

#### **Shaping Europe Together**



## Oral Presentation (remote)

Open Competition EPSO/AD/381/20 Administrators (AD 5) European Law

**Presentation: 5 + 15 minutes** 

Version 5

AD

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#### ASSIGNMENT

#### **IMPORTANT NOTICE**

# This document presents a fictitious scenario. It has been produced solely for the purpose of this exercise. All references to existing countries, international organisations, private companies, departments and their representatives, etc. have been invented purely as examples. Any views expressed should not be taken to represent the opinions of those bodies or persons.

For this exercise, you will take on the role of an adviser to the Anti-Fraud Agency (AFAG) of the European Union (EU), who has been asked to provide advice on how to improve the efficiency of AFAG's operational activities. The documentation you need is included in this booklet. It comprises a number of emails, reports and other information that you will have to analyse and digest in order to be able to deal properly with the assignment given to you. This is your first day in your new job.

It is important that you accept the scenario as it is presented. Although in real life you would have access to other sources of information and would be able to consult your colleagues, in this exercise you are limited to the information provided. You are, however, allowed to make logical assumptions where information is missing or incomplete. You may print the documents, rearrange them in any order you wish and add comments or make notes as necessary; these documents and your notes will remain available to you during the Oral Presentation.

This Oral Presentation aims at assessing the following competencies: Analysis & Problem Solving, Communication, Delivering Quality & Results, Prioritising & Organising and Resilience. Your knowledge in the field will not be assessed; therefore, conducting additional research is unnecessary.

You are expected to prepare **a presentation** for AFAG Deputy Director Chris Caulier and AFAG Director Dominique Vanneste in which you provide an overview of the current situation and the issues affecting the efficiency of AFAG's operational activities. On the day of the Assessment Centre, you will have 5 minutes to give your presentation. This will be followed by a 15-minute question and answer session, during which the assessors will ask you specific **questions**.

Please note: Today is Monday, 5 March 20XX Last year was 20XX-1, next year will be 20XX+1

#### ABBREVIATIONS USED

AFAG	Anti-Fraud Agency of the European Union
CCS	Customs Communication System
EU	European Union
IPCA	International Police Cooperation Agency
IT	Information Technology
JCO	Joint Customs Operation
MS	Member State(s)
OCG	Other Consumer Goods

#### BACKGROUND INFORMATION

#### AFAG's mission

Since 20XX-12, the Anti-Fraud Agency of the European Union (AFAG) has been responsible for protecting the financial interests and the reputation of the European Union (EU) by combating fraud and other illegal activities affecting the EU's  $\leq$ 167.2 billion budget in an accountable and cost-effective manner. The total financial impact of fraud on the EU budget is estimated to be  $\leq$ 2.9 billion annually.

AFAG accomplishes its mission by

- · conducting anti-fraud investigations;
- coordinating anti-fraud operations;
- contributing to the EU anti-fraud strategy through prevention and detection initiatives and support.

AFAG is made up of Departments and Units.

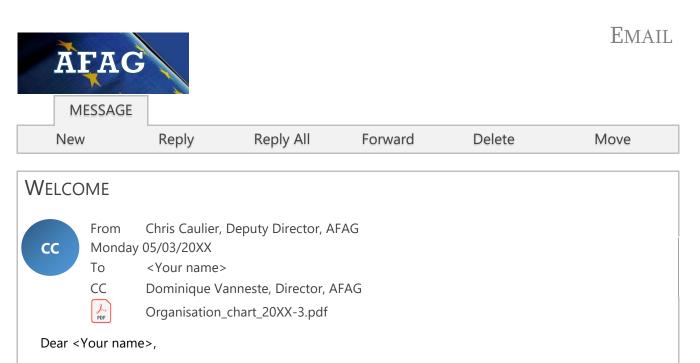
#### **Customs Communication System**

Across all areas, customs fraud represents more than 60% of the total financial impact on the EU budget. Since 20XX-2, AFAG's Customs Fraud Unit and the customs authorities of the EU Member States (MS) have been using an AFAG-developed communication system – called the Customs Communication System (CCS) – to report cases of customs fraud and to exchange information with one another. Because the first evaluation of the system recently revealed that the current reporting methodology is insufficiently structured and of a rather general nature, it has been decided to review the CCS.

#### Advanced technological equipment

As criminal methods become increasingly intelligent and ingenious, it is inevitable that AFAG will need to purchase new, advanced technological equipment to use in its anti-fraud investigations and operations. In order to cut costs and foster further cooperation and operational excellence within AFAG, the Agency has set up agreements with the authorities of Member States (MS) – each of which possesses some advanced investigation equipment – to facilitate the exchange and/or borrowing of scarce, costly and/or highly technical equipment. In addition, given that some AFAG units might need similar or identical technical equipment for their projects, they have the possibility of joining forces to lend more weight to their purchase request(s).

5



Welcome to AFAG: thank you for taking on your role so quickly. In order to improve the efficiency of AFAG's operational activities, and, more specifically our ability to combat and investigate fraud efficiently, we are reviewing our internal functioning and organisational structure, as well as the CCS. It is hoped that any changes will improve both the CCS's functionality and the quality of information exchanged between AFAG, MS and non-MS. Additionally, we should ensure that all units have sufficient resources to allow them to fulfil AFAG's mission.

As part of the same effort to improve efficiency, AFAG wants to set up a clear procedure that will oblige every unit to consider carefully all potential purchases of advanced technological equipment for use in fraud investigations. This new procedure should help us to avoid making economically unjustified equipment purchases, by helping our units to decide whether a new call for tender needs be launched or whether the existing available technologies will suffice. In order to make such decisions, a quantitative cost-benefit analysis and a qualitative assessment of the advantages and disadvantages of the equipment in question will be necessary, and so both should be part of the new procedure.

Regarding the latter, keep in mind that the final decision on whether to purchase specific technical equipment is always made by AFAG's Director. In addition, AFAG's Budget Unit is always very busy, so we should avoid submitting random purchasing requests to it before we have explored all other options for acquiring a particular piece of equipment.

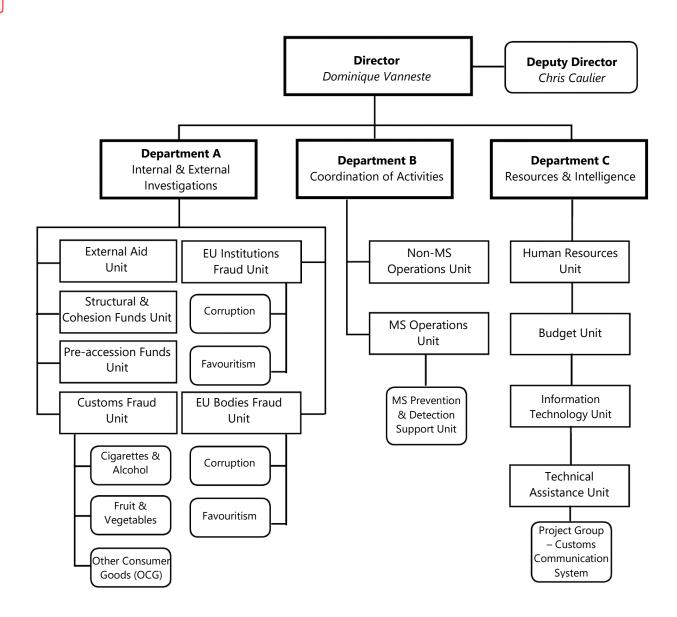
Please find attached our current organisation chart. I have asked my assistant to send you on some background documents that you might find useful, and I have already scheduled a meeting for us to discuss the issues at stake. The Director and I are looking forward to your presentation.

Kind regards,

**Chris Caulier** Deputy Director AFAG

Organisation\_chart\_20XX-3.pdf





#### **Description of AFAG's Units**

(...)

#### **Budget Unit:**

- to ensure objectivity, this unit independently prepares its quantitative analyses, the results of which are used to inform and advise AFAG's units on their purchase requests.

(...)

#### **Technical Assistance Unit:**

- has extensive knowledge of the technical equipment that is available on the market in the field of investigating and combating fraud. The unit often exchanges information and knowledge with police forces and relevant authorities in the MS whenever new technical equipment is being used, either by criminals or by those authorities.

(...)

#### Information Technology (IT) Unit:

- when a new piece of technical equipment needs to be borrowed or purchased, this unit investigates the security level of that equipment and its compatibility with the requesting unit's existing IT infrastructure.

(...)



03/12/20XX-2

#### NEW COMMUNICATION SYSTEM FOR CUSTOMS PURPOSES

Customs cooperation encompasses the work carried out by customs authorities in order to ensure the functioning of the Customs Union of the EU. Customs authorities are responsible for checking whether or not the goods entering or leaving the EU comply with a wide range of rules covering a great variety of policy areas, including product safety, health rules and other legislation designed to protect consumers. By combating illegal cross-border activities – such as the trading of endangered species or of hazardous and other types of waste – customs authorities also contribute to the success of other policies.

A central communication system has come into operation today to reinforce cooperation among MS customs administrations in order to help them in preventing, investigating and prosecuting serious infringements and increase the effectiveness of the cooperation and control procedures of customs administrations.

The system – called the CCS – consists of a central database facility at AFAG that is accessible in each MS. Through the CCS, MS customs administrations and AFAG can act jointly, share reports and exchange data on the persons involved and other aspects, such as the type of goods concerned.





#### 20XX-1 ACTIVITY REPORT Presentation

EU Bodies Fraud Unit:

 As no investigations fell within this unit's remit and because of the critical situation with regard to agricultural funding fraud, the unit's staff members were assigned to a temporary working group on agricultural funds. The number of fraud cases involving agricultural funding has increased over the last few years and this trend will most probably continue.

Customs Fraud Unit:

• The number of non-MS textile smuggling cases (false origin claims) is increasing, as illustrated by the following cases:

CASE NUMBER	CFU/OCG/021/20XX-1	CFU/OCG/033/20XX-1
CASE SUMMARY	Arriving from non-MS Serbia, a truck with a Serbian licence plate was stopped during a routine check at the border with MS Croatia. 10 000 pairs of counterfeit jeans that originated from Serbia were confiscated.	Following a tip-off, AFAG set up a Joint Customs Operation (JCO) at Osijek Airport (Croatia), on the border with Serbia. The competent authorities involved intervened while the counterfeit jeans were being loaded onto a cargo aircraft from a truck bearing a Serbian licence plate.
PERSONS INVOLVED	The driver was arrested but was not carrying identity papers. Fingerprints were sent to Securop and the International Police Cooperation Agency (IPCA) for analysis.	Driver: identified as N. Pilou (nationality: Serbian); arrested. Pilots: identified as C. San (nationality: Croatian) and G. Saul (nationality: Serbian); both arrested.
FOLLOW-UP	The driver's identity (nationality: Croatian) as well as his aliases, were identified using IPCA's database pictures. The intended destination of the goods seems to have been Croatia.	All three suspects were convicted of organised criminal activities by the respective national judicial authorities. The goods were intended for MS Germany. G. Saul revealed the names of two middlemen, one of whom has a criminal record for violent offences and is known to the authorities under an alias, while the other is still being sought by police authorities (case referred to the Croatian national authorities).
COMPETENT AUTHORITIES INVOLVED	AFAG, Securop, European Border Management Office, Serbian and Croatian customs authorities and police forces.	AFAG, European Border Management Office, Serbian and Croatian customs authorities and police forces.

Budget Unit:

• The Budget Unit received far too many requests last year. In future, it cannot afford to spend time carrying out unnecessary cost-benefit analyses. From 20XX, this unit should be contacted only when purchasing is either the sole or the best option for acquiring specific technical equipment.

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FINANCIAL REC		s, Member of Europe			

Monday 19/02/20XX

Dominique Vanneste, Director, AFAG

Dear Dominique,

То

AC

It has come to my attention that the number of investigations in the customs sector involving false product (ingredient) information is increasing. In this regard, it is important that customs authorities play an active role in protecting consumers. Indeed, an increase in the number of goods that, if released on the market, could be dangerous to consumer health should clearly be of great concern to AFAG.

I believe that customs investigations conducted by both AFAG and the MS authorities need to collect as many characteristics as possible in order to protect the public effectively. Moreover, this is the only way to grasp the full complexity of cases. It seems important, for example, to log exhaustively all data on the people involved in customs fraud so that there will be no confusion if they attempt to disguise themselves in an effort to hide their links with criminal networks. In addition, links between certain categories of data should be established in the CCS in order to identify patterns and to disrupt illegal activities more effectively.

On the other hand, I am aware that collecting and sharing more data might not necessarily offer a solution to all the problems. Due consideration should be given to the fact that the customs authorities in some MS often lack knowledge on the legal provisions that are applicable in other countries. Criminals can take advantage not only of the existing legislative gaps but also of the differences between national laws.

I am happy to hear that, to cut costs where possible, AFAG is committed to cooperating more with its stakeholders and using their advanced equipment to investigate fraud. Given that AFAG's Technical Assistance Unit has both extensive technical knowledge and access to a broad network of technically skilled investigative authorities, it is best placed to research the alternatives to purchasing new equipment, such as borrowing or using technological equipment owned by AFAG stakeholders. However, we all know that highly specialised equipment might become crucial for certain investigations and that, in such cases, purchasing will be inevitable. In any case, whoever is in charge should certainly be provided with all the relevant information so that they can make a final decision on whether or not to purchase such advanced equipment.

Kind regards,

Anna Callens

Member of European Parliament

NEWSPAPER

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#### **CUSTOMS FRAUD NECESSITATES CUSTOMISED APPROACH**

Published: Monday, 02.03.20XX-3

Combating customs fraud has always been high on governments' policy agendas for two reasons: one, because a decrease in smuggling should increase revenues from legal trade and, two, because counterfeiting is detrimental to law-abiding businesses. At both EU and national level, legislation is constantly evolving in order to fill any gaps and to provide a sufficient legal basis for the authorities. Although all EU and MS legislation is published, there is no platform on which customs authorities can access all the necessary information on policies that are relevant to them. This certainly makes the work of customs authorities very difficult.



The classic example of customs fraud is smuggling counterfeit cigarettes and alcohol, which usually involves transport by sea. However, AFAG Head of Department, Martin Sommer, explains that "Globalisation and the opening of MS borders have given customs fraud a new dimension, expanding not only the market but also the type of goods involved, such as textiles, and the type of transport used. In today's increasingly complex transport networks, fraudulent origin claims for the purpose of manipulating custom duties seem to be multiplying. To be effective, we need to be one step ahead of the constantly evolving methods used by criminals for concealing goods."

Cooperation between all partners and investment in advanced technological equipment are crucial to success. Mr Sommer emphasised that the various AFAG units, AFAG's stakeholders, MS police forces and relevant authorities all need advanced technological equipment to collect and analyse intelligence and data for (fraud) investigations. "Since the equipment we need – such as automated recognition tools and night-vision equipment – is extremely expensive and requires a certain level of expertise to use, we are obliged to deliver results to justify the investment in these tools to the taxpayer. The EU is under scrutiny: making the best use of citizens' money is important; harmonising equipment and avoiding redundancy are key. AFAG still has a lot to learn in this regard: most AFAG units do not have sufficient knowledge or expertise to draft a cost-benefit analysis. Of course, AFAG's Budget Unit has far more expertise in this area, but it would struggle to carry out such analyses without having any qualitative input on how such equipment will be used."

To conclude, Joint Customs Operations (JCOs) have proven to be an effective way of achieving results. It has therefore been decided to set up a new department (Department B) that will specialise in coordinating JCOs between MS and non-MS and their national police forces and customs authorities. The strategic know-how of the new department complements the areas of investigation covered by Department A's Customs Fraud Unit. The Customs Fraud Unit and all the units in Department B handle external cases only.



#### MEETING ON JCOS

MW

From Michelle Wieczorek, Manager, Customs Fraud Unit, AFAGTuesday 17/10/20XX-1To Martin Sommer, Head of Department B, AFAG

#### Dear Martin,

As discussed during the MS Italy–non-MS Egypt JCO debriefing (13/10/20XX-1), I think we should organise a meeting between my unit and your unit managers to work out how we can improve cooperation between the Customs Fraud Unit on the one hand and both the MS and Non-MS Operations units on the other.

This is not the first time that the units have experienced difficulties in working together. The success of our JCOs is highly dependent on effective information sharing, so I suggest that we organise the meeting as soon as possible. We could also send an email to the attendees before the meeting, asking them to think about how we can optimally group information together in the CCS; for example, by differentiating between information concerning the people involved and information concerning the goods involved. Reporting via the CCS as it is currently structured – i.e. in open text boxes that lack specific instructions on what types of data need to be input – results in inconsistencies between CCS reports from different customs authorities and makes it very difficult to match data from different MS. For example, the gender of the suspect in the abovementioned JCO was not noted in the CCS file, so our units based themselves only on the suspect's name (Noa) and erroneously thought that we needed to arrest a woman. This shows how something as trivial as not seeing a picture can negatively impact our results.

I am very enthusiastic about the fact that our Agency is to provide its units with more guidance on preparing purchasing request justifications for our Director. However, now that we will also have the option to borrow equipment from AFAG stakeholders, I fear that the entire purchasing request process might become more complicated. Given the importance of proving the cost-benefit of a purchase, I believe that any unit that needs advanced equipment should first critically investigate the cost of purchasing that equipment and carry out a cost-benefit analysis to compare the total estimated purchase and maintenance costs with the potential amounts that could be recovered as a result of using the equipment. I hope that you will share this suggestion at the next Heads of Department meeting.

Kind regards,

**Michelle** Manager Customs Fraud



#### ACTIVITY REPORT 20XX-1 INVESTIGATIONS SUMMARY (EXTRACT)

AREA	AGRICULTURAL FUNDS	EU INSTITUTIONS AND EU BODIES	
TOTAL NUMBER OF INVESTIGATIONS	17	4	
Description	9 uses of funds for purposes other than those for which the subsidies had been granted 8 misappropriations of funds for private gain All cases were referred to the respective national administrative authorities for recovery of the subsidies unduly granted	2 cases of favouritism 2 cases of corruption	
NUMBER OF CASES REFERRED TO MS JUDICIAL AUTHORITIES FOR PROSECUTION	10	3	
Sentence	1 conditional prison sentence* 2 unconditional prison sentences*	1	
NUMBER OF CASES NOT REFERRED TO MS JUDICIAL AUTHORITIES	7	1	
COMPETENT AUTHORITIES INVOLVED	Respective Agricultural Ministries, Anti-Fraud Departments and Police Forces of the MS and AFAG	AFAG is the only authority competent to investigate internal cases of fraud within the EU. However, the separate operations conducted by the EU Institutions Fraud Unit and the EU Bodies Fraud Unit prove rather inefficient for investigating internal fraud cases within EU Institutions and EU Bodies.	

\* These sentences related to a particularly severe case of fraud in which funds had been used to buy pesticides made from dangerous and illegal substances.

AD

## AFAG

Date and time:	18/02/20XX – 03:00 pm –05:15 pm
Attendees:	Heads of Department (A, B and C)
Topics:	Status meeting

#### AGENDA TOPICS

Genera	AL OPERATIONS
•	Department A's Customs Fraud Unit is much more involved with, and needs to be able to coordinate continuously with, Department B. Therefore, whether Department A is still the best and most efficient place for the Customs Fraud Unit is open to question. In addition, sharing of customs-related information through the CCS must be improved. The system needs to include clear and fixed categories of data that can be more easily filled in and matched with other cases.
	The EU Institutions Fraud Unit and the EU Bodies Fraud Unit have finished a pilot project in which they joined forces and worked intensively together on their investigations in the same offices throughout January. This produced some very positive and interesting results for their ongoing cases. In addition, optimal use was made of the available resources.
	A different and permanent solution should be found for investigations into Agricultural Funding fraud. It is important that AFAG agents can focus fully on their own fields of expertise.
•	Operation Green II resulted in the seizure of 80 tonnes of illegal or counterfeit pesticides that would have posed a significant risk to health and the environment in the EU if they had been used. The case was coordinated by Department B and involved two of its units, Non-MS Operations and MS Operations, which needed to make continual use of each other's expertise and networks throughout the investigations. However, quite a lot of time and resources were lost by constantly having to align these two, separate units – a situation that has also occurred in many other investigations as well.
BRAINS	TORMING ON DECISION-MAKING PROCEDURE FOR BORROWING/PURCHASING TECHNICAL EQUIPMENT
BRAINS	, <u>,</u>
BRAINS <sup>®</sup>	TORMING ON DECISION-MAKING PROCEDURE FOR BORROWING/PURCHASING TECHNICAL EQUIPMENT Many units believe that conducting a cost-benefit analysis should be the first step in the new procedure. If the results of such an analysis indicated that it would be too difficult to recuperate the investment, a decision not to purchase the required equipment could be quickly and efficiently taken, and attention could instead immediately be switched to examining other options for sourcing the equipment (e.g. borrowing it), thereby

**EPSO** 



# MESSAGE New Reply Reply All Forward Delete Move REPORT JCO ITALY-EGYPT 13/10/20XX-1 From Lisa Sinclair, Chief Officer, Securop

Friday 23/02/20XX

Martin Sommer, Head of Department B, AFAG

Dear Martin,

То

LS

I have just heard that – notwithstanding the positive outcome of the JCO – the judicial authorities have decided not to pursue the counterfeit cigarette smuggling case. Nevertheless, our efforts have not been in vain, we provided considerable support to MS Italy and non-MS Egypt in handling this complex case. Please congratulate your staff on my behalf for their perfect coordination of the respective police forces' and customs services' activities. I think that AFAG's Department B should focus more on customs duties and on coordinating activities in this regard, as this is the domain where continuous cooperation between MS and non-MS is crucial. Well-thought-out and efficient cooperation is also needed between Department B and the Customs Fraud Unit, but a gradual approach should be taken here: rushing organisational changes can lead to suboptimal results.

Unfortunately, the countries that participated in the JCO did not share all relevant case characteristics via the CCS beforehand, because it was not clear to them what information they could and should input in the system. Customs authorities usually share, in addition to the suspect's name, only their date and place of birth in the 'Persons Involved' field. In this case, they had different but complementary data in their respective national databases; namely, the nationalities and origins of the persons involved. Moreover, had these data been matched beforehand, the links with Italy's criminal network would have been immediately clear. Hopefully, such situations can be avoided once everything is integrated in the CCS.

I hear that the Customs Fraud Unit is thinking about purchasing a new type of goods vehicle scanner, and although this would require a massive investment, I very much support the idea. Like AFAG, we at Securop believe that the relevance and usefulness of a specific piece of equipment to a unit is a much more important consideration than its cost. And while the cost of a new goods vehicle scanner is high, I would definitely not consider it only a 'nice-to-have'. However, in any case, the Customs Fraud Unit is not the right entity to investigate the costs involved. It would be better if the requesting unit focused on providing a solid justification for why it needs new equipment for investigating and combating fraud, which it can do by making a qualitative assessment of the relevance and necessity of the desired equipment. On the other hand, I believe that the requesting unit should consult the Technical Assistance and IT units, as their input might reveal certain restrictions that could make it difficult to attain (fully) some of the initially expected benefits of using the equipment described in the qualitative assessment.

Kind regards, **Lisa** 



#### Policy brief 20XX-1 Organised Environmental Crime

#### WASTE TRAFFICKING IN EUROPE

Securop has identified an increase in the volume of illegal waste shipments across borders, spurred by economic growth and globalisation. The people involved make use of the legal container and truck transport infrastructure to transport the waste. Criminals are exploiting the high costs associated with legal waste management and are making substantial profits from illegal trafficking and disposal activities, circumventing environmental legislation. Waste trafficking groups are usually small (between 5 and 10 people, often using aliases), with ethnic links to the destination countries.

Illegal waste disposal in the EU is organised by sophisticated networks of criminals. MS are substantially affected by the ecological damage, public health risk and the financial burden associated with rehabilitating illegal waste sites, particularly when illegal disposal is organised across borders.

Securop has drawn up a series of recommendations, including:

- Adoption of a multi-agency approach during waste transport control operations and visits by the relevant law enforcement and environmental inspectorates to suspected illegal waste disposal sites, supported by the regular exchange of information between the relevant policing bodies.
- Common analysis of the cases to reveal the modes of transport that criminals typically use on a certain route, thereby allowing customs authorities to carry out well-targeted checks.
- Cooperation with the originating countries' relevant authorities should be given high priority. The licence plates of vehicles used by the smugglers and the nationalities of the persons involved usually provide reliable information on the originating and/or destination country.

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#### TECHNICAL DEVELOPMENT AT AFAG

From Joris Mertens, Commissioner for Anti-Fraud Measures and Auditing, European Commission Friday 19/01/20XX

Dominique Vanneste, Director, AFAG

Dear Dominique,

То

JM

Thank you for consulting me on the new categorisation of information in the CCS. In my opinion, the fact that criminal networks are generally identified only after the conclusion of JCOs highlights the need to approach the problem differently. To this end, I suggest that you choose a few salient case characteristics and then group them in categories. Not only will this make the CCS easier to use, it should ensure that the comparison of cases for network mapping purposes does not lead to too complex an overview of the data. From a content point of view, the current process of filling in open report questions gives too much freedom to the officers who compile reports in the CCS and makes it too difficult to identify and link key words and descriptions because everyone uses different writing and reporting styles. I believe that only objective information should be shared via the CCS. When describing goods, adding anything other than an objective description (i.e. type of goods, mode of transport used) is incorrect, since, for example, the origin of the goods is always based on an assumption.

Finally, I suggest that relevant legislative decisions should also be added as a category in the CCS. This could be used to record, for example, whether specific provisions state that an activity can be considered a breach, or whether a gap in legislation makes it possible for custom criminals to continue specific activities. In this way, we can also use the communication system as a tool to follow up on the results of EU and MS policies.

You asked for my advice on how AFAG can best organise the borrowing and/or purchase of advanced equipment. While I think it is a good thing that AFAG is more open to and interested in using new tools in its operations, from our experience at the Commission, I would suggest that AFAG's actual needs should always be assessed before any decision to acquire new equipment is made. To ensure that AFAG's Technical Assistance Unit does not have to deal with too many or very vague requests, the requesting unit should always be obliged first to examine critically and list the qualitative benefits of the equipment in question and to assess thoroughly whether it actually needs that equipment to investigate and combat fraud, before it contacts the Technical Assistance Unit. Furthermore, you should be aware that additional (IT) development work might be needed in order to ensure the compatibility of newly acquired technical equipment with AFAG's security requirements. When assessing the security level of such equipment, the IT Unit will be able to estimate how much development work will be needed in the future. The cost of any such additional development work should also be factored in in the cost-benefit analysis.

Kind regards,

Joris