



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 19 January 2012

5497/12

ENFOCUSTOM 2

OUTCOME OF PROCEEDINGS

of:	Customs Cooperation Working Party (Experts and Plenary)
on:	14 - 15 December 2011
Subject:	Summary of discussions

14 December 2011 - CCWP Experts

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 5771/1/11 REV 1.

2. Information from the Presidency

The Presidency outlined issues and events of relevance to the customs authorities discussed at the recent meeting of CATS as well as at other working parties and drew delegates' attention to the list of operational action plans adopted by COSI in the framework of the EU Policy Cycle, as set out in doc. DS 1826/11.

3. Update of the multiannual overview of JCOs

The Presidency presented the updated overview of JCOs and other operations on the basis of doc. 7032/4/11 REV 4 ENFOCUSTOM 8 EU RESTRICTED. Delegations provided additional details to be reflected in the next version of the document. Furthermore they expressed their concerns that no new JCOs are planned in 2012 due primarily to financial constraints. In response to those concerns the Presidency recalled the possibilities existing under the ISEC programme and the FISCUS programme as well as the logistical support by EUROPOL, but also encouraged delegations to exploit new funding options.

4. Information on the functioning of the Coordination Mechanism for joint operations (CCWP / LEWP / FRONTEX / EUROPOL)

The Presidency informed delegations about the outcome of the Coordination Mechanism meeting held on 21 November 2011. Many joint operations were planned, including within the EU Policy Cycle, but no overlaps were identified so far. Delegations were urged to provide constant information to the Presidency about the operations planned and to ensure the accuracy of such information in particular as regards operations' timing, geographical area and scope in order to exclude overlapping. Some delegations suggested that in addition to the traditional partners (EUROPOL, FRONTEX), better coordination with external actors (WCO, SELEC) should be considered.

5. JCOs and other customs operations

The PL delegation outlined the key features of JCO BARREL, providing insight on its organisation, methodology and results. Some of the preliminary conclusions were highlighted. The meeting was informed that the final report on this JCO comprising the recommendations would be ready in the first semester of 2012.

The HU delegation presented the revised version of the report on JCO FIREBLADE as set out in doc. 14743/1/11 REV 1 ENFOCUSTOM 109 which was prepared on the basis of the written recommendations following the previous CCWP experts meeting. As no further comments were made, the report on this JCO was approved by the CCWP.

The FR delegation presented the revised version of the report on JCO ULYSSE as set out in doc. 7043/2/11 REV 2 ENFOCUSTOM 12 reflecting the comment made by the Commission. As no further comments were made, the report on this JCO was approved by the CCWP.

The IT delegation provided information as regards the state of play of JCO Colosseum referring to the final report due in spring 2012.

6. Results of the questionnaire relating to the preparation of the threat assessment on tobacco products' smuggling in the EU

The Presidency reported to the meeting that 24 replies were received so far to the questionnaire as set out in CM 2604/11 and provided the preliminary analysis of the replies. It also informed the meeting that the results of the questionnaire would serve for the preparation of a threat assessment on tobacco products' smuggling in the EU expected in the first semester of 2012.

7. Action 4.4 "The exchange of views on different methods of tobacco smuggling as part of organised crime and preventing/ counteracting measures, with specific reference to the use of the postal system"

An expert from the UK delegation made a presentation on the draft final report on Action 4.4 expected to be adopted by the CCWP Plenary meeting on 15 December 2011. He briefly recalled the mandate of the project group, its participants and outlined the methods used, findings made and conclusions drawn by the project group. The UK expert underlined the two general recommendations stipulated in the report, namely to consider the possibility of an EU wide threat assessment and of a coordinated exercise targeting tobacco smuggling through the use of postal and fast parcel services.

8. Cigarettes smuggling

The LT delegation gave a detailed presentation on the Lithuanian customs' structure, responsibilities, activities and main results for the period 2007-2010. The meeting was provided with an overview of the Lithuanian experience fighting cigarettes' smuggling, in particular by using a new investigative technique of data mining, and the main achievements of the joint operation run together with Polish and German law enforcement authorities in the first trimester of 2011.

9. Experience of covert intelligence operations

The HU delegation pointed out that no comments were received concerning the summary of the replies of the questionnaire on covert intelligence operations, contained in doc. DS 1577/11. The meeting took note of this document.

10. Information from the incoming DK Presidency

The incoming DK Presidency gave a detailed overview of its priorities for CCWP, specifying that a significant part of its efforts would be devoted to the evaluation of the projects under the 4th Action Plan and to the follow-up of the recommendations made in the respective project reports. It also informed the meeting about its intentions to organise a new JCO.

Furthermore the incoming DK Presidency listed the provisional dates of the meetings in the coming semester: 9-10 January (experts and plenary), 15 February (joint CCWP-LEWP meeting), 13-14 March (experts and plenary), 16 April (plenary), 21 May (plenary), and 12-13 June (experts and plenary). Regarding other meetings, the CCWP was informed that a High Level Seminar on compliance would be organised on 20-21 March 2012 in Copenhagen, an informal meeting of CUWP would be held on 25-27 April 2012 in Copenhagen, and a workshop on the role of customs in the environmental protection was planned together with COM for May 2012.

11. Any other business

No points were raised under this item.

15 December 2011 - CCWP Plenary

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 5771/1/11 REV 1 with the addition of one information point by the DK delegation under AOB.

2. Information from the Presidency

The Presidency outlined issues and events of relevance to the customs authorities discussed at the recent meeting of CATS as well as at other working parties and drew delegates' attention to the list of operational action plans adopted by COSI in the framework of the EU Policy Cycle, as set out in doc. DS 1826/11.

3. The Fourth Action Plan: January 2010 - June 2011 - Situation report of ongoing actions

As regards Action 4.9, the BE delegation informed the meeting that the main topic of the Poznan seminar held on 17-18 November 2011 within the scope of that action was the cooperation between customs and judiciary and outlined some of the key conclusions reached by the seminar. The Presidency explained that Action 4.9 continues under the 5th Action Plan and the steering group would be chaired by PL in the coming year.

Summarising the general status of implementation of the actions under the 4th Action Plan, as set out in doc. DS 1018/9/11 REV 9, the Presidency stated that as no further comments were received concerning the final report of Action 4.6, it was deemed approved by the meeting.

4. Draft final report of Action 4.4: "The exchange of views on different methods of tobacco smuggling as part of organised crime and preventing/ counteracting measures, with specific reference to the use of the postal system"

The UK delegation informed the meeting that the comments provided by the CY, IT and SE delegations were reflected in the revised version of the draft final report of Action 4.4 as set out in doc. 13130/1/11 REV 1 ENFOCUSTOM 82. As no additional comments were received the report was thereby considered approved by the meeting.

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

The Presidency invited delegations to join or take the leadership over Actions 5.3, 5.6, 5.7 and 5.8. In response the HU delegation stated that it would take part in Action 5.6 and the BE delegation emphasized the fact that PL should be noted as a leader of Action 5.9 as it would be taking over the chairmanship of the steering group in 2012.

6. Draft mandate for Action 5.2: "To examine the working/investigative techniques applied by customs and other law enforcement authorities to combat customs related crime, including organised crime, through the Internet, and to explore the current situation regarding the existence of customs Internet crime specialised units"

The CZ delegation explained that the draft mandate for Action 5.2 contained in doc. 18129/11 ENFOCUSTOM 171 ENFOPOL 459 was a follow-up of the Council Conclusions adopted in April 2011 and the Stockholm programme in which Member States were invited to adopt new investigative techniques to combat online crime. It was prepared on the basis of the 23 replies to the questionnaire of September 2011. 10 Member States acknowledged the existence of a specialised unit dealing with online crime whereas 5 were planning to set up such unit. The PL delegation expressed the wish to take part in the project group. The meeting took into account the suggestion of the NL delegation as regards redrafting the definition of online crime referring to doc.15653/1/10 REV 1 ENFOCUSTOM 99 and approved the draft mandate.

7. Draft mandate for Action 5.4: "To examine the future of existing secure channels for information exchange between customs authority and with other law enforcement authorities in relation to mutual assistance in the area of freedom, security and justice"

The SE delegation presented the draft mandate for Action 5.4, as set out in doc. 18158/11 ENFOCUSTOM 172 COSI 120 DAPIX 166 specifying that it aims at collecting best practices in relation to the use of secure communication channels rather than creating new communication tools or databases. Taking into account the comments of the Commission as regards deleting references to certain non-communication tools and as regards the timetable of the project group, the meeting adopted the draft mandate and noted that the changes as proposed would be reflected in a revised version of the document.

8. Draft Mandate for Action 5.10

The DE delegation presented the draft mandate for Action 5.10, as outlined in doc. 18246/11 ENFOCUSTOM 173, specifying that it aimed at providing an overview of the available tools for customs cooperation in criminal matters as well as supplying users with a practical guide. The NL delegation expressed its will to take part in the project and recommended that the NL report prepared in 2009 on the tools for legal cooperation was taken into consideration. This recommendation was supported by the BE delegation that also stated its desire to participate in the project. The meeting endorsed the draft mandate.

9. Information on the HENU meeting and Europol's operational activities

Europol informed delegations that police and customs cooperation was discussed at the HENU meeting held on 28 October 2011, stressing the limited or non-existing access of customs authorities to Europol's AWFs and acknowledging the vitality of LEA expertise for Europol's work. The discussion led to the conclusion that it was necessary to reinforce such cooperation and further enhance customs involvement in the Europol's activities.

The Europol representative also provided details on the OPSON operation conducted jointly with Interpol from 28 November to 4 December 2011 with the active participation of 9 Member States' customs and police authorities and food producer organisations and one third country as observer. As a result of that operation tons of fake products or products not corresponding to the food and drinks standards were seized (more than 13 000 bottles of olive oil, 12 000 bottles of wine, 30 tons of fake ketchup, 5 tons of fake fish and seafood, around 77 000 kilos of fake cheese and 30 000 sweets). Illegal sale of caviar on the Internet was also investigated.

The Europol representative finally drew delegates' attention to the notice on endangered species produced by Europol, pointing out the growing risk for the environment caused by counterfeit pesticides, the lack of traceability and their potential use for the preparation of explosives and invited delegates to consult that notice.

10. Any other business

Similarly as at the CCWP Expert meeting the previous day (see above) the incoming DK Presidency gave a detailed overview of its priorities for the CCWP and provided the provisional dates of the CCWP meetings and other related activities during the DK Presidency.