



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 June 2012

11640/12

UD 176

OUTCOME OF PROCEEDINGS

from: Working Party on Customs Union
on: 14 June 2012
Subject: Implementation of the Customs Union and relations with third countries and international organisations in customs matters

1. Adoption of the agenda

The agenda as laid down in doc. CM 3404/1/12 REV 1 was adopted, with the following item added under Any Other Business:

- 60th Anniversary of the WCO - Meeting of Customs and Tax Museums, Budapest, 9-1 July 2012 (at the request of the HU delegation)

2. Information by the Presidency

The Working Party took note of the information communicated by the Presidency.

3. World Customs Organization (WCO)

- **Policy Commission meeting, Brussels, 25-27 June 2012**
- **Council session, Brussels, 28-30 June 2012**
 - **Coordination**
docs 11240/12 UD 158
11237/12 UD 157

The Working Party, having heard a presentation by the Commission services of the above documents, took note of delegations' comments and scrutiny reservations.

The Chair indicated that a revised version of the above documents would be issued on 15 June 2012 and invited delegations to transmit their possible comments in writing to the Presidency, the Council Secretariat and the Commission services by 19 June 2012, 12:00, at the latest.

4. 10th EU-US Joint Customs Cooperation meeting, Washington, 4 May 2012

- **Debriefing and follow-up**
docs. 11343/12 UD 167
11344/12 UD 168

The Working Party was debriefed by the Commission services on the above meeting and took note of the comments by one delegation.

With regard to a draft letter from the Commission services to the US Customs Border Protection, the Chair invited delegations to send their possible comments in writing by 18 June 2012, 17:00, at the latest.

5. 6th EU-China Joint Customs Cooperation Committee (JCCC) meeting, 19 June 2012, Brussels

- **Coordination**
docs. 10821/1/12 REV 1 UD 147
11331/12 UD 163
11339/12 UD 164
11341/12 UD 165
11342/12 UD 166

The Working Party, having heard a presentation of the above documents by the Commission services, took note of delegations' comments and scrutiny reservations.

The Chair indicated that a revised version of the draft coordinated position would be circulated and invited delegations to confirm their participation to the JCCC meeting by 18 June 2012.

6. 5th Session of the EU-Japan Joint Customs Cooperation Committee (JCCC), Brussels, 27 June 2012

- **Coordination**
doc. 10840/12 UD 148

The Working Party established a coordinated position in view of the EU-Japan JCCC meeting, on the basis of an amended version of the above document.

7. **Strengthening customs requirements for postal consignments – Article 9 postal security of the UPU Convention**
- **Coordination**
doc. 8793/2/12 REV 2 UD 112 POSTES 4

This item was withdrawn from the agenda

8. Proposal for a Regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights (IPR)
- doc. 7427/4/12 REV 4 UD 64 PI 31 COMER 51 CODEC 1361

The Working Party held a debate on the basis of the above document and of additional drafting suggestion prepared by the Presidency.

The Chair, having invited delegations to lift their outstanding reservations on these texts by 15 June 2012, indicated that the Presidency intended to request to Coreper, at one of its forthcoming meetings, a mandate to negotiate with the representatives of the European Parliament and of the Commission in the context of informal trialogues in view of reaching a rapid agreement.

The IT delegation requested the following statement to be recorded in the present outcome of proceedings:

Statement of the Italian Customs Agency on the Proposal for a Regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights

Italy congratulates the Danish Presidency on the excellent work carried out and aimed at reaching a compromise on the proposal for a new Regulation replacing the Council Regulation (EC) No 1383/2003, which required every one of us to get involved in a long, burdensome and complex work.

In the spirit of good cooperation and common efforts, Italy accepts the unexpected deletion of the term “transshipment” from Article 1(1)(b) of the above-mentioned text, even though it appeared that almost all Member States intended to keep it.

In this regard, we would stress that the control activity carried out by the competent customs authority would definitely have benefited from the retention of the term “transshipment” in the text and that the reference to Articles 37 and 38 of Regulation (EEC) No 2913/1992 alone does not provide for strong enough controls in such situations.

In the light of the above considerations and for all operational purposes, Italy considers that Article 1(1)(b) includes transshipment.

The DE delegation requested the following statement to be recorded in the present outcome of proceedings:

As part of the compromise in connection with entry into force of the Regulation, it was concluded that the 12 months remained, but that the database (COPIS) could be applied as soon as it is in place. The launch of COPIS will however be coordinated in the Customs Code Committee, sector IPR enforcement and the Electronic Customs Group - COPIS/EOS, in particular with Member States with existing national systems that need to be amended beforehand. So no legal requirements enter into force without agreement reached in the Customs Code Committee, sector IPR enforcement on the date that COPIS is put in place.

Following the meeting on 30 May 2012, at the request of the NL Delegation, the following text is to be inserted in the present outcome of proceedings:

The interpretation of the scope of Recital 6a is as follows:

Recital 6a refers to the Declaration on the TRIPS Agreement and Public Health adopted on 14 November 2001 by the Fourth WTO Ministerial Conference, Doha, Qatar. In line with the Declaration's objectives and its implementation, Recital 6a should be interpreted as concerning any product of the pharmaceutical sector needed to address public health problems as referred to in the Declaration, including active ingredients necessary for its manufacture and diagnostic kits needed for its use, without prejudice to the meaning of any of those terms under other pieces of Union legislation.

9. Draft Council conclusions on the Strategy for the Evolution of the Customs Union
- **doc. 9040/1/12 REV 1 UD 122**

This item was withdrawn from the agenda

10. Any other business

- 60th Anniversary of the WCO - Meeting of Customs and Tax Museums, Budapest, 9-1 July 2012 (at the request of the HU delegation)

The HU delegation informed the Working Party on the above event.

NB: To reduce costs, only documents produced in the week preceding the meeting will be available in the meeting room.
