



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 January 2012

5756/12

ENFOCUSTOM 5

OUTCOME OF PROCEEDINGS

of:	Customs Cooperation Working Party (Experts and Plenary)
on:	9 & 10 January 2012
Subject:	Summary of discussions

9 January 2012 – CCWP Experts

1. Adoption of the agenda

The meeting adopted the agenda set out in CM 5955/1/11 REV 1 with the addition of an information point by Europol under AOB.

2. Information from the Presidency

The Chair opened the meeting highlighting the follow-up on JCOs and on the Council Resolution on the future of customs law enforcement cooperation adopted in last December as the main priorities of the DK Presidency. He further informed delegations on issues and events of relevance to the CCWP as outlined in doc. DS 1005/12, clarifying that both COPEN meetings scheduled for January 2012 had been cancelled. In addition, the informal JHA Council scheduled for 26-27 January 2012 in Copenhagen and the workshop co-organised with Commission on cooperation among customs, police and environmental protection authorities to be held May were referred to.

3. Update of the multiannual overview of JCOs

The Presidency gave an introduction to doc. 7032/5/11 REV 5 ENFOCUSTOM 8 RESTREINT UE. Delegations provided additional comments on ongoing and future operations which would be included in an updated version of that document.

4. JCOs and other customs operations

The PL delegation informed the meeting about the post-operational phase of JCO BARREL. The debriefing would be held on 21 - 24 January 2012 in Sopot. The participating MS that had not yet provided their contributions to the final report of that operation were invited to do so.

The NL delegation provided an update on the timetable of JPCO RADAR, referring more specifically to the pre-briefing and the operational phase.

The IT delegation briefed the meeting on the preliminary results of JCO COLOSSEUM, specifying that its debriefing would take place on 8 - 9 March 2012 in Rome and would be followed by a workshop dedicated to issues arisen from the operation. The meeting was also informed that the final report would be ready in March and that a handbook might be prepared on the basis of the results of the operation.

The DK delegation invited delegations to participate in operation DEMETER II organised as a follow-up of WCO DEMETER I carried out in 2009. In this regard Europol noted that it would provide detailed information about the creation of EnviCrimeNet and of a platform of experts on environmental crime at the next CCWP experts meeting.

5. Action 4.6 "To review the concept of JCOs" - discussion of the recommendations set out in the final report

Delegations shared their views on the main findings and recommendations stipulated in the final report on Action 4.6 (9947/4/11 REV 4 ENFOCUSTOM 38 + COR 1) acknowledging that some progress had already been made in implementing certain recommendations in practice.

The Chair noted the following suggestions made by various delegations: to closely follow the work of COSI and to use the Operational Action Plans adopted by it as a point of reference for future operations, to focus on new risk areas when organising JCOs, to simplify different procedures and formalities depending on the type of operation (for example, the need for a briefing/debriefing should be considered in cases of co-financed operations and "new" or "complex" target areas).

As some delegations emphasised the valuable role of existing tools, the Presidency encouraged the use of the AFIS JCO library and of the JCOs recommendations' monitoring file. Delegations' attention was drawn also to the need to better balance risk areas while planning future operations as well as to the necessity to seek complementarity and avoid overlapping with regards to the operations run by the Customs-CODEX committee and the COM (DG TAXUD).

In addition the COM informed the meeting that the ongoing reorganisation of OLAF would result in the establishment of a new task force on JCOs and a new investigation team on IPR infringements. It was also underlined that a close collaboration between OLAF and DG TAXUD would be pursued in order to avoid overlapping.

6. Baltic Sea Region Border Control Cooperation (BSRBCC)

An expert from the DK delegation made presentation on the BSRBCC' mission, goals and main activities planned for this year.

7. AOB

Europol provided an update on the OPSON operation run together with Interpol aimed at seizing counterfeit food and beverage products. Europol provided preliminary information about the results of the operation and informed the meeting that a presentation on the final results would be made once all national reports are collected.

1. Adoption of the Agenda

The meeting adopted the agenda set out in CM 5955/1/11 REV 1 with the addition of information points by the FR and PT delegations under AOB.

2. Information from the Presidency

The Chair opened the meeting highlighting the follow-up on JCOs and on the Council Resolution on the future of customs law enforcement cooperation adopted in last December as the main priorities of the DK Presidency. He further informed delegations on issues and events of relevance to the CCWP as outlined in doc. DS 1005/12, clarifying that both COPEN meetings scheduled for January 2012 had been cancelled. In addition, the informal JHA Council scheduled for 26-27 January 2012 in Copenhagen and the workshop co-organised with Commission on cooperation among customs, police and environmental protection authorities to be held May were referred to.

3. The proposal for Directive of the European Parliament and the Council regarding the European Investigation Order in criminal matters

The CZ delegation gave a presentation on the state of play as regards the EIO and its possible impact on the Naples II Convention. Delegations expressed their concern that there was no clarity on the extent to which EIO would affect the Naples II Convention and on the potential problems EIO's implementation might lead to. Various options on how to further address this issue were considered, concluding that the CCWP should be better informed and, if needed, involved in the discussions on the EIO. In addition, the Presidency noted that the preparation of a document stipulating the concerns of the CCWP related to the possible impact of the EIO on the Naples II Convention might be considered.

4. The Fourth Action Plan (January 2010 - June 2011) - report of completed actions

The meeting took note of the last version of the overview of the 4th Action Plan set out in doc. DS 1018/10/11 REV 10. The Presidency also informed the CCWP that the follow-up of Actions 4.4, 4.5, 4.6 and 4.8 would be discussed in detail in one of the future meetings.

5. Follow-up and evaluation of Action 4.6 "To review the concept of JCOs" - information on the discussion held on 09/01/2012 at the CCWP experts meeting

The Presidency summarised the discussions on Action 4.6 held at the CCWP expert meeting the previous day (see above) and invited delegations to send their written comments before 25 January 2012 on how to proceed with the follow-up of that action.

6. The Fifth Action Plan (July 2011 - December 2012) to implement the Council Resolution of 23 October 2009 on a reinforced strategy for customs cooperation

Delegations provided an update on various actions under the 5th Action Plan.

As regards Action 5.1, the LT delegation informed the meeting that a questionnaire was prepared and would be disseminated following the feedback of the COM (DG TAXUD).

As regards Action 5.4, the SE delegation announced that the first meeting of the project group was scheduled for 19 January 2012.

As regards Action 5.5, the FR delegation explained that the deadline for replies to the questionnaire sent to MS was 13 January 2012 and invited the participating MS to attend the first meeting scheduled for 14 February 2012. In addition, it was underlined that delegations could still join the project by giving notice by 20 January 2012.

The PL delegation announced that it would lead Action 5.8 and Action 5.9.

The BE, CY, FI and UK delegations announced their participation in Action 5.10 led by DE.

The meeting took note of the fact that there were still no leaders for Actions 5.3, 5.6 and 5.7.

7. Follow-up of the Council Resolution on the future of customs law enforcement cooperation

The PL delegation recalled briefly some of the actions which led to the adoption of the Resolution and expressed the view that a new Action Plan might be necessary for its implementation. The Presidency presented its reflections on the way forward with the Resolution in the CCWP and echoed the idea of a new action plan to be drafted by carrying over some projects of the 5th Action Plan. After a discussion on the issue, it was concluded that the CCWP would focus on the preparation of a new Strategy on the basis of the Resolution. The implementation of the Strategy would be followed up in the Sixth Action Plan. It was noted that some delegations requested to provide comments in writing.

8. The FIDE Handbook (revised version)

The Presidency introduced the revised version of the FIDE Handbook. Delegations were invited to send their national declarations as provided in Article 15(3) of the CIS Decision which would be annexed to the Handbook as well as to provide information on the implementation of Article 33 of that Decision by the end of February 2012. It was concluded that the revised version of the FIDE Handbook would be deemed adopted by the meeting unless comments received by 24 January 2012 would suggest otherwise.

9. AOB

The FR delegation provided an update on the Operational Action Plan concerning container smuggling adopted by COSI on 8 December 2011 for which it was the driver.

The PT delegation informed the meeting about the reorganisation of its customs authority.