



**OIFIG AN AIRE DLÍ AGUS CIRT AGUS COMHIONANNAIS
OFFICE OF THE MINISTER FOR JUSTICE AND EQUALITY**

Ms Tara Kelly,
Clerk to the British Irish Parliamentary Assembly,
Leinster House,
Kildare Street,
Dublin 2.

27 July 2015.

Dear Ms. Kelly,

I refer to previous correspondence concerning the Report of Committee A (Sovereign Matters) of the British Irish Parliamentary Assembly on *Cross-border Cooperation and Illicit Trade*.

The Minister has asked me to express her appreciation to the Committee for this report and for the work the Committee's members have carried out in compiling it. The Minister notes and fully endorses the Committee's conclusion in respect of the ongoing and valuable co-operation between law enforcement agencies in both jurisdictions to combat cross-border criminality.

The Minister would wish to note at the outset that she has no role in the investigation of crime or in directing Garda investigations. The investigation of crime is a matter for the Garda Authorities and the Garda Commissioner operates independently in respect of her operational responsibilities in this regard.

However, the importance that the Government and the Minister attach to such matters as addressed in the Committee's report is reflected in the priorities that the Minister has set out for An Garda Síochána's 2015 Policing Plan. The Minister has determined as two of her priorities for An Garda Síochána: Security (to protect the State and the people against terrorism in all its forms) and Crime (to combat serious crime in all its forms, in particular violent crime, organised crime including human trafficking, and white collar crime).

There is a strong operational and strategic focus from the Garda authorities on both subversive activity and organised crime in this jurisdiction and these two areas remain a high priority for the Garda authorities.

The Garda authorities are keenly aware of the links that exist between paramilitary groups and organised criminal gangs, and factor this into their strategic approaches to combating these serious activities. In respect of combating both of these areas of

criminal activity, the Gardaí work very closely with their counterparts in Northern Ireland. For example, there remains a real and persistent threat from the so-called 'dissident' paramilitary groups on this island and the Gardaí and their counterparts are active in counteracting and disrupting their activities. In this regard they maintain a close and ongoing operational relationship and this has been instrumental in combating the activities of these groups and in saving lives.

The Gardaí also work closely with the Police Service of Northern Ireland and the UK National Crime Agency in combating the activities of organised crime gangs, with a particular focus on cross-border crime. A key feature of the ongoing efforts to counteract cross-border crime is the interagency nature of the operational co-operation which involves the two police services and the two customs services on the island, and the Criminal Assets Bureau and the UK's National Crime Agency.

Law enforcement in relation to the smuggling of tobacco products, the sale of illicit or counterfeit tobacco products within the State and fuel smuggling/laundering is primarily a matter for the Revenue Commissioners. However, in targeting the illicit trade there is close co-operation between the Customs Service of the Revenue Commissioners and An Garda Síochána. Searches are regularly undertaken by the Gardaí as part of intelligence-led operations led by Revenue. An Garda Síochána also continues, on a district and divisional level, to target those involved in the sale and distribution of illegal products, at markets and via door-to-door sales.

There is also considerable cross border cooperation in tackling these illicit activities. The work of the Cross-Border Task Force on Fuel Laundering and Smuggling, which comprises representatives from An Garda Síochána, the Revenue Commissioners, the Police Service of Northern Ireland, HM Revenue and Customs, the UK's National Crime Agency and the Criminal Assets Bureau, has ensured that a number of groups involved in the laundering and distribution of illegal fuels, operating in both jurisdictions, have been specifically targeted by the agencies involved. A similar interagency group, the Cross Border Tobacco Enforcement Group, is in place to support the fight against the activities of gangs engaged in tobacco smuggling.

A measure of the close North-South co-operation in combating organised crime is the annual Cross Border Organised Crime Conference. The conference brings together law enforcement officers from each jurisdiction including the Police and Customs services, the Criminal Assets Bureau and the UK National Crime Agency. It is organised jointly by the Department of Justice and Equality, the NI Department of Justice and the two police services. Arising from the conference workshops are established which seek to address areas of mutual interest insofar as organised crime is concerned.

The conferences also allow the agencies concerned to effectively address and respond to emerging trends in criminal behaviour common to both jurisdictions in addition to intensifying their focus on existing crime trends and current areas of co-operation.

Through such co-operation groups involved in illicit activity are identified and are specifically targeted for investigation by all the enforcement agencies concerned. As a result, joint intelligence-led investigations are carried out and continue to yield results.

For example, on 3 February 2015 as a result of a joint, intelligence-led investigation, officers from Revenue's Customs Service (supported by An Garda Síochána) and HM Revenue & Customs (supported by the PSNI), searches were carried out on a number of premises along the border in both jurisdictions. Three premises in the Louth area and two premises in south Dublin were searched and cigarette seizures with an estimated retail value of €167,000 were made. Nine searches were carried out in Counties Down, Tyrone and Armagh which resulted in the seizure of a tobacco processing plant, 2 million cigarettes, 12 tonnes of tobacco and approximately £50,000 cash sterling.

As highlighted in the 2013 Annual Report of the Criminal Assets Bureau excise duty assessments were raised by the Criminal Assets Bureau during 2013 in the amount of €16.5 million utilising Revenue powers. These assessments were raised against major criminals involved in the distribution and sale of smuggled/laundered fuel and the illicit trade in smuggled cigarettes.

As noted in the Cross Border Organised Crime Threat Assessment 2014 there is substantial interaction between organised crime groups operating on both sides of the border. In addition, the links between so-called 'dissident' republican paramilitary groups and organised crime groups remain a serious concern.

Tobacco Products – Detections and Prosecutions

Revenue's strategy for tackling the illicit trade in tobacco products is focused both on intercepting and seizing illicit consignments at the point of importation and also carrying out checks at retail outlets, markets and commercial premises.

The Revenue Commissioners advise that considerable success is being achieved against both the smuggling of illicit tobacco products and their sale within the State.

- In 2014, 5,852 seizures of cigarettes were made resulting in the seizure of 53 million cigarettes with a value of €25.5m. In addition, 1,014 seizures of tobacco were made resulting in the seizure of 9,836kgs of tobacco with a value of €4.2m.
- In 2014, there were 57 convictions for cigarette/tobacco smuggling, resulting in fines of €108,969 and 21 custodial sentences, 14 of which were suspended.
- In 2014, there were 54 convictions for the illegal selling of tobacco products resulting in fines of €118,250 and seven suspended sentences imposed.

Fuel Smuggling and Laundering

Given its links to organised crime, the Revenue Commissioners are fully supported in this area by An Garda Síochána. Searches are regularly undertaken by members of An Garda Síochána as part of intelligence-led operations led by Revenue's Customs Service, which have resulted in a number of significant seizures of diesel and the closing of diesel-laundering plants, particularly in border counties.

The Revenue Commissioners advise that in 2014, there were 1,109 detections of marked fuel oil, two oil laundries were detected/shut down resulting in 50,340 litres

of oil being seized. The Revenue Commissioners further advise that the number of oil laundries detected and closed down in the period from 2010 to 2014 was 35. Details of those detections, by year and by the counties in which they occurred, are set out in the following table.

Year	Cavan	Donegal	Dublin	Laois	Louth	Meath	Monaghan	Offaly	Waterford	Totals
2010	0	0	0	1	0	0	2	1	0	4
2011	0	1	0	0	1	1	6	0	0	9
2012	1	0	0	0	7	0	3	0	0	11
2013	0	0	1	0	2	1	4	0	1	9
2014	0	0	0	0	1	0	1	0	0	2
Totals	1	1	1	1	11	2	16	1	1	35

While it is inherently difficult to estimate the scale of any illegal activity, the capacity of fuel laundries and the impact of the criminal activity on the Exchequer, the Revenue Commissioners recognise that fuel fraud, including the laundering of markers from rebated fuel, is a significant threat to Exchequer revenues. Action against this illegal activity continues, therefore, to be an interagency priority.

The Minister notes the recommendations of the committee and, as stated earlier welcomes the Committee's acknowledgement of the excellent cross border co-operation between relevant agencies supported by An Garda Síochána and the Police Service of Northern Ireland.

The excellent levels of cross border co-operation on the law enforcement matters addressed in the Committee's report are examples of how agencies both North and South are maximising the effectiveness of the available resources. The co-operation mechanisms that have been established to date are focused on particular areas of concern and can draw on the considerable expertise of all the agencies involved. The addition of another structure in this regard would not appear to offer any immediate benefits above the current arrangements. Of course, these matters are kept under constant review at an operational level in light of changing operational demands and the analysis of crime trends.

The Minister hopes that the above is of use to the Committee and, indeed, the Assembly it further consideration of this matter.

Yours sincerely,



Chris Quattrociochi
Private Secretary to Minister