



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 April 2013

8252/13

ENFOCUSTOM 58

OUTCOME OF PROCEEDINGS

of: Customs Cooperation Working Party

on: 18 April 2013

Subject: Summary of discussions

1. Adoption of the Agenda

The agenda was adopted as set out in doc. CM 2317/1/13 REV 1 with the addition of an item under AOB upon request of DE.

2. Information from the Presidency

The Presidency gave an overview of the main issues of interest for CCWP as referred to in doc. DS 1272/13.

3. Presentation by the Commission - Police Cooperation and Access to Information on the Commission Communication - “*Strengthening law enforcement cooperation in the EU: the European Information Exchange Model (EIXM)*”

A representative of the Commission made a presentation about its communication on the European Information Exchange Model (doc. 17680/12 JAI 913 DAPIX 163 ENFOPOL 418 JURINFO 64). The Communication aimed at taking stock of how cross-border information exchange worked and set out recommendations for MS, and had already been presented in other working groups (DAPIX, LEWP, COSI). The two main messages underpinning the Communication were the fact that there was no need for new legal instruments in this area and the need to work further to close existing gaps and make better use of the existing instruments. Among the recommendations to MS he mentioned enhanced and better use of statistics, the full implementation by MS of the Prüm Decisions and the "Swedish initiative" as well as the establishment of single points of contacts. One delegation regretted that customs authorities had not been involved at an earlier stage in this reflection. The Commission said that customs was an important partner in this exercise, and that it had been up to MS to decide about their expert participation in the consultative mapping exercise organised in preparation of the communication.

4. Presidency report on Customs engagement with the EU Policy Cycle

The Presidency presented its report on customs engagement with the EU Policy Cycle as set out in doc. 8255/13 ENFOCUSTOM 60 COSI 31 ENFOPOL 110. The analysis showed a lack of consistency in the level of engagement by customs authorities in the MS, although a rather low level was predominant. It would be an issue for the MS to consider whether they wanted to enhance and assert more the role, the presence and the visibility of customs in COSI and more widely in the law enforcement community. There would be scope for customs authorities to emphasize their specific competences and to take the lead in relevant areas. The Presidency stressed that the Policy Cycle would be the obvious context to engage actively. It invited the delegations to take note of the content of the report and clarified that no further action would be taken in the CCWP, as the enhancement of the role of customs authorities in COSI would be a matter for national administrations.

5. Presentation by Europol on SOCTA 2013-2017

A representative of Europol made a presentation about the SOCTA 2013, on the basis of the executive summary published in doc. 7368/13 JAI 200 COSI 26 ENFOPOL 75 CRIMORG 41 CORDROGUE 27 ENFOCUSTOM 43 PESC 286 JAIEX 20 RELEX 211 + COR 1. He clarified that Europol would produce additional, more detailed threat assessments on the priorities after their adoption by the Council. The detailed assessments for the priorities relevant to the CCWP areas of competence could be presented to the group. The Presidency noted that several priorities indicated in the Policy Advisory Document (PAD) would have a clear relevance to customs. The PAD would not prevent the CCWP from establishing its own priorities, but it could prove a very useful tool to assist the group to identify new risks. The CCWP should analyse and reflect on the outcomes of the PAD in the coming months, in particular in the context of the establishment of the 7th Action Plan.

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:

(a) Finalisation of Action Plans 5.2 and 5.6 – Progression Maps

The Presidency referred to the progression maps on the recommendations of the reports for Actions 5.2 and 5.6 (doc. DS 1273/13 and DS 1274/13) and invited MS to submit comments by 1 May. If no comment would be received the two reports with the progression maps would be deemed as endorsed by the group.

(b) Presentation of the Draft Final Report on Action 5.10 “*To find and recommend best practice for customs cooperation in criminal matters*”

The DE delegation presented the draft final report on Action 5.10 as set out in doc. 8253/13 ENFOCUSTOM 59 COPEN 59 ENFOPOL 107 + ADD 1.

The Presidency announced that this item would be again on the agenda of the plenary meeting and invited delegations to make comments by 1 May. The BE delegation noted that the conclusions of the report of Action 5.10 underlined the importance of the meetings of the central coordination units in the framework of the Naples II Convention and of the steering group.

(c) Update on remaining outstanding Actions 5.1 and 5.8

With regard to Action 5.1, LT reported that a draft report could be presented to the CCWP Plenary meeting in June.

With regard to Action 5.8, PL said that it was analysing the replies to the questionnaire. The report would be presented in June to the Plenary meeting. PL invited delegations that had not yet responded to send their comments.

7. The Sixth Action Plan (January 2013 – December 2013) to implement the new strategy for the future of customs law enforcement cooperation of December 2012, based on Council Resolution of 13 December 2011

(a) Discussion on the response of delegations to a new approach to the Action Plan

The BE delegation referred to the document it had presented at the Plenary meeting in February (doc. 5948/13 ENFOCUSTOM 19). It stated that, while CCWP should pay due attention to the priorities identified in the Policy Advisory Document, it was important that the group kept a certain degree of autonomy in setting out its own priorities. He also noted that in the current Policy Cycle only one priority had a link to the work of customs authorities, and hence there was the need to be more proactive in drawing the attention of COSI to issues relevant for customs. With regard to the structure, the future action plans should include different levels and be more ambitious, notably in setting actions with a longer time-span. It would be also necessary to select some issues to be addressed from an operational point of view, such as joint customs operations. The working group to establish the 7th Action Plan should look also at the financial issue.

The Presidency recalled the reaction of MS on these themes, notably the need to stick to the 6th Action Plan in its present form and to start preparing the 7th Action Plan. From the feedback received from MS it could be concluded that there was a clear preference to align as much as possible the 7th Action Plan to the Policy Cycle itself.

(b) Presentation of draft Mandates in respect of the 6th Action Plan - Actions 6.1, 6.3 and 6.5

The draft mandates for Actions 6. 1 (doc. 8377/13 ENFOCUSTOM 68) and 6.5 (doc. 8496/13 ENFOCUSTOM 72) were approved by the CCWP.

(c) Update on expressions of interest for Actions 6.1, 6.3 and 6.5

IT said it wished to participate in Action 6.1. With regard to Action 6.3, the Presidency noted that, although several MS were willing to participate, no one had volunteered to take the lead. In the absence of a leader, the Action would be considered as discontinued at the next CCWP meeting. HU invited more MS to participate to Action 6.5. The Presidency suggested that, if no further expression of interest on Action 6.5 were made ahead of the next meeting, the CCWP could consider to postpone the Action to the 7th Action Plan. It gave a deadline for expressions of interest on the actions of the 6th Action Plan by 1 May.

(d) Proposed Working Group to consider a 7th Action Plan

The Presidency asked MS about their intention to participate in the working group to establish the 7th Action Plan and initial reactions were positive. The Presidency gave a deadline until 1 May to confirm the intention to participate to the working group. On the basis of the number of participating MS the Presidency would reflect on the way to organise the process.

8. Finalisation of the position of the CCWP Plenary Group on a revision of the strategic objectives for JCOs

The Presidency recalled that the Plenary had to approve the strategic objectives so that the experts could continue their work on the tactical objectives. As no comments had been received on the strategic objectives, the Presidency proposed to advise the expert group that the plenary would not propose any amendments to the strategic objectives as outlined in doc. 5946/13 ENFOCUSTOM 17.

9. High Level Seminar on risk management in Customs – *Strategies and structures for Customs risk management in the 21st century*, Dublin, Ireland, 26-27 March 2013 - Debriefing

The Presidency drew the attention of delegations to the declaration adopted at the High Level Seminar in Dublin on "Strengthening the Security of the Supply Chain and Customs Risk Management in the EU (doc. 8361/13 UD 79 JAI 277 ENFOCUSTOM 67).

10. Initial findings of the study on advance passenger information and passenger name records - presentation by the Presidency

The Presidency made a short presentation on the initial findings of the study on advance passenger information and passenger name records. It invited further replies to the questionnaire from those MS not having replied yet.

11. Six month report on the activities of the CCWP - presentation by CY delegation

The CY delegation made a presentation of its report on the activities of the CCWP in the second semester of 2012 (doc. 7943/13 ENFOCUSTOM 54). The report was endorsed by the CCWP.

12. Discussion on the future of the Central Coordinating Unit Steering Group and finalisation of the Draft Final Report on Action 5.9 *“Improve the exchange of information and intelligence between central coordinating units as well as the practical implementation of mutual assistance and cooperation”*

The PL delegation made a presentation about the report of action 5.9 (doc. 8259/13 ENFOCUSTOM 63) produced by the CZ, BE and PL delegations and referred in particular to the draft revised mandate for the Steering group for the next three years, that the CCWP could adopt in order to continue the important work of the central coordination units in the framework of the Naples II Convention. Several delegations supported the adoption of the revised mandate and expressed their intention to continue to be involved in this exercise. The CCWP approved the revised mandate. The Presidency stated that the CCWP would have to consider how to reflect the existence of the steering group in the 6th and 7th Action Plans.

13. Review of the Project Group Guidelines - presentation by SE delegation

The SE delegation made a presentation about the revised Project Group Guidelines set out in doc. DS 1278/13 and highlighted in particular the differences with the previous guidelines that had been adopted in 2004 (doc. 12187/3/04 REV 3 ENFOCUSTOM 57). The most relevant novelty was the new role foreseen for the Presidency in ensuring a proper discussion of, and follow-up to, the draft recommendations of final reports in the CCWP. The Presidency would also have to establish a separate document to present the final recommendations as approved by the CCWP. In addition, the issue of consulting third parties and of sharing the final report with third parties should also be considered by the CCWP, bearing in mind the transparency rules adopted by the Council.

The Presidency invited delegations to submit comments on the revised guidelines by 1 May. The CCWP would revert to this issue at the next meeting.

14. Any other business

The DE delegation referred to a letter sent to OLAF about Marinfo, that it had circulated to MS via email. The letter might be of interest of CCWP.
