UDC: 340.13:341.222(082.1)
DOI: 10.32453/law_border.v1i1.1525

SMUGGLING CIGARETTES TROUGH THE BORDER SECTION PROTECTED BY NADBUZANSKI BORDER GUARD REGIONAL UNIT AS A THREAT AND BORDER SECURITY PROTECTION CHALLENGE

Capt. Izabela GRZEGORCZYK
Expert in the Foreigners Department of the Polish Border Guard

The aim of this article is to present one of the vital problems Border Guard fights against – smuggling cigarettes trough the borders, which has worldwide range but this article is focused on cigarettes smuggling routes from Eastern Europe trough (and to) Poland, taking into consideration Polish border section protected by Nadbuzanski Border Guard Regional Unit (NBGRU).

The article also presents the peculiarities occurring in smuggling goods tendencies used by criminals, presents also the methods of fighting against this problem, as an efficient protection of EU external borders is an important part of European border protection system.

The tendencies indicated in this article, engagement mostly organized criminal groups in smuggling excise goods, their determination and brutality, clearly show that decisive steps are needed to fight against smugglers. In the future we should expect that Poland will be still not only the transit territory for smuggling cigarettes but also the recipient as OLAF experts claim.

The article is an attempt to indicate the problem of smuggling cigarettes trough the borders which has worldwide range, on the ex-
ample of one section of Polish border protected by NBGRU, what of course, do not present all sides of the problem. It is obvious to everyone that stopping this business is impossible, but what is real and all countries trying to tackle this problem should consider, is controlling this activity and limiting the scale of smuggling cigarettes by effective cooperation of all law enforcement institutions on both – national and international levels.

**Key words:** cigarettes smuggling, border guard, nbgru, border protection, organized border crime.

**1. INTRODUCTION.**

*Problem Actualization.* According to the estimates of the European Anti-Fraud Office (OLAF) the illicit trade in cigarettes causes annual financial losses of over EUR 10 billion in the budgets of the European Union and its Member States. \(^{82}\)

Large-scale smuggling of cigarettes and alcohol into the EU takes place via its Eastern border and tackling the influx of smuggled excisable goods, especially cigarettes originating in particular from Moldova, Ukraine, Russia and Belarus has therefore become a priority for the European Commission. \(^{83}\)

Globalization and regionalization also affect on organized crime. The tendencies in smuggling goods trough the borders have changed and instead individuals, there are specialized international organized groups of smugglers which control transportation of cigarettes from country of origin to the place of their destination. Smuggling cigarettes is one of the most profitable areas where organized crime groups operate and their activity influences directly

---

\(^{82}\) Communication from the commission to the council and the European Parliament stepping up the fight against cigarettes smuggling and other forms of illicit trade in tobacco products – a comprehensive EU strategy.

\(^{83}\) European Commision Action plan to fight against smuggling of cigarettes and alcohol along the EU Eastern border SEC (2011)791 final, 24 June 2011.
on national security the state fighting against smuggling and smugglers. It is estimated that nowadays rather organized groups control illicit cigarettes market in Poland.

2. RESEARCH RESULTS.

On the picture below we can see the directions of cigarettes smuggling, where Belarus, Ukraine are the countries from which cigarettes enter to European Union. As a cause making smuggling cigarettes so profitable we can enumerate a huge disproportion in prices between EU and third countries, what is also indicated on the picture, and what is strictly connected to this, an incredible income to producers and smugglers.

As the Polish Border Guard Headquarters' informs, among all goods seized by officers, the biggest and most valuable part are cigarettes and tobacco.

Table 1. The value of cigarettes and tobacco seized by Polish Border Guard in 2018 and 2019

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>cigarettes</td>
<td>77 625 724 PLN</td>
<td>95 100 775 PLN</td>
</tr>
<tr>
<td>tobacco</td>
<td>68 280 657 PLN</td>
<td>57 116 549 PLN</td>
</tr>
<tr>
<td>Seized goods in total</td>
<td>280 163 649 PLN</td>
<td>265 478 953 PLN</td>
</tr>
</tbody>
</table>

Source: Polish Border Guard Headquarters’ official site

1 EUR=4,50 PLN

As we can see, the total value of smuggled goods in 2019 is smaller when comparing to 2018, but the amount and value of cigarettes seized – increased.

Taking into consideration Poland’s geographical localization it is reasonable to mark that Poland is not only the country of destination for smuggled goods, but also a transit territory, as prices in so called “old EU” are even more than three times higher than in Poland – as it is indicated above, in the figure 1.
Figure 1. Tobacco smuggling routes and prices

Source: https://natemat.pl/183995,bialorus-ukraina-i-rosja-czym-ta-wschodnia-triada-zalewa-polski-rynek#
Although the illicit trade in tobacco products is a worldwide phenomenon, in this article we focus on European markets and present the role of Poland in fighting against this procedure to ensure safety of the whole region, presenting smuggling tendencies occurring on border section protected by NBGRU officers.

THE SPECIFICITY OF THE BORDER SECTION PROTECTED BY NADBUZANSKI BORDER GUARD REGIONAL UNIT - GENERAL INFORMATION

NBGRU is located on the eastern border of Poland which is also the external border of the European Union. On the map below the Polish Border Guard’s structure is presented and NBGRU area of responsibility in border protection system.
The total length of the border protected by NBGRU is 467.5 km (171.3 km with Belarus and 296.2 km with Ukraine) – 68 km of the land border (southern section with Ukraine) and 399 km river border (Belarus – 171.3 km, Ukraine – 227.7 km).

In the structure there are 20 border guard posts – 7 in the border with Belarus, 11 on the border with Ukraine and 2 inland posts in which structures there are 12 border crossing points – 7 road (3 with Belarus, 4 with Ukraine), 4 railway (1 with Belarus and 3 with Ukraine), 1 air. Posts marked as red have in their structure border crossing points, the other ones, protect only green border.

As we can see, most of the border protected by BGRU goes along the river Bug, which is left naturally wild, what makes it very unique and beautiful. A lot of people visit our border region, as stay-
ing by the border is not forbidden – everyone is allowed to spend time there, go fishing, canoeing along the river etc. It is very popular place to visit.

Photo 1. Border river BUG

In border protection context, such circumstances cause huge difficulties and are a real challenge. Smugglers and illegal migrants take an advantage on this situation, as it very convenient to cross the border illegally or smuggle goods through the green border. Moreover, there are forests by the river, where criminals can easily move and hide smuggled goods.

Characteristics of smuggling cigarettes methods used by criminals on border section protected by NBGRU.

Methods and forms used by criminals to smuggle goods through the border vary and are limited only by imagination and needs to avoid goods takeover. But there are two main types:
smuggling goods on a large scale by organized criminal groups by the use different means of transport (road transport – lorries and railway transport). Those types of transport are convenient because of using mass transport devices like carriages and semitrailers. Specificity of this type of smuggling is usage so called “cover – up goods” like ore, peat, wood and other raw materials.

smuggling goods individually – in terms of international touristic flow. What is characteristic to this type – small amount of smuggled goods and range is limited to border region. Smuggled goods are mainly hidden in luggage or special hiding places in cars. It is worth to mention that nowadays this type of smuggling goods also has changed. Rarely goods are smuggled for personal use, it is now more often when goods are delivered to special places when they are illegally stored to be next transported further to the territory of Poland or other EU countries.

To the first type we should add smuggling cigarettes trough the green border - trough the border river Bug - using dinghies or flying objects like drones and gliders. Such smugglers methods cause the biggest problem for NBGRU officers in border protection matters.

To describe the methods used by criminals to smuggle goods trough the border protected by NBGRU, we will divide them into groups, depending on the place of smuggling:

**Smuggling cigarettes trough the border crossing points (road and railway)**

In the NBGRU structure there are 7 road crossing points, opened 24/7 for passenger and truck transport.

In 2020 NBGRU officers disclosed and seized illicit cigarettes in border crossing points:

Table 2 The total value of disclosed and seized illicit cigarettes by NBGRU officers in 2020

<table>
<thead>
<tr>
<th>Type of traffic</th>
<th>Ukraine</th>
<th>Belarus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road border crossing points (passenger and freight transport)</td>
<td>291,347,57 PLN (about 66,498 EUR)</td>
<td>10,491,627,90 PLN (about 2,437,413 EUR)</td>
</tr>
<tr>
<td>Railway border crossing points (passenger and freight transport)</td>
<td>501,844,06 PLN (about 110,830 EUR)</td>
<td>1,692,411,22 PLN (about 443,166 EUR)</td>
</tr>
</tbody>
</table>

Source: NBGRU official statistics

In recent years we observe the increase of smuggling cigarettes from Belarus. The possible cause of such situation is Belarussian government’s strategy, which aim is increasing production of cigarettes. According to the data given by Belarussian government – the contingent of cigarettes production was increased from 400 million to 19.9 billion pieces. The attempts to smuggle cigarettes using road transport vary and depend on the mean of transport used by smugglers. Organized crime smugglers more willingly use freight transport, as it gives possibility to transport a huge amount of illicit goods at once.

Individuals use cars in passenger traffic, where they hide cigarettes in already naturally existing places to hide like vehicle floor, doors, spare wheel, fuel tanks etc. For smuggling the bigger amount of cigarettes special hiding places are made additionally, what is the interference in vehicle construction. Smugglers adapt cars which are used only for smuggling and make on their own special hiding places like additional layers in floor or roof.

Polish customs law, as a punitive measure, allows to seize the vehicle which was used to commit customs crime and was specially

---

86 RILO ECE report „Przemyt papierosów w Polsce i krajach ościennych” http://surl.li/kxhoa.
adapted for smuggling purposes (art. 29 and art 49 Customs Penal Code)\textsuperscript{87}. It is the additional measure of punishment for smugglers. Unfortunately, criminals buy old and almost worthless cars for smuggling purposes, what makes this measure not efficient in general.

Photo 2. Cigarettes hidden in the vehicle adapted for smuggling purposes

\textit{Source: NBGRU official site}

Individuals also use passenger railway transport for smuggling cigarettes purposes. It is low – risk activity because, in case of disclosure smuggled goods, it is impossible to find who is the owner, as no one takes the responsibility. It is strictly connected to the methods used by smugglers. Cigarettes, in general, are hidden in widely available places (seats, roof, toilets…) and the process of hiding is not complicated, not requiring any special equipment.

\textsuperscript{87} Kodeks Karny Skarbowy Dz. U 2020.0.19, 10. 09.1999 p. art. 29, art. 49.
It is so common trend used on Ukrainian as well as on Belarussian border. That is why railway carriers use old and destroyed trains for passengers traffic, as it is obvious that the new ones will be rapidly destroyed by smugglers hiding illicit cigarettes and services during border control.

The biggest amount of illicit cigarettes is revealed in passenger short-distance trains which start and end the journey in border regions on both sides of the border. The passengers of such trains are mostly border regions habitants – individual smugglers – citizens of Ukraine.

Photo 3. Cigarettes hidden in passenger train

*Source: NBGRU official site*

It is worth to mention that organized crime groups also use passenger trains. It is common tendency on border section protected by NBGRU (on both, Belarussian and Ukrainian border). Cigarettes are hidden in widely available places on neighboring side, then, after crossing the border (if goods are not confiscated during border control) Polish citizens – members of criminal groups - pack them in foil sacks and then throw it out of the train. Such method prevents taking over cigarettes by services waiting on the station.
However, organized crime groups much more willingly use freight transport (trucks and trains), as it is more convenient way of smuggling goods. The amount of smuggled cigarettes is huge (estimated value of one attempt is between several hundred thousand PLN and billion PLN)

Photo 4. Cigarettes smuggled in railway transport of wood

Source: NBGRU official site

Specificity of smuggling cigarettes in trains is usage so called “cover-up goods” like ore, peat, wood and other raw materials. This type of smuggling is “safe” - in case of disclosure there are no witnesses and responsible persons and only way to investigate, is operational work.

Criminals involve railway workers on both sides to smuggling, as only them, during loading are capable properly hide and then take out smuggled goods. To find the wagon where cigarettes were hidden, criminals used different GPS devices or telephones with SIM card left in it. Sometimes, to secure payments between criminal groups, the information about proper wagon is sent only if the payment is already made.
Smuggling cigarettes in trucks is also very popular – the methods are two: criminals hide cigarettes between legally transported goods or the only truckload are smuggled cigarettes.

Photo 5. Cigarettes smuggled in a truck.

Source: NBGRU official site

In case indicated above, NBGRU and Custom Service officers during border control on Polish – Belarussian BCP revealed 415 thousand packs of cigarettes worth 6 million PLN (1 329 498 EUR).

Smuggling cigarettes trough the green border
smuggling cigarettes trough the border river Bug

The most characteristic to NBGRU border section way of smuggling cigarettes is throwing them trough the border river. It is the method used only on this section and only on the border with Ukraine. What is important in such method – is used only by organized crime groups. Criminals totally control this way of smuggling.

The modus operandi is always the same – directly before the smuggling on the Polish side of the border appear people who are called “czujki” (“persons – detectors”) equipped with night vision goggles, phones, radiotelephones to listen Border Guards commu-
nication and GPS devices and their task is to establish Border Guard troops localization and on their mark criminals on Ukrainian side start to move cigarettes. They use dinghy to move cigarettes on Polish side where are awaited by recipients with specially equipped cross country cars without seats, number plates, as they are not registered at all. Moreover, moving at night - do not use car lights, drivers wear night vision goggles.

In link indicated below, starting from 00:19 sec. the smuggling method is shown: https://www.polsatnews.pl/wiadomosc/2018-09-11/przemycali-papierosy-pontonami-przez-bug-wsrodnicowych-m-in-zolnierze-i-pogranicznicy/

For this method is also characteristic huge brutality. Smugglers - recipients – often under the influence of drugs – are so determined as they never do not stop to BG road control, even during the chase. In case of blocking the road by BG vehicles, smugglers ram cars not regarding the fact they can hurt or kill BG officers. There were cases when smugglers cars were equipped with special bumpers – with a piece of metal railway truck in it to ram roadblocks more efficient and hurt or kill BG officers. There were no cases of killings but cases when officers became disabled were reported.

Criminals also used trou de loup and barbed wire to stop and destroy BG vehicles.

The estimated value of one such attempt of smuggling is about 150 – 200 thousand PLN that is why are so determined.

In 2018 leaders and members of criminal group responsible for the large - scale cigarettes smuggling were arrested by NBGRU officers. There was proven within 2 years of criminal activity they smuggled trough the river BUG and with the use of gliders 72,4 billion packs of cigarettes worth 49,8 million PLN (2 511 079 150 EUR).

Unfortunately, among apprehended smugglers were also Border Guard officers and soldiers. The total amount of cigarettes seized in 2020 by NBGRU officers smuggled trough the green border was 4 678.020 pieces of cigarettes which estimated value was 3 300 951 PLN (over 664 749 EUR).
Photo 6. Cigarettes seized after smuggling attempt trough the border river BUG.

Source: NBGRU official site

smuggling cigarettes using flying devices – gliders and drones

This method of smuggling is common for both borders – Ukrainian and Belarussian – although gliders were reported only on Ukrainian border.

In 2020 NBGRU officers seized in total 1 072 560 pieces of cigarettes smuggled by the use of drones and gliders, worth in total 756 830 PLN (about 177 328 EUR) – on Ukrainian border – 705 968,70 PLN (over 155 162 EUR).

As indicated above statistics show, the most threatened by air space violation is Ukrainian part of the border.

According to Polish law, for air border protection responsible is Polish Air Force\(^8\), but Border Guards are also obliged to watch over the air border integrity by observing planes and other flying objects cross-

\(^8\) Ustawa o ochronie granicy państwowej Dz. U. 2019.0.1776, 12.10.1990, art.
ing the border and immediately inform Polish Air Force about that fact. In most cases the same criminal organized groups smuggle cigarettes trough the border river and trough the air border. On Belarussian part of the border, where cases of smuggling using drones are much more rare (differences in border protection systems between Belarus and Ukraine), some cases of smuggling cigarettes by individuals were reported. On the Ukrainian border operate only organized groups.

One attempt of smuggling cigarettes is worth more or less 150 000 – 200 000 PLN (about 44 332 EUR).

Glider operators usually fly high, as do not want to be heard or seen by Border Guards and while crossing the border they turn off the engine to turn out it again on Polish side, throw the packages with cigarettes and go back to Ukraine. The place of throwing the cigarettes is sometimes specially marked by recipients by flashlights, distress flares etc. or packages are equipped with GPS devices. It often happens that the place where the cigarettes are thrown is far from the border as criminals know it needs more time for BG to find it when the terrain to search is wider.

Photo 7. Glider’s accident during smuggling attempt

Source: NBGRU official site

---

Above we can see a glider crash which happened on December 2020. The glider operator had problems with the engine and finally the glider felt down with the packages.

One case of smuggling cigarettes by the use of a plane (An) was also reported on NBGRU border section in 2017.

3. CONCLUSIONS AND FURTHER RESEARCH PERSPECTIVES

Taking into consideration Polish Border Guard analysis and monitoring the threats for border protection, there is no risk in drastic increasing of smuggling cigarettes trough the Polish territory. However, the tendencies indicated in this article, engagement mostly organized criminal groups in smuggling excise goods, their determination and brutality, clearly show that decisive steps are needed to fight against smugglers.

Taking into account the hostilities on the territory of Ukraine, the flow of cigarette smuggling has decreased somewhat, but in the future it is worth expecting that Poland will be still not only the transit territory for smuggling cigarettes but also the recipient as OLAF experts claim. According to them, there is no longer a term “only transit countries” existing in EU, as systematically increasing cigarettes’ prices cause that former transit countries are now very attractive market for cigarettes form illegal sources⁹⁰.

Moreover, the role of Poland as a transit territory for cigarette contraband to Western Europe is decreasing because of changing the center of gravity for smuggled goods, especially from Ukraine to Southern Europe. The role of transit trail, less controlled and more attractive to smugglers took Hungary, Bulgaria and Greece, when in the recent years we observe the increase of smuggled goods detections⁹¹.

---

⁹⁰ „Ochrona ekonomicznych interesów państwa” K. Foryciarz p. 174-175.
⁹¹ Ibidem.
The effectiveness of Polish law enforcement agencies is also increasing. Thanks to internal cooperation between different agencies in combating smuggling and organized criminal groups, international cooperation and using the newest technologies to fight against smugglers, the amount of goods seized is increasing every year. However, the penalties in Poland and the rest of EU are still too low to deter people from this type of activity. The main problem and challenge for law enforcement agencies is to deal with the fact that in Poland illegal market of smuggled cigarettes is controlled by organized crime groups.

The provisions how to tackle the problem of smuggling in EU countries are contained in European Commission’s Action Plan to fight against cigarette and alcohol smuggling along the EU Eastern Border and include:

- operational cooperation, including joint investigations and exchange of intelligence and information;
- technical and financial assistance to Member States and third countries;
- engagement with legitimate cigarettes traders;
- negotiation of agreements with the neighboring countries and within a global context, approximation of excise rates and legal provisions concerning penalties;
- regional and cross-border measures;
- ensuring efficient and secure borders;
- supporting enforcement capacity with capacity building, technical assistance and training;
- strengthening the disincentives and raise awareness (make smuggling less profitable);
- fighting against corruption of border police and customs;
- strengthening enforcement through improved operational cooperation including shared intelligence.

---

92 The factbook on the illicit trade in tobacco products – Poland  www.transcrime.it

All the provisions included in mentioned above action plan are brought into force on national level.

The article is an attempt to indicate the problem of smuggling cigarettes trough the borders which has worldwide range, on the example of one section of Polish border protected by NBGRU, what of course, do not present all sides of the problem.

It is obvious to everyone that stopping this business is impossible, but what is real and all countries trying to tackle this problem should consider, is controlling this activity and limiting the scale of smuggling cigarettes by effective cooperation of all law enforcement institutions on both – national and international levels.

**LITERATURE**

2. Communication from the commission to the council and the European Parilament stepping up the fight against cigarettes smuggling and other forms of illicit trade in tobacco products – a comprehensive EU strategy.
6. Ochrona ekonomicznych interesów państwa” K. Foryciarz p. 174-175.
8. The factbook on the illicit trade in tobacco products – Poland.
9. The factbook on the illicit trade in tobacco products – Poland www.transcrime.it.
Ізабела Гжегорчик. Контрабанда сигарет через ділянку кордону, що охороняється Надбужанським регіональним відділом прикордонної служби, як загроза та проблема захисту кордону

Метою цієї статті є представити одну з важливих проблем, з якою бореться прикордонна служба Республіки Польща — контрабанду сигарет через кордони, яка має світове поширення, але ця стаття зосереджена на маршруті контрабанди сигарет зі Східної Європи через (і до) Польщі, беручи до уваги ділянку кордону з Польщею, що охороняється Надбужанським регіональним відділом прикордонної служби (NBGRU).

У статті також представлена особливості тенденцій контрабанди товарів, які використовують злочинці, а також представлена методи боротьби з цією проблемою, оскільки ефективний захист зовнішніх кордонів ЄС є важливою складовою європейської системи захисту кордонів. Зазначені у статті тенденції, залучення до контрабанди підакцізних товарів переважно організованих злочинних груп, їх рішучість та жорстокість, яскраво свідчать про необхідність рішучих кроків у боротьбі з контрабандистами. Враховуючи вонні боєві дії на території України потік контрабанди сигарет дещо знизився, проте у майбутньому варто очікувати, що Польща й надалі залишатиметься не лише транзитною територією для контрабанди сигарет, а й одержувачем, як стверджують експерти OLAF.

Стаття є спробою окреслити проблему контрабанди сигарет через кордони, яка має світовий розмах, на прикладі однієї ділянки польського кордону, що охороняється NBGRU, що, звичайно, не представляє всі сторони проблеми. Усім очевидно, що зупинити цей бізнес неможливо, але те, що є реальним і що повинні враховувати всі країни, які намагаються вирішити цю проблему, — це контроль над цією діяльністю та обмеження масштабів контрабанди сигарет шляхом ефективної співпраці всіх правоохоронних органів на обох — національних і міжнародному рівнях.
Констатується, що завдяки внутрішньому співробітництву між різними відомствами у боротьбі з контрабандою та організованими злочинними угрупованнями, міжнародній співпраці та використанню новітніх технологій для боротьби з контрабандистами кількість вилучених товарів щороку збільшується. Однак штрафи в Польщі та реші ЄС все ще занадто низькі, щоб стримувати людей від такого роду діяльності.

Ключові слова: контрабанда сигарет, прикордонна охорона, нбгру, охорона кордону, організована прикордонна злочинність.