

Operation ‘Swimming Salt’¹ – One of the most serious organised crime investigations ever on the Danube

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On the 11th of October in 2021, about 2,8 million boxes (i.e. 57 million pieces) of untaxed cigarettes were seized by the National Tax and Customs Administration of Hungary (NTCA) from a Ukrainian barge in the town of Paks and on the next day in a warehouse in Pest county. The confiscated cargo was hidden in rock salt sling-bags. Four perpetrators have been arrested during this HUF 5,5 billion value case, which is an unprecedented detection in the history of Hungarian Customs related to cigarette smuggling.

The organized group of Hungarian citizens of Ukrainian origin caused almost HUF 4 billion in damage to the budget through the fraud of VAT and excise duties. During the operation three persons were caught red-handed and the fourth suspect was captured by Customs Officers during the escape. All of them were detained and the court ordered their arrest. The NTCA was investigating suspected budget fraud and money laundering. The perpetrators could face up to 20 years in prison.

The international aspects of the operation were coordinated by the Europol under international criminal and judicial cooperation. Thanks to great analytical work done by investigators of the Customs, a network of companies and invoicing chain was able to establish, which, through international cooperation, led to Polish, Czech, Romanian and Ukrainian companies. It has been revealed, that they not for the first time, benefited from this method. But was the unravelling of the case a complete success, or were there mistakes that could weaken the security of the Danube River? In the light of this case study, what are the possibilities for further developing international cooperation on the Danube?

Keywords: cigarette smuggling, case study, Danube, customs, international cooperation.

I. Introduction

The variety of new security challenges emerging today is unprecedented. While tackling these challenges is primarily a national competence, the international connectivity of the Danube creates a common vulnerability across the countries of the region, and the cross-border nature of law enforcement is undeniable. The European Union has voted in favour of early detection, analysis, awareness raising, increasing resilience, prevention, crisis management and consequence management, and these are the areas on which the common policy should focus in the future, since Hungary, as a full member of the Schengen Convention, is one of the first - and perhaps the most important - control and risk management spot for threats coming from outside the Danube.³

The border checks and risk management carried out by the Hungarian Police and the National Tax and Customs Administration (NTCA) at the southern Danube border of the Schengen Area

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³ European Commission: EU strategy for the security union, online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1596452256370&uri=CELEX:52020DC0605> (downloaded: 2023.09.22)

is of European importance. It is a fact that Croatia has been a full member of the Schengen Convention since 1st of January 2023 for land and river borders. However, the crime case and the conclusions drawn from it analysed below, occurred before that date and Hungary remained an external border of the EU with Serbia on the Danube, and its importance for Schengen and customs control is obvious. Vessels entering at the international border port of Mohács may, in principle, continue their journey northwards into the European Union or even to Rotterdam using the Danube-Rhine-Main Canal without police and customs controls. Border checks is carried out directly by the Border Police and Water Police and by the local branch of the NTCA, in close cooperation with the disaster management, public health, food chain safety and veterinary services, as well as shipping agencies. Thus Mohács is a permanent Schengen border port on the external border, next to Vukovar, where all vessels entering or leaving Serbia have to stop for border checks, which can only be done by Slovak, Austrian or German authorities after the temporary reintroduction of border controls.

Those vessels crossing the Danube from Croatian waters⁴ to Mohács may be subject to in-depth controls on the basis of a risk analysis. For these reasons, it is important to identify and analyse the risks inherent in border control in a timely manner and, on the basis of the results, to identify possible ways of risk management.⁵ One of the most important issues is to improve the flow of information between the law enforcement agencies of the Danube States. In 2011, Europol assessed the Danube as a high risk area for smuggling in human beings, irregular migration, smuggling of goods, drugs and arms trafficking.⁶ Between 2013 and 2015, the DARIF project⁷, coordinated by Hungary, involved ten Danube countries (Germany, Austria, Slovakia, Croatia, Serbia, Romania, Bulgaria, Moldova, Ukraine and Hungary) and several international and European agencies (such as Europol, Interpol and Frontex). On the project's expert forums they identified that the risks linked to the Danube infrastructure, navigation and the river itself are mainly linked to illegal migration, smuggling of goods, organised crime against property and environmental damage linked to aquatic habitats.⁸ The greatest risk on Danube vessels is the smuggling of goods (mainly tobacco or alcohol) and prohibited items (such as drugs or possibly weapons), including cigarettes, which can be smuggled generally on vessels sailing from Ukraine to Western European countries. Cigarette smuggling generates a large income for organised crime groups, as it can be hidden in or under bulk cargo in the barges of Danube cargo ships, making it difficult to detect. Most of the threats

⁴ There has been no precise demarcation of the border between Serbia and Croatia, as countries that seceded from the former Yugoslavia, on the basis of any legal act, and the Danube border between the two countries is still disputed. The Croatian position is that the border should not be along the current course of the Danube, because on the left bank of the river there is a ten times larger area of land that belonged to their country according to the 19th century cadastral register, which was made during the Austro-Hungarian Empire. In the Danube border dispute between the two countries, until an agreement is reached - as long as Croatia is a Schengen member state and Serbia is not a member of the EU - Hungary can follow the border police practice that, before entry, a vessel calling at any port on the left bank of the Danube comes from Serbia (i.e. from the Schengen external border), while a vessel docked on the right bank comes from Croatia (i.e. via an internal border). For more information see: Darko, M. Markovic: International legal aspects of delimitation between Croatia and Serbia on the Danube River. *Pravo I Politika*, Godina XI, 1-2/2018.42-52.

⁵ Ritecz, György: A migráció kockázatai. In Gaál Gyula – Hautzinger Zoltán: *XIV. Pécsi Határőr Tudományos Közlemények*. Pécs, MHTT Határőr Szakosztály Pécsi Szakcsoport, 2013. 255–264.

⁶ Berta, Krisztina: Előszó. In Herczeg Mónika: *A Dunai Folyami Fórum Strukturájának létrehozása, DARIF*. Budapest, Magyarország Belügyminisztériuma, (2015) 6.

⁷ „Setting up the Structure of a Danube River Forum” – DARIF. HOME/2012/ISEC/FP/C2/4000003980. Online: <https://bmprojektek.kormany.hu/a-dunai-folyami-forum-strukturajanak-letrehozasa-darif> (downloaded: 2023.09.22)

⁸ Gábor, Balog: Criminal and Risk Analyses Expert Group. In Herczeg Mónika: *A Dunai Folyami Fórum Strukturájának létrehozása, DARIF*. Budapest, Magyarország Belügyminisztériuma, 2015 (2015), 22-26. Online: <http://bmprojektek.kormany.hu/bunmegelozes-es-a-bunozes-elleni-kuzdelem-program2> (downloaded: 2023.09.22)

are due to the lack of searching means possibilities. To prevent them, however, border control must become increasingly intelligence- and risk analysis-based and the timely exchange of information between the countries of the Danube Region must be enhanced too.⁹ Boosted police cooperation could prevent some serious crimes, and international police-customs cooperation shall be a prerequisite for effective law enforcement measures.¹⁰ The European Union has also voted in favour of early detection, analysis, awareness-raising, resilience-building, prevention, crisis management and consequence management, which should be the focus of common policy in the period ahead.¹¹ Based on interviews made with officials in the Hungarian Ministry of Interior who are involved in the implementation of the EU Strategy for the Danube Region, one of the biggest problems identified is the difficulty in establishing the real scale of the threat posed by organised crime in Danube shipping, so Hungary's law enforcement agencies facing latency on identifying the extent of smuggling by ships, which resulted low political priority to this area, thus less resources can be allocated to it. Increased police cooperation (including joint risk analysis, training and exchange of experience) is one of the key measures to enhance Danube security, as timely exchange of information would allow quicker apprehension of perpetrators of serious crimes and regular exchange of statistical data between Member States would also reduce latency. Although Hungary has established the legal framework for the Danube Law Enforcement Coordination Centre with Croatia¹² - under the aegis of which this all could be achieved - it is not yet fully operational, as the other Danube States have not joined the international convention on which it is based for political and financial reasons.¹³

The author's questionnaire research also confirms the thoughts above. He found that 88% of the Danube law enforcement officials consider that cargo transport is riskier than passenger transport and that the most smuggled goods on board are cigarettes and tobacco products, followed by alcohol, then oil and then drugs. Besides that, 64% of respondents agreed that there is a high latency rate for cigarette smuggling detected on Danube vessels, with 53% of them considering it to be a widespread phenomenon in their country. The representatives of the Danube States' law enforcement agencies also agree that the most urgent issue is to improve international cooperation. According to 77% of the experts, the lack of a law enforcement coordination centre with involvement of all the Danube States clearly causes security deficit and 74% of them felt that better use of existing customs-police cooperation points (PCCCs) (usually located at land border crossing points) is not enough, but instead setting up specialised inland waterway information networks would rather be a future solution.¹⁴

⁹ Kalmár, Ádám: Kockázatok a dunai vízi határforgalom-ellenőrzésben. *Magyar Rendészet* 22 : 1 (2022) 121-138.

¹⁰ Kalmár, Ádám (2022): [A dunai határellenőrzés bűnüldözési funkciói rendkívüli időszakban](#). In: Gaál, Gyula; Hautzinger, Zoltán (szerk.) *Rendészet a rendkívüli helyzetekben : húsz éves a Szent László napi konferencia*. Pécs, Magyarország : Magyar Hadtudományi Társaság Határőr Szakosztály Pécsi Szakcsoport (2021) 293-301.

¹¹ European Commission: EU strategy for the security union, online: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1596452256370&uri=CELEX:52020DC0605> (downloaded: 2023.09.22)

¹² Agreement between the Government of Hungary and the Government of the Republic of Croatia on the operation of the Danube Law Enforcement Coordination Centre. Done at Mátraháza, on 11 October 2012. Online: <https://njt.hu/jogszabaly/2012-171-00-00> (downloaded: 2023.09.22)

¹³ Kalmár, Ádám: Rendészeti együttműködés a Duna Stratégia égisze alatt. *Belügyi Szemle*, 70(12), (2022) 2591-2610. <https://doi.org/10.38146/BSZ.2022.12.3>

¹⁴ Kalmár, Ádám: Law Enforcement Officials' Opinion on the Security Situation and Cooperation on the Danube *Magyar Rendészet* 23 : 1 (2023) 79-83.

II. Method

In the following, a case study from a real-life customs investigation, based on Warner's categorisation,¹⁵ is analysed using fictitious pseudonyms instead of real names of ships and persons. The writing of the case study, which demonstrates the presence of cross-border organised crime in the Danube and the problems described in the introduction, is the result of empirical research.

The selected organisation is the Hungarian National Tax and Customs Administration (NTCA) and the selected offence is related to the smuggling of cigarettes into the European Union by waterway.

I confirmed the investigation of the case by means of consultations, prior to which I collected the necessary background information with the support of the investigators of the Criminal Investigation Directorate of the South-Transdanubian Regional Directorate of NTCA. In answering the questions posed in the case study¹⁶, I also used the material of the international conference EUAF 2022, 101101789-2022-HU-CORICO, „Conference on Danube River Customs Control to fight against cigarette smuggling”, held in Mohács, 18-21 September 2023. I have followed the rules of case study analysis in describing the case and the data of the investigation. A case study, according to Yin's classification, is also of the exploratory/investigative type¹⁷, as it defines both questions and hypotheses related to the case.

III. The case study – Preliminary information and research questions

The case of outstanding detection under analysis was reported in the press in November 2021, as follows.

*"The NTCA seized a total of 2.8 million cartons, or 57 million pieces of untaxed cigarettes from a Ukrainian cargo ship and in a warehouse in Pest County. Four people were arrested after the almost 5.5 billion haul, unprecedented in Hungary. On paper, the smugglers' boat was carrying bale salt on the Danube, but checks revealed that the bags, each weighing 1,300 kilos, contained more than 2.3 million packets of cigarettes without excise stamps. After analysing the information on the spot, NTCA colleagues quickly reached a site in Pest County, where they found almost half a million packets of contraband cigarettes in similar circumstances, disguised as salt. The organised group of Hungarian citizens of Ukrainian origin caused almost 4 billion HUF in damages to the budget with the VAT and excise duties they had stolen."*¹⁸

As a researcher working on improving Danube law enforcement cooperation, the case immediately caught my interest, as it confirmed the presence of organised crime in Danube shipping and the previous concerns of representatives of the domestic law enforcement agencies in a very significant case. The volume of smuggled cigarettes seized in the case reached or exceeded the volume of all other cigarette smuggling detected at the border in Hungary in the years prior to 2021 - and since then. Based on publicly available data, the NTCA seized 64.3

¹⁵ Warner, Charles, "How to write a case study", 1998.

¹⁶ Közigazgatási Vezetői Akadémia: Esettanulmány alapú módszertan. 13-17 online: <https://nkerepo.uni-nke.hu/xmlui/bitstream/handle/123456789/100182/586.pdf?sequence=1&isAllowed=y> (downloaded: 2022.08.04.)

¹⁷ Yin, K. Robert (1993) „Applications of case study research”, Newbury Park, CA: Sage Publishing, p. 5

¹⁸ Novekedes.hu: *A tapasztalt nyomozók is megdöbbentek a csempészégi mennyiségén*. Online: <https://novekedes.hu/nav-infotar/a-tapasztalt-nyomozok-is-megdobbentek-a-csempeszegi-mennyisegen-video-a-cikkben> (downloaded: 2023.09.22)

million cigarettes at all borders and throughout Hungary in 2019, 25-25 million cigarettes in 2020 and 2022, and 24.9 million cigarettes in the first half of 2023.¹⁹

In addition, its detection required international cooperation, so I was curious to know what difficulties were encountered in its implementation, whether there were any pitfalls that could highlight the problems of law enforcement cooperation that have been raised in the past.

Specifically, I have asked the following questions.

1. How was international cooperation in the investigation coordinated by which EU agency?
2. When, to whom, what information was sent and through which channel?
3. Was there a failure in the flow of law enforcement or criminal information exchange that had caused a negative impact on the incident or the investigation?
4. Was the speed and efficiency of police cooperation adequate?
5. Can we identify any fundamental problems that hamper international police cooperation in the Danube countries?
6. What are the possible solutions to the problems identified and how can the efficiency of police cooperation and information flow between the Danube States be further improved, thereby increasing the security of the EU and the Schengen area against inland waterway threats?

A Case description

On 11th of October 2021, the NTCA Mobile River Control Unit inspected the unloading of a Ukrainian flagged vessel (called here as Phoenix for anonymity) at the commercial port of the town of Paks. According to the available information, the cargo of the barge attached to the river tugboat consisted of salt and iodized salt, which were placed in large sling-bags (simply called big-bags) weighing 1.3 tons each. During unloading with a crane, one of the bags ripped open and 6,800 cartons of untaxed cigarettes fell onto the ground.

Customs officers found that the barge and its cargo had originally entered the country on 26th of September 2021 with another Ukrainian tugboat (I called it the Katarina) and entered the country on 27th of September 2021 at Mohács, where the customs office controlled the salt cargo and released it for free circulation. Two days later, the barge containing the salt was transported to Budapest by the Katarina. There, having technical problems at one of the Danube ports hindered the barge from being unloaded, so it was left at river kilometer 1630,7 for some days. The barge remained there until 3rd of October 2021, when the captain of the Phoenix received instructions to transport it to the port of Paks, where unloading would begin on 11th of October.

At the unloading point, Ivan Stepanovich (his name and that of all the others are fictitious names) was present as the person in charge of unloading and checking the goods. With him in the car was Roman Bogatov (both Hungarian nurses of Ukrainian origin), who, according to information obtained during the investigation, had been commissioned by a Hungarian company to supervise the unloading of the salt consignment. The two of them left the scene in a van owned by Ivan Stepanovich in a hurry after the customs control started.

Over the next 6 days, customs officers carried out a detailed inspection of the cargo, which contained a total of 2,375,465 packets of untaxed cigarettes with a value of EUR 1,129,000.

The next day, on 12th of October 2021, the NTCA operational units followed the minibus and the trailer lorry travelling with it. The latter was owned by Sergey Volozin (Ukrainian-Hungarian national) from his own company. Its driver was later identified as Ivan Stepanovich.

¹⁹ Seizures of NTCA. Online: https://nav.gov.hu/vam/felderitesi_eredmenyek (downloaded: 2023.09.11)

NTCA investigators thus discovered a site near Budapest, where they found another 484,410 packets of cigarettes of various Ukrainian brands, exempt from Hungarian taxation, as well as salt used as a cover in the same form and in the same big-bags as the cigarettes seized at the port.

Ivan Stepanovich, Péter Nagy and Győző Takács were at the site, they were loading cigarettes when customs stepped in. They admitted that they were aware of the presence of cigarettes in the warehouse and in several cars parked on the premises. All the three men were arrested. The minibus they were following drove off before the site was approached by customs. It was stopped by NTCA patrols later that day and its driver, Sergei Volozin, was arrested and also detained. Unfortunately, Roman Bogatov had left for Ukraine via Slovakia on the same day and could not be apprehended till the end of the investigation. During a search of the premises, 484,110 packets of cigarettes of uncertified origin were found in several trucks and in the warehouse, just as in Paks, hidden in sacks of salt in the port, and exempt from Hungarian taxation. The total retail value of the tobacco products found and seized in the port of Paks and the warehouse was €1,359,221. In view of the above, the NTCA ordered an investigation on 12 October 2021 under Section 396 of the Hungarian Criminal Code for the well-founded suspicion of committing the crimes of budget fraud and money laundering in violation of Section 399.

B The investigation

The cigarettes found in the port of Paks were subject to excise procedure by the NTCA, the tobacco products were seized on 12 October 2021 and an inspection was carried out at the port and the customs documents were analysed.

Officers interrogated, among others, the agent of the shipping company that cleared the goods through customs in Hungary, the Paks port manager and the crane operator in charge of the loading, who recognised the suspect who was monitoring the unloading. The captain and 3 crew members of the vessel pushing the barge from Budapest to Paks were also questioned as witnesses, and their shipping documents and the invoice of the cargo were seized. The customs clearance company also received instructions from the Hungarian lady and email address from the ship's agents.

According to the customs documents, the consignee in Hungary was a Hungarian Zrt. and the consignor was a Polish company. The customs duty was paid by the Hungarian company and another Hungarian Ltd. According to the original route of the tobacco products found in the port of Paks, the goods should have been unloaded in the port of Csepel. The Hungarian company rents a warehouse in the port of Csepel, where salt was stored at the time of the investigation. The stored salt arrived in two instalments at the end of 2020 and at the beginning of 2021, but it had not yet been shipped that times, so it had been remained there since unloading, which proved that the salt trade was only a cover for the goods and for the activity. The real activity was the trade in tobacco products exempt from excise duty.

The original route of the freight vessel also had to be traced. The tugboat Katarina with a crew of 8 Ukrainians arrived from Vukovar, Croatia on the afternoon of 26. September 2021 and reported for entry at the Border Port in Mohács. According to the customs control sheet, it was carrying six barges, including the one carrying the salt cargo. The route of the vessel was; Izmail (UA) - Reni (UA) - Galati (RO) - Ruse (BG) - Lom (BG) - Veliko-Gradiste (RS) - Smederevo (RS) - Pancevo (RS) - Novi Sad (RS) - Vukovar (HR) - Mohács (HU) - Csepel (HU). The barge with salt was to depart from Izmail and arrive in Csepel next to Budapest. According to the captain of the Phoenix, the barge loaded with salt was berthed at Danube river at string kilometer 1630 for 9 days, and then on 10 October 2021, the dispatcher of the shipping company in Hungary instructed him to push the barge to the port of Paks. (The original tugboat, the

Katarina, was presumably continuing on its journey to Austria.) The captain and crew of the Phoenix were unaware of the cigarettes hidden in the salt cargo.

The results of the Member States' conviction checks in the European Criminal Records Information System (ECRIS) did not surprise investigators as to the persons apprehended in the course of the proceedings. It emerged that Ivan Stepanovich was sentenced to 16 months imprisonment for a customs offence by a competent court in the United Kingdom in 2017 and Győző Takács was convicted of smuggling by a competent court in Sweden in 2014. The investigators also checked whether the above transport was an isolated incident or the next step in a chain. They found that, based on the salt transport data, it could not be ruled out that there had been 4 previous similar shipments between February and July 2021. In these cases, goods transported by Ukrainian vessels and barges were unloaded at the Hungarian port of Csepel, while the companies on the transport documents were identical to those involved in this case.

C Network of companies

The evaluation of the delivery notes and the invoicing chain helped the investigators a lot, and a complex network of companies was drawn up. However, it was easy to separate the international transport and invoicing chain of salt from the cigarette smuggling route, and the data also pointed to the controlling companies in the background. According to the web, a Romanian company buys salt from a Ukrainian producer near the port of Ismail in the Ukrainian Doneck Area and sells it to a Czech company, which is its contractual partner. The Romanian company declares its Intra-Community sales to the Romanian tax authorities in a timely and accurate manner and pays the applicable taxes. However, the consignee of the consignment is a Polish company, so there is a strong presumption that the salt is resold by the Czech company to the Polish company, which in turn sells it to the Hungarian company. According to the information provided by the Romanian authorities, the Czech company is managed and controlled by a company registered in the United Kingdom. A Ukrainian company with a similar name to the British group controls the Ukrainian port of Ismail.

D International exchange of information in the framework of criminal cooperation

In the process of criminal investigation, both procedural legal assistance²⁰ and police - in this case customs - cooperation through the SIENA²¹ channel were used.²² In the first instance, for the sake of speed, information was requested through the SIENA system, which allows the transmission of classified data. In the course of the investigation, in order to fully clarify the facts, NTCA investigators contacted EUROPOL's analytical project "SMOKE" by SIENA message, to cross-check their data, and the Polish, Romanian, Czech and Ukrainian counterparts to exchange information on the companies involved. It happened on 12. October 2021.

The first response from the Romanian authorities was received a day later, with the details of the Romanian company listed as the buyer of the salt consignment. Then, on 15. October 2021,

²⁰ Act CXVI of 2005 on the ratification of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the Additional Protocol of 16 October 2001. Online: <https://njt.hu/jogszabaly/2005-116-00-00> (downloaded: 2023.09.22)

²¹ SIENA is EUROPOL's secure information exchange network application that facilitates the exchange of criminal information between Member States. Source: Európai Nyomozó: Bűnözők elleni fellépés határokon át. p.7. online: https://www.europol.europa.eu/sites/default/files/documents/hu_europeaninvestigator-hungary_0.pdf (downloaded: 2023.09.22)

²² Act CLXXX of 2012 on criminal cooperation with the Member States of the European Union Online: <https://njt.hu/jogszabaly/2012-180-00-00> (downloaded: 2023.09.22)

a reply was received about a network of companies, the most important part of which was that, according to the information provided by the Romanian customs service, the Czech company in question was controlled by a company registered in the United Kingdom, which could have been behind the cigarette smuggling.

The Czech authorities have also provided company details in their reply about the headquarters and Ukrainian owners of the alleged company in the Czech Republic. On 21. October 2021, the Romanian National Bureau sent a supplementary reply with treatment codes H0 and H1. On 15. October, the Polish National Bureau sent a reply with the same treatment codes, and on 19. October, it sent a supplementary reply with company data for the Polish company. On 23. November 2021, the Polish Border Guard sent a supplementary information report with code H0 containing details of the environmental study on the above company. On 20. October 2021, the Ukrainian National Bureau sent a data report, also with an H0 handling code, concerning Roman Bogatov and one Ukrainian woman, who was identified during the investigation.

During the investigation, the customs officers at the Mohács Border Port also noticed a self-propelled suspicious container vessel belong to a Dutch transport company (called Victory), which declared for entry on 06 June 2022. The ship was carrying 96 empty containers, among other goods, which had been stowed in such a way that they could not be opened until unloading from the ship in Linz, and the NTCA was unable to conduct a full inspection. The consignor was a Romanian company and the consignee was an Austrian company. The containers were loaded onto the ship in Constanta, Romania and were destined for Austria. Following a request sent by the Hungarian investigative authorities via the SIENA system, the Victory and the 96 containers were subjected to a batch control by the Austrian customs authorities four days later. The containers were unloaded from the ship. All containers were opened and their height and length were measured. All containers were empty and no discrepancies were found during the measurements. However, for three containers, customs officials noted during the inspection that the fans were glued down, that there was an intense smell of tobacco inside and that there was tobacco residue on the flooring, which means that they may have been used to transport tobacco products.

The Polish, Romanian, Czech and Ukrainian partner authorities contacted mostly sent their replies via SIENA with an H1 handling code, which means that the information contained in the reply can be handled, stored and processed, but can only be used in criminal proceedings with the prior consent of the sender. It can be placed in the investigation file if the responding partner authority consents, but several countries have indicated in advance that they will not consent to the subsequent raising of the H1 handling code, i.e. the use of the information they provide in criminal proceedings. It was suggested that the information could be re-obtained through judicial channels via mutual legal assistance (European Investigation Order) (Only in rare cases was it possible to find that a particular response, for example from Romania, was given a H0 handling code, so that its data could be placed in the investigation file and used without having to obtain a specific authorisation.)

Due to the above obstacle, the investigators submitted a request to the Prosecutor's Office for a European Investigation Order (EIO) investigation under the procedural legal assistance²³ which they asked the competent Member State to confirm the information previously received in SIENA.

However, the NTCA investigators also received from Romania on 10. February 2022 an European Investigation Decision dated back in 19. October 2021 and carried out the procedural acts requested therein. However, there was information in that decision which indicated that the Romanian investigators had been aware of the method of the offence long before the Hungarian

²³ Act CLXXX of 2012 on Criminal Cooperation with the Member States of the European Union, Section 53 (1). Online: <https://njt.hu/jogszabaly/2012-180-00-00> (downloaded: 28.09.2023)

case, but had not been informed of it, presumably because there was no Hungarian element in the case. In Romania, in early 2021, several Romanian or Moldovan nationals or dual nationals set up an organised criminal group to smuggle cigarettes on the Danube. The investigation against them started on 19. February 2021. The smuggled cigarettes, concealed in salt, were brought in 2 barges by pusher boat from Ukraine near Reni to Romania, where they entered the ports of Galati and Braila and were sold in the Galac county and transported to other EU countries. According to the documents, the salt was bought from a Romanian company in Galati and sold to Polish and Czech companies. One of the barges and the ship that brought it to Hungary were later found in the Hungarian criminal case.

Based on the above, it can be justified that the Hungarian authorities could have known the method of the crime if they had at least received information (not criminal, only law enforcement) from the Romanian side in the framework of a border information exchange. According to the author's consultations with the NTCA liaison officer of the Hungarian Liaison Office of Europol, the information received from Member States on information related to Danube navigation is also very rare. In the last 4 years, such data have been transmitted only twice.

IV. Conclusion

On the Danube River, in the field of inland waterway transport, there is a demonstrable presence of cross-border organised crime groups, which exploit the weaknesses of law enforcement agencies due to the lack of human intelligence and poor risk profiling, and the difficulty of searching goods by technical means - mainly bulk cargo - transported in barges attached to inland waterway tugboats.

Consultations with NTCA investigators have shown that there's no rapid flow of information on the modus operandi of offences, but there is in specific investigations, as illustrated by the rapid response (within 1-5 days) to SIENA messages and, for example, the Austrian customs services searching containers of Danube vessels 4 days after a Hungarian request. In other words, this means that Danube Member States only send requests to each other if there is an investigative string leading to the partner country in a particular case investigated. The SIENA system has been operational since 2018 to assist NTCA investigators, but since then there has been no similar detection or information flow through it.

The initiation of a European Investigation Order has a negative impact on the processing time (it can take week or even months to arrive), but the information contained in the European Investigation Order is automatically available for use in the investigation, whereas for SIENA messages it depends on the handling codes.

The investigation described in the case study also revealed that the Danube smuggling operation was probably far from the first to use this method, which involved a route via Hungary to Western European Member States. Such hard-to-detect cases highlight the presence of a latency in the area of inland waterway vessel offences and make decision-makers understand that this security deficit can also contribute to the large-scale cross-border trafficking of drugs or arms by organised crime!

The flow of information on organised crime on the Danube is therefore facing significant challenges, mainly due to the lack of a regional cooperation platform and a regular forum system. This could be similar to the Black Sea Coordination Centre or the Baltic Sea Regional Border Control Cooperation. The establishment and long-term operation of a Danube Law Enforcement Coordination Centre and Forum could be a solution to the problems identified, which could increase the security of the EU and the Schengen area against inland waterway threats.

V. References

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