



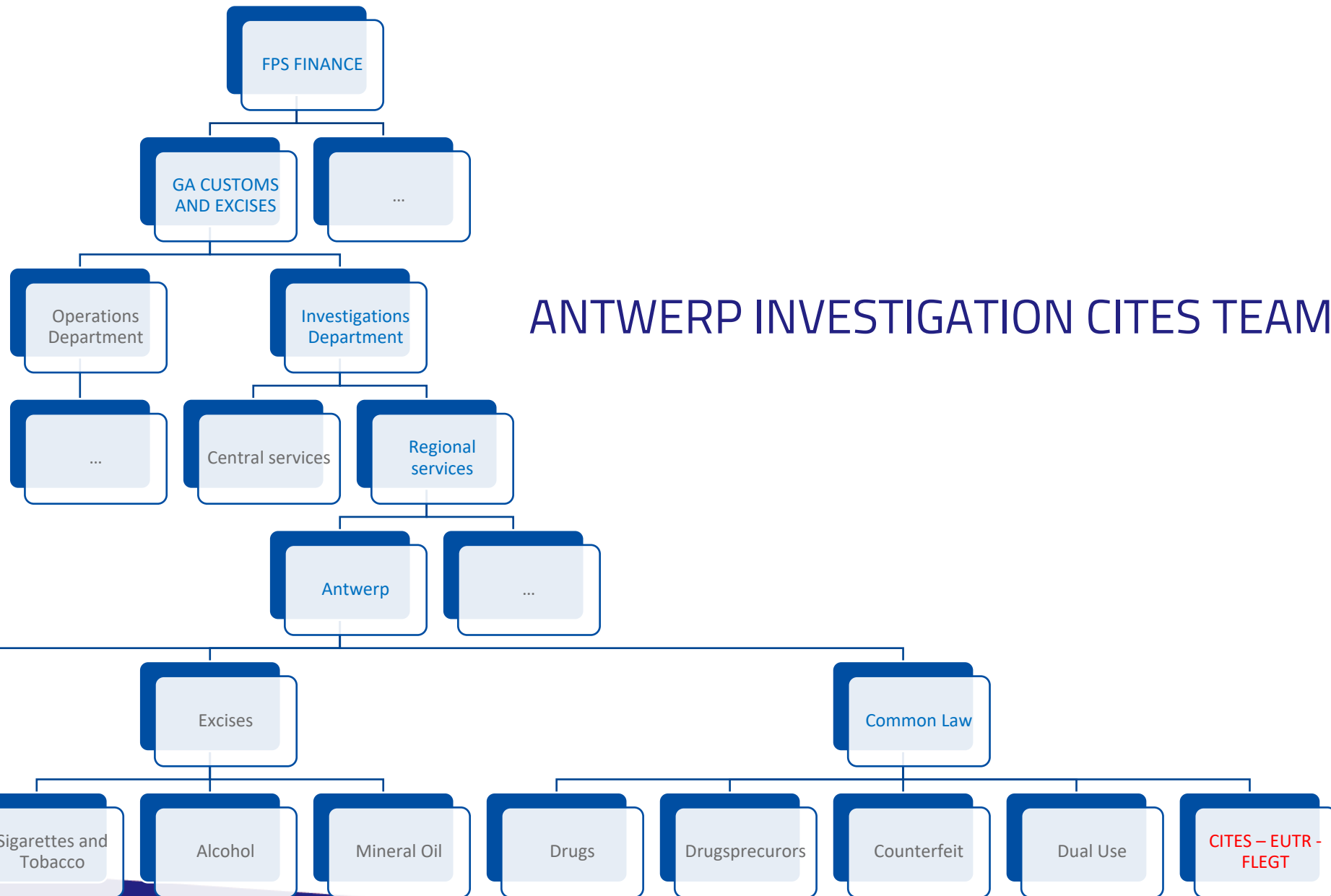
Federal
Public Service
FINANCE



FPS FINANCE
CUSTOMS AND EXCISES
TEAM CITES – FLEGT – EU T/D
R

ATIBT FORUM
2024 OCTOBER 3-4





ANTWERP INVESTIGATION CITES TEAM



ANTWERP INVESTIGATION CITES TEAM - MISSION

Within the general mission of the customs and excise administration our team aims to **protect fauna and flora and to participate actively in the fight against illegal logging** by

- **monitoring and enforcing correct application of CITES, FLEGT and EUTR** legislation at the EU border in the context of import, export and transit trade activities
- **investigating criminal activities and criminal organizations** operating in environmental crime, in order to stop the fraud and to penalize the offenders
- **cooperating and exchanging information with our partners** in order to act faster and more efficiently in the fight against environmental crime



ANTWERP INVESTIGATION CITES TEAM - PARTNERS

NATIONAL

- Customs
(Legal dep, Risk dep, Datamining, Lab, First line)
- FPS of Health, Safety of Food Chain & Environment
= Competent Authority for CITES, FLEGT & EUTR
- Federal Agency for the Safety of the Food Chain
- Public prosecutor
- Police
(Federal judicial police, Local police)
- Port of Antwerp
- Logistic Service providers
(Shipping agents, Warehouses, Declarants, Terminaloperators)
- Experts
(Africa Museum, Plants Garden Meise, ...)

INTERNATIONAL

- Customs
- WCO
- UN (UNODC)
- Competent Authorities (via BE CA)
- OLAF
- International Police Organisations
(EUROPOL, INTERPOL)
- NGO
(WWF, TRAFFIC, GREENPEACE)
- International experts
(ENFORCE, experts on EUTWIX platform, ...)



ANTWERP INVESTIGATION CITES TEAM - STRATEGY

Motif

Internal information

Risk analysis/Datamining
Previous infringements

External information

Info / Request for mutual assistance /
(inter)nationally coordinated action
of partners

External information

Info of third parties

Investigation

?

What – Who – When - Where
Why - How

Follow

Documents – Shipment – Money

Resources

Databases
General investigation methods
Special investigation methods

Infringement

Stop the shipment
Secure assets and resources

Inform the Competent
Authority in order to confirm
the infringement

After confirmation of the
infringement
Official report to PP
Release or seizure of the shipment



ANTWERP INVESTIGATION CITES TEAM – STRATEGY

Selection

Random selection

Risk analysis → Profiles

- Pre-arrival screening
- Ad-hoc screening
- A posteriori screening

Inspection

Documentary

Physically

Release/Stop

Inspection = OK
Release cargo

Inspection ≠ OK
Stop cargo
After confirmation CA
official report to PP



FURTHER PROGRESS OF THE FILE AFTER CONFIRMATION VIOLATION

Public Prosecutor has various options

- Criminal prosecution
- Offer a settlement with or without seizure of the shipment
- Dismiss from prosecution and forward the file to the competent authority for administrative settlement

Competent authority has various options

- Allow regularization
- Confiscate the shipment
- Impose an administrative fine, in case the PP decides not to proceed with criminal prosecution

Customs authority has only one option

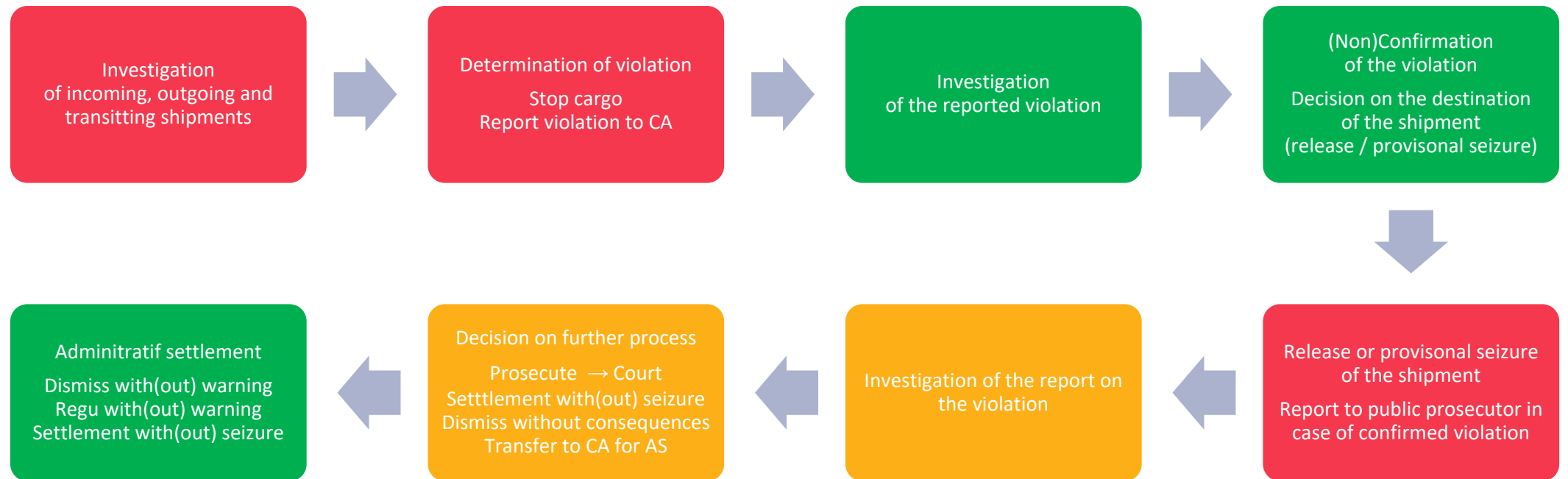
Execute decision of public prosecutor or competent authority:

Release of the shipment for the EU market, (return the shipment to sender, destroy the shipment) or seizure





ANTWERP CITES INVESTIGATION TEAM & COMPETENT AUTHORITY & PUBLIC PROSECUTOR





CUSTOMS, PUBLIC PROSECUTOR AND COMPETENT AUTHORITY

Customs

- Full investigative authority
- No sentencing authority

Public Prosecutor

- Authority to order additional investigation
- Full sentencing authority

Competent authority

- Full investigative authority
- Shared sentencing authority together with public prosecutor

Mutual agreement

- Customs authority focuses on import / export investigations
- Competent authority focuses on domestic investigations
- Complex customsfiles to be discussed with competent authority and public prosecutor
- Communication and cooperation at any time when considered to be needed



EXAMPLES OF MOTIFS AND RISK INDICATORS

Motifs

- National and international alerts
- Recent catches in neighbourcountries/ports
- Changes in legislation
- (Inter)nationally coordinated actions
- Request for mutual assistance
- Request from competent authority
- ...

Risk indicators

- Previous infringements
- Changing traffics / declarations after changes in legislation
- Strange choice of route
- Strange choice of product
- Unusual high or low prices
- Documentary anomalies
- Misdeclarations
(codes in box, HS code, quantity, ...)
- Unnecessary intermediate steps
- ...



INFRINGEMENTS EASILY TO AVOID

Customs Declaration

- CITES permits not mentioned
- Use of the wrong codes in box 44

CITES Export Permit

- Not signed by the exporter
- Actual exported quantity not mentioned / written-off
- B/L or export document not mentioned
- Not signed / stamped for export

CITES Import Permit

- Validity date expired
- Permit does not mention the name of the actual importer



CODES BOX 44 OF CUSTOMS DECLARATION

CODE	WHEN TO USE	DOCUMENT N°
C400	CITES certificate to show	
C401	CITES (re)export certificate delivered by EU member state	X
C402	CITES (re)export certificate delivered by third country	X
C403	CITES certificate for traveling exhibition	X
C404	CITES certificate for personal property	X
C405	CITES certificate for sample collection	X
C406	CITES certificate for musical instruments	X
C635	CITES Label for scientific material	X
C638	CITES import certificate	X
C639	CITES import notification	X
Y900	Non-CITES declaration (goods not included in Washington Treaty)	



CONTACT DETAILS

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