

## **Non-paper on an effective EU Ports Alliance and EU Ports Strategy to tackle organised crime by the Coalition of European Countries against Organised Crime**

### Introduction

The Coalition of seven European Countries against organised crime (Belgium, France, Germany, Italy, the Netherlands, Spain, Sweden) welcomes recent EU efforts, such as the launch of the European Ports Alliance in January 2024, to make ports more resilient against organised crime. These efforts are in line with the Coalition's ambition to stimulate public private cooperation to benefit the fight against organised crime. We are therefore pleased that the topic in general, and the European Ports Alliance in particular, will remain high on the agenda of the new Commission with the new Internal Security Strategy, an upcoming Action plan against drug trafficking, the continuation of the European Ports Alliance and a new EU Ports Strategy.

We invite the Commission to consider the following elements when assessing and developing the above-mentioned initiatives:

1. Promote an adequate security level in view of the fight against organised crime for EU ports including those ports that are located in overseas territories of EU Member States. This security level should take into account the specific situation, security threat levels and challenges faced by ports, due to characteristics such as their size, infrastructural situation, traffic flow or regional location. However, in order to limit displacement effects, common security standards should be considered in terms of for example physical barriers, access control (e.g. biometric data), screening of employees and preventing misuse of relevant IT-systems (and databases).

Security in EU Ports is a shared responsibility and public private partnerships are crucial to establishing an adequate security level. These partnerships can inter alia promote the required changes in for example the public sector's and private companies' IT-systems to restrict access to data on a need-to-know basis, in order to avoid data being misused by organized crime. Sharing best practices and experiences regarding public private cooperation in this field can assist in setting up and improving these partnerships and we encourage the Commission to continue promoting this.

In order to reach an adequate security level in view of the fight against organised crime it is important to share and implement best practices for law enforcement authorities between different member states and to promote best practices in all ports. These best practices include for example:

- Cooperation between ports such as the Port Security Steering Committee, established by the port authorities of Rotterdam, Antwerp and Hamburg and joined by their local Seaport Police and Customs agencies. The aim of this partnership is to develop and implement initiatives, innovations and security measures targeted against organized crime in a more coherent and coordinated manner in order to ensure a level playing field in European ports.
- The Port Security Center Hamburg as a new form of co-operation body of different authorities such as police, customs and port authority allowing direct information exchange on a daily basis.
- The co-operation of the joint drugs investigation teams between police and customs authorities in Germany has led to many significant strikes against organised drug crime.
- The Memorandum of Understanding of 3 April 2002 between the Customs Agency and the Guardia di Finanza is an important example of effective coordination

between police and customs authorities. It is aimed at ensuring adequate protection of national and Union financial interests, as well as threats to the security of the Union and its citizens, to human, animal and plant health, to the environment and to consumers. This protocol, signed between the two national customs authorities, one of which - the Guardia di Finanza - is also a police force, aims to regulate more effective forms of cooperation in areas of common interest, with a particular focus on combating smuggling and other illicit trafficking linked to the movement of goods into and out of the customs territory of the European Union. It also covers offences in the fields of excise duties, consumption taxes, public gambling and cross-border cash movements.

- The SEACOP VI Project and the new UNODC Cargo and Passenger Control Programme (PCCP) in which, apart from the Containers Control (CCP) and airport communications (AIRCOP), it also leads to improve risk management, supply chain security and trade facilitation in seaports, thus preventing the cross-border movement of illicit goods.
- The Stroomplan XXL project (Port of Antwerp/Bruges) aims to strengthen the 360° approach in close consultation between the local, regional and federal partners involved, at the administrative and judicial levels. On a strategic level, the project ensures a uniform policy across district borders. On an operational level, the direction will be in the hands of the "port" prosecutor. All available information from the police services (federal judicial police, maritime police, the local police services on whose territory the port is located) and customs comes together in an operational consultation platform and is exchanged there between those partners. Private partners may also be involved.
- Cooperation between police and private companies in the port of Rotterdam, in which companies get a customised advice to level up security (security by design)
- The Franco-Colombian investigation team based in Colombia to cut off trafficking to Europe upstream and dismantle criminal networks, financed by the seizure of criminal assets derived from trafficking
- The OFAST Caribbean counter-narcotics unit, based in Martinique, with a staff of police officers, gendarmes, navy and customs officers, police and gendarmerie investigators and foreign liaison officers (NCA, CITCO). branches in French Guiana, Guadeloupe and Saint Martin.
- France is developing a national project designed to :
  - i. involve the public in detecting and dismantling trafficking and sales outlets,
  - ii. collect useful information,
  - iii. report anonymously.

This tool is aimed at citizens willing to get involved in the fight against drug trafficking. Contributors will be guided through the reporting process by a questionnaire. The validation of the tool is expected by the end of 2025

- Transport and flows of goods are being exploited by organised crime to smuggle goods such as drugs and weapons. 'Cooperation against Customs Crime' is a memorandum of understanding (MoU) between Swedish Customs and different companies. The purpose of the MoUs is for Swedish Customs and the companies to make use of each other's information, expertise and contact networks and thus jointly achieve a better result. As of today, there are 331 MoUs covering different sectors, including ports.

Through the MoUs, Swedish Customs and the private companies agree on joint measures in the fight against organised cross-border crime. By submitting information and tips to Swedish Customs the companies help Swedish Customs to prevent the flow of illegal goods, including drugs and weapons. The information they

provide helps Swedish Customs to carry out more effective and accurate controls, to prevent the flow of illegal shipments and to create safer transport flows. At the same time, by collaborating against customs crime the companies reduce the risk of being exploited by criminals.

- Best practices identified by the thematic Schengen evaluation on drug trafficking (which excludes goods, as they are not covered by the Schengen acquis)
- Best practices identified in the threat assessments conducted at EU level,
- Best practices identified by the POSEIDON project regarding corruption risks.

Relevant best practices should be monitored and actively promoted, for instance with European funds within the current allocation of the EU budget. In the case of the European customs authorities specifically promoting best practices could be done within the framework of the maritime unit of the European customs alliance for borders (EUCAB) which was recently launched.

2. We encourage the Commission to strengthen the available monitoring and reporting tools on the fight against organised crime and more specifically the flow of illegal goods in order to make them more regular and thorough. Also, fostering vital information sharing cross border offers opportunities in collaborating between countries on port threats. The information shared, leading to input for the monitoring and reporting tools, should include at least the following elements:
  - Seizures of illegal goods including cash;
  - Modus operandi of for example drug traffickers and financial facilitators including information about which private entities (such as shipping companies and terminals) are being misused;
  - Trends in modus operandi, smuggling routes and patterns, etcetera in relation to the use of EU ports (In line with the 2025 EU Internal Security Strategy this should include main ports as well as smaller regional ports including inland ports).

These necessary steps are also in line with the work of several ports and their relevant partners. For example, the Port Security Steering Committee of Antwerp, Hamburg and Rotterdam works together with Europol and EUCAB to establish a strategic analysis regarding drug trafficking via ports. An improved information picture by these institutions, Europol, EUCAB, the European Drugs Agency (EUDA) or another entity would contribute to a better understanding of possible displacement effects and changes in modus operandi. As a result, more tailored strategies could be formulated. This would also support a more risk- and evidence-based approach regarding the risks of organised crime as well as the impacts of these risks and, in the end, it will contribute to identifying the most effective measures to implement on a national, EU or global level. Direct access to the ongoing situation assessment should be available to all relevant stakeholders involved in the fight against drug-related organized crime.

3. We invite the Commission to improve prevention and detection of corruption and infiltration in the public and private sector by:
  - Implementing uniform screening procedures for port personnel, crew members and foreign experts with access to the critical infrastructure and/or the logistic chain data of relevant EU ports;

- Reinforcing screening procedures by a mandatory suitability assessment of personnel applying for a post in the restricted area of ports. This would require the necessary regulatory reforms.
  - Increasing awareness and resilience amongst port professionals working in both the public and private sector by building upon existing local best practices.
  - Enabling effective sharing of necessary information to execute background checks between EU Member States in order to improve early detection of corruption and infiltration. Due to the international nature of the work in the field of transport and the many nationalities that are working in this field, it is crucial that the relevant Justice and Law Enforcement Data that is linked to serious and organized crime, is being shared amongst Member States and is allowed to be used for administrative purposes to mitigate the risk of infiltration and corruption;
  - Setting up anonymous hotlines (such as cfr Portwatch) for port staff where they can report suspicious or criminal behaviour in each port hub, independently of national solutions.
  - Promoting exchanges between public and private partners on the risks and means of combating corruption.
4. In order to avoid displacement effects between different ports Member States of the EU and the International Maritime Organization (IMO) should be encouraged to have a comparable level of security against modus operandi of criminals in their ports, port facilities and on their vessels. Sharing best practices and the availability of funding are important steps towards a level playing field and the Commission could play an important role in this. Best practices and experiences from different Member States, including best practices with public- private partnerships, can help in this matter. One such an example is the brochure on ISPS Standards and Recommendations to fight drug trafficking that was developed by the Port Security Steering Committee of Antwerp, Hamburg and Rotterdam, can help in that matter.

We invite the Commission to continue to monitor progress made in this respect. If the implementation of these types of measures does not lead to sufficient progress, we invite the Commission to assess, as a first step, if legislation can and should be updated to make it mandatory for ports to implement a sufficient level of measures to be more resilient against organised crime.

5. We applaud the Commission's commitment in the 2025 Internal Security Strategy to prioritise the resilience of logistical hubs in its cooperation with the Latin American region. We encourage the Commission to strengthen the collaboration between members of the European Ports Alliance and third countries. Relevant third countries can be divided into three categories: countries of origin, transit countries and destination countries located closely to the EU. The first and second category of countries may vary over time as illicit drug flows shift from one region to another. We invite to Commission to assess how to shape the cooperation with transit and source countries. This could be done by carrying out port audits, such as have already started in Latin America and by addressing the developments in the European Ports Alliance in relevant bilateral meetings such as the drug dialogues with third countries or the EU-CLASI meetings. To ensure a sustainable cooperation with these countries, it is important that the efforts of the European Ports Alliance are aligned with collaboration on the strategic and political level.
- The destination countries (notably the UK, countries in the Western Balkans and Norway) face challenges similar to those of the EU and, due to their proximity, can have a direct impact on the situation in our ports in case of displacement effects. We encourage the Commission to investigate how these countries can be involved in the EPA, for example by inviting them to certain meetings or sharing EPA best practices with them such as for

example the set up of the Steering Committee of Antwerp, Hamburg and Rotterdam which can be used as inspiration for collaboration between other ports that face similar challenges.

6. Effective interagency cooperation is essential to successfully combat serious and organised crime. Therefore, new forms of horizontal cooperation should be established and supported. Consequently, exchange of information and mutual access to data among competent authorities in order to fulfil their legal tasks within their respective domains should be facilitated and improved.

Furthermore, we also consider a strong and trustful cooperation of public agencies with private parties, such as shipping companies and terminal operators, as well as between private parties as crucial to enhance the resilience of ports against drug smuggling, corruption and infiltration by criminal networks. We therefore invite the Commission to examine if it is necessary to strengthen the current legal framework with the aim to enhance and facilitate the direct and efficient exchange of information and data between the beforementioned stakeholders. Finally, we stress that it is vital to exchange best practices between the competent authorities and to offer advanced training for law enforcement and private party personnel in order to keep pace with altering *modi operandi* of criminal groups.

Our Coalition stands ready to assist the Commission on this important matter.