



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 March 2012

7994/12

ENFOCUSTOM 27

OUTCOME OF PROCEEDINGS

of:	Customs Cooperation Working Party (Experts and Plenary)
on:	13 & 14 March 2012
Subject:	Summary of discussions

CCWP/Experts - 13 March 2012

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 1869/2/11 REV 2 with the addition of an information point by the DE delegation under AOB.

2. Information from the Presidency

The Chair informed delegations about the issues discussed at the informal JHA Ministers' meeting in Copenhagen in January 2012 as well as at some other events of relevance to the CCWP as outlined in doc. DS 1142/12. The outcome of the EU Conference on Innovation Border Management which took place in Copenhagen in February 2012 was also briefly mentioned.

3. Update of the multiannual overview of JCOs

The Presidency presented doc. 6985/12 ENFOCUSTOM 15 RESTREINT UE. Delegations provided additional comments on completed and future operations which would be included in an updated version of that document.

4. JCOs and other customs operations

The PL delegation presented the draft final report on JCO BARREL contained in doc. 7508/12 ENFOCUSTOM 21 RESTREINT UE. Delegations were invited to send their comments on the report by 31 March 2012.

The IT delegation provided an update on JCO COLOSSEUM, underlining that at the debriefing meeting which took place on 8 - 9 March 2012 in Rome the final report of the operation was adopted. It would be presented at the next CCWP/Experts meeting in June 2012.

The UK delegation informed the meeting about the Goldmedal operation organised in relation to the Olympic games with the support of DG TAXUD, specifying its risk area and preliminary timetable. More information on its development would be provided once the operation is launched.

A WCO representative provided an overview of the COCAIR III Operation run jointly with Interpol, UNODC and COM within the framework of the AIRCOP project. The operation took place at the end of 2011 and covered the Eastern and Central Africa region. Special attention was paid to the "train the trainers" session delivered in Congo as part of the operation and to the operation's results in terms of quantity of seized drugs, cash, arms, art objects, ivory, counterfeit goods.

5. Draft business case/proposal for JCPO ATHENA III

The Chair presented the revised business case / proposal for JCPO ATHENA III (5565/1/12 REV 1 ENFOCUSTOM 3 ENFOPOL 16) prepared on the basis of the discussions at the previous joint LEWP-CCWP meeting held on 15 February 2012 and the written comments provided by delegations and COM.

The Presidency underlined that the work of the COM Cash Control Working Party would be taken into account and its involvement in the operation would be discussed at a later stage. In reply to the concern of some delegations that their customs authorities did not have access to the SIENA system of Europol, the Chair explained that customs authorities should provide the data to the police authorities which would upload it to SIENA.

Delegations welcomed the new draft and some of them announced that they would take part in the operation. The business case / proposal for JCPO ATHENA III was approved with a few additional suggestions of COM to be reflected in the second revised version of the document.

6. Update of the Joint Customs Operation "Recommendation Monitoring File"

The Presidency presented the revised version of the JCO "Recommendation Monitoring File" contained in doc. 6975/12 ENFOCUSTOM 13 enumerating the additional JCOs whose recommendations were included (Matthew II, Athena II, Ulysse and Fireblade).

The CZ delegation recalled the purpose of the recommendation monitoring file as stipulated in doc. 5601/06 ENFOCUSTOM 11 suggesting the incorporation of that purpose in the Guide for JCOs. He also underlined the need for a revision of doc. 6975/12 deleting all the accomplished or obsolete recommendations. Lastly, the CZ delegation suggested that the recommendations to be included in the monitoring file be clearly indicated in the final report of a JCO and a corresponding rule be added to the Guide for JCOs.

On that basis the Presidency concluded that it would revise the JCO Recommendation File together with the CZ delegation and would present it at the next CCWP/Experts meeting in June 2012.

7. Action 4.6 "To review the concept of JCOs" - discussion of the recommendations set out in the final report

The DK delegation made a presentation on the possible way forward with the Guide for JCOs, following the recommendations set out in the final report of Action 4.6 "To review the concept of JCOs". Both the possibility to draft a new Guide for JCOs as well as to revise the existing one were discussed. Some concrete proposals for improvement were suggested as part of the second option, which was supported by delegations. It was concluded that a thorough revision of the current Guide for JCOs would be performed and the result of this revision would be presented at the meeting of CCWP/Experts in June 2012.

8. Reorganisation of OLAF

A representative of COM briefly described the new organisational structure of OLAF aiming at clarifying the responsibilities and securing more human resources to investigations (an additional 33%, while supporting staff was cut by 50 %). The new investigation techniques put in place were seeking an increased efficiency, limited duration and greater transparency of the investigations run by OLAF. It was also mentioned that a new unit 0.1 was created with a view to guaranteeing the coherent selection of cases to be investigated and the legality of the investigations undertaken.

9. AOB

The DE delegation briefed the meeting on the cross-border operation "Speedway" on drugs smuggling run jointly with CZ in the last trimester of 2011. This operation was the result of the increased pressure from smuggling in the CZ-DE region since 2009. The DE delegate outlined the operation's results regarding the persons checked and arrested as well as the quantity of the drugs seized.

CCWP Plenary - 14 March 2012

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 1869/2/11 REV 2 with the addition of information points by the PL and FR delegation under AOB.

2. Information from the Presidency

The Chair informed delegations about the issues discussed at the informal JHA Ministers' meeting in Copenhagen in January 2012 as well as at some other events of relevance to the CCWP as outlined in doc. DS 1142/12. The outcome of the EU Conference on Innovation Border Management which took place in Copenhagen in February 2012 was briefly mentioned. In addition, a summary of the discussions held at the CCWP/Experts meeting (see above) and an update on the latest developments regarding the draft EIO Directive and its potential impact on the Naples II Convention were provided. The Chair also brought delegations' attention to two future initiatives: the common EU entry-exit system and the frequent travellers programme. The CZ delegation made a reference to the draft Data Protection Directive stressing the fact that it might significantly affect the work of customs authorities in the area of data processing.

3. The 6-monthly report on the activities of the CCWP during the PL Presidency

The PL delegation presented the draft report on the activities of the CCWP/Experts and Plenary during its Presidency (doc. 6976/12 ENFOCUSTOM 14) underlining the adoption of the new Council Resolution on the future of customs law enforcement cooperation as well as the completion of the Fourth Action Plan and the start of the implementation of the Fifth one. Some delegations suggested that the part of the report relating to the new Council Resolution was elaborated further to provide some background information. MS were invited to provide their written comments on the draft report by 31 March 2012.

4. Follow-up of the Council Resolution on the future of customs law enforcement cooperation

The PL delegation proposed establishing an open-ended drafting group as outlined in doc. DS 1146/12 which would be tasked with the elaboration of a new strategy based on the Council Resolution of 2011 and on the previous experience. Delegations broadly supported the proposal and a large number of them (HU, SE, CZ, FR, PT, FI, NL, UK, BE, IE, CY, DK, ES) as well as COM, declared that they would take part in the drafting group.

The PL delegation stated that the first meeting of the drafting group would take place on 17 April 2012 in the premises of the PL Permanent Representation.

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

Delegations provided an update on various actions under the Fifth Action Plan.

As regards Action 5.2, the CZ delegation announced that the second meeting of the project group was scheduled for 21-23 March 2012 and a third one was being planned.

As regards Action 5.3, COM explained that due to the fact that CEPOL was performing a mapping exercise regarding training for customs and law enforcement authorities as well as CEPOL's new legal basis was currently being prepared it would be advisable to delay the implementation of this action (which was still lacking a leader) until these two processes were finalised. COM also announced that the Communication regarding the European Training Scheme was expected by the end of 2012.

As regards Action 5.5, the FR delegation explained that on the basis of the replies to the questionnaire sent by MS a summary document was being prepared. At the first meeting held on 14 February 2012 the scope of the action as well as the results of the questionnaire were discussed. The next meeting was scheduled for June 2012, information for which would be sent in April 2012.

As regards Action 5.9, the PL delegation provided information about the issues discussed at the meeting of the steering group on 12 March 2012, which PL would preside in 2012: the EIO Directive, the measures to be taken with regards to the Naples II Convention, the possible participation of Eurojust in the meetings of the steering group, the future meetings of the Heads of the Central Coordination Bodies, the cooperation with OLAF regarding AFIS and MAB-mail.

As regards Action 5.10, the DE delegation informed the meeting that PL would take part in this action and that a meeting of the project was scheduled for 15 March 2012. In addition the DE delegation announced its participation in Action 5.4.

The HU delegation informed that it would take the lead of Action 5.6.

The meeting took note of the fact that there were still no leaders for Actions 5.3 and 5.7.

6. Revision of the strategic objectives for JCOs

The Chair recalled that since the last revision of the strategic objectives for JCOs a new Resolution had been adopted by the Council in the area of customs law enforcement cooperation. Therefore and as stipulated in the Guide for JCOs the Presidency decided to undertake the process of revision of the strategic objectives, proposing to add three new strategic objectives as set out in doc. DS 1143/12.

Some delegations pointed out that the strategic objectives should be limited in number and drafted broadly, others proposed that they should refer to the EU Policy Cycle, while still others suggested to simply redraft the current strategic objectives in order to reflect what was proposed by the Presidency. Following the discussion the Chair set 31 March 2012 as deadline for written comments.

7. Monitoring of the 4th Action Plan

The Presidency outlined in a retrospective way the monitoring of the recommendations resulting from the First, Second and Third Action Plan and proposed to continue the work done so far by establishing a monitoring group comprising of the current and consecutive Trio Presidencies. The PL and CY delegations supported the idea, whereas the IE and LT ones requested more time to discuss the matter within their Presidency Trio. Delegations were invited to send written comments by 31 March 2012.

8. The Slovak Financial Administration

The SK delegation made a detailed presentation on the current structure of the SK financial administration after the fusion of the tax and customs administrations. The SK delegate stressed upon the powers and the competences of the respective departments, underlining their role in view of the cooperation with other customs authorities.

9. AOB

The FR delegation provided an update on the Operational Action Plan on container shipments (doc. 17825/2/11 REV 2 JAI 903 COSI 110 ENFOPOL 450 CRIMORG 243 ENFOCUSTOM 169 PESC 1565 RELEX 1271 JAIEX 138 FRONT 191 TRANS 336 UD 345 RESTREINT UE) led by it with the support of NL as co-driver. Delegations were invited to consider the possibility of taking up the lead on any of the following actions: 1.2, 2.1, 5.1 or 6.2.

The PL delegation informed the meeting that as of 16 June 2012 the Customs Union between Belarus, Kazakhstan and Russia would apply new requirements for shipments.