments of both agencies (§1, p. 15) and for conducting regular exchange of information among contact points. There is, however, no single or integrated electronic data transmission system for the BG and Customs; the agencies do not aim to integrate their respective systems because they have different tasks and powers.

Exchange of information takes place between the BG Commander and Customs Chamber Chief, or between duty managers within a particular BCP (which channel is used depends on the severity of a threat, the current situation at the BCP, the volume of cross-border traffic, and the availability of manpower and resources).

Data concerning BG and Customs objectives and powers is conveyed during joint working sessions where BG Posts officers and Customs duty managers agree on how they will cooperate. The information is also disseminated during periodic meetings where the Agreement is assessed.

However, the most important channel for the exchange of information between the BG and Customs are the day-to-day contacts between officers while on duty in the BCP area. These exchanges are regulated by the following principles:

- a) Following an incident, operational information from the relevant agency is transmitted immediately to the other agency;
- b) BG and Customs duty officers exchange information on planning the agencies' operations, with the aim of agreeing common action, subject to the specific situation in the BCP area;
- c) Information on border control activities is exchanged daily.

At the Medyka BCP, both BG and Customs officers agreed that unlike 10 years earlier, exchange of information and daily communication between the agencies runs smoothly, both at management and front line levels. Two factors have fostered cooperation: infrastructural improvements and officers' commitment to working together.

One-stop diagonal crossings are one infrastructural improvement which creates conditions conducive to closer and better cooperation. Prior to their introduction officers carried out their duties in separate facilities, which made communication and exchange of information much more difficult.

An example of a best practice regarding exchange of information at the Medyka BCP is the joint effort in combating abuses of the system by

TABLE 48. THE SCOPE OF INFORMATION EXCHANGE BETWEEN THE BG AND CUSTOMS

	Customs Service	Border Guard
INFORMATION CONCERNING PERSONS	Apprehension of persons not in possession of documents entitling them to enter or reside in Poland; Persons suspected of carrying amended or forged documents	Discovery of persons suspected of crimes and offences (including fiscal offences); Discovery of smuggling attempts
	Discovery of persons concealed in motor vehicles and unmasking of possible hiding places	Discovery of persons concealed in vehicles
	Discovery of third country citizens illegally residing or working in Poland	Discovery of persons attempting to avoid customs and passport control
	Violation of legal regulations by third country citizens, which might justify refusal of entry, an order to leave or expulsion from Poland	Violation (or attempted violation) of customs, tax and currency laws
	Discovery of criminal activity by Polish citizens and foreigners, and committed during their stay in Poland or at the BCP	
INFORMATION CONCERNING CARGO	Discovery of illegally transported weapons, munitions, explosives; Obtaining information regarding potential threats to public order and security in international transport	Discovery of amended or forged documents concerning cargo shipments
	Discovery of smuggled intoxicating and psychotropic substances and raw materials used during the production thereof	Discovery of undeclared goods and the means by which they are transported across the border
	Discovery of materials pointing to preparation for, or attempt to commit, crimes falling within the jurisdiction of the agency	Discovery of smuggled intoxicating and psychotropic substances and raw materials used during the production thereof
	Discovery of illegal cross-border movement of waste, biocide products and raw materials, hazardous chemical compounds, and nuclear and radioactive materials	Discovery of attempts at smuggling national heritage, cultural artefacts, intellectual property, and other protected goods
MISCELLANEOUS	Cooperation within the scope of national defence and crisis management; Any other significant observations on border protection	Threats to security and safety of officers at BCPs, with indications of possible joint actions to counter the threats; Other observations which may be important to Customs

local border traffic permit holders. The local border traffic permit entitles the residents of neighbouring areas to cross the border without having to present passports, visas or proofs or financial means sufficient to cover the costs of their stay. One consequence of this arrangement has been that permit holders committing fiscal offences do not normally carry

enough funds to pay the fine. Their cases are therefore referred to the courts, which considerably lengthens the process of executing the fine. The agencies thus work together to create of a register of persons who, as repeated offenders, may not be awarded an extension of the permit; it is now being considered whether such persons should also be added to the POBYT (SOJOURN) database as undesirable.

The BG and Customs officers interviewed at the Medyka BCP indicated that exchange of information during control procedures runs smoothly. Due to limited technical capabilities and lack of efficient, speedy legal procedures, information exchange is in the interest of both agencies. Discrepancy in vehicle weight is one example of cooperation based on exchange of information, and resulting in joint action against infringements. Customs, officers, who have access to car weighing scales, are in a position to observe that the actual weight of a vehicle is not identical with the weight entered in the accompanying documentation. Were Customs officers to pursue the offence, they would need to lodge a civil complaint resulting in a lengthy procedure. Therefore, they relay the inspection protocol to the Border Guard, which is legally authorised to impose mandatory fines on the traveller. However, this cannot be treated as an example of good practice as the cooperation procedure is an outcome of legislative shortcomings.

BG and Customs officers at the marine BCP in Gdańsk have had a different experience: direct contact between them is much more limited than it is at land BCPs. This is due to the port's infrastructure and the long distances between the offices of the Gdańsk Customs Chamber, Gdynia Customs Office, and the Border Guard.

In interviews, Customs officers described their direct contacts with BG officers as sporadic. Apart from the infrastructure, the lack of contact is also a result of the nature of their work, which mostly involves inspecting documentation. At the sea ports, however, the agencies cooperate during inspections of incoming and outgoing vessels.

It should be noted that commissions and orders to both agencies constitute an important area of information exchange. Officially, officers argue that orders are carried out smoothly and efficiently, as procedures are regulated by the agreement between the heads of both agencies about the re-allocation of control tasks. Off the record, however, officers stress the competition between agencies over the levels of intercepted goods. The more successful they are, the greater their prestige and the approval of their superiors (because this leads to a larger budget and improves the agency's public image).

2.6. Training and human resources management

The agreement on cooperation between the Border Guard and Customs stipulated that joint training sessions be conducted especially in the field of fiscal offences, smuggling of psychotropic substances, firearms, explosives, national heritage and cultural artefacts, and other trading offences. So far, Polish BG and Customs have conducted a number of joint training and development courses.

In 2009, the Border Guard provided the following training courses for Customs officers:

- Rules concerning detainment of persons and searching personal possessions
- The detention of persons suspected of committing crimes and offences
- Documentation required in international road transport
- BLS (Basic Life Support)
- Inspection of lorry drivers' timesheets, to ensure the correct numbers of hours worked.

The Customs Service provided the following courses for the Border Guard in 2009:

- Inspection of foreigners' work permits
- Maintenance of ICT systems
- Customs control for passenger and cargo traffic
- Collection of duties for air traffic passengers
- Intellectual property rights (see also below)
- Applying Penal and Fiscal Code regulations to pre-trial proceedings conducted by the Border Guard
- Intellectual property rights violations. Breaches of trademark ownership rights
- Enforcement by selected authorities of regulations concerning food security
- Legal origins of alcoholic beverages
- Enforcement of the government programme 'Together safer' concerning national heritage protection – training about the preservation of archaeological relics
- Disclosure of illegally transported excise goods and diesel fuel
- Exchange of information concerning the transfer of excise goods seized by the Border Guard, and the changes to regulations concerning the penal fiscal proceedings
- Transporting goods located in travellers personal luggage
- The Community Customs Code.

Directors of Customs Chambers and commanders of BG posts can also agree on BCP-wide training courses based on the features and challenges of a specific BCP. Due to rapidly increasing numbers of forged customs documents at the Medyka BCP, officers with expertise in detecting forgeries are to offer training courses to Medyka BCP's officers. Courses of this kind are often carried out and can be recommended as examples of good practice. The Gdańsk Port BCP also organised joint training courses on forged documentation. The Gdańsk Port Authority has also offered training on security and safety within the Port. The Gdynia Customs Office organised training on intellectual property rights (2009), conducted by representatives of companies concerned with protection of their trademarks.

Border Guard and Customs officers agree that the practice of one agency offering training courses to the other is beneficial; however, joint training sessions are, in their opinion, sub-optimal as the tasks and powers of

the agencies differ. In 2009, two joint training courses were conducted: one in the field of border clearance rules for persons with privileges and immunities resulting from the Convention on diplomatic and consular relations and special missions, and another on controlling drivers' working hours provided by the Road Transport Inspectorate.

2.7. Criminal investigations

The Polish Customs Service (Law Enforcement Department) and the Border Guard (Investigative and Operational Command) both have criminal investigation departments. Their main goals are to prevent and detect crimes and offences committed by individuals or organisations, and prosecuting perpetrators within their jurisdiction. The officers engaged in crime prevention and detection have police-like powers, wider than those of regular customs/border guards officers.

Cooperation between the Border Guard and Customs during criminal investigations is extremely limited in Poland. This is because such investigations rely on separate operational databases that correspond to the competences of both agencies. Customs officers do not enjoy full access to the databases used by the BG. One practical consequence of differences in access is the BG's inability to fully reveal either the goal or the resulting tasks (which are based on risk analyses) to Customs officers taking part in mobile unit operations. Protection of classified information and lack of database access for Customs officers hampers cooperation and fosters distrust between the BG and Customs.

Anonymous informers have also indicated that cooperation is hampered by the competitive behaviour of both BG and Customs officers over successful investigations.

2.8. Joint operations

Joint BG-Customs operations are planned at two levels: country and regional. The leading goal and principle of all joint operations is the joint inspection of cargo, passengers and vehicles. All such operations follow a plan that has been drawn up using risk assessments for a particular section of the border. The plan also contains detailed information: it indicates which officers are responsible for its implementation at local level, allocates tasks and competences, specifies control procedures, arranges for the use of equipment, vehicles, manpower, duty dogs etc., and defines the responsibilities and financial contributions of each agency.

The plan is implemented by BG and Customs operational officer groups. In 2009, BG and Customs carried out about 1,000 joint operations around the country. These operations are most often concerned with irregular migration at external borders, customs fraud and smuggling of goods; only rarely were they concerned with possible human trafficking operations, smuggling of firearms, cultural goods, drugs, counterfeit goods, or stolen vehicles.

Each operation is reported at regional and national levels. The results of joint operations are then used to make further decisions about the specific risk area of the operation.

A variety of recent joint operations where all necessary authorities are involved constitute examples of good practice. They include: 1) the discovery and identification of concealed persons in enclosed spaces of lorries and vehicles at the external border of the EU (31 June 2010); 2) the 'Uranus' joint operation, which was concerned with passengers and goods crossing the border by train (this was conducted jointly by three institutions, the Customs Service, the Border Guard and the Service of Railroad Security); 3) control and prevention activities aimed at improving road traffic safety; and 4) prevention of loss of state income from excise duties. Because it results in interception of excise goods of significant value, the last operation listed here is of great interest to the media.

According to BG and Customs Officers, joint operations are definitely examples of best practice. What requires improvement is the management and coordination procedure. Efforts to diminish competitive behaviour among participating agencies would also be desirable. However, the new agreement between the Head of the Customs Service and the BG Commander-in-Chief specifies the agency authorised to seize the illegal goods and how the press release on the operation is prepared and issued.

At the Gdańsk Port BCP, joint operations described as good practice include activities geared towards the detection of goods which do not have Polish excise stamps. Another example involves joint operations (carried out in cooperation with Fisheries Control) against the illegal exploration of amber beds using deep-sea pumping equipment. Interviewees also mentioned successful cooperation with the Regional Environmental Protection Inspectorate involving the joint selection and inspection of containers, to search for industrial waste, narcotics, and tobacco products.

It should be stressed that, despite the high number of joint operations, there are no specialised task groups involving BG and Customs officers that cooperate on a regular basis. Therefore, experience gained from joint operations does not necessarily benefit individual officers; rather, it builds up the general experience of the two agencies.

2.9. Control outside permanent BCPs and mobile units

Border control outside permanent BCPs comprises operations at the 'green' border and in areas of Poland where there are no permanent inspection facilities. Yet illegal crossing of the border does still occur, and such occurrences are investigated by mobile units that include BG and Customs officers.

'Green' border operations are within the purview of the Border Guard; their main elements are regular patrols and inspections aimed at preventing irregular migration. Due to the difficult conditions of work (the lie of the land and weather conditions among them), green border patrols make use of state-of-the-art technology. BG officers routinely cooperate with their counterparts from the neighbouring country, as well as with the residents of the border areas. If they identify and wish to inspect goods which require input from Customs, a request for cooperation is lodged.

Inspections conducted outside permanent inspection facilities are conducted jointly by BG and Customs officers. However, in some cases, BG officers are authorised to conduct inspections without Customs participation or presence. For example, BGs patrolling the maritime border are authorised to perform some Customs tasks at relatively small ports and harbours; these tasks include: 1) inspection of the condition of transported goods; 2) inspection of persons; 3) inspection of documents and their validity; 4) stoppage and inspection of transport vessels; 5) inspection of luggage and goods transported by individuals; 6) receipt of customs declarations. At airport terminals, the BG is authorised to conduct both security and customs control.

2.10. Mobile units

Joint patrols – which include mobile units – are responsible for inspecting the immigration status and employment of foreigners; the legality of excise goods; and jointly conducted road traffic controls. Mobile units can operate both within the country and on its external borders; they include permanent teams and ad hoc groups responding to particular contingencies.

The operations of mobile units are based on a plan containing the detailed objectives and division of responsibilities, as well as instructions on the tasks and operations of joint groups, the structure of mobile unit coordination, technical equipment and human resources. Ad hoc mobile units are established either in response to specific risk analysis profiles or in response to requests by other agencies, including BG and Customs offices at a permanent BCP.

At maritime BCPs, BG is obliged to assist Customs by allocating a support vessel. Therefore, Customs mobile units are in practice secured and supported by BG officers.

According to interviewees, joint patrols are an important tool integrating the two agencies, and facilitating the detection of crimes and offences in border areas, the latter through the complementary powers and technical equipment of Customs and BG. Examples of the latter include reciprocal use of the agencies' equipment, including vehicles and dogs, and assistance in contingencies when the safety and security of officers is at risk.

It is not possible to state precisely how many mobile units operate every day in Poland. The BG operates all around the country; the number of mobile units for a given day is fixed by the heads of BG units and depends on the results of risk analysis, operational conditions, and other factors affecting the interior and in border areas.

According to representatives of the BG HQ, the main obstacle to the smooth functioning of mobile units are the laws pertaining to the protection of personal data and classified information. Another problem plaguing the mobile units is the lack of fuel necessary to carry out their tasks in the field. Paradoxically, fuel shortage is both an impediment to and a factor fostering integration. On one hand, it prevents independent operations which would not carry the risk of revealing information which

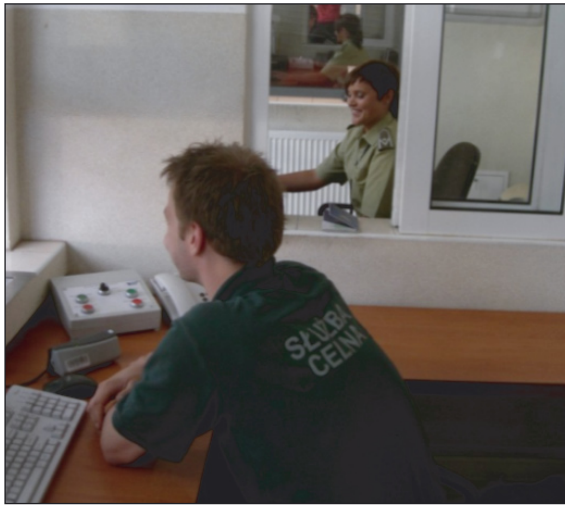
is accessible to the BG, but not to Customs. On the other, limited fuel supplies make cooperation between the agencies necessary, as it reduces the costs of operation of vehicles or boats.

2.11. Infrastructure/ Equipment sharing

Permanent BCP infrastructure, used by both the BG and Customs, is made available and maintained by the representatives of the competent Voivode (determined by the location of the BCP). For cases studied here, the Voivodes are: the Pomorski (Pomeranian) Voivode for the Gdańsk BCP, and the Podkarpacki Voivode for Medyka.

As mentioned above, both the agencies and travellers were hampered by the lengthy construction work at the Medyka BCP. The BCP has been equipped with modern facilities for both the BG and Customs (including warehouses, a pedestrian border crossing and clearance terminal, and facilities adapted to diagonal one-stop inspection for vehicles entering and exiting the EU).

FIGURE 39. A DIAGONAL ONE-STOP INSPECTION POST – AN INSPECTION FACILITY WHERE OFFICERS ARE ABLE TO COMMUNICATE THROUGH A WINDOW (2009)



According to BG and Customs officers, one-stop inspection contributes to better cooperation between the officers of the two agencies, who now operate from a single building separated by a windowed wall; the window enables swift communication and inspection of documents.

However, as officers pointed out, many facilities still require improvement. These include the construction of an updated detailed inspection hall (currently there are only two detailed inspection posts for the entire BCP, which processes up to 2,000 vehicles per day), additional warehouse space and parking spaces, and an inspection and clearance terminal for coaches.

As far as equipment sharing is concerned, the Agreement stipulates that the agencies assist each other by making accessible and servicing their equipment, as well as by offering training courses on its usage. BG and Customs do not conduct joint procurement due to differing tasks and separate sources of financing (Ministry of Finance for Customs, Ministry of Administration and Interior for the BG).

In contingencies requiring the use of technical equipment, the agencies assist one another chiefly by sharing specialist devices (these include vehicle weighing and x-ray machines to inspect enclosed spaces, endoscopes, fibroscopes, radiometric units, heart-beat detectors, specialist

appliances enabling the identification of counterfeit documents), vehicles equipped with specialist devices, providing experts in a given field, lease of dogs, and co-sharing of facilities such as detailed inspection halls, personal search rooms and staff facilities.

Sharing specialist equipment constitutes a challenge when it comes to meeting the costs of equipment use and service charges, usage priority issues, keeping usage records, and ensuring compatibility of equipment. Because specialist appliances require that users undergo detailed training, every time such appliances are used there is a risk of damage; thus both BG and Customs officers offer assistance when their equipment is being used. Damaged equipment can have a negative impact on future cooperation, while high repair costs mean that it is not always possible to have it fixed immediately, as is the case with a damaged heart-beat detector in Medyka.

2.12. Contingency/ Emergency

No agreement on crisis management exists between the BG and Customs headquarters; each agency has its own emergency/contingency plans. However, representatives of both institutions participate in working groups established and led by the police/military police, the armed forces, or the governmental crisis management unit. Regional and local authorities are also involved. The aim of these groups is to work out coordinated contingency and emergency plans.

Contingency cooperation is normally carried out at the regional and local level and governed by individual agreements between the BG Commander-in-Chief and Customs Department Directors.

For example, the expectation of an increase in cross-border passenger and cargo traffic during the 2012 UEFA European Football Championships (EURO 2012), organised jointly by Poland and the Ukraine, led to the establishment of the EURO 2012 Security Committee, which includes the BG Commander-in-Chief and the Head of the Customs Service. The agencies work together to set out the necessary security provisions and regulations.

Additionally, the Finance Minister and the Head of the Customs Service have both established working groups to prepare for EURO 2012. These groups have developed numerous agreements not only on inter-agency cooperation during the Championship (with other countries Customs services), but also on increasing the capacity of permanent BCPs (by the 'green wave' arrangement, discussed elsewhere – this is to reduce the time it takes to cross the border, as well as increasing the safety and security of travellers).

Current preparations also centre on early-warning procedures in case of contingencies/emergencies; a Polish-Ukrainian contingency planning committee has also been established.

In interviews, both BG and Customs officers stressed that they were well prepared for processing the increased flow of traffic. BG officers have

also indicated that in order to work out detailed logistical plans for the BCPs during EURO 2012, they need estimates of pedestrian, passenger vehicle and cargo flows for that period, which are currently not available.

3. SUMMARY AND CONCLUSION

Poland's accession to the EU and the Schengen Agreement precipitated significant changes to the legal framework pertaining to the operations of the BG and the Customs. The most significant element of these changes was the increase in the competencies and powers of both agencies. As a result, the competencies of the BG and Customs are complementary, but – according to official opinions expressed by BG and Customs officers – not overlapping. This means that, in practice, both agencies have the authority to work in the same areas, which forces them to work together in order to increase the efficiency and effectiveness of their operations. Examples of such areas include combating fiscal offences, and violations of laws regulating the import and export of prohibited or restricted goods. Both Border Guards and Customs stated that cooperation is mutually profitable. In off-the-record assessments, however, inter-agency cooperation is not always presented as profitable or fully utilised for the better management of the EU's external borders. Anonymous respondents indicated that cooperation between BG and Customs is limited not only by the different competencies of the agencies, but more importantly by fears that cooperation might lead to one agency taking over the tasks of the other.

With regard to cooperation between the BG and Customs, the following correlations could be observed.

1. The lower the level, the better the cooperation. Cooperation at HQ level tends to be quite formal; regional- and BCP-level cooperation, which requires regular contact between the officers and quick reactions to new issues and situations, fosters good practices and patterns of cooperation.
2. With the legal framework pertaining to cooperation being identical for all permanent border posts, the intensity and quality of cooperation depends on the type of BCP, as well as its infrastructure and facilities. From the site visits, we conclude that cooperation is much more intensive within overland (road) BCPs than within maritime BCPs (cargo).
3. Due to Poland's accession to the EU and the augmentation of both agencies' powers, their operations – and therefore cooperation between them – have expanded inside Poland. These are mostly operations conducted by mobile units.
4. Changes in the political situation have had a negative impact on both agencies. Politically motivated reshuffles at HQ level affected the continuity of reform and delayed work on anti-corruption standards; at regional level, damage was done to efficient management.
5. Both Customs and BG officers noted the differences between their

respective tasks and the impossibility of integrating the systems they use to identify risks at the border. Interviewed officers did not react positively to the idea of integrating the institutions into one organisation; they were, however, much better disposed to cooperation between them, but as officers of two separate units.

6. Cooperation on joint control procedures received a better press in the official statements than in the off-the-record conversations. The latter point to strong rivalry between the BG and Customs as to which agency is better at intercepting goods and detaining irregular migrants.

Two examples of good practice that foster cooperation are the one-stop diagonal clearance system and the 'green wave' inspections. Both procedures require close cooperation which involves sharing facilities and equipment, and the exchange of information and training. This fosters the growth of mutual trust between the agencies.

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COUNTRY STUDY: SLOVENIA

TABLE 49. LIST OF INTERVIEWEES

Position	Department	Institution
Head of Compensatory Measures Section	Border Police Division	Police
Head of BCP	BCP Obrežje	Police
Shift Manager	BCP Obrežje	Police
Front-line officer at BCP	BCP Obrežje	Police
Officer	Director general's office	General Customs Directorate
Officer	Investigations	General Customs Directorate
Head of BCP Obrežje	BCP Obrežje	Customs Administration of the Republic of Slovenia
Shift manager at the BCP Obrežje	BCP Obrežje	Customs Administration of the Republic of Slovenia
Customs officer at the BCP Obrežje	BCP Obrežje	Customs Administration of the Republic of Slovenia
Customs officer in the mobile unit	Mobile unit	Customs Administration of the Republic of Slovenia
Customs officer in the mobile unit	Mobile unit	Customs Administration of the Republic of Slovenia
Head of Specialised Unit for State Border Control	Specialised Unit for State Border Control	Police

TABLE 50. LIST OF ABBREVIATIONS

Abbreviation	
RS	Republic of Slovenia
ADR	European Agreement concerning the International Carriage of Dangerous Goods by Road
SECI	Southeast European Cooperative Initiative Regional Centre for Combatting Trans-border Crime
SUSBC	Specialised Unit for State Border Control

1. INTRODUCTION AND CONTEXT

1.1. National context

The total length of the Slovenian state border is 1,382 km. Slovenia has 670 km of external land border with Croatia (the sea border has not been defined yet), 232 km of internal land border with Italy (plus 48 km of sea border), 330 km of internal land border with Austria and 102 km of internal land border with Hungary. There are 63 BCPs of different categories at the external Schengen border. Of these, 57 of are on the border with Croatia.

FIGURE 40. MAP OF SLOVENIA'S BCP



At the external EU border, Slovenia has 22 land BCPs for local border traffic, which existed also in Former Yugoslavia. An Agreement between the Republic of Slovenia and the Republic of Croatia on Border Traffic and Cooperation facilitates and regulates passenger traffic between border regions, improves the living conditions of the border region population, and ensures economic cooperation between subjects of the contracting countries in border regions. On the basis of the Agreement, permanent residents of the border region may acquire a border region transit pass to cross the state border. Such a transit pass enables crossing of the state border at all border crossing points for local border traffic, as well as at all BCPs for interstate and international traffic.

Border traffic at local BCPs is allowed during operating hours. Outside operation hours, state border crossing is prohibited. At every BCP for local border traffic there is a police officer carrying out border checks, and a customs officer carrying out customs control. At these borders some requirements are waived.

TABLE 51. NUMBER OF BCPs AT EXTERNAL BORDERS

BCPs at the external Schengen border	International	Interstate	Local Border	TOTAL
Land	25	10	22	57
Air (Portorož, Ljubljana, Maribor)	3	-	-	3
Maritime (Koper, Piran, Izola)	3	-	-	3
Total	31	10	22	63

Source: Ministry of the Interior, Slovenia

As to the number of passengers, the busiest land BCPs in 2009 were: Gruškovje (International BCP, 7.3 million); Obrežje (International BCP,

7.4 million); and Dragonja, (International BCP, 5.9 million); Starod (local BCP, 3.5 million); and Jelsane (International BCP, 3.2 million), all on the border with Croatia.

1.2. Institutional context

The management and protection of the EU external border of the Republic of Slovenia is performed by two institutions: the Police and the Customs Administration.

Customs

The independent Slovenian Customs Administration was established on 8 October 1991, along the entire border of the newly created Republic of Slovenia.

The Customs Administration of the Republic of Slovenia (RS) is a body within the Ministry of Finance. The Customs Administration of RS consists of the General Customs Directorate in Ljubljana, and 11 regional directorates.

By joining the European Union thirteen years later, on 1 May 2004, Slovenia became part of the European Customs Union. At that point, the customs service withdrew from the borders with Italy, Austria and Hungary, but it still controls 670 km of the border with Croatia. The Customs Administration personnel were reduced by 400 to 500 employees when the RS joined the EU. They moved to the Police, Tax Administration, Prison Administration, Transport Inspectorate, Market inspectorate, and other authorities (Customs administration of the RS, 2010). The Customs administration employed 1,717 people on 31 December 2009 (Customs Administration of the RS, 2010).

Border Police

Before Slovenian independence in 1991 the Yugoslav Border Police performed border checks at the borders with Italy, Austria and Hungary. At the border with Croatia there was no border control. At the time of Slovenian independence, a Slovenian Border Police established border control and border surveillance also on the border with Croatia. At that time, the Border Police also prepared all relevant legislation on border control and border surveillance.

Through the Law on Police, which took effect on 18 July, 1998, the police service became a **body within the Ministry of the Interior of the Republic of Slovenia**.

Today the Border Police is an integral part of the Police. There is no special Border Guards school. Police officers working at the border have to undergo special training and attend additional seminars. The Police Academy occasionally organises such trainings for Border Guards on special topics (e.g. drug trafficking, car thefts).

Specialised groups have been formed for border surveillance at police stations along the external border. The Police also have the State Border

and Aliens Sections, which organisationally are part of the Uniformed Police Divisions of the Police Directorates. Finally, at national level for border issues and aliens the Border Police Division includes:

- **The State Border Section** – SBS (the Specialised Unit for State Border Control (SUSBC) is part of this Section), whose primary tasks include monitoring of BCPs, securing the State border and investigating border incidents. The SBS has a Specialised Unit for State Border Control, which has control over the State border using optoelectronic systems, and vehicle checks with mobile facilities using electronic and fibre-optic devices. Its tasks include targeted control of State borders, both on the border area and within the country for the prevention, discovery and investigation of trans-border crime, illegal migration, the smuggling of illicit drugs, weapons, ammunition, stolen vehicles and the use of forged or stolen travel documents.
- **The Illegal Migrations and Aliens Section**, which directs and coordinates the work of regional police directorates in the field of irregular migration and aliens.
- **The Compensatory Measures Section**, which plans, organises and expertly directs and supervises the police directorates in the execution of compensatory measures within the territory (BGI-SI).

With its entry into the EU on 1 May 2004, Slovenia had to set up an adequate Schengen regime. Already by then, Slovenia had started partially implementing the provisions of the Schengen Acquis, i.e. in the field of visa policy and the prevention of irregular migration. As part of the preparations to join the Schengen Area Slovenia had to establish security control of its part of the external border with Croatia and ensure this was operated in accordance with the Schengen standards. In order to do this, Slovenia adopted a number of measures in accordance with the Schengen Implementation Plan.

Slovenia established one national police unit (the Specialised Unit for State Border Control, which is an integral part of the Border Police Division at the national level of the Slovenian Police), and six regional police units (organisationally these are included within Police Directorates in areas with an internal state border) for compensatory measures. These units are primarily responsible for the detection and prevention of cross-border crime and irregular migration.

During the preparations for Slovenia to fully implement the Schengen Acquis (full implementation on 21 December 2007 – land and sea borders on 30 March 2008), there was an increase of ‘Schengen’ jobs at local (police stations), regional (police directorates) and national (general police directorate) levels.

Redeployment of staff from the internal borders was carried out on the basis of the Civil Servant Act.¹¹⁶ Most jobs at the internal border were

¹¹⁶ According to this Act, where there were closures of some border crossing points, officers could be transferred to other state institutions.

cut (except for those necessary to carry out compensatory measures), and staff were transferred to the future external borders.

Out of the 2,935 posts budgeted for, there are 2,629 filled 'Schengen' posts, according to the Classification of Employment in the Slovenian Police (Data as of November 2009). This data comprises police officers at local, regional and national level (BGI-SI).

Political importance

Cooperation between the Minister of the Interior and the Minister of Finance ensures that the most important problems facing Police and Customs can be solved at ministerial level.

The position of Head of the Border Police Division is considered a non-political appointment, as only ministers and state secretaries are politically designated (BGI-SI; BGQ-SI; CI-SI; CQ-SI). Therefore, directors cannot be removed from office when governments change, and do not owe a partisan allegiance. This is not merely a legal guarantee. Despite the fact that, according to research on informal networks in Slovenia (Dobovšek, 2009), higher level officials in state institutions are subject to political influence, the Police is an independent institution (as the procedure to appoint its director is conducted by an independent body). It is the same with the border police. Recent independent research suggests that there is no political pressure on Police or Customs. For example, the Head of Customs Administration kept his post during three consecutive changes of government. In contrast to some other countries in the Western Balkans, the elites in Slovenia have no interest in earning money by illegal trafficking. According to some researchers, Customs corruption linked to organised criminals is the exception rather than the rule.

Cultural context

Career progression is based on provisions that are applied to all civil servants in line with the system of career progression in the public sector. The possibilities of career progression of Border Police officers are the same as for other public servants. Transfer of police officers is carried out mainly on the basis of request: it occurs for different reasons, such as promotion, work satisfaction; a wish to work closer to home, and so on. Such deployments to other posts are not very frequent.

Both Border Police and Customs officers consider their jobs as having a good deal of prestige; this shared conviction diminishes any potential differences between them in terms of public image (BGI-SI; CI-SI).

1.3. Contexts at site visited

Only one site was visited: the land border crossing of Obrežje, on the border with Croatia. A total of 8 interviews were carried out (3 interviews with Police and 5 with Customs).

BCP Obrežje is one of the busiest BCPs in Slovenia. The local socio-economics does not have much impact on the relations between Customs

and BGs. Most officers travel 30 km or more to the BCP every day. Living in separate locations, they are not part of a local community, so informal relations based on family or civic ties are not frequent.

TABLE 52. ANNUAL STATISTICS OF SITES VISITED (2009)

BCP name	Nº of people crossing	Nº of cars crossing	Nº of trucks crossing	Tons of cargo	Nº of containers	Nº of customs officers	Nº of border guards
Obrežje	7,430,772	3,704,278	493,882	5,759,538	N/A	106	119

The peak times at BCP Obrežje are during holidays (Christmas, New Year, Easter, and during the summer tourist season).

Issues related to organised crime

Border Police officers detect mostly counterfeit documents and stolen vehicles, in addition to other criminal offences such as irregular migration, drug trafficking, trafficked weapons, ammunition and explosives (BGI-SI). Organised crime groups usually do not bribe Police or Customs officers, rather, they prefer to use local people for smuggling goods. Human trafficking is usually done by locals, avoiding the official border crossings. Since Slovenia lies on the Balkan Heroin Route, smuggling is well organised by Western Balkan criminal groups, who rely primarily on the fact that at busy border crossings only a small part of the cargo is subject to detailed checks.

Organisation of management and structure

The Border Police and Customs at BCP Obrežje are situated in the same facility but their offices are physically separated. They work together for some specific operations, but in general their tasks are separate.

International cooperation

Cooperation with foreign countries at BCP level is based on bilateral and multilateral agreements, conventions and international treaties. Cooperation with the Croatian border police is established at national, regional and local levels, and can be singled out as a smooth-running and successful process.

In 2007, Croatia and Slovenia signed a Protocol on operational arrangements on the border between the two countries that aimed to ease current traffic flows and enhance cooperation in the fight against customs fraud (*National Gazette* of RS, 89/2007). At the site visited, meetings and cooperation of Slovene and Croatian Customs Administration officials are regularly arranged at different levels (e.g. between heads of the border crossing points, or between shift managers) (CI-SI; BGI-SI). Those meet-

ings provide the opportunity to discuss common problems informally, and plan how they might be resolved.

Corruption

Corruption of Police and Custom officers is not an issue of significance in Slovenia, and it does not undermine mutual inter-agency confidence. If there are any indications that a particular police officer has committed a criminal offence, it is investigated by the Group of State Prosecutors for Combating Organised Crime within the Special Division of the Supreme State Prosecutor's Office. Although there have been suspicions of corruption in the Customs Administration, they are rare, and have never been proved. This fact is attributed to the various preventive measures taken by the management, such as internal controls, administrative passwords, a code of ethics, and overall zero tolerance of corruption. However, we inferred from the interviews that allegations of the involvement of some Customs officers in criminal activities have undermined police officers' trust in Customs (CI-SI; BGI-SI).

2. COOPERATION

Customs are responsible for control over goods, while the Police control passenger documentation. As noted above, the Police and the Customs manage the workflow at BCPs separately, using consecutive control procedures. When travellers enter the country, they are first subject to Police control, followed by Customs; whereas the procedures for leaving the country are carried out in the reverse order.

With respect to these procedures, the management of Police and Customs activities at the BCP is entirely separate but requires close cooperation on a daily basis. For example, when police officers detect offences related to cigarettes and alcohol (smuggling of goods) they inform Customs, who take over the case in accordance with their competencies (i.e. under excise legislation). As for dangerous substances, their control falls within the Police remit, in accordance with the Transport of Dangerous Goods Act and the Road Traffic Safety Act, which carry penal charges for listed offences. The Police also carry out the *European Agreement Concerning the International Carriage of Dangerous Goods by Road* (ADR). This Agreement does not rely on a joint authority for its implementation, so each country carries out road checks within its territory in accordance with its own domestic law. The ADR does not contain provisions on criminal sanctions, as these are regulated by the two Acts mentioned above.

However, our report suggests that there are also problems facing routine cooperation between the officials from the two agencies at the BCP. Cases were reported where Customs officers had to share infrastructure and facilities. Another problem, perceived by front-line police officers, is the lack of enthusiasm of Customs officers for their work, particularly when cooperating with police officials.

2.1. Legal basis for cooperation

The work of the Customs Administration is based on the unified legislation of the EU, supplemented by national legislation, such as the Customs Service Act, Excise Act, and other legislation implemented partially by Customs. The Customs Administration's work is intertwined with many other areas and therefore implements legislation about environmental protection, motor vehicles tax, IPR, nuclear safety, cultural heritage, drugs, VAT, agricultural policy, weapons, veterinary matter, prevention of money laundering, sanction, dual use goods, and so on (CI-SI).

The work of the Border Police is based on a number of laws that include the Police Act, the Aliens Act, the Penal Code and the Criminal Procedure Act, as well as the Schengen Border Code. There are some more specific acts that regulate the work along the borders:

- the Instructions on Making Risk Analyses in the Area of Organised Cross-border Crime and Illegal Migrations;
- the Regulation on simplifying the exchange of information and intelligence between the Police or the Customs Administration of the Republic of Slovenia and the competent authorities in other MSs of the European Union (2008);
- the State Border Control Act and the Ordinance on its implementation;
- the Ordinance on the refusal of entry into the Republic of Slovenia to a third country national, issuing a visa at the BCP, and the mode of marking an annulled visa.

Other acts regulate cooperation between Border Police and Customs:

- the State Border Control Act;
- the Public Administration Act, which includes the obligation to cooperate for all state administration bodies (ministries, governmental offices, etc.);
- the Police Act, which includes the obligation for police directorates and police stations to cooperate with all bodies, organisations and institutions that aim to enhance security. In this regard the Police is obliged to offer assistance to such services within the field of its competence;
- an Act on the production and trafficking of illicit drugs calls for cooperation between MOI (Police) and Customs when detecting and suppressing illicit drugs;
- the Agreement on mutual cooperation between Police and Customs (2008) refers to all fields of cooperation between both services;
- the Agreement between Police and Customs on the deployment of contact persons – liaison officers (2007);
- the instruction on handling detected, found, or in any other manner ascertained, illegally carried goods, or goods that are removed from Customs control (2009).

The Agreement on mutual cooperation between the Police and the Customs is probably the most important piece of legislation concerning cooperation between them. It provides for cooperation in all areas of competency, in particular in combating cross-border crime. At national

level, the General Customs Directorate and the General Police Directorate address and coordinate the tasks of both services, sharing risk analyses and elaborating general guidelines. At regional level there is established mutual cooperation between regional Customs Directorates and regional Police Directorates. At local level, mutual cooperation is established between Border Customs offices and Police stations located on the state border.

Sea port officials from the Maritime Administration are involved in performing border checks of ships, and collect data that are also used by the Police. They cooperate on a day-to-day level with the Police and other services, depending on the needs of the services involved. Police and Customs monitor ships on the basis of risk analyses; monitoring of vehicles and luggage is performed using specialist equipment.

In the Koper Police Directorate, coordination is organised by a group consisting of representatives of the Police, Customs, Maritime Administration, the Service for the Protection of the Sea, the Inspectorate of Fisheries, and the Slovenian Army. The main task of the coordination group is to coordinate the work of the various agencies at sea, exchange of information, and mutual assistance and coordination in the event of major natural and other disasters. In the event of increased irregular migration by sea, the coordination group would offer assistance to the Police (lending ships and other technical equipment) (BGI-SI; BGQ-SI).

2.2. Strategic planning

Border Police and Customs cooperate within the Permanent Commission for the implementation of the Agreement between Slovenia and Croatia on border traffic and cooperation. A representative of the Ministry of Foreign Affairs leads the Commission. Other cooperating parties are the Ministry of Agriculture, Forestry and Food, the **Government Office for Local Self-Government and Regional Policy, and the Ministry of Transport**. The main task of the Commission is to address issues of border cooperation and traffic between the contracting parties.

The three-year medium-term plan for Police activities and further development in the context of Slovenia's strategic objectives and policies sets the task of *'planning of joint activities of the Police, Taxation and Customs administrations in detection and investigation of organised forms of smuggling and fraud related to excise or other goods in collaboration with the security authorities in European countries and relevant institutions of the European Union.'*

Furthermore, the promotion of cooperation between Police and Customs is defined in the *Document on Fundamental Objectives of Police Work in 2010*. This states that, in order to assure the quality of police work at BCPs that has to be carried out in compliance with the Schengen Acquis, the Police at regional level shall coordinate its controls with Customs. Furthermore, in order to prevent irregular migration, SUSBC shall coordinate the planning of its activities with Customs, and on the basis of risk analyses. Moreover, when conducting activities within its territory, the Police at regional level shall coordinate its activities with Customs Mobile

Units and/or with inspection agencies. Additionally, at local level, the Police shall cooperate with the Customs and/or with inspection agencies when conducting joint controls (BGQ-SI; CI-SI).

2.3. Coordination of workflow at BCP

The work of the Police and the Customs at BCPs is coordinated in all areas of responsibility. Both services have the task of ensuring the smooth flow of traffic and preventing traffic jams at BCPs. This is achieved by ensuring that shift staffing matches the workload, i.e. that enough frontline officers are at work on the same shift on days that are particularly busy. Therefore shift managers have to familiarise themselves with holidays in both Slovenia and elsewhere, and to have carefully elaborated plans on these occasions.

The agencies are collaborating to control the trafficking in illicit or excisable goods. When the need for enhanced cooperation arises, they can adopt common operational instructions. According to interviewees at the site, cooperation is most effective between the Head of the Border Police and the Head of Customs. Cooperation between shift managers of Customs, Police and BCP is also good, although some interpersonal tensions occasionally do occur (one example was the refusal of one customs shift manager to be addressed by his police counterpart by his Christian name, which appears to be the accepted informal habit).

2.4. Risk analysis

Due to their diverse responsibilities, Border Police and Customs do not share risk analyses on a regular basis. Instead, they inform each other about impending risks, which could be relevant to their colleagues from the other agency. By the same token, if officers obtain information about would-be offences, which fall under the competence of the other agency, they immediately pass it to their colleagues in order that they may take the necessary action. In the aftermath of joint operations, both agencies discuss their evaluations, in order to maximise their efficiency.

Trafficking cases and risk analysis are the responsibility of the Criminal Police. As discussed above, the Border Police is developing risk analyses on drugs, as well as on irregular migration – namely, on migrants who remain in the country illegally, illegal border crossing, and refusal of entry at BCPs. Such risk analyses are carried out at national, regional and local levels. However, as risk analyses are relatively new tools, they are not used in a systematic way, focusing instead on priority threats. The Customs carry out risk analysis that focuses on excisable goods. Neither institution has access to the other's risk profiles or analyses, and such access can be obtained only by special request.

Risk analyses on irregular migration are particularly useful as their conclusions form the basis of the planning and performance of police measures and activities. Border Police exchange information about their risk analyses with other law enforcement agencies (Customs) and foreign border police bodies. Risk analyses offer professional support for police units, in particular for carrying out border control, border surveillance and

compensatory measures. Furthermore, system changes and operational instructions are often based on risk analyses. They are also used for education and training purposes (BGQ-SI; CI-SI).

2.5. Communication & information exchange

The Border Police Division cooperates with other bodies on a bilateral, multilateral, EU and international basis. Slovenian Border Police officers cooperate with police officers in Slovenia and elsewhere in direct operational work, in participation at workshops, seminars, conferences, working meetings, and in the regular exchange of information, and so on.

A liaison officer, who is alternately nominated by Customs and Police, has direct access to all databases and the systems of both agencies (e.g. the EU's CIS). He plays a central role in inter-agency communication and information exchange. In addition, specialised units contact each other directly.

At regional and local levels, communication and information exchange is effected by the heads of border posts and between operational staff on an ad hoc basis (CI-SI; CIQ-SI). At the operative level, joint meetings are held almost on a daily basis, according to the amount of work and the information to be discussed. Heads of Customs and Police hold weekly informal meetings, and also more formal meetings once a month.

Customs have been provided with direct access to some parts of the Schengen Information System (identity documents; vehicles; firearms; bank notes) stolen, misappropriated or lost (Art. 100 of SIS) – at national and BCP level. Direct Customs access to Interpol's databases is also being implemented. Customs also have direct access to MoI registers of persons, vehicles and documents. In almost all other areas of information exchange access is only by special request.

2.6. Training and human resource management

There is no *regular* joint training of Border Police and Customs. In 2009 there were two joint training courses, covering issues such as dual-use goods, export controls, radioactive materials, VAT fraud, and drugs. Exchange of knowledge, experience and good practice is carried out in a framework of joint meetings and working discussions. These are held at national, regional and local level.

There is, however, an exchange of training between the institutions. The Police Academy (under the umbrella of the General Police Directorate) provides training courses for Customs on the use of coercive measures, such as self-defence and for the safe use of service weapons. The Police Academy also takes part in training courses for dog handlers, who specialise in detecting illicit drugs and explosives (CI-SI; BGQ-SI).

The Criminal Police also provides training services for Customs. Some Customs officers interviewed had attended the previous year's training for the Slovenian Crime Investigation Unit, where drug-related problems were discussed.

Customs, in its turn, offers training for policemen on taxation legislation, problems related to excise goods, radioactive materials, and so on.

2.7. Criminal investigations

Under Slovenian legislation, only the Police can conduct investigations. Other institutions, such as the Border Police, can support or inform them when they discover a crime. The Criminal Police and BP cooperate only when the Border Police detect crimes that are under Criminal Police jurisdiction. For example, when the Border Police detect illegal drugs, they immediately inform the Criminal Police, who carry out an investigation at the BCP to secure evidence for further legal proceedings in court. The Police can use any measures that are required, such as special investigative techniques, or surveillance, controlled delivery, and undercover agents. Those measures are under the Prosecutor's control and their use is governed strictly by law.

Slovenian law requires that the Police carry out criminal investigations under the Prosecutor's guidance. Customs officers who offer their support in police actions also come under the Prosecutor's authority. The Customs, though, have fairly limited investigative powers. (Their police powers are also limited, as they can only hold a suspect for up to two hours, until the police take over custody; formally, however, they do not have powers of arrest.) Neither do Customs have their own electronic surveillance systems. Joint investigation teams comprising both agencies can be formed on a case-by-case basis. In 2009 there were five such investigations.

As for cross-border crime, Border Police officers focus mostly on stolen vehicles and false documents. In 2009, Border Police officers at BCPs seized 150 motor vehicles, including 128 cars. Customs officers focus on the flow of goods, and on any customs and tax fraud.

Other offences detected regularly at the BCP include assisting irregular migration, and smuggling of illicit drugs, illegal weapons, ammunition and explosives.

Criminal offences are tackled by Border Police stations. However, the Criminal Police deals with major criminal offences that require further investigation, or major seizures of illegal goods (BGI-SI).

2.8. Joint operations

SUSBC performs joint controls on an ad hoc basis together with Customs Mobile Units. In addition, the Police take part in several Customs joint operations, such as operations organised by the SECI centre. The majority of joint operations focus on issues that are of interest to both institutions – drugs, arms, or smuggling of consumer goods. Operations related to immigration or human trafficking are rare. Some of the issues that arise during such operations are related either to insufficient access to information, or to the fairly limited powers that Customs have (C-EQ).

Both agencies have established the practice of assisting and reporting irregularities in each other's competencies. For instance, if the SUSBC

detects smuggled customs goods that are under the competence of Customs (e.g. cigarettes), the case is immediately transferred to Customs. Usually the police officer on duty calls the customs officer at the BCP to handle the case. On the other hand, if Customs detect illegal or stolen items or irregular migrants, the Police immediately intervene. Such an approach enhances the effectiveness and operations of both services (BGQ-SI; CI-SI; BGI-SI). There are joint planned operations once a month as well.

2.9. Control outside permanent BCPs

Border checks, border surveillance and compensatory measures are carried out by the Police (under the State Border Control Act). Nevertheless, as noted above, when the Police detect an offence that falls under the competence of Customs, the Customs Administration is immediately informed and the case is handed over.

The State Border Control Act also defines situations where the Police and Customs cooperate during designated provisional border crossings. In such cases the Police may decree a provisional border crossing if this is required for the effective implementation of short-term cross-border activities, such as:

- responses to natural disaster;
- sporting events;
- traffic redirection measures;
- cultural, scientific, professional and tourist events and activities;
- implementation of activities based on international agreements;
- agricultural, forestry and other works and tasks of wider public interest.

In the event that a provisional border crossing is on an established external border, the Police issues a decision in agreement with the governing body for Customs matters. The governing body also decides how the conditions and costs of carrying out customs controls are defined.

Furthermore, the Police may, in the event of a demonstrated and justifiable interest, establish a border crossing for individually named persons (e.g. VIPs, or government or military officials), in agreement with the governing body for Customs matters. The governing body sets the conditions and costs to carry out customs controls (BGQ-SI; CI-SI; BGI-SI). This is all done in cooperation with Customs.

2.10. Mobile units

Mobile units are formed by Customs and Police separately, and are used for special operations and compensatory measures. Cooperation, however, takes place when performing joint operations. Each agency has its own working plan according to its tasks and competencies. The mobile unit's operational plan is included in the monthly work plan by agreement of the heads of units. Mobile units can work either at the BCPs or inland according to need. Joint actions can be initiated either by the Police Directorates or by the General Police Directorate, and are conducted in the areas over which they have authority (i.e. the area covered by the specific police directorate). Customs units are partitioned regionally.

Police and Customs units meet at an appointed location and carry out joint controls. They also move jointly to other locations, depending on the needs and risk analyses of both agencies.

In addition, Police and Customs units often plan to meet in the field and decide whether to undertake joint control operations. During their separate shifts, they also communicate with each other, and sometimes decide to perform a joint control. As mentioned above, these joint controls are planned at monthly meetings. Often, traffic police take part in such teams, and also, from time to time, in various kinds of inspections (e.g. traffic control) (EQ-SI; BGI-SI; CI-SI).

2.11. Infrastructure/ Equipment sharing

The owner of the infrastructure at BCPs is the Ministry of Public Administration, which has responsibility for building BCPs in compliance with the needs of the Police and Customs. Equipment is shared between the Police and Customs, whenever necessary, by verbal request. When sharing equipment there are no administrative obstacles, such as requirements for reports or minutes.

The area of the BCP (i.e. the land on which the BCP stands) is determined by the Director of the Police Directorate to which this BCP is organisationally attached. This decision is made with the consent of the Director of the competent Customs office.

For the construction or change of purpose of facilities (office buildings, checking points etc.) it is obligatory to submit request for approvals of the Director of Police Directorate and of the Director of the competent Customs office.

Furthermore, the Agreement between Police and Customs on deployment of contact persons – liaison officers (2007) defines relationship between both services with regard to appointment and status of Customs liaison officer at Police. The agreement also defines material and technical conditions of work and financing of material expenses, which originate from deployment of Customs officers to Police. In this respect Police and Customs cooperate at ensuring capacities for contact persons, arranging material and technical means needed for work and at assuring of data protection. Police is covering expenses of capacities and other current expenses (electricity, water, cleaning, etc).

Thus, the equipment is owned either by Customs or Police. In this sense the equipment is not shared. However, in case of need, e.g. when the police dog-handler is present and the customs dog-handler is not (yet), the police dog-handler carries out the task, based on an informal agreement. An exception is the inspection area (room) at the BCP Obrežje, where the trucks are inspected. The area is managed by the Customs, however, it is shared with the police when needed (BGQ-SI; CI-SI).

2.12. Contingency/ Emergency

In case of contingency/emergency all respective parties (including Police and Customs) must follow a national emergency plan that is issued in emergency situation. For instance, in the recent threat of spreading of the H1N1 flu virus all authorities at BCPs (including Customs and Border Police) were obliged to follow the instructions of the Institute of Public Health of the Republic of Slovenia and of the Ministry of Health.

In addition, Police and Customs cooperate within the framework of the Permanent coordination group to implement security measures related to shipping and ports. Other cooperative parties are the Maritime Administration, the Administration for Civil Protection and Disaster Relief, the Slovene Intelligence and Security Agency, and the Ministry of Interior. The main tasks of the coordination group are to coordinate operations at sea, to exchange of information, mutual assistance and coordination in case of major natural and other disasters, terrorist attacks, etc. There are three levels of protection, it is the Director General of the Police who decides what the level of protection should be (BGQ-SI).

3. SUMMARY AND CONCLUSION

One of the main factors that have an impact on customs and police cooperation is the existing legislation, and above all the Agreement on cooperation between the Police and Customs – a document that contains the format of common meetings and a list of contact persons, defines the status of the Customs Liaison officer accredited at Police headquarters, common planning and coordination of operative work, coordinative work at BCPs, Coordinated approach to PR etc.

Each service has its own responsibilities, powers and tasks at BCPs. Customs are responsible for control of goods and police for control of passengers. The workflow at BCPs is managed separately, in the form of consecutive controls: at entry Police control is first, followed by Customs, whereas at exit it is vice versa. As the tasks, powers and obligations are very clear and they do not present any obstacles to cooperation and communication.

The communication on higher levels of management (at BCPs and directorate levels) is smooth, efficient and productive. In particular the heads of both institutions at BCPs need to cooperate closely and on weekly basis in order to fully consider all the major issues that arise in their work. Their agreements are in most cases oral and both sides reported satisfactory implementation. Another aspect of cooperation is also the communication with Croatian border police and customs. Both Slovene customs and police reported very good and effective communication.

Dissatisfaction with cooperation is perceived (and reported) only by the lower level police officers. Some officers found cooperation with Customs officers to be very poor. They (Customs) were cooperative and kept to the established agreements, but often in a counterproductive way.

For example: when a front line police officer needs a garage which is operated by Customs, according to an Agreement between Police and Customs the Police may use can call a customs officer and ask him to unlock the doors. On many occasions the Customs officers seemingly deliberately left police officers to wait for them; sometimes even for more than an hour, even though they work at the same facilities. Another problem front line police officers mentioned was trust. Due to some criminal involvements of some Customs officers in the past the trust between both services is very low. Another problem, perceived by front line Police officers, is that the workload between the two agencies is often unequal, as police resources are much more stretched.

One interesting detail is that while cooperation at this level is considered as satisfactory by interviewed customs officers, it is qualified as 'very poor' by their police counterparts (BGI-SI; BGQ-SI; CI-SI; CQ-SI).

As regards the equipment sharing, the equipment is owned either by Customs or Police. In this sense the equipment is not shared. However, in case of need, e.g. when the police dog-handle is present and the customs dog-handler is not, the police dog-handler carries out the task, based on an informal agreement. An exception is the inspection area (room) at the BCP Obrežje, where the trucks are inspected. The area is managed by the Customs, however, it is shared with the Police when needed (BGQ-SI; CI-SI).

The most important efficiency indicator is represented by the joint operational activities of SUSBC (an integral part of the Border Police Division – at national level). In this regard procedures are carried out in a faster and more efficient manner, because all the main parties required for the tasks are present. In these joint actions both agencies are involved in surveillance at the same time. These kinds of actions are implemented at least once a month. The arrangements about when and where the joint operational activity will take place are established by the heads of both units. Such approach not only makes the work flow smoothly but is also a user-friendly approach towards travellers (drivers, passengers).

To conclude, each service has its own responsibilities, powers, tasks and risk analysis, which are the most important guidelines for their work. The cooperation between (Border) Police and Customs administration is in general very good, with slight deviations at the lower levels. Nevertheless, the job on both sides is performed satisfactorily.

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COUNTRY STUDY: SPAIN

TABLE 53. LIST OF INTERVIEWEES

Position	Department	Institution
(Lt.Cdr) Capitan de Corbeta	Section for strategic planning	Navy
Deputy Head	International Relations	Customs
Deputy Director General	Adjunct Directorate for Customs Surveillance, DAVA	Customs
Investigator	Customs Surveillance	Customs
Investigator	Customs Surveillance	Customs
Inspector	Customs Technical Unit	Customs
	Complaints Unit	CNP
Head of station	Barajas	CNP
		CNP
Deputy Head	Adjunct Directorate of Customs Surveillance – Algeciras	Customs
Investigator	Risk Analysis Unit at the Adjunct Directorate of Customs Surveillance – Algeciras	Customs
Head of border post – Algeciras	Borders Department	National Police
Investigator	UDYCO-Malaga	National Police
Head of Fiscal Unit	Guardia Civil – Algeciras	Civil Guard
Head	Fiscal Unit at Madrid-Barajas Airport	Civil Guard
Sergeant 1° D	Fiscal Unit at Madrid-Barajas Airport	Civil Guard
Guardia Civil D	Fiscal Unit at Madrid-Barajas Airport	Civil Guard
Subtenient	Fiscal Unit at the Port of Algeciras	Civil Guard
Cabo 1° D	Fiscal Unit at the Port of Algeciras	Civil Guard

TABLE 54. LIST OF ABBREVIATIONS

Abbreviation	
CICO	Centro de Inteligencia contra el Crimen Organizado (Intelligence Centre on Organised Crime)
CGC	Civil Guard Corps (ES)
CNP	Cuerpo Nacional de Policía (ES)
DAVA	Adjunct Directorate of Customs Surveillance (Direccion Adjunta de Vigilancia Aduanera)

TABLE 54. LIST OF ABBREVIATIONS (CONTINUATION)

Abbreviation	
AEAT	State Agency for Tax Administration ('Agencia Estatal de Administración Tributaria')
UCF	Central Border Unit (Unidad Central de Fronteras)
ODAIFI	Office for Analysis and Fiscal Investigation (Oficina de Analysis e Investigacion Fiscal)

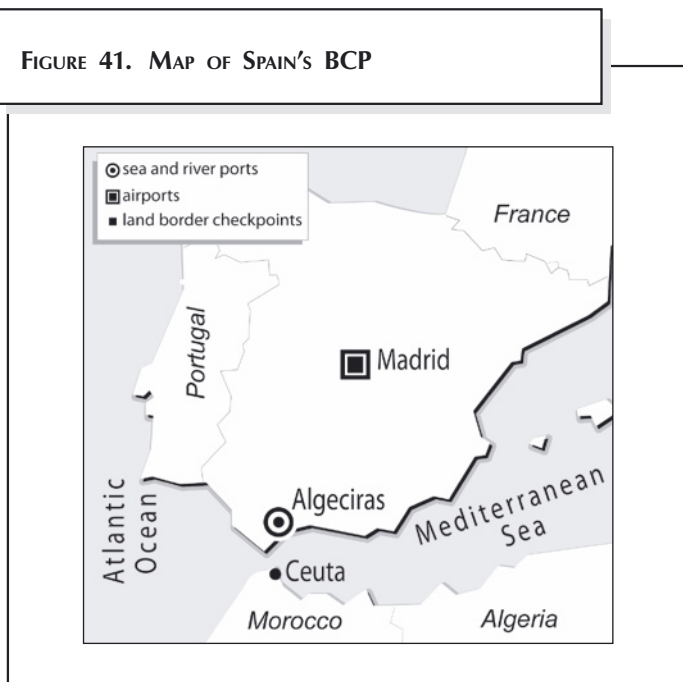
1. INTRODUCTION AND CONTEXT

1.1. National context

Spain has a complex external EU border. Its coastline is 6,584 km long, with 34 international ports, 31 international airports, and 4 land border crossings, two of which, Melilla and Ceuta, are on the border with Morocco, and La Seo de Urgel, which is on the border with Andorra. In addition, La Linea de la Concepcion (with the UK/Gibraltar) is also a land border crossing, as Gibraltar is not part of the Schengen Area, and is a duty-free zone. The Balearic Islands in the Mediterranean and, in particular, the Canary Islands (which are not part of the EU VAT Area), situated off the coast of Africa, further complicate the management of Spain's external borders.

Spain's geographic position explains in part the specifics that make border management a challenging task.

FIGURE 41. MAP OF SPAIN'S BCP



- As a tourist country, significant numbers of tourists pass through BCPs during tourist seasons.
- As a transit country between Morocco and continental Europe, significant numbers of migrant workers pass through Spain's southern ports and land border BCPs during the summer months.
- The proximity to Africa makes the country vulnerable to irregular migration, with a constant flow of attempted illegal border crossings.
- As the main gateway to Latin America (via air) and Morocco (via ferry-boats) Spain is the key entry point for cocaine and cannabis into the EU, putting additional pressure on border and customs control agencies.
- The Spanish fishing fleet is made up of almost 13,400 vessels. Although it has shrunk in recent years, it is still the biggest fleet in

the EU in terms of tonnage, and this makes control of the maritime border even more challenging.

The challenges in Spanish border protection arise not only from the geographic location but also from the active organised criminal networks. In particular three key features set Spain apart from other EU countries.

- Historical and cultural connections with Latin America and Morocco: both are sources of irregular migrants and drugs; Spain is the main transit point for hashish/cannabis coming from Morocco to the Netherlands. Similarly, the cocaine smuggled from South America (often via Africa) to Spain is then transferred to the Netherlands, France and Italy for further distribution. (Europol, 2009: 28, 42-44). In 2004, Spain accounted for more than 40% of all cocaine seizures in Europe (United Nations World Drug Report (2006).
- Dynamic immigrant population: of all EU Member States in the past decade, Spain has had the largest increase in its immigrant population, which has risen from 2% to almost 10%. The large immigrant communities from Northwest Africa (Morocco), South America (Ecuador, Colombia, Bolivia), and Eastern Europe (Romania, Bulgaria) determine to a certain extent the main countries of origin for the other key criminal markets: those related to trafficking in human beings and irregular migration.
- Rapid economic development since 1990, along with the development of the tourist industry and real-estate across the country, and in particular on the Mediterranean coast, resulted in concentrated investments of criminal assets, while domestic illegal markets (for drugs and prostitution) grew rapidly. Trafficking in labour and irregular migration is another result of this rapid development.

1.2. Institutional context

The border management in Spain is shared among three institutions: the National Police Corps – CNP (Cuerpo Nacional de Policía), the Civil Guard Corps – CGC (Cuerpo de la Guardia Civil), and the Customs (the Customs and Excise Department of the State Agency for Tax Administration). The CNP and the CGC are both part of the *General Directorate of the Police and Civil Guard*, which is part of the Ministry of the Interior. The Customs are part of the Ministry of Economy and Finance. There are other law enforcement agencies present in or around the BCPs and borders; these may include Port Police, Municipal/Local Police, or the autonomous region's forces, for example, the Mossos d'Esquadra in Catalonia and the Ertzaintza in the Basque Country. Typically, these agencies control the traffic or may be responsible for public order in or around the BCPs. Finally, the Spanish Navy also plays a role in 'blue' border protection. For the purposes of the present study, we have analysed the relationship between the Customs and the National Police, and the Customs and the Civil Guard. The relationship between the Civil Guard and the Customs is undoubtedly stronger due to the specific powers and tasks of the Civil Guard.

Civil Guard Corps

The history of the CGC gives it special powers that combine police, military, fiscal guard, and customs functions observable in only a few other EU MSs (e.g. in Italy's Guardia di Finanza). The Civil Guard Corps (with a staff of approximately 75,000) is of a military nature but is related to several Ministries.

- Structurally, the CGC is within the Ministry of Interior, and its police and public order duties, and its budget are controlled by the MoI. The CGC carries out police functions and is responsible for all municipalities with a population of less than 20,000. Therefore it is found throughout the country, with proper criminal investigation, traffic control, and public order functions. The CGC has seven regional units specialising in the fight against organised crime, called Counter-organised Crime Teams (ECO – Equipos contra el Crimen Organizado).¹¹⁷
- The CGC contributes to the activities of Customs around 4,000 CGC officers who, being answerable to Customs (and the Ministry of Economy and Finance), carry out customs policing tasks at the customs facilities (at seaports, airports and land borders) ('Resguardo Aduanero').¹¹⁸
- Due to its military nature, the CGC is also connected with the Ministry of Defence, and would come under its command in time of war, or other national security emergency.

The CGC has a multifaceted role in protection of the borders. The Jefatura Fiscal y de Fronteras (Fiscal and Borders Department) is the main CGC unit represented at the BCP. The CGC's border management functions include:

- security of BCPs: protection of the facilities (port or airport), and runways (in the case of airports);
- control of the import/export of goods, including inspection of cargo and passenger luggage;
- blue border security (including immigration control): the CGC performs a coast guard patrol function (it has approximately 50 patrol boats). Some of its boats are dedicated to inspecting fishing boats. CGC has maritime units at sea ports to perform these functions.

Typically, the CGC has the highest number of staff members at BCPs in comparison to the CNP or the Customs.

¹¹⁷ The ECOs are located in regions with higher organised crime activity: Alicante, Malaga, Barcelona, Pontevedra, Baleares, Las Palmas, Tenerife.

¹¹⁸ In Spain, the tasks of the fiscal police have always been implemented by a police force that is separate from the Customs, but which has functional dependency on Customs. Initially these tasks were implemented by the so-called 'Cuerpo de Carabineros del Reino', a military force, established in 1827. In 1940, the Cuerpo de Carabineros was integrated into the Guardia Civil, the latter assuming the customs policing tasks previously undertaken by the Carabineros (Guardia Civil communication to CSD, dated 13.10.2010).

Customs

The Customs are constituted as a department within the State Agency for Tax Administration ('Agencia Estatal de Administración Tributaria' – AEAT). The AEAT itself reports to the Minister of Economy and Finance. The Customs and Excise Department consists of administrative units and an enforcement arm, called the Adjunct Directorate of Customs Surveillance (Dirección Adjunta de Vigilancia Aduanera – known as DAVA). DAVA's enforcement functions correspond with those of a 'fiscal police', combating smuggling, money laundering, and fiscal fraud. The Customs also have a maritime department, which has significant air and naval fleets (historically the Customs were part of the Navy).¹¹⁹ In comparative terms, the Customs are a much smaller organisation, compared to the CGC or the Police. They have only 3,243 officers (2008 figure). The Customs have fairly broad law enforcement powers, including arrest, investigation, and intelligence.

National Police

The 64,000 person strong National Police or 'Cuerpo Nacional de Policía' (CNP) is the main law enforcement agency in Spain responsible for municipalities with populations of over 20,000. In addition to its regular police powers, the CNP has competence over the immigration and aliens regime throughout Spanish territory. This comprises

- the control of documents for entry and exit across national borders
- enforcing the legislation concerning immigrants and refugees.

The main CNP unit tasked with border and immigration controls is the General Commissariat of Foreigners and Borders (Comisaría General de Extranjería y Fronteras), and more specifically the Central Border Unit (UCF – Unidad Central de Fronteras). The UCF has an Operational Service stationed at BCPs. The police officers who work at the border crossing points need to pass two 30-hour long specialisation courses: in counterfeit documents and in border crossings operations. In addition, the new officers are inducted into the work at the BCP by working alongside a more experienced colleague.

Another relevant UCF unit is the group of about 120 officers who specialise in the prevention of irregular immigration. They are called the Response Brigade for Illegal Immigration (BRIC – Brigada de respuesta a la inmigración clandestina). This unit supports BCPs in preventing irregular immigration.

The CNP is also tasked with countering the trafficking and distribution of illegal drugs and stolen vehicles, for which it has a number of specialised organised crime investigation squads, and the Customs often work jointly with them. These squads are part of the Drugs and Organised Crime Unit (UDYCO – Unidad de Drogas y Crimen Organizado), and they

¹¹⁹ In terms of naval capability, it has 20 high-speed patrol vessels, 4 light patrol vessels, 16 high-seas medium patrol vessels, 2 high-seas large patrol vessels. It also has an airborne fleet of 6 helicopters and 6 aircraft. (Source: Spanish Customs).

are based in the larger cities. Another is the GRECO (Special Response Groups against Organised Crime), which might include UDYCO officers. These units are regionally based.¹²⁰

In September 2006, a National Intelligence Centre against Organised Crime (CICO – Centro de Inteligencia contra el Crimen Organizado) attached to the Ministry of the Interior was established. CICO coordinates counter-narcotics operations among various government agencies, including the CNP, the CGC, Customs and the Ministry of Defence.

Institutional cultures

The three institutions have quite different institutional cultures. Whereas, the Civil Guard is a military institution with its specific military order and traditions, National Police officers, although within the same directorate of the Ministry of the Interior, are considered as civil servants, with the right to join trade unions. They have a much more law-enforcement culture, with a special civil servants status. It is still, though, a very 'hierarchical institution with a strict disciplinary regime' (National Police Communication to CSD, 13.10.2010).

Customs, however, incorporates two different cultures, and some Customs interviewees clearly distinguished between them: the staff of the Adjoin Directorate of Customs Surveillance (DAVA), which mostly consists of investigators, described themselves as a typical law-enforcement agency. The rest of the Customs, which undertakes fiscal and administrative tasks, was described by the DAVA officers as being much more like a government bureaucracy. There was no consensus as to whether these cultural differences impeded or aided cooperation. Some DAVA officers found working with the Police much more difficult than with the Civil Guard, while others disagreed and found there was no difference.

What certainly impedes informal relations is that each agency has a very unique and strict career path and background. The CNP and CGC officers went through their respective academies, each of which is considered prestigious. The Customs also go through their own special school, particularly the DAVA officers. Even the maritime unit's staff is prepared at its own training institutions that are different from the Naval Academy. As a result, none of the officers at the three border management institutions have a shared background, neither were there any cases that interviewees could remember where one would work for CNP/CGC and then move to Customs/DAVA or vice versa. Finally, the CNP and CGC staff have the right to periodically rotate their jobs after every two years of service, and a number of them do so, usually trying to find a placement closer to family and friends.

Other issues that have an impact on relations between the institutions, such as political influences and corruption, cannot be dismissed, but are difficult to examine with any depth in this report. Corruption within

¹²⁰ GRECO groups are located in regions where there is a greater concentration of organised crime. They are headquartered at 6 locations around the country: Malaga (Costa del Sol), Cadiz, Canarias, Belears, Levante, and Galicia.

the CNP or the CGC is occasionally uncovered, and instances were quoted at both the sites visited. Corruption, though, is not a widespread phenomenon. It is, therefore, a basic issue of trust, and of knowing a counterpart who might impede the work, especially during special anti-narcotics operations. As one officer stated 'information leaks might happen at every institution. Therefore, you trust the particular person, not the institution'.

The political influence over the border agencies is difficult to distinguish from the overall political influence that exists at the highest levels of Customs, the CNP, and CGC, and their relations with the Ministry of Economy and Finance, and the Ministry of Interior respectively. At the BCP level political influence is not directly felt (the Heads of the CGC or CNP at the BCPs visited, for instance, had been in their positions for many years, during different governments). At the top level, though, this is not necessarily true, as the relationship between the Heads of CNP/CGC, or Customs with politicians and political appointees is direct. Although such high-level interviewees were not part of the study, on several occasions interviewees at the BCPs explained the lack of certain forms of cooperation with decisions 'at the political level' or due to 'high-level rivalries' between the heads of their institutions.

1.3. Context of visited sites

The sites visited as part of this country study were the largest airport in Spain (Madrid-Barajas) and the largest port (Algeciras). Both sites were selected by the recommendation of the host authorities, as they deemed these as two of Spain's most important BCPs where cooperation was particularly good.

At each site a sample of three officers from CNP, CGC, and Customs were interviewed. The officers were from different departments and levels. In addition, telephone interviews were conducted with representatives of the headquarters of each of these institutions in Madrid. A representative of the Spanish Navy was also interviewed in Madrid.

Madrid-Barajas Airport

Madrid-Barajas Airport, situated 13 km from Madrid's city centre, is Europe's fourth largest airport. In 2009 it processed 48.4 million passengers, 435,187 flights, and 302 million kg of merchandise. Approximately, 16% of the passenger traffic is subject to entry visa requirements, while 7% were non-EU third country nationals not subject to a visa requirement.

The airport has four terminals and a cargo terminal, which opened in 1994. Terminal 3 serves exclusively Schengen Area flights. Terminal 4 is the newest. In December 2006, the Basque terrorist organisation ETA bombed it, killing two people.

Barajas serves as the gateway to Spain, and is one of the main gateways between Europe and Latin America, with over 70% of the flights serving these routes. The flights coming from Africa and Latin America are generally considered high-risk, as drugs in cargo, luggage, and swallowers

(boleros) are intercepted daily. The main types of drugs smuggled are cocaine and cannabis. In addition, in recent years, with the increase in taxes on tobacco, increased smuggling from Eastern European passengers (e.g. Bulgarians) has also been detected. Irregular immigration is also a concern.

The institutional context at Barajas encompasses more than 2,000 staff, including CNP (560), CGC (756), Customs (150), Municipal Police (controlling traffic around the airport) and private security guards (responsible for luggage inspection). Of these, CGC has 350 personnel dedicated to fiscal policing, and 250 dedicated to security functions, with additional staff assigned at the nearby smaller airport. The Customs are generally represented in two main staff functions: the Customs Surveillance staff (*Vigilancia Aduanera*) with 22 staff (dedicated to investigations), and 100 administrative staff, dedicated to processing the import and export of goods, or technical support related to registering the import/export of cash. The Police have several departments: staff for processing visa requirements; 'judicial police', who investigate airport-related crime (e.g. thefts that occur at the airport); citizen complaints from police mistreatment; as well as a drugs investigation unit. These three institutions occupy different areas of the airport, as the Customs' surveillance unit is located at Terminal 4, as along with the CGC's Fiscal Unit. The CNP is headquartered at Terminal 1, where sections of the CGC are also located.

The Port of Algeciras

The **Port of Algeciras** is the second-largest container port in Europe, handling 3.6 million TEU¹²¹ of cargo in 2007. The port is an important stopping point (for refuelling or restocking) for ships heading towards or coming from across the Atlantic Ocean. Around 100 ships go in and out of the port daily. It is situated in the town of Algeciras, which, with its population of 116,209, is a medium-sized town. The relative size of the port to the size of the town of Algeciras means that the port and port-related business are the main economic activity of most people who live there.

The port of Algeciras has a busy ferry port, running two lines to the African coast: Ceuta (Spain) and Tangier (Morocco). In 2009, 203,572 lorries were processed¹²² through the roll-on/roll-off terminal at the port. There are two privately operated container terminals (the new automated yard-system Hanjin Shipping terminal, and the Maersk terminal). The port is adjacent to the centre of the city Algeciras. This immediacy to the town poses challenges to securing the port area. Most port areas, particularly the passenger terminal, have open public access. Other areas, such as the container terminals, have controlled access. Their sheer size, though, and the number of trucks or trains that enter and exit these areas create challenges for the port's security. On the other hand, the central location of the port facilitates cooperation with local or regional CNP or CGC offices and units.

¹²¹ Twenty-foot equivalent units.

¹²² While some of these are local traffic to Ceuta, the ferries to Tangier almost entirely service commercial traffic either originating in, or with a final destination to, Morocco.

The institutions present at the port have a total staff of around 500 officers, including CGC (154) CNP (120), and Customs (140) (of which around 25 are with DAVA). In 2009, the Customs almost tripled its personnel, as it set up a 'Frontier Inspection Point', allowing 24/7 inspections, and involvement in Container Security or Megaports Initiatives (see below).

FIGURE 42. THE PORT OF ALGECIRAS WITH GIBRALTAR IN THE BACKGROUND¹²³



Unlike at Barajas airport, at the port of Algeciras there is a significant present of the Port Police (110), which maintains security and civil order and controls traffic at the port. The Algeciras city police are also in evidence, as they control the traffic and public areas around the port. Nevertheless, interviewees from all the border agencies commented that the staff at the port is insufficient due to the size of the port, and that a wider security perimeter was needed around the port. During July and August additional CGC and Port Police officers are brought to boost personnel for the annual Passage of the Strait Operation (see section 2.12 on emergency cooperation).

The crime and immigration risks that the Port of Algeciras faces are significant. The volume of irregular immigration through the port is less than that by boat at on beaches along the coast, but is a problem, as interceptions are made daily (of passenger vehicles and lorries). Smuggling of drugs (hashish from Morocco and cocaine from South America, including

¹²³ The large piece of newly developed land to the right is 'Isla Verde exterior', where shallow waters were converted into an island, and will become the Hanjin Shipping Terminal. This expansion will be balanced by a reduction, as part of the port adjacent to the city centre is in the process of being converted into a coastal public area, and is to be transferred to the city of Algeciras.

via West Africa and Morocco), as well as tobacco and counterfeit goods from Asia are the most significant challenges identified by interviewees. Drug smuggling both in cargo (trucks and containers) and through individual 'mules' (i.e. carriers, including boleros), are the main ways of smuggling. The most pressing issue with outgoing traffic is smuggling of stolen vehicles from Spain or other parts of the EU to Morocco.

The wider arena of risk includes other nearby ports (Gibraltar, Tarifa, the commercial port at Guadarranque, or the numerous small marinas in the bay). For instance, the Customs Administrator of the Port of Algeciras is also responsible for the land border crossing of La Linea de la Concepcion (21 km to the east of Algeciras on the border with Gibraltar). Gibraltar with its duty-free, off-shore status, and with cigarettes being at least three times cheaper than in Spain, is a source of daily tobacco-smuggling attempts (either via female bootleggers, called 'matateros'), or of more organised attempts via lorries and small boats that can easily reach the nearby beaches. Over half the administrative fines for customs fraud in Spain are registered at La Linea de la Concepcion (almost all of these are related to cigarette-smuggling attempts).

Another factor that adds to the complexity of the Port of Algeciras is its connection with Ceuta, the Spanish town with 80,000 inhabitants which is sited on the African continent with a regular ferry service to Algeciras. The town is entirely surrounded by a fence and has several border crossings with Morocco, which have a heavy presence of both CGD and CNP personnel. There is an agreement with Morocco, though, that family members of Moroccans who live in Ceuta can visit them from Morocco without a visa, and without the right to further access to the Schengen Area. Therefore, at the Port of Ceuta another document inspection is carried out before passengers board the ferry to Algeciras. In addition, at Algeciras, profiling and ad hoc checks are used for secondary control of ferries arriving from Ceuta. The waters off the coast of Ceuta are under intensive surveillance by the CGC and the CNP.¹²⁴ There is also one further complication, as Ceuta is not part of the EU Customs Union.

TABLE 55. ANNUAL STATISTICS OF SITES VISITED (2009)

Site name	Nº of people crossing	Nº of cars crossing	Nº of trucks crossing	Tons of cargo	Nº of containers (TEUs)	Nº of customs officers	Nº of border guards
Madrid Airport	48,400,000	n/a	n/a	302,000	n/a	150	1,316 (CNP & CGC)
Port of Algeciras	4,840,000	1,197,669	203,572	37,879,934	3,043,268	140	147 – CGC 81 – CNP

¹²⁴ Guard ships and patrol boats with 621 Guardia Civil officers and 548 police officers take part in the control operations on a regular basis. (Delegation of the Spanish Government in Ceuta, <http://www.worldpress.org/Europe/3371.cfm>)

Interviewees therefore commented on the frequent attempts to smuggle excisable goods, particularly cigarettes.

The summer period is also used by irregular immigrant smugglers, and during that time, a marked increase in smuggling activities requires special measures to protect the external border.

Organisation of management and structure of the BCPs

The management and operations of both BCPs visited were quite similar. The offices of the border institutions (CNP, CGC, and Customs) at both sites, however, are at separate locations. While the CNP/CGC are located at the same terminals (Terminal 1 at Madrid-Barajas, and the Passenger Terminal at Algeciras), the Customs are at a different location (Terminal 4 at Barajas and the cargo terminal at Algeciras). On the other hand, there are some locations where the Customs and Guardia Civil personnel work side by side. For instance, at Barajas, Police or Customs officers often bring suspects for further inspection to the passenger inspection area where the Civil Guard officers inspect luggage. At this location there is also a Customs office for currency controls or technical support. At Algeciras similarly, in the passenger inspection areas, or the cargo-scanning areas, Customs and CGC staff work together, and informal relations exist between them. The contacts between the Police and Customs are less frequent. Some police officers commented that they ‘hardly ever, if at all, meet or need to work with Customs’.

Each institution has a separate hierarchy and management, and no single institution or individual is in charge at the BCP. Management of the BCPs is instead a multi-agency effort that also involves the Algeciras Port Authority and the airport management company AENA (Aeropuertos Españoles y Navegación Aérea), a public company attached to the Ministry of Public Works and Transport (and which manages all Spain’s airports).

One specific aspect of the management arrangements at BCPs in Spain is the relation between Customs and the Civil Guard – these are explained in further detail below: essentially, part of the Civil Guard staff is answerable to the Head of Customs at the BCP (the Administrator).

2. COOPERATION

2.1. Legal basis for cooperation

There is no overarching agreement that specifically regulates the cooperation between Customs, the CGC, CNP, and the Navy. The underlying legislation for each institution provides for the cooperation with the other one. For instance, the legislation that regulates the CGC and the CNP is the *Law on Security Forces and Corps of 13 March 1986*.

The Customs are regulated by the Resolution of 21 September 2004 Presidency of the State Agency for Tax Administration, which establishes the structure and territorial organisation of the State Agency for Tax

Administration. In addition, the planning and coordination of the functions of DAVA are set out in Law 66/1997 of 30 December on Fiscal, Administrative and Social Order (Article 56.3.2).

The main laws that might have been expected to include specific articles on cooperation instead aim to clearly circumscribe the responsibilities of each institution (e.g. the Law 4/2009 of 15 June, on the control of drug precursors; or Law 53/2007 of 28 December, on the control of international trade in military and dual-use goods). However, there are specific agreements on operational cooperation as well as internal customs instructions on how Customs should cooperate with the CGC in the prevention of drug trafficking, information exchange, training, etc. (e.g. Instruction 2/2003 of the Department of Customs, or Order 1994 of the Civil Guard). The instructions are not developed in fine detail, but they do envision contact points for the purposes of collaboration (EQ-BG). At regional/BCP level, there are protocols for exchange of information on the areas that are being patrolled and the timetables of sea-patrols. None of these were publicly available, however, and could not be assessed.

With regard to maritime cooperation, at the time of writing this report, an agreement was being developed. This agreement will arrange for cooperation between all the institutions involved in the protection of the maritime border (including Navy, search and rescue, environmental control, fisheries control, CGC, Customs).

2.2. Strategic planning

All agencies consulted during the study agreed that at the strategic level there was no specific cooperation between the Civil Guard/National Police and Customs. In terms of developing short or long-term strategies, agencies did not consult each other, and did not take each other's priorities into account when developing their own strategies. At central level, though, senior officials (heads of CGC and Customs) meet once a year to discuss goals, assess new threats, etc.

One aspect on which there seems to have been some progress in recent years is maritime border protection. According to a Navy representative, cooperation over the maritime border has significantly developed over the past decade, and especially over the past five years (2005 – 2010). It has become clear that the available resources need to be used more efficiently, in particular sharing information about operations, investigations, or risks. The five organisations with coast guard functions (see section 2.9, on control outside BCPs) are presently preparing a cooperation agreement. The process was described as a bottom-up approach, whereby the need for cooperation was gradually identified by the people on the ground, and this issue is now being pushed up towards the political level.

2.3. Coordination of workflow at BCP

The management of BCPs is generally divided among all institutions and organisations (public or private) that operate at the BCPs. As noted earlier, the law enforcement institutions (CGC, CNP and Customs) have their own hierarchical structure. In practice, though, the fiscal part of the CGC is under the management of the Head of Customs at the BCP,

known as the *Customs Administrator*. The CGC units that inspect cargo and passenger luggage are considered to be under the management of the Administrator. This relationship is described as 'functional dependence' of the CGC staff on the Customs' Administrator. The Administrator, however, has no direct power of 'control' over the CGC staff (in terms of hiring, firing, or promoting them). Rather, the Administrator relies on good cooperation and good will to manage the CGC personnel. The CGC fiscal staff is at Customs' disposal, as the Administrator determines how many of them are needed at each terminal, particular lanes, etc. The Administrator might set the priorities in this respect, but at the same time, the CGC officers follow their own priorities or risk analysis when inspecting cargo or luggage.

The control of passenger and cargo flow at BCPs is almost entirely handled by the CNP and CGC, with the Customs having only an auxiliary role. The National Police is in charge of border control (first and second line control), and the CGC then carries out customs control. At Barajas airport, the Customs staff were only concerned with administrative matters, such as control of cash movements (filling out declarations), or could be consulted for passengers' personal information (such as address registration, or real estate assets registered on the suspects' name) in cases where a suspect is detained.

The National Police is solely responsible for checking travel documents at BCPs. It monitors whether the requirements of entry have been fulfilled, and decides whether travellers should be refused entry. It also deals with applications for asylum or international protection. At Barajas Airport, police investigators (usually non-uniformed) could also use their own risk profile/information to search passengers for drugs. In such cases, the officer simply accompanies the passenger to the inspection area where the luggage (or the passenger) can be inspected.

At sea, land and airport BCPs, travellers' belongings are inspected by the Guardia Civil (*not Customs*), which is in charge of control of imported or exported goods. It is also in charge of protecting the green and blue borders. In both these respects (i.e. import/export and border protection), cooperation between Customs and the Guardia Civil/National Police is of very little significance.

At some BCPs, especially the major ones (such as those visited during the study), there is an on-duty Customs officer. When drugs, or other illegal goods or imports are detected in contravention of customs regulations, this officer is called upon for further investigations.

Generally, there is joint analysis of workflow, and coordination of shifts and detailed checks. There are no standard evaluation procedures to assess the effectiveness of cooperation over the processing of goods. Ad hoc evaluations are done, though. For instance, several years ago in Algeciras, the processing of the increasing numbers of Moroccan passengers using the ferry port services during the summer months (explained in detail in section 2.12 on Emergency Cooperation) had become so slow that waiting times had reached up to eight hours. At that point, a

task force was formed to monitor the processing times, and a number of changes were introduced; now, the waiting times are less than one hour. One of the measures introduced was to change the locations of the Customs/CGC and the Police inspection points, in order to optimise the traffic flow. The flow of passengers at a location such as a port or airport, though, depends on many other institutions as well: in this example, the ferry companies had to be persuaded to allow passengers to use their tickets interchangeably, so that only a single queue was needed, rather than having different queues for different ferry companies. The port police needed to be involved in reorganising the traffic queues, while the port administration had to be involved in re-arranging the sanitary and health facilities.

Ships are initially inspected by the CGC, followed by other authorities if port entry is granted. The inspection of cargo-trucks is carried out jointly by the Customs and the CGC. There, coordination of shifts exists, because although the two institutions are involved, they do not always need to be fully staffed. During the time of the visit to Algeciras, for instance, only CGC personnel were carrying out the inspections. Air cargo is only inspected by the CGC, while the Customs staff process the paperwork.

2.4. Risk analysis

The respondents to the surveys indicated that although each institution carries out its own risk analysis and has its own risk profiles, the central administrations 'share' or 'cooperate' over 'risk analysis' (in particular, over 'identification of risk areas' and 'allocation of resources'). None of the survey respondents considered any area a 'best practice' (EQ-C).

During the visits to Barajas, it was clear that there is no **formal** exchange of the risk analysis information developed by each institution. The middle-ranking and high-level officers at Barajas, and the crime investigators, were of the opinion that although there was no formal exchange of risk analysis/profiles, they were generally familiar with the risk profiles or analysis of the other institutions through **informal channels**. A simple example provided by one interviewee illustrates this point *'The other day when we were drinking coffee with a colleague from the police, he mentioned that they had seen an increased number of pets being used as drugs mules, stuffed with cocaine'* (I-C). On the other hand, lower-level officers were generally not familiar with the terms 'risk profiles' or 'risk analyses'.

At the Port of Algeciras, the situation is somewhat different. While the Police (CNP) and the Customs do not share risk analyses, the Civil Guard (CGC) and the Customs are working jointly on container risk analysis. The CGC has a seven-person risk analysis unit, called the Office for Analysis and Fiscal Investigation (ODAIFI – Oficina de Analisis e Investigacion Fiscal). Three individuals from this unit work together for part of the time with the Customs' Risk Analysis Unit (Unidad de analisis de Riesgo), and the three CGC officers are given access to the Customs' centrally developed container traffic risk analysis database. The risk analysis module calculates a number of risks and then rates them with a risk value of between 0 and 3. The system does not automatically

trigger a detailed check, but it might trigger an additional investigation, as other factors or information may be taken into account. The CGC officers, though, are not allowed access to any other Customs or Ministry of Finance and Economy databases or modules.

There were different views on the usefulness of this form of cooperation. The CGC found the risk analysis module quite useful, and following the introduction of this joint analysis, it claimed that the number of seizures had increased. The Customs officers argued, however, that other factors might also influence the number of seizures, and that it was difficult to attribute the increased number of seizures solely to the work of the new unit. The Customs officers' view was that the joint work itself was of limited value to Customs, as the Guardia Civil could contribute little to the risk analysis. In the words of one customs officer, probably *'one in ten seizures was the result of CGC input'*. The CGC clearly disagrees with such statements, considering that they reflect opinion only at certain sites, and claiming that the seizures are the result of their joint efforts.

The Customs' Risk Analysis Unit is also working closely (and in adjacent rooms) with representatives of the US Customs and Border Protection Agency (CBPA), as part of the *Container Security Initiative* (CSI). The Customs interviewees rated the cooperation with the US CBPA very highly because, in addition to its anti-terrorist objectives, the initiative often helps with counter-narcotics operations. The US CBPA has offices also in Valencia and Barcelona. Although, the CSI is a counter-terrorist initiative, and the CNP and CDC are the institutions leading the Spain's counter-terrorist efforts, CNP and CDC personnel at the port are not working in any way with the CSI staff.

2.5. Communication & information exchange

The exchange of information seems to be taking place at multiple levels both formally and informally, and, depending on the type of information, either regularly or on an ad hoc basis.

Between CGC and Customs there is a regular exchange of information (such as customs declarations), related to the cargo that needs to be inspected. The inspection is largely done electronically, but the CGC has no direct access to the EU's CIS. CGC personnel do not see this as an obstacle, however, as the Customs deliver the information for inspections in a timely manner. The CGC pass on information to Customs when they detect customs fraud – this is done in paper form.

Risk analysis related information is not exchanged on a regular basis. At some BCPs, there is a CGC unit within Customs that has direct access to the Unified Customs Database BUDA-NET (Base de Datos Unificada de Aduanas). At Barajas Airport, there is no such unit, while at Algeciras it is situated at the Risk Analysis Unit (see risk analysis, section 2.4 above).

The exchange of intelligence information takes place mostly at central level, and mostly on specific cases related to large-scale organised crime investigations, coordinated by CICO (see section 2.7 on investigations below). BCP personnel were generally unaware of the exchanges at this

level. Intelligence information is also exchanged at even higher levels, such as Customs coordinating intelligence information with Military Intelligence units, particularly when planning or carrying out joint operations at sea.

Each institution, though, has its own channels of international information which is largely not shared with the others. For instance, the Customs regularly obtains information through other customs offices in Latin America (e.g. Colombia), or in other EU Member States. This information is not shared with the CNP or CGC (although both have competencies related to drugs interception). On the other hand, the CNP and CGC have their own sources, such as liaison officers placed abroad, or informants, and neither shares this information with Customs, unless Customs intervention is required for a particular case.

In terms of investigation-related information, Customs has no access to the CNP's or CGC's criminal record databases.¹²⁵ Neither does the CGC's fiscal arm have access to any trade or company information databases, which Customs does have through the Ministry of Economy and Finance databases. The CGC therefore relies either on public sources of information, or makes individual requests for information to which Customs has access (such as Customs' own criminal record database). Customs investigators at the BCPs visited generally obtain information informally from colleagues at the CNP or from the CGC's BCP staff, and consider this a very efficient way, as it is quick and without any formalities.

2.6. Training and human resource management

The formal **initial training** that officers receive at each institution – CGC, CNP, and Customs – is separate, and there is no coordination or alignment of this formal education.¹²⁶ The CGC's staff undergoes specialised fiscal issues training at the CGC Academy that prepares them to work on fiscal issues. Additional specialised training is provided if a CGC officer joins a fiscal unit at a border post. There is specialised multi-topic training for Guardia Civil officers who are to work as liaison officers with the Customs.

The only interaction between Customs and the CNP in the area of training is the firearms training that CNP provides to Customs officers during their formal education. The Navy also provides weapons operation training to Customs marine units.

CNP and CGC officers are not given specific education or training in customs matters, neither does the CGC participate in any international customs-related trainings.

More is being done on **advanced training**. Customs officers give lectures on legal and customs-specific issues to CGC officers (for instance on identifying counterfeit goods, money laundering, drugs). The interviews showed that, although such training (in the form of lectures) is provided

¹²⁵ The CNP and CGC's own databases were not linked until three years ago.

¹²⁶ CGC and CNP officers, on the other hand, have some areas of common training related to border protection: airport security (3 courses/year); human trafficking (2 courses/year); or terrorism (2 courses/year).

once or 'a few times' a year, not all CGC staff undergo this training, but only the relevant units.

Although CNP special units often jointly work with Customs in operations against drug traffickers, and although the Navy may also work jointly with Customs in intercepting (including by force) drug traffickers, no joint exercises take place. In the opinion of interviewees, joint trainings are not necessary, as the basic skills and professionalism of staff are sufficient to carry out successful operations without preliminary training exercises.

2.7. Criminal investigations

The border units of the CGC do not conduct criminal investigations. The investigations are conducted either by regional CGCs (such as the ECOs) or at central level. Therefore the DAVA investigators do not cooperate with the border CGC officers.

The CNP, on the other hand, has its own investigators, but it is very exceptional for them to cooperate with Customs. At Barajas Airport, the CNP has investigators, mostly conduct drugs-related investigations. Cooperation with Customs takes place only on big cases, and via CICO. At Algeciras there is an even wider range of investigations, which includes stolen vehicles. The CNP investigators carrying out work on stolen vehicles, though, are not from CNP's General Commissariat of Foreigners and Borders staff, but are from Algeciras' local UDYCO. There is little cooperation with customs in this area. The Customs lack access to Europol's database on stolen vehicles, or to Spain's internal database on stolen vehicles, which was identified as a problem by CNP interviewees. Customs officers were not able to identify stolen vehicles that form part of commercial shipments of used cars (rather than individual vehicles).

The cooperation *with border units* of the CGC or CNP during investigations is quite basic, and mostly technical. At the most basic level, when the CGC detects smuggled substances or cargo, it informs the Customs and one of two procedures comes into play. If it is an individual who is smuggling the substance, then, Customs and the CGC jointly write the offence report. Where there is a cargo-shipment, then the Customs alone is involved and takes the investigation further.

DAVA investigators mentioned that they might request information on criminal records of the suspect(s) from the local police investigators (usually quite informally over the phone). They also obtain information on vehicle registrations from the CGC.

Police/CGC might request information on the assets (e.g. a house) of suspects, or past/ongoing investigations by Customs.

Joint investigations are only ad hoc, and the interviewees could not point to any specific cases of such investigations. When they do take place, it is only by judicial decision (I-C). The majority of joint investigations involve only 'big cases' (large international criminal networks). These are usually coordinated by CICO (Centro de Inteligencia contra

el Crimen Organizado), where Customs is also represented. CICO has two tools: the System for Analysis, Evaluation and Data Gathering on Organised Crime and Drugs (SENDA – Sistema de Análisis, Evaluación y Explotación de Datos sobre Crimen Organizado y Drogas), which is a statistical tool on organised crime and drug trafficking. The second tool is the Investigation Registration System (SRI – Sistema de Registro de Investigaciones), which contains intelligence and investigation information on organised crime and drugs trafficking. The investigators interviewed were generally not familiar with either, because this was something done at central level and BCP staff are not directly involved, they are simply fed the information. DAVA investigators stated that they normally cooperate with regional UDYCO or CGC units, and not with BCP staff.

Similarly, the CNP and CGC staff was not familiar with CICO-led operations, and stated that they were only at the end of the investigation process in identifying or detaining suspects.

Practically, for investigations that have not been initiated or coordinated by CICO, it is entirely possible for there to be an overlap in the investigation, and the same person or drugs network, for instance, could be investigated by Customs and CNP/CGC simultaneously. As neither agency has access to the other's intelligence or criminal record database, unless the investigator requests such records, they might remain unaware of ongoing or past investigations. The investigators interviewed did not indicate that it is part of the normal investigation procedure to request such information. On other hand, they did not point to any actual instances of overlapping investigations.

2.8. Joint operations

There is no protocol or particular agreement that describes roles and responsibilities when operations, including joint operations take place. The decisions on how to carry out an operation are taken ad hoc, depending on the specifics of the operation.

Commonly, joint operations are of several types.

- Police officers, in particular special units, might board customs boats during drug- interception operations. Cases were also described, in which the police officers are used as the formal reason to inspect immigration papers of boats, while the real reason is a Customs counter-narcotics operation.
- Joint operations between CGC and Customs at BCPs target cargo. Several examples were provided of such operations, particularly drugs interceptions. At the ferry terminal at Algeciras in 2003 and 2004, there were big operations that led to the seizure of 25 tons and 17 tons respectively of hashish on trucks coming from Tangier.¹²⁷ In another example, Operation Early Bird was a multinational, multi-agency operation to detect and identify the illegal export by air of dual-use items to Iran, Malaysia and the United Arab Emirates.

¹²⁷ <http://www.guardiacivil.org/prensa/notas/noticia.jsp?idnoticia=1444>

During the visit to the Port of Algeciras, a Frontex-headed Operation Minerva¹²⁸ was taking place. The Customs Administrator was involved in all high-level meetings coordinating the operation, although the Customs were not directly participating.

The Navy and Customs also operate in operations at sea, primarily drugs interceptions. Although the Spanish Navy is not represented at CICO, it could participate in operations that are coordinated by CICO. Annually, there are 3-4 such joint operations (normally each one lasts for 1-2 months). During such operations, Customs officers are usually taken on board Navy vessels, and Customs vessels might be coordinated with Navy vessels. The Navy normally only escorts intercepted boats as far as territorial waters, where the Guardia Civil takes over. The Navy does not take part in the investigations, but only in boards and takes control of targeted boats.

The Navy also cooperates with the CGC in operations against the smuggling of irregular migrants. In the opinion of some of the interviewees, the involvement of Customs in such operations is not appropriate, as this would shift its focus away from its main priorities. Instead the emphasis should be on each agency adequately informing the others when boats are intercepted or suspicious behaviour is noticed, otherwise there is a risk that traditional tasks will not be performed efficiently.

2.9. Control outside permanent BCPs

Spain's geography suggests that, except for the land border crossings at Ceuta and Melilla (with Morocco) or La Linea de la Concepcion (Gibraltar), control 'outside' BCPs is carried out mainly on the maritime borders. The Customs do not have land border patrol units and consequently there is no need to cooperate with the CNP/CGC, therefore, the only area where they could cooperate with other agencies is at the maritime 'blue border'.

One of the specifics of the protection of Spain's 6,584 km blue border is the complexity of the 'border-guard function'. The coast guard functions are split between five agencies:

- The Maritime Safety and Rescue Agency, with its own land-based radars, 75 different boats of various kinds and four aircraft (www.salvamentomaritimo.es).
- The Fisheries control, which controls more than 11,394 fishing boats. (Ministry of Environment, and Rural and Marine environments, www.marm.es). There are four inspectorate control ships, operated by the Navy on behalf of the fisheries inspectorate.
- The Civil Guard has around 50 smaller boats, and is the primary institution in charge of patrolling and protecting the Spanish coastline, and Spanish territorial waters. The maritime arm of the Guardia Civil was created around 20 years ago; CGC has land-based radars for coastline surveillance. It also has specialised boats and staff for the

¹²⁸ This has been an annual operation run by Frontex in the Western Mediterranean (see Frontex General Report, 2009).

protection of the fisheries.

- The Customs have significant maritime capability. They also carry out sea patrols.
- The Navy, which is in charge of security and surveillance, but primarily beyond territorial waters. The Navy's ships operate off the West African coast, and in the Atlantic Ocean and Mediterranean Sea.

This model of coast guard organisation suggests that the Customs need to cooperate primarily with the CDC along the external EU border. At Algeciras, the interviewees from Customs suggested that duplication of effort is avoided, as the CDC and Customs coordinate their patrol schedules and routes. Every week the two institutions exchange this information, so that they do not patrol the same areas at the same time. If the Customs patrol boats (or the Navy) detect irregular immigrants, the CGC is normally called in.

On the high seas, though, Customs cooperate with the Navy, primarily in drug-interception operations.¹²⁹ Such operations are usually initiated and coordinated on intelligence fed through the Intelligence Centre on Organised Crime (CICO), based at the Ministry of the Interior (see more on this below). The Customs may also cooperate with the Navy, when the Navy intercepts fishing boats involved in drugs smuggling.

2.10. Mobile units

The CGC mobile units operating throughout the Spanish mainland carry out inspections of transiting vehicles. They have sufficient powers to inspect cargo, and do not need support from Customs. The Customs mobile units do not cooperate with the CGC in any way (EQ), as they do not carry out patrol tasks near border areas. (Maritime cooperation is covered in the previous section.)

2.11. Infrastructure/ Equipment sharing

Infrastructure sharing at airports is not an issue, because it is managed and arranged through the airport authority. As noted earlier, all three institutions (CNP, CGC, and Customs) occupy different areas of the airport, and each has its own building, managed separately.

Normally the equipment at main airports or ports is shared by all institutions. When necessary, scanners or other equipment can be used by one or another agency, but this usually does not involve any funding issues. At airports, most of the equipment (such as scanners or x-ray machines) is owned and maintained by the airport authority. Each institution, therefore, has equal access to the equipment without any issues arising over cost sharing.

At the Port of Algeciras, the scanning equipment is operated jointly by Customs and CGC (both the mobile truck x-ray scanner/warehouse scanner and the passenger terminal x-ray), as are the Radioactive Detection Systems installed via the Megaports Initiative.

¹²⁹ The Customs ships are considered as 'auxiliary ships' to the Spanish Navy, which can call upon them when necessary.

The acquisition and maintenance costs are either carried by the Customs or the port/airport operator that owns the equipment. The CGC is in effect providing fiscal police services to the Customs and there is no issue of sharing costs. The CNP is not subject to any cost-sharing obligations for the occasional use of scanners to inspect passengers' luggage.

Similarly, when the CNP board Customs boats for drugs operations, the CNP does not bear any costs. The involvement of Navy ships by Customs in high-seas operations also does not imply any additional financial arrangements. Basically, the Customs may request support from the Navy (e.g. when their own sea-going vessels are not available), and if the Navy has available capacity it may become involved.

2.12. Contingency/ Emergency

At both sites visited there are well developed emergency plans, and the Customs participate along with the CNP, CGC, Civil Protection, and the Fire Department.

At Algeciras the interviewees could not remember an actual emergency situation where the plans had to be put into practice, and there are only periodic exercises (I-BG). The port has a detailed emergency plan, and all institutions at the airport participate in it. One example is the annual Paso del Estrecho (OPE) [Passage of the Strait], which is treated as an extra-ordinary, emergency-like situation. This operation (partly described earlier in section 2.3) deals with the increasing number of Moroccan migrant workers who return home annually. The numbers led to excessive waiting times at the Algeciras ferry port. In 2005, the average waiting time to board the ferry boats was 8.5 hours. This resulted in large crowds, inadequate access to basic sanitary services and, on several occasions, even public disorder and public health issues. The Directorate General of Civil Defence and Emergencies of the Ministry of Interior, which since 1986 has been preparing a Civil Protection Special Plan to coordinate the Passage of the Strait, took measures to correct the situation (the involvement of additional personnel for the summer, restructuring of the port).

3. SUMMARY AND CONCLUSION

The institutional set-up in Spain is unique within the EU and bears little comparison with other MSs, where Customs may need to cooperate with both police and militarised police forces (except in Italy where the institutional setup is very similar). For the purposes of this report, the Civil Guard (CGC) and the National Police (CNP) were considered to carry out border guard functions (border protection and immigration control) and therefore the study considered the cooperation of Customs with both institutions. On the other hand, the special powers of the Civil Guard (CGC) and the fiscal services it provides to Customs, in particular its control over passenger luggage and cargo, could be seen as a very close example of cooperation.

Although on a daily level the relationship between Customs and the CGC works without any difficulties and none of the interviewees raised any concerns a number of factors were noted.

- **Political will and vision** – the lack of a strategic direction for closer cooperation, and the understanding (at least on the level at which the interviews took place) that closer cooperation is not seen as a goal in itself at the higher level explains: (1) the lack of specific agreements or a common legal framework; (2) the variations in the cooperation mechanisms at Algeciras and Barajas, and (3) the lack of any cooperation in many areas.
- **Size of institutions** – the lack of political will for closer cooperation could, on the one hand, be explained by the lack of vision (otherwise at the very least, the strategic plans of the organisations would have contained a reference to close cooperation). Secondly, some interviewees hinted at institutional rivalries. The Customs are a much smaller institution and partner in this relationship (e.g. 20 times fewer staff than the CGC). Some Customs interviewees expressed fears that the CGC is trying to further expand its powers. The CGC interviewees disagree with such claims, stating that its functions as a fiscal police have a long history and it limits its activities to those that have been assigned to it. Nevertheless, the Customs, being a much smaller institution, tries to protect its turf.
- **Mixed competencies** – the special position of the CGC led some interviewees to comment that as the ‘areas of competence’ are not clearly defined, and that this leads to frictions. Although interviewees were not willing to talk about specific cases, the inspection and targeting of risk cargo and luggage, and related special operations are the areas where there is the greatest overlap of functions, as either agency (CGC or Customs) could initiate a detailed check.
- **Informal relations** – Spanish institutional culture generally facilitates informal relations and informal cooperation. It would be an exaggeration to conclude, though, that informal relations compensate for the lack of formal arrangements for cooperation. At large BCPs, such as Algeciras or Barajas Airport (where there are over 2,000 officers from all three institutions), most officers do not know each other, even those within the same institution, which makes informal cooperation less likely.

Informality only helps within situations where officers work side-by-side. In practice, CNP and Customs staff have hardly any contact with each other. Investigators from DAVA might gradually develop relations with CNP or CGC investigators, and this could become to the basis for obtaining information informally, without the need for formalities (e.g. on criminal background or ‘risk profiles’). The CGC and Customs, however, work together on a daily basis in the passenger luggage hall (at Barajas) or in truck inspection (at Algeciras), areas where informal relations are common.

As noted in the introductory section, the different institutional cultures, career paths, and professional development make it unlikely that informal relations outside the immediate working environment exist. The Heads of

the respective institutions at the BCPs have various opportunities to meet and establish such informal relations, which greatly facilitate their work. As one interviewee noted, *'it has happened that on occasion I have needed to call [my counterpart at Customs] at 11.30 at night at home, and ask him for an urgent favour. For me this is absolutely normal and OK, but we work here with Frontex officers from across the EU, and [so] I know that this very unlikely to happen in many other countries'* (I-BG)

The informal cooperation, though, is usually built on trust. Trust is difficult to develop amongst low-level officers of CNP and Customs, however, who hardly meet each other, or DAVA investigators at BCPs who have few relations with other CNP or CGC personnel. Interviewees stated that institutional affiliation does not itself imply a higher level of trust. As one interviewee put it *'I would not trust investigators from the CGC more than I would trust the ones from the Police or the Customs if I don't know them. It is knowing the person that creates the trust'* (I-BG).

The forms of cooperation that have been identified could probably be explained with need and gaps that render one or other of the institutions ineffective. Efficiency was less of a reason for the existing cooperation arrangements. In none of the instances of cooperation that were observed was a particular point made about cost reduction as a result of a particular arrangement. The reasons behind some of the more notable forms of cooperation could be interpreted in the following ways.

- **Joint risk analysis** at Algeciras was the product of a local arrangement that, from the point of view of Customs, had little value added, while it was seen as advantageous by CGC. In the words of one interviewee it was more of an exchange of favours: CGC provided data on trucks/vehicles, while the customs provided access to the container risk analysis.
- **Joint training** provided to Customs by CNP and the Navy on weapons/firearms handling, or that Customs provided to the CGC on counterfeit and customs fraud, came out of the realisation that Customs did not have available facilities or specialists (in the first instance), or that CGC did not have the expertise and knowledge.
- **Investigation and intelligence cooperation through CICO** is probably the most direct form of cooperation, and is limited to significant cases. It is difficult to assess its efficiency. CICO's effectiveness, on the other hand, was usually acclaimed, although its main focus of cooperation seemed to be between the CGC and CNP, which had not cooperated adequately for a long time. Therefore, the increased effectiveness of counter-organised crime operations that CICO brought probably reflects CNP/CGC cooperation to a much larger degree than the cooperation of the two police forces with Customs.

With the exception of the maritime field, the interviewees did not indicate any immediate plans to change any of the modes of cooperation described in this study. None of the interviewees were able to formulate any pressing reasons for cooperation either. The prevailing view was that the clear distinction of responsibilities and tasks may make the work between the institutions easier.

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COUNTRY STUDY: UNITED KINGDOM

TABLE 56. LIST OF INTERVIEWEES

Primary Position	Department	Institution
Chief UKBA Officer – LGW	UKBA Border Force	UKBA
Mobile Team Leader – LGW	UKBA Border Force	UKBA
Intelligence Analyst – LGW	UKBA Border Force	UKBA
UKBA (PCP) Officer – LGW	UKBA Border Force	UKBA
Management support officer – LGW	UKBA Border Force	UKBA
Management support officer – LGW	UKBA Border Force	UKBA
Assistant Director/Grade 7 – LGW	UKBA Border Force	UKBA
Assistant Director/Grade 7 – POR	UKBA Border Force	UKBA
UKBA officer (PCP) – POR	UKBA Border Force	UKBA
Higher Officer Multi Function/Flagship Team Leader – POR	UKBA Border Force	UKBA
Higher Officer/Team Leader – Legacy Customs Team – POR	UKBA Border Force	UKBA
UKBA/HM Immigration Inspector	UKBA Border Force	UKBA

TABLE 57. LIST OF ABBREVIATIONS

Abbreviation	
ACPO	Association of Chief Police Officers
AEP	Active Enhancement Programme
BIA	Border and Immigration Agency (UK)
CITES	Convention on International Trade in Endangered Species
CTA	Common Travel Area – UK, Ireland, Isle of Man, Channel Islands
HMC&E	Her Majesty's Customs and Excise
HMI	Her Majesty's Immigration Service (UK)
HMRC	Her Majesty's Revenue and Customs (UK)
HO	Home Office
IO	Immigration officer
ISU	
LGW	London Gatwick (UK)

TABLE 57. LIST OF ABBREVIATIONS (CONTINUATION)

Abbreviation	
NCA	National Crime Agency
POR	Portsmouth (UK)
SOCA	Serious Organised Crime Agency
SDSR	Strategic Defence and Security Review
UKBA	United Kingdom Border Agency
UKHTC	United Kingdom Human Trafficking Centre
SIS	Schengen Information System
PCS	Public & Commercial Services Union
PSA	Public Service Agreements
PCP	Primary Control Point
NBTC	National Border Targeting Centre
MTIC	Missing Trader Intra-Community

TABLE 58. LIST OF OBSERVED BORDER FACILITIES AND ACTIONS: UNITED KINGDOM
COUNTRY STUDY

Observations	Date	Place	Agency
Visit to UKBA Gatwick and observation of Primary Control Point	8 June 2010	London Gatwick	UKBA
Visit to UKBA Portsmouth	9 June 2010	Portsmouth	UKBA

1. INTRODUCTION AND CONTEXT

1.1. National context

The UK has 12,485 km of coastline as well as a relatively short, 360-km land boundary with the Republic of Ireland. It has five large international airports and numerous mid-size airports, capable of handling external EU traffic. It has various, large containerised ports and ferry terminals with Grimsby and Immingham, London Ports, and Tees and Hartlepool the three largest by tonnage handled. In 2008, UK ports handled 562 million metric tonnes, more than any other European country (source: UK Department of Transport). Two of its London Airports, Heathrow and Gatwick, are among the busiest in the world. Recently published passenger statistics placed them in first and fifteenth place respectively internationally in terms of passenger throughput (source: Airports Council International).

FIGURE 43. MAP OF THE UK'S BCP



The Channel Tunnel rail link also serves significant passenger movements between the UK and France/Belgium, accounting for 17 million passenger journeys in 2009 (source: UK Department of Transport).

UK Border Agency Border Force officers are present 24/7, at all major maritime and aviation Border Control Points. The UKBA also has officers stationed in France and Belgium to perform juxtaposed border control in those two countries.

In addition to the major points of entry into the UK, it is estimated that there are around 600 small ports and airports, including general aviation airstrips representing potential points of entry for goods and persons into the UK (source: Monnet University of Southampton, UK Border Security 2009).

1.2. Institutional context The UK Border Agency (UKBA) is the principal border control authority for the United Kingdom (UK) government, the key functions of which are processing visas in the UK and 135 countries worldwide, regulating and enforcing Customs and immigration law at all ports of entry (previously carried out respectively by Her Majesty's Revenue and Customs (HMRC) and the Border and Immigration Agency (BIA)). The UKBA's enforcement activity at the border ranges from detection of prohibitions and restrictions, e.g. drugs and weapons, to intra-community offences (e.g. tobacco and alcohol smuggling, or VAT fraud), as well as missing trader VAT fraud. UKBA officers continue to enforce these Customs functions under the powers provided by HMRC legislation, i.e. the Customs & Excise Management Act 1979 as conferred by the Home Secretary in accordance with the Borders Immigration and Citizenship ACT 2009.

The UKBA is divided into five unified areas of operation, each led by a Strategic Board Member.

- Border Force
- International Group
- Immigration Group
- Intelligence Group
- Criminality and Detention Group

For the purposes of this study on institutional cooperation at the border, this report focuses on the operational activity of the Border Force.

Indicative of the UKBA's attitude to external stakeholder engagement in border control matters at the highest level is the fact that the organisation's management board comprises non-executive directors representing

the Association of Chief Police Officers (ACPO),¹³⁰ HMRC and the Foreign & Commonwealth Office.

Whereas UKBA performs the day-to-day management of the UK border, other important enforcement and regulatory functions are also carried out at ports and airports, most notably by the local Police authority Special Branch officers who undertake anti-terrorism duties; uniformed Police officers are responsible for general policing and protective security functions.

Special Branch and UKBA officers also provide operational cover at small ports and airports; it may be carried out either separately or jointly, according to risk-based tasking. Other government bodies working at the border include the Veterinary services, the Vehicle Inspectorate of the Department of Transport and the Port Medical Inspections.

The activity of the UKBA is monitored by a government-appointed inspectorate, the Independent Chief Inspector of the UK Border Agency, which was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UKBA.¹³¹

UKBA institutional activity

- In 2009, the UKBA stopped 28,000 individual attempts to cross the Channel illegally, and the number of irregular migrants detected in Kent fell by nearly 90%, from around 14,600 in 2001 to 1,800 in 2008.
- Since January 2010, technology used in customs checks has helped in the seizure of illegal drugs worth over £212 million; since April 2009, the UKBA has prevented over 25,000 dangerous weapons – including firearms, stun guns and knives – from reaching the streets.
- Since December 2007, all visas are biometric and everyone applying for a visa has been subject to fingerprint checks to stop irregular immigration and counter terrorism. So far over 5 million sets of fingerprints have been taken, leading to the detection of thousands of false identities.
- By 2011 it is expected that electronic border controls will be counting the majority of people in and out of the UK and checking passengers in advance of their travel to the UK against watch lists. Approximately 130 million passenger movements in and out of the UK have already been screened against immigration, customs and police watch lists. This has led to over 5,300 arrests for crimes including murder, rape and assault, and significant counter-terrorism interventions.
- Ultimately, e-borders will provide an electronic entry/exit system that will improve the UKBA's ability to secure the border. Although only based on biographical information, this will go a long way towards

¹³⁰ ACPO is an independent, professionally led strategic body. In the public interest, and in equal and active partnership with Government and the Association of Police Authorities, ACPO leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland (ACPO Homepage).

¹³¹ <http://www.ociukba.homeoffice.gov.uk/files/inspection-reports/ici-ukba-report-july08-sept09.pdf>

providing a full passenger movement audit which will be augmented by targeted physical controls to capture biometric data.

- The installation of facial recognition gates has been completed in 10 terminals in the UK, including Gatwick Airport.¹³²
- Biometric verification of visa holders is carried out at 32 ports of entry¹³³

Size of the institution

In August 2009, 4,500 operational HMRC personnel were transferred to the UK Border Agency, giving the Border Force division of the UKBA a total of approximately 8,000 staff (with approximately a 50/50 split between former HMRC and BIA officers). The functional split within this figure is: 85% front line border control staff, and the remaining 15% being staff engaged in intelligence, risk assessment and administration. UKBA staff work at 53 designated points of entry (ports and airports) nationally.

Political importance

The UK Border Agency as part of the British Civil Service is apolitical. Nevertheless, there is an ongoing debate in the UK about immigration policy generally and the level of enforcement of controls. Immigration featured as a prominent and often controversial theme in the general election in May 2010. This debate is focused on the polarisation of public opinion between those who take the view that the UK is being either too lenient or too extreme over the issue of controlling migration. The political decisions that are made in the context of this debate have an impact on the policy direction of the UKBA.¹³⁴

With the UKBA being a single entity there is no issue of inter-agency rivalry or conditions of institutional dominance in relation to border management. However, in merging two enforcement organisations with differing functionality and institutional histories, it is necessary to integrate working practices, terms and conditions of service, and capability of officers. That process is not yet complete, and remains a challenge for senior managers. The full benefit of operational integration will not be realised until all these issues have been resolved. However, significant savings have already been made in reducing duplication and increasing process efficiencies.

In terms of the wider political context to the UKBA's recent creation, the position taken by the UK Government on border control has taken into account factors such as the nation's island geography and long coastline, and existing international agreements – in particular the Common Travel Area (CTA) with the Republic of Ireland. A strong presence at the border has put the UK in a better position to enforce effective immigration and customs controls, and this has been a ma-

¹³² <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmhaff/74/74we30.htm>

¹³³ UKBA Border Transformation Group

¹³⁴ For example, see UKBA Impact Assessment on Migration, 28 June 2010.

major reason why the UK chose to remain outside of the Schengen Acquis.¹³⁵

Consequently, at this time (2010), the UK continues to apply full passport control to all travellers, and maintains risk-based customs controls for intra-community travellers at all major ports and airports of entry into the UK.

Cultural context

The creation of the UKBA follows on from another significant period of institutional reform in the past decade, which has affected the management and staff working at the UK border. In 2005, HM Customs & Excise merged with the much larger Inland Revenue Service, thus creating HMRC, the second largest UK civil service department in terms of staff numbers behind the Department of Work and Pensions) (source: UK Civil Service).

Against this backdrop of major public sector reform, there has been criticism among some staff and some of the major civil service unions representing them, in particular the PCS and ISU, which has led to some localised industrial relations issues. One significant area of dispute is centred on harmonising different sets of terms and conditions as part of a programme to modernise working practices and to remove outdated allowances. Concerns over this issue were raised by some of the front line staff, particularly former immigration officers, who were interviewed as part of this study.

This unease about change has been further heightened by the intention of the newly elected (2010) coalition government, expressed in the recently published Strategic Defence and Security Review (SDSR), to establish a UK Border Police Command *'as part of a refocused Serious Organised Crime Agency (SOCA), to enhance national security, improve immigration controls and crack down on the trafficking of people, weapons and drugs'* (source: Sussex Police. See Summary and conclusion).

1.3. Contexts at sites visited

The sites visited as part of the UK Border Agency study were Gatwick Airport and the Port of Portsmouth. Both these locations were selected following consultation with the UKBA (Border Transformation Group), which considered that they provided a representative picture of the UKBA Border Force's organisational development and operational capability.

Gatwick is one of five designated 'flagship' ports for the UKBA Border Force (i.e. trial sites for implementing integrated working between the

¹³⁵ The UK obtained an opt-out from the part of the treaty which implemented the Schengen rules into EU Law. Under the relevant protocol, the United Kingdom has the right to apply to take part (or opt-in) to Schengen measures on a case by case basis i.e. where it aligns with national strategic interests (an example being the sharing of information from the SIS, The Schengen Information System, a database which allows police forces across Europe to share data on law enforcement e.g. concerning stolen cars, court proceedings and missing persons (Source: <http://news.bbc.co.uk/1/hi/world/europe/4738063.stm>).

Immigration and Customs functions¹³⁶). Gatwick is also significant both in terms of the volume of passengers from outside the EU, and the introduction of new border management technologies (e.g. the e-borders programme). The Port of Portsmouth, although less concerned with traffic from outside the EU and not being designated as a flagship port, was nevertheless viewed as providing a good example of the advances made to date in the institutional integration of former immigration and customs staff at an operational level at ports.

London Gatwick Airport

A mix of officers with different backgrounds and experiences were made available for interview. These ranged from the Senior Assistant Director on duty, to front line officers and an intelligence analyst.

Gatwick Airport (LGW) is the UK's second busiest airport, situated some 40 km from the centre of London. Comprising two main terminals, the airport caters for both scheduled (40%) and charter traffic (50%). There is also a dedicated freight terminal and a general aviation terminal that accounts for the other 10% of traffic. The airport handled in excess of 250,000 aircraft movements in 2009.

- Over 30 million passengers travelled through LGW in 2009, though this figure was down by 20% on 2008, principally because of the financial crisis.
- Of this total, 12% were domestic passengers (UK, Channel Isles and Northern Ireland).
- Cargo traffic through the airport saw a decline in 2009, down 30% to 75,000 metric tons.
- The UKBA employs just over 600 staff at the airport, of which 400+ are former Immigration staff and 200+ former Customs staff.

There is no longer a cargo-clearance entry point at LGW. This has meant that some dedicated former Customs officers have been re-deployed to other functions.

All UK-destined third country import cargo is now cleared electronically by HM Revenue and Customs (HMRC). However, UK Border Agency staff do carry out inspections of high- risk cargo, on request by HMRC.

The summer months (June-October) see a seasonal rise in passenger traffic by as much as 20% per month, owing to the charter holiday sector. The airport is an 'origin and destination' airport, with only 10% of passengers transiting to other destinations.

The main risks at LGW (as at any large UK airport), are identified as Class A drug (cocaine and heroin) smuggling, contraventions of the Convention related to International Trade in Endangered Species (CITES),

¹³⁶ The other sites are Coquelles, Teesport, Edinburgh and Harwich. See http://www.eera.gov.uk/Documents/About%20EERA/Policy/Asylum/EERA%20Consortium/2008-07-28%20UKBA%20Stakeholder%20Briefing%20-%20August%202008.doc#_Hlk205694391 1,7177,7225,4094,Style Section introduction + Bold, Border Force Flagship Sites

and irregular migration. Immigration statistics show that at LGW, UKBA refused entry to an average 500 persons per month.

A document produced by the Serious Organised Crime Agency (SOCA), entitled *The United Kingdom Threat Assessment of Organised Crime 2009/10*, puts the problem of irregular immigration into context: *'the largest volume of document-supported illegal entry is detected at London airports (mainly Heathrow and Gatwick), particularly from long-haul locations such as China and the Indian Sub-Continent'*.

Organisation of management and structure

Staff at LGW work within the Border Force South & Europe Directorate, which is one of four distinct regions within the UKBA.

Staff report through line management to two Assistant Directors. At the time of the on-site visit made as part of the study, staff reporting and general service information was still contained on separate IT systems. However, £5 million has already been committed to migrate all staff to single system and this process has since been completed.

Operational orders and tasks are directed through joint daily operational briefings conducted by middle management as part of a national control strategy. The survey found that, to some extent, staff from both the former Customs and Immigration departments are still engaged in work from their former function, indicating that full functional integration of the organisation is still in progress.

A prime objective of the UK Border Agency management is to ensure that adequate staff are available to be deployed to the Primary Control Point (PCP). As the integration programme moves forward, an increasing number of former Customs staff are being trained and available to provide additional assistance at the PCP. Similarly, former immigration

E-BORDERS IN OPERATION AT GATWICK

'A convicted foreign drug smuggler was stopped trying to enter the country after the UK Border Agency's hi-tech e-borders monitoring system flagged his impending arrival on a Gatwick bound flight.

The UK Border Agency refused entry to the 40-year-old Lithuanian national on arrival from Vilnius because he was deported in April 2002 having been convicted in 1998 of attempting to smuggle cocaine into the UK.

The e-borders system, which electronically checks passenger data before they set foot on a plane, matched the passenger against watch lists which revealed his earlier conviction and deportation. The e-borders centre control room provided details of the passenger to UK Border Agency officers at Gatwick's south terminal to enable them to intercept the passenger on Saturday afternoon.' (6 March 2010).

Source: UK Government News Distribution Service Enquiries

staff are being trained in the detection of Class A drugs (e.g. heroin, cocaine).

As one of the cornerstone of the UK's border management strategy, the introduction of new technology under the e-border programme is envisaged to provide for electronic collection and analysis of information on all passengers entering or leaving the UK from carriers (including airlines, ferries and rail companies).¹³⁷ E-passport gates have now been introduced at Gatwick and cover a high proportion of flights there (see text box below).

Portsmouth

A mixture of officers with different backgrounds and experiences, i.e. as former customs and immigration officials, were made available for interview. The Assistant Director and daily operational head is a former Customs officer and his second in command, a former Immigration Inspector. Other officers interviewed had between 4 and 12 years of experience in one or the other function. Two 'flagship' officers (those having been trained to perform both Customs and Immigration tasks) were also amongst the group interviewed.

At Portsmouth Port, traffic is steadily declining from its peak in the mid-1990s. Commercial shipping (350 ships per year) accounted for over 700,000 metric tons of imported fruit and vegetables, mainly from the West Indies and South and Central America (5% of total traffic in 2009). This figure is also declining year by year, and is barely half the tonnage imported in 2007.

Ferry companies operate regular services to three French ports. Other ferry operators offer alternative routes to France via the Channel Islands. The sole remaining service to Bilbao Spain operates on a 72-hour cycle. There is also a ferry service to Santander in Spain. The ferry port handled some 2 million passengers in 2009, but traffic figures are in decline and this figure was 20% down on 2007. Cruise ships also occasionally call at Portsmouth (12 per year).

As a major passenger seaport serving the continent, Portsmouth is subject to significant seasonality, with passenger traffic variations from below 150,000 in January and peaking in the holiday period at around 350,000 in August (source: Portsmouth City Council).

Risks identified by interviewees are:

- Cigarette smuggling, mainly of Asian (Chinese) origin;
- Class A drugs originating from South America in bulk fruit imports, and
- Irregular migration, through possession of false documents and/or passports, and clandestine concealment in freight vehicles (although interviewees thought that this risk is in decline).

¹³⁷ <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmhaff/170/17004.htm>

However, in general terms SOCA recognises the threat of organised crime through Roll-on/Roll-off traffic using ports of entry such as Portsmouth as posing *‘the greatest risk in terms of the clandestine entry into the UK of commodities such as Class A drugs and people. Heavy Goods Vehicles (HGV), cars, vans, motor homes and caravans using Ro-Ro shipping have all been used to smuggle commodities and people through UK ports. In the case of commercial vehicles the goods may be concealed within a legitimate load, or in the driver’s cab, or in the fabric of the vehicle’*¹³⁸

The UKBA employs 141 officers at Portsmouth. They are located in Border Force South & Europe Directorate. Some of the officers have a responsibility for mobile border control at Newhaven Port (along the southern UK coast), Southampton Port (major cruise terminal) and Southampton regional airport (mainly domestic and intra-EU flights).

UKBA, Portsmouth has introduced ‘flagship teams’. These are joint working teams, with the personnel having experience both of customs and immigration functions and who have volunteered to participate in new ways of working, and are prepared to work outside their usual terms and conditions.

These flagship teams have all received training on passport recognition at the PCP and for some second line immigration checks. Customs training for second line checks is ongoing. There is still some confusion and reluctance, even among team members, as to how far an officer can proceed in certain instances. Despite this, the flagship approach seems to be slowly changing attitudes among those who would prefer that modernisation were reversed.

These same officers are refusing to undertake the full range of functions, and are supported in their action by a trade union. As evidenced from the interviews conducted as part of the study, this has not always made for productive relationships at Portsmouth.

TABLE 59. ANNUAL STATISTICS OF SITES VISITED (FOR THE LAST AVAILABLE YEAR)¹³⁹

Site name	Nº of people crossing	Nº of cars crossing	Nº of trucks crossing	Tons of cargo	Nº of containers	Nº of UKBA staff
London Gatwick Airport	30,000,000	N/A	N/A	75,000	N/A	200+ former Customs 400+ former Immigration
Portsmouth Harbour Port	2,000,000	250,000		700,000	28,000 units (2009)	

¹³⁸ See SOCA’s ‘The United Kingdom Threat Assessment of Organised Crime’.

¹³⁹ <http://www.dft.gov.uk/adobepdf/162469/221412/221658/374865/provportstats2009.pdf>, table 6.

The UKBA at Portsmouth has good relations both with its French and its Spanish counterparts because of juxtaposed controls and regular information exchanges (a situation reflected in other locations such as at the EuroStar international rail terminals at the Channel Tunnel and the Port of Dover).

2. COOPERATION

The UKBA nationally engages with the European Council's Customs Co-operation Working Group (CCWG) but is also active operationally at a variety of levels with many other EU Member States, and in particular with the Dutch and French authorities at both Customs and Border Guard level (i.e. in relation to the UKBA's work in both the customs and/or immigration spheres of activity). In addition, the UKBA has operational contact with key EU law enforcement institutions such as Frontex and OLAF. However, strategic policy on customs matters within the EU remains the remit of HMRC.

2.1. Legal basis for cooperation

In terms of the UKBA's cooperation arrangements with HMRC, the UK Government intends that the UKBA's customs role will be focused on border-related matters, such as the importation and exportation of goods, while HMRC will continue to exercise revenue and customs functions inland. The processing of customs freight declarations and the collection of duties is a centralised function which will remain with HMRC. Certain non-revenue business-based regimes will also remain with HMRC, such as strategic export controls and enforcing intellectual property rights (IPR).

The UKBA will carry out physical examinations of goods at the border, although some of those interventions may be carried out at the request of HMRC. For example HMRC may ask the UKBA to examine a consignment suspected of containing counterfeit goods to determine whether the goods are legitimate. Responsibility for overall revenue and customs policy will stay with HMRC.

In gauging the level of inter-agency cooperation beyond the UKBA/HMRC agreement, one of the most notable initiatives affecting control at the UK border has been the signing, in April 2008, of a Memorandum of Understanding (MOU) between the Association of Chief Police Officers (ACPO) and the UKBA. This provides a framework for collaboration between the two organisations. Stemming from this agreement is 'The Active Enhancement Programme' (AEP), which establishes a clear set of principles and defines areas of joint operational strategy and activity between UKBA officers and those of the local constabulary Special Branch.

Under the AEP there are a range of work packages relating to intelligence and information sharing; contingency and operational planning;

tasking and coordination of operational response which includes: a pilot programme of jointly staffed – i.e. Police/UKBA – mobile teams operating in South-West England; shared risk assessment; seconded expert staff; and public community engagement around coastal waters and small airfields, to report and prevent smuggling occurring beyond the primary control points.

2.2. Strategic planning

The UK Border Agency has one business plan that incorporates both immigration and customs functions. The business plan is discharged as part of an annual cycle and is derived from the Public Service Agreements (PSAs)¹⁴⁰ as laid down by the previous government. It is worth noting that UKBA business plans are developed in close cooperation with HMRC colleagues and the Treasury, who continue to play a central role in helping to deliver strategic priorities. Another important driver of strategic priority-setting comes from the UK Strategic Threat Assessment, produced by the Serious and Organised Crime Agency, and the UK National Security Strategy

All agreements and priorities are signed off at political level with the respective ministerial heads – for the UK, this is the Home Secretary and the Chancellor of the Exchequer. The UK Foreign Secretary is also a party to the business planning because of the responsibilities for issuing visas at overseas diplomatic posts.

The UKBA is also involved in the production of the annual UK Organised Crime Threat Assessment¹⁴¹ (UKTA), particularly on issues related to drugs smuggling and irregular migration. Managed by SOCA, the preparation of UKTA involves all government agencies in analysing threats, producing strategies, and determining operational and intelligence priorities on an annual basis.

2.3. Coordination of workflow at BCP

As a single agency, UKBA covers both immigration and customs functions organised under a single management structure with integrated planning.

The Primary Control Point (PCP) is the UKBA's primary interdiction point, being the location at which all travellers have to present themselves on arrival. In the case of travel outside the EU, the UKBA Immigration Group provides assistance at the PCP on departure from and arrival to the UK.

Daily operational tasking at the PCPs is taken from daily briefings which take into account current and active intelligence relating to the interception of suspect movements of passengers. The tasking process is supported by information input both regionally and centrally, e.g. from

¹⁴⁰ PSAs provide a commitment to the public about what they can expect. However, they will be cut by the current government, and now that the UK Treasury has completed its Spending Review UKBA will be publishing a new business plan.

¹⁴¹ The United Kingdom Threat Assessment of Organised Crime 2009/10.

the National Border Targeting Centre (NBTC) and through the control strategy centre based near Manchester and established to enhance border efficiency.

Passport control checks are conducted at the PCP.

At an airport, after passing through immigration controls, the traveller will encounter baggage halls, after which there are customs declaration points and canalised traffic options, blue (nothing to declare – EU), green (nothing to declare – third country), red (something to declare).

At a seaport, freight, private vehicles and foot passengers arrive at a PCP then move to a Secondary Control Point (SCP) where they may be selected for further examination (e.g. of baggage).

The resource for staffing the customs channels depends on risk, staffing numbers as well as targeting priorities existing at the time.

Senior Special Branch Police officers, who have an obligation under the Prevention of Terrorism Act and other acts related to serious crimes, are often adjacent to the PCP and work in unison with UKBA staff, observing travellers.

In terms of measuring and assessing the efficiency of its activity at the border, the UKBA has set national targets for queuing times at immigration controls; these are to clear 95% of EU/EEA passengers within 25 minutes of arrival, and 95% of non-EU/EEA passengers within 45 minutes. In a report by the Chief Executive of Gatwick Airport, these targets were said to have been achieved in 2009 (and within Gatwick Airport's own more stringent queuing time criteria).¹⁴²

However, a separate report by the Independent Chief Inspector of the UK Border Agency, concerns has raised concerns over the systems used to monitor and verify the accuracy of performance data on queuing times in at least one of its flagship ports, Harwich.¹⁴³ Internal management information provided by UK Border Agency shows that queuing performance for 2009 – 2010 has improved, suggesting that the merger has had benefits for travellers.

2.4. Risk analysis

In March 2010, the UKBA's National Border Targeting Centre (NBTC) was opened, providing a significant enhancement to the Agency's risk management capability. This is a multi-agency facility, where trained officers from within the UKBA itself, as well as the Police, and SOCA, work in close cooperation to provide 'a layered approach to risk'. Essentially, this means having the ability to identify the movement of suspect goods and persons before arrival in the UK through a variety of sources including the use of pre-arrival information supplied by the trade and

¹⁴² <http://www2.westsussex.gov.uk/ds/cttee/gat/gat280110i4.pdf>

¹⁴³ Independent Inspector of the UK Border Agency report, 'Inspection of UK Border Agency operations in Wales and the South West' November 2009 – January 2010.

transport carriers, human intelligence fed in by overseas-based bodies, and through extensive collaboration with partner-country law enforcement agencies. This data is then analysed using automated systems, including the e-border system. Risk management is also coordinated and applied on a local basis through a network of risk targeting hubs located around the UK.¹⁴⁴

The work carried out at the NBTC and the risk targeting hubs has a significant impact at the strategic and operational levels in resource deployment planning. At a local level, daily briefings are a factor in the day-to-day operation of the teams. Indeed, such briefings, which encompass risks from both the immigration and the customs perspective, were observed as part of this study.

2.5. Communication & information exchange

There is a common communication strategy within the UKBA, joint operations and joint (flagship) teams have made information more accessible. Indeed, the 'flagship team' (Portsmouth) and other joint operations have helped to break down barriers¹⁴⁵ that prevented sharing of information, and in turn have enhanced the risk profiling capability of the UKBA. However, in some cases there remains an issue in that, depending on background (customs or immigration), some officers were still unsure how to act on any given operational information or situation in relation to their full range of powers they are now able to enforce.

General information is now channelled through one IT system. Many restricted information systems, though, are still 'stand alone' among legacy¹⁴⁶ operations, and have not been integrated: i.e. either concerning the Customs or immigration matters. These systems are only accessed on a need and request basis. Issues remain over legacy Customs officers having access to Home Office databases in order to perform their new 'integrated' role. Achieving full access to all systems by all officers remains a key challenge.

However, there is an ongoing programme of IT integration that will bring together the key operational systems including those dealing with operational, risk, seized items and case management from both former agencies creating a single 'virtual hub' (information portal) for the benefit of UKBA officers. This single portal, which incorporates many of the key systems and will be completed by the end of 2011, is expected to contribute to more efficient border management.

In relation to international information sharing, the UK has well-established arrangements with MS partners for the exchange of information

¹⁴⁴ www.wcoomd.org/...%2029June2010/.../HMRC%20%20UKBA%20Risk%20Management%20Framework...

¹⁴⁵ Before the creation of the UKBA, there was a culture of 'protecting' official and non-official sources of information to varying degrees (although this was more between the Police Special Branches and HMRC).

¹⁴⁶ 'Legacy' evidently is a term that UKBA borrowed from their studies of the US Department of Homeland Security in its creation of the US Customs & Border Protection in 2003. A 'legacy' officer refers to either one who prior to the merger of the enforcement bodies, either worked for Immigration or Customs.

and intelligence, and UKBA has adopted these. The UK participates in regular exchanges of customs data and in intra-EU operational exercises through the Naples Convention 2, the outcomes of which are shared across the EU and with the World Customs Organisation (WCO). These cover both organised crime and counter-terrorism aspects.

2.6. Training and human resource management

As mentioned elsewhere in this report, one of the UKBA's current priorities is the implementation of an integrated training pathway, the main aim of which is to enable the multi-skilling of all officers.

Current specific training programmes include:

- primary inspection/front line inspection of persons;
- secondary examination for immigration and customs;
- forgery detection (passports and associated documents);
- technical inspection ('deep rummage') e.g. of freight vehicles and vessels.

Evidence from the interviews suggests that while some officers have elected to receive all appropriate training, others have been more reluctant.

However, some interviewees had expressed an opinion that there had been some problems with the initial UKBA training, citing a 'lack of clear objectives'; other comments included 'opportunities wasted', 'rushed', 'ad hoc' and 'not relevant'.

It is clear from the interviews that most front line officers have received some basic training in either PCP inspection and/or secondary customs control.

Many UKBA officers, as part of the ongoing national integration training programme, have already attended a three-day course with follow-up sessions on the work and activity of the PCP while others have received training on customs objectives and activities. Again, there was a clear picture of some staff embracing the changes and benefitting from learning new skills, and others reluctant to accept or use the benefits of a new training regime.

2.7. Criminal investigations

The UKBA has established a dedicated Criminal & Financial Investigation capability to investigate border crime, which deals with immigration offences and commodity detections (e.g. drugs, excisable goods, etc). Major criminal cases detected at the border are referred to SOCA for further investigation. For less serious cases, the UKBA has its own investigation teams.

The teams deal primarily with drugs and weapons detections, but also investigate other customs offences, including CITES breaches, animal product movement offences, and violations of prohibitions and restrictions detected at the border. The cases are investigated either alone or in collaboration with the Police and SOCA.

‘Controlled deliveries’ of certain prohibited and restricted items are conducted either by the UKBA, or in collaboration with other law enforcement partners or, if appropriate, primacy is passed to SOCA. Fiscal cases are passed to HMRC to be progressed after the UKBA has controlled the situation.

In terms of investigating irregular migration, the UKBA operates Regional Immigration Crime Teams (ICTs) linked to countering organised crime. A primary objective of these teams is to investigate organised criminal activity, liaising with local police forces, HMRC and SOCA as required, in order to disrupt criminals’ activity and enabling their prosecution.¹⁴⁷

Internationally, the UKBA has undertaken joint investigations with other near neighbour EU states authorities, in particular the French and Netherlands Customs and Border Guard authorities.

2.8. Joint operations

The UKBA cooperates and jointly operates with police forces under the Active Enhancement Programme (AEP).

This cooperation takes a variety of forms including the sharing of critical resources such as search dogs and maritime assets, joint checks smaller airports and ports, as well as the sharing of information.

Examples of the AEP include:

- joint targeting initiatives (freight);
- joint intelligence profiling;
- joint interceptions and examinations;
- Frontier Targeting Team: Roll on/Roll off (ro/ro) accompanied freight¹⁴⁸;
- Air Targeting Hub: focusing on air passenger and freight traffic, in particular general aviation;
- under consideration: Maritime Targeting Strategy – focusing on sea-borne threats;
- under consideration: Joint Enforcement (mobile teams). A pilot project ran from March to May 2010. It involved both land-based and maritime mobile and specialist assets of the Police and the UKBA (including UKBA vessels (cutters) and Police diving teams).

The UKBA border Force Directorate also cooperates and holds some joint operations with other areas of UKBA, such as the Immigration Group, and government agencies such as HMRC, the Driver and Vehicle Licensing Agency, the Food Standards Agency.

In the area of human trafficking, the UKBA also contributes to the work of the United Kingdom Human Trafficking Centre (UKHTC), which was

¹⁴⁷ <http://webarchive.nationalarchives.gov.uk/20100303205641/http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/crime-strategy/protecting-border.pdf?view=Binary>

¹⁴⁸ I.e. a lorry with a driver and its load in a trailer.

set up in response to the publication, in March 2007, of the Government's *UK Action Plan on Tackling Human Trafficking*. Its purpose is to:

1. Draw together all the work that is currently underway, across government and other agencies, on human trafficking.
2. Identify gaps in existing work which require further consideration.
3. Increase transparency and enable it to be held to account on delivery of its objectives.
4. Provide a platform for developing a more strategic and holistic approach to tackling human trafficking.

As well as the UKBA, the UKHTC also brings together staff and officers from the Police, the Crown Prosecution Service, the Serious Organised Crime Agency and Social Services. According to the Home Office: *'The UKHTC provides a central point for the development of expertise and the strategic and operational coordination in respect of all forms of trafficking of human beings...[It] offers law enforcement a 24/7 support line for tactical, immigration, victim and legal advice and has sought to raise awareness amongst police forces about human trafficking in a number of ways'*.¹⁴⁹

2.9. Control outside permanent BCPs

The UKBA carries out sea patrols using cutters (patrol boats). There are five UK Border Agency cutters protecting the UK border and providing offshore support all year round.¹⁵⁰ At the moment, these vessels are used only for customs purposes. The UKBA is currently exploring how the vessels could be used for immigration purposes within the context of national and international law.

UKBA mobile teams are deployed to ports/airports without permanent staff (see section 2.10).

The HMRC is the control authority for all inland clearance and airfreight. Its role is to conduct inland audit of premises, in connection with revenue evasion.

There is a considerable amount of liaison taking place between the UKBA and HMRC under the MOU as well as informally through personal contacts between former colleagues.

Elements from other sections of the UKBA (not the Border Force itself) contribute to intelligence-led joint operations/special exercises, with HMRC staff targeting goods vehicles at motorway service stations, i.e. away from the border.

The UKBA also has a relationship with the Marine Coastguard Agency (MCA). A prime example of how this relationship works is through the HMRC/UKBA Tobacco Disruption Strategy. Within that context the UKBA's cutter fleet undertakes joint exercises with MCA staff, especially

¹⁴⁹ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/2304.htm>

¹⁵⁰ <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/268071/04-cutter-crewdryg-catch>

targeting fishing vessels and pleasure craft operating in UK waters.¹⁵¹ However, the interviewees indicated that the relationship with the MCA was not a major factor in the formation and execution of the UKBA's Border Management strategy. There is no routine interaction on border management issues between the UKBA and the Royal Navy. The arrangements to maintain the integrity of the UK's waters are described as a 'complex tapestry', meaning that there are a number of agencies, each having a mandated maritime function and capability (including the UKBA), but addressing different areas of operational functionality, for example, the MCA is responsible for issues concerning marine pollution matters.¹⁵² This is why the current Government has outlined the creation of a new National Maritime Intelligence Centre as a means of coordinating an effective multi-agency maritime response (see Summary & Conclusion)

2.10. Mobile units

There are no teams strictly designated as 'mobile' within the UKBA Border Force. That is to say, in theory all front line UKBA enforcement teams have a mobile capacity, i.e. they have vehicles at their disposal as a pooled resource to allow officers to be deployed to any frontier location – such as an airport or small port – according to risk. How to deploy resources in the most flexible way is determined by the type of traffic, volume of traffic and intelligence, through regional tasking and coordination groups.

In exceptional circumstances, such as industrial action or the recent volcanic ash disturbance, the teams may be deployed outside their region to meet national demands.

Some joint 'flagship' teams also now operate on a mobile basis, but this is limited to 'home port' areas.

Study interviews cited the fact that in some cases, team members working on these mobile units still faced problems and confusion over the interpretation of legal powers, which they felt inhibited their role.

2.11. Infrastructure/ Equipment sharing

The UK Border Agency is conducting a review of all port/airport accommodation and information technology, to plan accommodation sharing to save costs. This is a large project that will take several years. Different ports are at different stages when it comes to sharing accommodation.

Former officers from HMRC have recently migrated to the Home Office (HO) system, whereas previously these officers were without access to the HO systems. Issues remaining include access to the IT systems used for goods detection.

¹⁵¹ See page 21 of: <http://www.hmrc.gov.uk/pbr2008/tobacco-2800.pdf>

¹⁵² The following link (<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmdfence/121/121.pdf>) from the UK Parliament sets the context to this question; House of Commons – The Defence contribution to UK national security and resilience – Defence Committee

2.12. Contingency/ Emergency

The UK Border Agency has national, regional and local critical incident plans aimed at providing instructions for all contingencies. Such plans are connected to wider critical incident plans concerned with major terrorist or civil disturbance. Plans are exercised regularly reviewed with the Cabinet Office.

One recent example (2010) was during the volcanic ash cloud disturbance. In the aftermath of the lack of any air transport to/from the UK, many officers were moved to permanent and temporary PCP's in order to clear the increased volume of passengers.

3. SUMMARY AND CONCLUSION

The 2008 merger of HMRC and BIA into the UK Border Agency has been an ambitious, challenging and unique undertaking, at least in the European context. There had never been a single agency in the UK to deal with all aspects of border control, but now the travelling public see one agency at all ports of entry.

The UKBA's creation has come at a time when immigration levels are relatively high and customs risks, such as missing trader fraud (MTIC), drug trafficking and the smuggling of excise goods, remain high priorities. Despite this, the formation of the UKBA saw an overall reduction in the number of staff, due both to the integration of the workforce, and the automation of some aspects of border clearance.

A key challenge has been the fact that both HMRC (and HM Customs & Excise that preceded it) and the BIA had established separate traditions over many years; these had a cultural significance not only for those who had worked in these services but also for the travelling public. The study has found that despite the integration that has been achieved by legislation, organisational structure, standard operating procedures and productive external stakeholder relationships, the cultural differences have to some degree yet to be eradicated from the thinking and attitudes of some UKBA officers who continue to voice discontent and reluctance to embrace the new working practices and responsibilities required of the UKBA Border Force.

However, the ongoing programme of cross-skills training and the implementation of common employment terms and conditions are seen by senior UKBA management as crucial to overcoming the legacy of integration issues, and these remain a key focus of the Agency's strategic planning at this time.

Concerning the automation of the key functions of the Border Force, the UKBA has already made a significant advance towards one of its key strategic objectives, i.e. the introduction of passenger screening technologies under the e-borders programme. However, at this time, other core IT systems inherited by the Agency still require extended, and as recently

as January 2010, the Independent Inspector of the UKBA had noted in a key report that, in certain locations (at border entry points in South West England and Wales), *'there were insufficient computer terminals for staff to use, and legacy [i.e. former] customs staff had no access to Immigration Group systems at all.'*¹⁵³

The positive effects of the merger on border efficiency are still being assessed. However, the findings of the Independent Chief Inspector of the UK Border Agency on one of the other flagship ports, Harwich on the east coast of the UK, indicate that: *'The benefits of integration to the efficient and effective running of the port were evident and there was evidence from staff and management that positive progress had been made towards it'.*

The most obvious process-efficiency benefits of the merger are that the travelling public and goods moving across the UK's border are now dealt with by one unified and uniformed front line service.¹⁵⁴ In addition, the movement through the border control area has become more streamlined than ever before, and this is set to continue as automation through the e-borders programme at the PCPs.

The Flagship Teams operating at certain ports and airports provide an example of best practice in terms of achieving successful agency integration at an operational level. The teams have benefited from sharing knowledge, skills and experience, which is said not only to help with the practicalities of day-to-day border enforcement, but also removes the cultural and historical barriers to closer working. It is hoped that, in this way, the Flagship Teams will provide a lead that will make clear the benefits of the merger to those staff who still have concerns over the merger.

The UKBA's contribution to multi-agency working is significant, at both a strategic and operational level. It ranges from the intelligence coordination and risk management work carried out at the NBTC, which is crucial to efficient resource deployment at the border, to the Agency's contribution to the United Kingdom Human Trafficking Centre; and in producing influential documents, such as the annual 'United Kingdom Threat Assessment'.

In October 2010, the Prime Minister formally announced to the UK Parliament the measures set out in the Strategic Defence and Security Review (SDSR). This document contains proposals aimed at further strengthening the UK's border management and security, which are likely to have an impact on the UKBA's work. Most significant is the plan to create, by 2013, a National Crime Agency (NCA) that will be given primary responsibility for coordinating the UK's response to organised crime. The UK Government has signalled its intention to establish a Border Police Command within the new National Crime Agency. The

¹⁵³ See Independent Inspector of UK border Agency Report 'Inspection of UK Border Agency operations in Wales and the South West' November 2009 – January 2010.

¹⁵⁴ Indeed, the public's positive perception of the merger is reflected in recent surveys, which showed a 6% increase in the number of the travelling public who said it was easier to identify UKBA staff. (September 2009, compared with March 2009).

SDSR sets out how the Border Police Command will serve to enhance border security by

- enabling the UK to develop and execute a single, coherent strategy for border management
- coordinating multi-agency tasking, which will strengthen border policing arrangements, improve immigration controls, and help in the response to organised crime.¹⁵⁵

In addition, the SDSR includes a further significant multi-agency border management initiative – the proposed creation of the National Maritime Information Centre (NMIC) which will *‘for the first time – provide the UK with a comprehensive picture of potential threats to UK maritime security, in UK national waters. It will then build links with international partners to allow the UK to develop a global maritime picture. Among other benefits, the NMIC will provide the Government with a single picture of maritime activity, bringing together intelligence and monitoring carried out by the UK Border Agency, Coastguard, Police, Royal Navy, Foreign and Commonwealth Office, Marine Management Organisation and other agencies’.*

¹⁵⁵ http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_191634.pdf?CID=PDF&PLA=furl&CRE=sdsr

ANNEX 9: BEST PRACTICES IN THE COOPERATION BETWEEN BORDER GUARDS AND CUSTOMS

BEST PRACTICE IN THE FIELD OF STRATEGIC PLANNING

Strategic planning in Lithuania

Customs, Border Guards and the Police participate in the activity of the tripartite Criminal Information Analysis Centre. The heads of Border Guards, Customs and Police approve an annual plan of activity for the Joint Centre for Analysis of Criminal Information. Usually there are six topics of strategic analysis – each agency presents two topics. Analytical reports on all topics are prepared jointly by experts from all three agencies. The Joint Centre also undertakes operational analysis of criminal activities on an ad hoc basis. In turn, in order to prepare new analytical reports, or to carry out analysis of criminal information, experts from the Joint Centre approach all three levels (top, middle and bottom) at the agencies they work for (Border Guards, Customs or the Police) for information.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National	EU27

BEST PRACTICE IN THE FIELD OF INFORMATION EXCHANGE

Germany's INPOL system

Electronic data processing is an essential tool for fighting crime. It offers the only way to store, analyse and search large quantities of data on persons and property. For this reason, in the early 1970s the Federal Criminal Police Office (BKA) set up the police information system INPOL, where information on persons, property and criminal investigations is stored. This system constitutes the IT backbone of the investigative network of the German police forces. In addition to the BKA, the offices of the state police, the Federal Police and the Customs officers who carry out police and border guard like functions also have direct access to the INPOL system. All other Customs officers may obtain information from INPOL via Customs information desks (via telephone or radio communication inquiries).

All important reports on crimes and criminals of more than purely local or regional significance are stored in INPOL. Information stored in

the system is subject to strict data protection rules which are regularly examined and updated.

The databases of missing or wanted persons and missing or stolen property make up the core of the system. It contains data on hundreds of thousands of wanted persons and millions of items (including cars, bicycles, or identity cards). INPOL also provides access to the Schengen Information System.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National, regional, local	EU27

BEST PRACTICE IN THE FIELD OF COORDINATION OF WORKFLOW AT BCPS

One-stop control for commercial vehicles in Finland

At land BCPs in Finland, heavy commercial traffic is processed by a one-stop method. A single Customs officer processes the declaration of import of goods and the driver's travel documents. To support these checks, the officer has access to both the Customs and Border Guard Risk Management Database. Customs officers have been trained by Border Guard to inspect ID documents and visas, among other procedures. Border guards have received basic Customs training which includes search of vehicles and recognition of prohibited and restricted goods, e.g. drugs, alcohol and counterfeit items.

There is an additional second-line control point where detailed inspections are undertaken, when needed. This function is performed by a joint team of Customs and Border Guard officers. These inspections are usually done on referral from the initial document inspection. The joint team searches for smuggled goods and also provides assurance of the Road Traffic Act for instance. Drivers are routinely breathalysed and all commercial vehicles enter a weighbridge, with facilities to detect and prevent dangerous vehicles from travelling on Finnish roads. There is also a licence plate recognition system (LIPRE) in operation, and all vehicles entering or leaving Finland are photographed. The LIPRE system sends an alarm signal if it identifies a licence plate from a 'watch list'

However, while the BCP can process up to 20 trucks and 100 passenger vehicles per hour without significant delay, the main Russian BCPs are often forced to effectively close down to commercial traffic for long periods of time at peak hours. This is said to be due to border management inefficiency on the Russian side. The consequence is long traffic queues on the Finnish side.

Applicability

To type of border	Levels of application	To country
Land	Local	EU eastern land and Western Balkan land borders (GR, BG, RO, HU, SK, PL, LV, LT, EE, FI)

BEST PRACTICE IN THE FIELD OF RISK ANALYSIS**Risk analysis cooperation in Finland**

The National Bureau of Investigations in Helsinki (one of the main units of the Finnish Police) manages the Police-Customs-Border Guards (PCB) National Crime Intelligence and Crime Analysis Centre. There are also five Provincial (PCB) Crime Intelligence and Analysis Groups. These units are staffed by officers from all three of the enforcement agencies. In addition, there are PCB units at Helsinki Harbour and Helsinki-Vantaa airport. The objective of these centres and groups is to combat serious organised crime by deploying PCB resources according to the analysis of risk and by disseminating intelligence. The centre carries out daily monitoring of crime situations; and issues ad hoc memos on targets, threats and trends. The operation and control system of the PCB relies on officers from both Customs and BG working alongside their police colleagues on a shift roster basis (one Customs and one BG representative per shift). Each operates as a representative of his own institution by exchanging and gathering and disseminating information according to their own PCB agreements and plans of action. There are also some common risk systems, such as the licence plate recognition system, which automatically checks the information in a range of agencies' databases.

Applicability

To type of border	Levels of application	To country
Land, sea, air	national	EU27

BEST PRACTICE IN THE FIELD OF CRIMINAL INVESTIGATION**Joint investigations in Sweden**

Although Sweden has no external land border, some international sea and air ports are vulnerable to organised crime smuggling activities. The border guard functions in Sweden are carried out by the local police,

which is highly decentralised. Sweden’s Customs have 380 criminal investigators, within its 1,000 person law enforcement branch. Although traditionally Customs and Police have often competed for cases (especially drugs cases), during the past decade the Customs developed their own surveillance team. Yet, cooperation with police on more complex cases is still carried out. The cooperation between law enforcement agencies (LEAs) in Sweden is a process that has been gradually developed and has strong foundations at all levels: strategic, operational and local. It is through the establishment of several institutions with participation of all law enforcement agencies that this has been achieved.

- Strategic: National Cooperation Council (Police, Customs, Tax Agency etc.) responsible for overall cooperation.
- Operational: National Criminal Intelligence Centre (NIC) and Regional Intelligence Centres – RIC (all LEAs are represented). These provide joint intelligence; the intelligence officers from the different LEAs work together at the same location.
- Tactical: National Operational Council (all LEAs are represented): customs and border guard offices submit proposals for joint investigations that are reviewed by the Council which then approves the ones suitable for a joint action.

The above mechanisms have resulted in a situation of mutual confidence, and all criminal databases are shared among LEAs. Customs and BG have access to most intelligence databases.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National	EU27

BEST PRACTICE IN THE FIELD OF JOINT OPERATIONS

Evaluation approach in Germany

In Germany, joint operations are planned and carried out at national and local levels. In Kiel, joint operations can be informally initiated if one of the two agencies deems such cooperation necessary. As an example, interview partners mentioned joint search / ‘investigations days’ between Federal Police and Customs Administration in the Schleswig-Holstein-Baltic Sea area when in the summer months yacht harbours are jointly searched.

Joint operations are not exclusively focused on the Federal Police and Customs Administration, but can involve several other agencies and institutions as might be necessary for the success of the operation (e.g. State Police Forces, Prosecution).

Joint operations are routinely evaluated afterwards, in order to identify lessons learnt for future operations. The results of the debriefing are then circulated. The specific aspects of this post-operational evaluation include:

- Overall output/results of the operations
- Allocation of personnel and technical resources
- Choice of time and place of control
- Information policy (Questionnaire).

Applicability

To type of border	Levels of application	To country
Land, sea, air	National, local	EU27

Planning joint operations in Poland

Joint BG-Customs operations are planned at two levels: national and regional. The main goal of all joint operations is the inspection of cargo, passengers and vehicles. All joint operations follow a plan that is based on risk assessments for a particular segment of the border. The plan also contains detailed information: it indicates officers responsible for its implementation at local level, allocates tasks and competences, specifies control procedures, arranges for the use of equipment, vehicles, manpower, duty dogs etc., and defines the responsibilities and financial contributions of each agency.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National, regional	EU27

BEST PRACTICE IN THE FIELD OF CONTROL OUTSIDE BCPS

Coordination of joint patrols

In Germany, the maritime area controls beyond the BCPs take the following forms:

- maritime patrols by each agency separately;
- joint patrols of the two agencies.

Concerning **separate patrols**, there is a permanent operational coordination of each authority's vessels within the coast guard network. Coordination of the surveillance measures in the maritime area takes place via the **Joint Operational Centre Sea** in Cuxhaven. Coordination not only refers to Federal Police and Customs Administration vessels, but also in-

cludes vessels of six other institutions with responsibilities in safeguarding maritime borders.

In addition to individual but coordinated maritime patrols by each agency, Customs Administration and Federal Police authorities agreed to the **joint manning of their patrol vessels**. The joint strategic planning concerns the development of joint training concepts for jointly manned vessels, i.e. customs and border guard vessels within the coast guard network and offshore surveillance. The concept is currently being tested. Even during joint patrols, the personnel of each participating authority perform their own legally specified tasks, while the patrol vessel itself is managed jointly. The aims of this cooperation are the economic use of resources (personnel and equipment) and an optimal intensity of surveillance at sea.

Applicability

To type of border	Levels of application	To country
Sea	Local	Member States with open sea borders (UK, IE, SE, FI, EE, LV, LT, DE, NL, BE, FR, ES, PT, IT, EL)

The example of the Harbour Index

Controls of smaller ports (ports, marinas and piers) without permanent inspection facilities are assessed in a joint risk analysis, the so-called Port/Harbour Index. Ports are classified in this analysis according to the risks they face. Checks in these smaller ports are then carried out according to their risk classification. The index determines the schedules for monitoring of the facilities (i.e. there is a fixed timetable), and also determines responsibilities in carrying out the controls (i.e. Federal Police or Customs Administration). The checks performed by the Federal Police and the Customs are reported and saved in a joint database. An overview with a detailed description of the activities is used as a basis for the further development of the risk analysis.

Applicability

To type of border	Levels of application	To country
Sea	Local	Maritime border Member States (UK, IE, SE, FI, EE, LV, LT, DE, NL, BE, FR, ES, PT, IT, EL, BG, RO)

BEST PRACTICE IN THE FIELD OF MOBILE UNITS

Best practice: Coordinating mobile units in Lithuania

In Lithuania, each agency (Customs and Border Guard) operates its own mobile units. These units operate jointly only on an ad hoc basis. The two agencies cooperate by coordinating the operations of their mobile units. The process is based on a specific agreement on cooperation between the Customs' Mobile Groups and the Border Guards' Frontier Districts that was signed on 7 October 2005. It simplifies the procedures involved in assisting each other – facilitating urgent decisions, simplifying the exchange of operative information, and the disseminating the results of joint operations. Members of each agency's mobile units receive Official Assignments according to the internal rules of each institution. The assignments are then coordinated between the two agencies, and contain the following points: prioritising of tasks, detailed objectives, coordination procedures; sharing of technical equipment.

Applicability

To type of border	Levels of application	To country
Land, sea, air	Regional, local	EU27

Bulgaria's joint mobile units

Joint Mobile Units (JMUs) of Customs and Border Guard officers (BGs) are proving to be the most stable new form of cooperation between the two agencies in Bulgaria. Joint mobile units are formed on an ad hoc basis by the management of one or other of the two agencies and demonstrate good flexibility. They provide an example of best practice where the expertise and capacity of one agency alone is not enough.

Initially, these units were designed to operate within the 15-km area adjacent to the external border. From 2010 their area was expanded to 30 km. As borders between EU Member States became obsolete, JMUs emerged as an effective tool in the period of adaptation to the new realities. The model is borrowed from the permanent mobile units between Customs and the Police Organised Crime Directorate that was set up at the beginning of the 2000s to control BCPs and regional Customs offices. Reporting directly to Customs headquarters, mobile units not only functioned as a second line of defence against Customs violations and smuggling, but also became an important factor in dealing with negligence and corrupt practices.

Mobile units involving border guards and Customs officers help build trust (which is traditionally missing) between the two agencies.

Applicability

To type of border	Levels of application	To country
Land	Local	BG, EL, ES, RO, HU, SK, PL, LV, LT, EE, FI

BEST PRACTICE IN THE FIELD OF RESPONDING TO EMERGENCY SITUATIONS

Responding to airport emergency situations in Italy

Any emergency situation is managed jointly by the Committee for Public Order and Security, where all police authorities and relevant agencies participate. If the situation has only local impact, the Committee meets at a provincial (sub-regional) level and is headed by the higher local government representative (the Prefetto); for larger-scale emergencies the Committee meets at national level and is headed by the Minister of Interior. Coordination of activities, establishment of tasks and responsibilities are undertaken by a local or national operational centre.

Each BCP has its own local emergency plan, where tasks and responsibilities are clearly outlined. For example, airports have operational plans for terrorism or aviation accidents. The plans detail what the airport operators must do in situations that are potentially dangerous for aviation safety, in emergency situations, or in cases of accidents. Each airport operator knows which are its tasks and duties in emergency situations. A crisis joint committee meets in a crisis situation centre. The control tower declares the state of emergency, and requires radio silence. The fire brigade then takes operational command until they declare the accident area safe. Health services then make an initial evaluation of the accident's consequences and coordinate the intervention of medical personnel. All law enforcement agencies (Polizia di Stato, Guardia di Finanza, Carabinieri and Customs) cordon off the accident area. They provide surveillance and security of crossing points for first aid vehicles. They also arrange, and guard, rooms for relatives and journalists. The Civil Aviation Authority is in charge of the joint committee, which also coordinates the preparation of press releases.

Applicability

To type of border	Levels of application	To country
Air	National, regional, local	EU27

BEST PRACTICE IN THE FIELD OF INFRASTRUCTURE AND EQUIPMENT SHARING

Sharing facilities for one-stop processing in Poland

The establishing of one-stop processing at land BCPs in Poland has yielded some positive results for border agencies there (a 30% reduction in processing time). According to BG and Customs officers, adapting the facilities to the one-stop inspection process enables better cooperation between officers of the two agencies, who now operate from a single building separated by a windowed wall. The window enables swift communication and inspection of documents.

Applicability

To type of border	Levels of application	To country
Land	Local	EU27

OPEN SHARING OF EQUIPMENT AT NUIJAMAA AND VAALIMAA BCPS, FINLAND

The Finnish model is one of the best examples of well-developed and facilitated cooperation between agencies; sharing of common premises and equipment is an example of that. Equipment at Nuijamaa and Vaalimaa BCPs is shared and each authority has a designated role in its servicing and maintenance. X-ray equipment is largely the responsibility of Customs, while road-testing equipment (such as lorry brake-testing pads) is maintained by the Border Guard. All equipment can be shared and operated by each agency upon request. Thus, although listed in the inventory of one agency, the equipment is easily relocated to the other, which effects the smoother processing of workflow without unnecessary and lengthy administrative procedure, and can also save costs.

Applicability

To type of border	Levels of application	To country
Land, sea, air	Local	EU27

BEST PRACTICE IN THE FIELD OF TRAINING AND HUMAN RESOURCES

Joint training programmes in the Nuija project, Finland

Nuija Project in Finland has given another example of best practice in the area of education and training. Although each agency would normally manage its personnel resources independently, the Nuija project included an extensive multi-skilling training programme for all officers at the BCP. The cross-training of officers from both organisations aimed to create a team capable of carrying out each other's functions at the BCP, which could further speed up the border management process. This experimental training was in tandem with another best practice in Finland – the joint Police-Customs-BG working group at national level, which plans and coordinates cooperation in the field of training.

Applicability

To type of border	Levels of application	To country
Land, sea, air	National, local	EU27

TRAINING IN COOPERATION MANAGEMENT AT THE MARITIME BORDER, GERMANY

The maritime sector in Germany has the highest frequency of joint training arrangements. The questionnaire survey in Germany indicated that Police and Customs agencies both use the Education and Training Centre for Maritime Policing (Maritimes Schulungs- und Trainingszentrum, MaST) to train the Federal Police in Neustadt (Schleswig-Holstein). Federal Police and Customs Administration officers designated for the naval division of both authorities, receive their basic training in seamanship, navigation, ship engineering and so on, in joint training courses at the Centre. The Customs service sends temporary teachers and trainers to the Centre.

Applicability

To type of border	Levels of application	To country
Sea	National, regional, local	SE, FI, PL,DE, NL, BE, FR, PT, ES, IT, EL, UK, IE, MT, CY, LV, EE, LT

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