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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 13 September 2017
To: Customs Cooperation Working Party
Subject: Summary of discussions

1. Adoption of the agenda

The CCWP adopted the agenda of the meeting as set out in CM 3841/1/17 REV 2.

2. Information from the Presidency

The CCWP took note of the information by the Presidency about documents, past and upcoming meetings relevant to the work of the CCWP, as set out in WK 9403/17.

3. Draft 9th Action Plan developments: first draft of actions

The Presidency presented the note in 11752/1/17, which set out the state of play of the preparations of the 9th Action Plan. The main outstanding issues to be solved were the high number of actions and sub-actions and the lack of leaders or co-leaders.

During the discussion, some delegations noted that there were too many priorities and actions for such limited period of time. Delegations suggested to merge some of the actions or sub-actions for which leader or coleaders were still missing. A number of delegations supported by the Commission, Europol and Frontex, asked the Presidency to closely examine the links of the sub-actions with EMPACT priorities and future OAPs which would be drafted in September and October 2017. The Commission pointed out that for some actions, it was advisable to seek how they could complement EMPACT activities. The Commission recommended the Presidency and future leaders to be aware of the direction which the OAPs would take on those priorities and how to make a link with the 9th Action Plan in order to maximise existing resources both at European and national level. One delegation suggested as a possibility to be explored the joining of EMPACT activities as CCWP being represented by a group of Member States. The Commission recommended to update the document on synergies between the 8th Action Plan and the Policy Cycle (14782/2/17).

One delegation suggested that each leader or co-leader could send a short description of the scope of the intended sub-action to other Member States so that they would be in a better position to decide on their participation.

The Presidency concluded by explaining the way forward and inviting delegations to send their comments, in particular, regarding their participation or leadership by 25 September 2017.

4. Fight against excise fraud: progress report to be presented in HLWG meeting

The Presidency presented document 11760/17, which includes an overview of the actions undertaken over the last year regarding excise fraud together with a number of recommendations that would be submitted to the meeting of the High Level Working Party of Directors General for customs on 11 October 2017.

A number of delegations reminded that for tax issues there were other competent Council bodies. One delegation supported by Europol, requested to focus more on details for achieving a rapid exchange of information during operational activities. In particular, Europol noted that the paragraph on cooperation with agencies could be more specific on how information systems could be used in a more efficient way. One delegation and the Commission reminded that the Excise Duty Committee rejected last year the inclusion of lubricant oils in the scope of Council Directive 2011/64/EC. Concerning the future track and trace system for tobacco products, one delegation wished to add a reference to the decision under the Maltese Presidency of discussing the implementing act adopted recently by the Commission in the Customs Union WP. Europol recalled the discussion about weakness of the Excise Movement and Control System (EMCS) which took place in 2012 and pointed out that a lot of information on this phenomenon already was available. On EMCS, the Commission informed that an assessment of the system was going on but it was still premature to say what improvements could be introduced and if the Commission would decide to present a legislative proposal.

The Presidency concluded the discussion by saying that it would issue a revised version of document 11760/17. The revised version would be submitted to the meeting of Customs Attachés on 25 September 2017 and then to the HLWP of Directors General for Customs on 11 October 2017.

5. Draft Council Conclusions on the Progress report on the implementation of the Commission Communication "Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products – a comprehensive EU strategy"

The CCWP discussed the first version of the draft Council conclusions on stepping up the fight against illegally traded tobacco products in the EU (11761/17).

One delegation could not accept the wording of the last bullet point in page 5 regarding raising awareness between consumers of illegal tobacco products. On the track and trace system, one delegation announced that it would send the Presidency a text on the impact on family companies of the future system. Some delegations asked for a cautious approach regarding tax issues. The Commission indicated that it intended to follow-up current discussions with an Action Plan on 2018. The Action Plan could include policy issues, legislative proposals and/or operational measures.

The Commission also mentioned that it was currently seeking to implement the FCTC Protocol, in particular Article 6, and deciding on which elements would be implemented at European level and which other at national level in line with the Council declaration of 2012. The Commission referred as well to the progressive alignment of excise duties with neighbouring countries which was not mentioned in the draft Council Conclusions. The Commission asked how these draft Council Conclusions should be read in relation to Council Conclusions adopted in 2013.

The Presidency replied to delegations and stressed that these draft conclusions aimed at representing the view of the Council at the end of 2017 on progress to be made.

Delegations were invited to send their comments by 1 October 2017.

6. Reporting on the implementation of the 8th Action Plan of the CCWP:

6.1. Action 8.4: Business cases for JCPO “ARMSTRONG IV” and JCP Pilot “COLUMBUS”

Portugal made a presentation of the business cases for JCPO “ARMSTRONG IV” and JCP Pilot “COLUMBUS”.

The CCWP approved both business cases as set out in 11447/17 and 11448/17.

6.2. Action 8.6: Draft final report of JCO Warehouse III

The CCWP approved the final report of JCO Warehouse III as set out in 11321/17.

7. Outcome of the meeting of the European Police Chiefs Convention (EPCC) and of the Directors General of Customs Administrations on 6-7 September 2017 - information by Europol

A representative of Europol briefed delegations on discussions held in the third meeting organised by the Agency with Directors General of Customs Administration. The three main issues discussed were: 1) the use of SIENA by customs, 2) fight against international illicit financial flows and 3) the serious and organised crime threat assessment (SOCTA) and customs.

8. Information about the upcoming Coordination Mechanism meeting: planned activities and timetable

The Presidency informed delegations that, as provided for by the JCO Guide, the Presidency had to gather information on customs related operational activities to avoid overlapping in terms of objectives, geographical area or time. For this purpose, delegations would receive a mail requesting information on joint operations planned for the remaining period of 2017 and 2018.

9. PNR developments

This point was withdrawn from the agenda.
