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(Acts adopted pursuant to Title VI of the Treaty on European Union)

JOINT ACTION

of 9 June 1997

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, for the refining of targeting criteria, selection methods, et., and collection of customs and police information

(97/372/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas targeting criteria for controls, structured methods of selection, etc. and the more integrated use of customs and police information are important instruments for efficient planning of law enforcement measures in combating drug trafficking;

Having regard to the Treaty establishing the European Community, and in particular Article K.3 (2) (b) thereof,

Having regard to the importance of further improving the effectiveness of action to combat drug trafficking,

Whereas, in the implementation of customs legislation, the use of targeting criteria and structured selection methods is designed to focus customs controls on situations where there is a high risk of drug smuggling, while at the same time allowing speedy customs clearance of legitimate passenger and freight traffic;

Having regard to the report from the Group of Experts on Drugs, approved at the European Council meeting in Madrid in 1995, which included a proposal to refine targeting criteria, selection methods etc., and collection of customs and police information,

Having regard to the Convention of 26 July 1995 on the use of information technology for customs purposes (CIS-Convention) ⁽¹⁾,

Whereas the use of targeting criteria, structured selection methods, etc., enables customs authorities better to set priorities, in such a way that their resources can be applied to the best possible effect;

Having regard to the Joint Action of the Council of 29 November 1996 on the cooperation between customs authorities and business organizations in combating drug trafficking ⁽²⁾,

Whereas European Union and international institutions like EDU/Europol, the World Customs Organization and Interpol play an important role in the exchange of information;

Having regard to the mandate of the Council of 29 November 1996 on approved revised arrangements for joint customs surveillance operations,

Whereas customs authorities need to be continually adjusting and reassessing their priorities in response to changing circumstances and new information, given that drug smugglers commonly switch their chosen smuggling routes at short notice to borders where, from advance information or otherwise, customs controls are believed to be less intensive,

Having regard to the resolution of the Council of 29 November 1996 on the drawing up of police/customs agreements in the fight against drugs ⁽³⁾,

⁽¹⁾ OJ No C 316, 27. 11. 1995, p. 33.

⁽²⁾ OJ No L 322, 12. 12. 1996, p. 3.

⁽³⁾ OJ No C 375, 12. 12. 1996, p. 1.

HAS ADOPTED THIS JOINT ACTION:

29 November 1996. Participation in such operations by third countries shall be encouraged, where appropriate.

Article 1

Member States' customs authorities shall strive to optimise the use of targeting criteria and structured selection methods, and collection of customs and police information regarding the combating of drugs trafficking. To this purpose the authorities shall take the following measures within the existing judicial and practical possibilities provided for in Articles 2 to 8.

Article 2

Member States' customs authorities shall make more intensive use of information, available from all business sectors concerned, notably the transport sector.

Article 3

Member States' customs authorities shall strengthen the mutual exchange of intelligence and information for the purpose of risk analysis. Pending the operational development of the CIS database, Member States' customs authorities shall make greater use of the CIS electronic mailbox system for the aforementioned exchanging of intelligence data.

Article 4

Member States' customs authorities shall make greater use of all available European customs information systems regarding sea-, air-, land traffic and others (e. g. AIR-Info, BALKAN-Info, CARGO-Info, MAR-Info, YACHT-Info).

Article 5

Member States' customs authorities shall improve targeting procedures by organizing international joint customs surveillance operations as set out in the revised arrangements on this area approved by the Council of

Article 6

Member States' customs, police and other law enforcement authorities shall as far as possible intensify mutual exchanges of available intelligence and information. This shall apply at national, European Union and international level and shall also include European Union and international institutions.

Article 7

Member States' law enforcement authorities shall, where appropriate, analyse the intelligence and information available.

Article 8

Member States' customs authorities shall draw up guidelines for best practice to encourage greater use of risk analysis techniques.

Article 9

This Joint Action shall enter into force on the date of its adoption.

Article 10

This Joint Action shall be published in the Official Journal.

Done at Luxembourg, 9 June 1997.

For the Council

The President

G. ZALM
