



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 May 2013

9854/13

ENFOCUSTOM 91

OUTCOME OF PROCEEDINGS

of: Customs Cooperation Working Party

on: 15 May 2013

Subject: Summary of discussions

1. Adoption of the Agenda

The agenda was adopted as outlined in doc. CM 2716/13 with the addition of an item under AOB upon request of LT.

2. Information from the Presidency

The Presidency gave an overview of the main issues of interest for the CCWP, as referred to in doc. DS 1370/13. The CCWP chair underlined the importance of customs engagement in the EU policy cycle.

3. Advance Passenger Information and Passenger Names Records:

(a) Final Report by the Presidency of the study on Advance Passenger Information and Passenger Name Records

The Presidency gave an overview of its final report (doc. 9262/13 ENFOCUSTOM 80 GENVAL 27), which was broadly in line with the interim findings presented earlier.

The Presidency assessed the results as satisfactory, with scope for improvement. Delegations were invited to provide comments and/or suggest corrections by end of May 2013.

(b) Presentation by FRONTEX Research and Development Unit: “Best practice on use of Advance Passenger Information and Passenger Name Records in border management”

Frontex gave a presentation on best practice in the use of API and PNR, underlining the popularity and easy of use of API, and giving an overview of three domains identified as gaps in the use of API/PNR: decision-making, implementation and operation.

4. Presidency initiative on the possible development of a permanent structure to run JCOs – Report from CCWP Experts Group

The Presidency updated the CCWP plenary on the status of the proceedings of the CCWP Experts and the draft document (doc. DS 1373/13) reflecting the majority support (from an operational point of view) for the setting up of a permanent structure. The Presidency informed that the document is to be further revised by the CCWP Experts to better reflect the diversity of opinions on the need of a possible permanent structure to run JCOs.

Several MS expressed concerns about the Presidency proposal, requesting more analysis of currently available options and opportunities, as well as of financial implications. The Presidency explained that the document was to reflect the opinion of experts from a purely operational perspective, and the next steps are up to the plenary.

5. 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 – Adoption of Progression Maps

The progression maps for the final reports on actions 5.2 (doc. DS 1273/13) and 5.6 (doc. DS 1274/13) were approved by the group.

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

The recommendations of the draft final report of Action 5.10 (doc. 8253/13 ENFOCUSTOM 59 COPEN 59 ENFOPOL 107 + ADD 1) received substantial comments from SE, and the Council Legal Service provided explanations and clarifications on several issues. The Presidency requested DE and SE to work on slight amendments of the report with the view to adopting it at the June CCWP meeting.

(c) Update on remaining outstanding Actions from the 5th Action Plan

With regard to the two outstanding actions of the 5th Action Plan, LT and PL delegations confirmed that the draft final reports for actions 5.1 and 5.8 respectively, would be presented in the June CCWP meeting.

6. Identification of learning points arising from operations outside of the direct auspices of the CCWP – Proposal from CCWP Experts Group as to methodology

The Presidency presented the document from the CCWP Experts (doc. DS 1372/13) with initial findings (list of relevant operations and proposed methodology) and recommendations on learning points arising from operations outside the direct auspices of the CCWP. Delegations endorsed the Presidency proposal to task the CCWP Experts with Action 6.3, as a continuation of their mandate to identify learning points arising from operations outside the direct auspices of the CCWP. The CCWP Experts are to present a final report to the CCWP plenary in October 2013.

7. The Sixth Action Plan (January 2013 – December 2013) to implement the new strategy for the future of customs law enforcement cooperation - review of current status

The Presidency outlined the current status of the 6th Action Plan (doc. DS 1377/13), and requested updates from MS on their participation in individual actions.

6.1 - Leader: LT; members: HU, IT;

6.2 - Presidency proposed to consider the action closed, as the next policy cycle is expected to start in 2018 only, and the action was originally included with the view to the 2014-2017 EU policy cycle;

6.3 - Delegates approved the Presidency's proposal to take this action forward by tasking the CCWP Experts to continue their mandate to identify learning points arising from operations outside the direct auspices of the CCWP with the aim of presenting a final report to the CCWP plenary in October 2013;

6.4 - Delegates approved the Presidency's proposal to take action 6.4 forward through development of the 7th Action Plan and approved the draft mandate for it (doc. 9384/13 ENFOCUSTOM 83). Leader: EL and LT; membership: NL, SK, IT, LU, DE, ES, BE, FI, IE. Participating MS to provide contact details, and interest from any further MS to participate to be indicated as soon as possible to the joint leaders;

6.5 - Leader: BE and HU leaders; no members. The Presidency requested the MS to reconsider;

6.6 - Leader: LT (2013), IT (2014), SE unable to commit to a leader role for 2015; UK, FR, NL declared interest in membership. Further interest to be indicated by the MS to LT and the Presidency.

The Presidency expressed concern about the very low interest of MS to participate in actions under the 6th AP (except action 6.4) and urged the MS to actively engage in the 6th AP.

8. Annual revision of tactical objectives for JCOs

The Presidency presented a proposal on a new way of organising the risk areas by dividing them in two groups (doc. DS 1371/13): core risk areas and additional risk areas of interest, but not solely within the customs competence. The Presidency also reminded the delegates that as per proposed amendment of the Guide to JCOs (doc. DS 1188/1/13 REV 1), adding and/or removing risk areas would necessitate preparation of an information sheet containing justification.

The MS expressed concerns about the high number of proposed priority areas (19) and structuring into primary and secondary areas. Instead it was proposed to consider keeping a general list of areas of interest, and further work on having a very short list of priorities, in which joint operations are actually organised. It was also noted by several MS that the priorities need to be in line with SOCTA. The Presidency will revert to the expert group to do further work on prioritising with the aim of concluding the review in the June CCWP meeting.

9. Finalisation of the review of the Project Group Guidelines

SE briefly presented the revised draft of the Project Group Guidelines (doc. DS 1278/1/13 REV 1) taking into account the comments received from the MS. Delegations approved the document.

10. AOB

The LT delegation informed that the first CCWP meeting under the LT Presidency is to be held on 3 July. Priorities of the LT Presidency would be presented in the June CCWP meeting.