



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 20 September 2013
(OR. en)**

13674/13

ENFOCUSTOM 139

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 13 September 2013
To: Customs Cooperation Working Party
Subject: Summary of discussions

1. Adoption of the Agenda

The agenda was adopted as outlined in doc. CM 3890/1/13 REV 1, with the addition of an item under AOB upon the request of HU on the T.I.R Convention.

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 1632/13. Additionally, the Chair of the CCWP Experts briefed about the CCWP Experts meeting on 10 September (doc. 13673/13 ENFOCUSTOM 138). In relation to the JCOs, the NL delegation requested OLAF to provide a sound legal basis for operation SNAKE.

3. EU Policy Cycle: Status of the next policy cycle, Multi Annual Strategic Plans (MASPs) and drafting of Operational Action Plans (OAPs) in October 2013

The Presidency emphasised the need of serious involvement of customs authorities in presenting the national points of view on MASPs. Following the approval of MASPs, OAPs for 2014 would be adopted. Invitations to OAP meetings on MTIC/Excise and Counterfeit would be shared also via CCWP mailing list. The Commission briefed the delegates on the status of MASPs discussions in COSI SG, where MTIC/Excise Fraud proved most controversial.

The foreseen presentation by Europol on the EU policy cycle was cancelled due to force majeure.

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

Final reports for the remaining two actions under the 5th Action Plan were presented.

The overview of the status of actions under the 5th AP was presented (doc. DS 1010/3/13 REV 3).

a) Presentation for adoption of the Draft Final Report on Action 5.8 “*The role of customs in managing crisis situations*”

PL informed of changes made in the draft report to reflect the comments received after the July CCWP meeting and presented in doc. 11301/1/13 REV 1 ENFOCUSTOM 108 PROCIV 85 ENFOPOL 205. The delegates adopted the report.

b) UK comments on Final Report on Action 5.1 “To improve the possibilities to tackle the threat of serious and organised crime in tobacco smuggling, through new forms of cooperation and investigative techniques”

The UK delegation presented a scrutiny reservation on the draft final report for action 5.1 (doc. 8258/1/13 REV 1 ENFOCUSTOM 62 UD 108 ENFOPOL 142 COSI 57).

The Presidency proposed to close the action marking the UK position in a footnote.

5. Draft Council Conclusions on the fight against cigarette smuggling and other form of illicit trade in tobacco products

The Presidency invited the MS to provide their comments on draft Council Conclusions on fight against trade in illicit tobacco products (doc. DS 1633/13). Most of the MS welcomed the Presidency approach, but as the draft document was sent shortly before the meeting, most of the MS expressed scrutiny reservations and would provide their final comments in writing.

Several delegations expressed the need to include a statement on the Commission engagement in financing the equipment necessary to perform the controls. CZ, COM and Europol emphasised the important role of Europol and expressed the wish to strengthen the Europol role in the document. Several MS asked for clarifications on specific items.

ES delegation pointed to the issue of increased smuggling of cigarettes into Spain from Gibraltar, which is not mentioned in the Commission Communication (doc. 11014/13 UD 139 SAN 217 DROIPEN 79 COPEN 96 ENFOCUSTOM 109 + ADD 1). The delegation explained that smuggling damages both the EU, as well as the Spanish financial interests, and that there has been an increase of exports of cigarettes from Spain to Gibraltar, together with an increase of the smuggling indexes and seizures in Spain. Spain has informed OLAF about the issue, and OLAF has opened an investigation file on this issue. Due to the importance of this problem, Spain would appreciate if it is taken into account when implementing the Action Plan annexed to the Communication.

Presidency invited the MS to provide their comments by 27 September 2013.

6. 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

Final reports for two of three remaining actions under the 6th Action Plan were presented. The overview of the status of actions under the 6th AP was presented (doc. DS 1471/2/13 REV 2).

- a) **Presentation of the Draft Final Report on Action 6.1 “To evaluate the implementation of all previous actions plans to ensure proper follow up of the recommendations, with particular emphasis on those addressed to the CCWP and the Commission”**

LT gave an extensive presentation of the report and findings of the Project Group (doc. 12679/13 ENFOCUSTOM 122), as well as a demonstration of the database tool in excel, created to improve the monitoring of the status of recommendations and facilitate the future work of the CCWP. The Project Group analysed 99 actions and 592 recommendations of the first five CCWP Action Plans. The focus was on 59% of these recommendations, which were addressed to the CCWP and COM.

The Presidency invited the MS to send their comments by 30 September 2013.

- b) **Presentation for adoption of the Draft Final Report on Action 6.4 “The draft Seventh Action Plan, reflective of the EU Policy Cycle”**

LT presented the revised draft report for action 6.4 (doc. 12468/1/13 REV 1 ENFOCUSTOM 120 ENFOPOL 284 COSI 104) outlining the draft 7th Action Plan and containing 11 proposed actions. The intention for the 7th AP is to reflect the priorities of the EU Policy cycle, even though not all actions are directly linked to it (specific objective of improved customs co-operation). LT urged 10 MS that have not provided feedback yet, to submit their comments. It was also noted that additional actions can be added to the 7th AP throughout its lifecycle.

CZ raised the complex issue of relations between the policy cycle and 7th AP under proposed actions 7.1 (excise fraud) and 7.2 (counterfeit goods), and concerns about possible overlaps.

The Presidency invited the MS to send their comments as well as expressions of interest to join and/or lead actions by 30 September 2013.

c) Update on Action 6.6.

The LT delegation presented an update on developments and meetings under action 6.6 " The Central Coordination Unit Steering Group 2013-2015 - Improve the exchange of information and intelligence between Central Coordinating Units as well as the practical implementation of mutual assistance and cooperation."

7. Annex to the FIDE Handbook - current state of play on declarations required to be given by MS regarding the list of serious contraventions of their respective national laws as provided for in Article 15(3) of the CIS Decision

The Presidency invited the Secretariat General of the Council to give an overview of the status of MS contributions to the Annex to the FIDE Handbook listing serious contraventions of respective national law in the MS as provided in Article 15 (3) of the CIS Decision. Luxembourg, Romania and UK were invited to provide the information as soon as possible (using doc. 12302/1/09 REV1 ADD1 ENFOCUSTOM 78 CRIMORG 119 ENFOPOL 201 COPEN 143 EUROJUST 46 EUROPOL 59), while Belgium and Ireland were invited to provide information on plans regarding the implementation.

8. AOB

T.I.R. Convention

COM briefed the delegates on meetings in Moscow on 12 September 2013, as well as on the most recent developments regarding the Russian decisions related to the T.I.R. Convention.
