



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 June 2012

11901/12

ENFOCUSTOM 67

OUTCOME OF PROCEEDINGS

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| of: | Customs Cooperation Working Party (Experts and Plenary) |
| on: | 12 & 13 June 2012 |
| Subject: | Summary of discussions |

CCWP/Experts - 12 June 2012

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 3222/1/12 REV 1 with the addition of an information point by the CY delegation under AOB.

2. Information from the Presidency

The Chair informed delegations about issues discussed at the Council on 7-8 June 2012 in particular the creation of the European Cybercrime Centre, the strengthening of Europol's role in the fight against itinerant criminal groups as well as the agreement reached on the Schengen Government Package. Some other events of relevance to the CCWP as outlined in doc. DS 11377/12 were mentioned too.

The Chair also briefly referred to the outcome of the Coordination Mechanism meeting held on 13 May 2012 which took stock of the work done so far, acknowledged the lack of real overlaps of operations except in timing and discussed the potential extension of the mechanism's mandate, but did not reach a final conclusion on the matter.

3. Update of the multiannual overview of JCOs

The Presidency presented the revised version of doc. 6985/1/12 REV 1 ENFOCUSTOM 15 RESTREINT UE. Commission and delegations provided additional comments on completed and future operations to be included in an update of that document.

4. JCOs and other customs operations

The PL delegation informed the meeting that the draft final report on JCO BARREL (doc. 7508/12 ENFOCUSTOM 21 RESTREINT UE) was presented to the Committee established under Regulation (EC) No 515/97 for confirmation of the actions carried out and requested the recommendations provided therein to be transferred to the Recommendations Monitoring File.

The Chair specified that as no comments were provided within the deadline set up at the last CCWP/Experts meeting the draft final report on JCO BARREL should be considered adopted.

The DK delegation provided a brief overview of JCPO ATHENA III stressing the main findings of the report prepared by Europol, the final version of which would be distributed through CENcomm. Details regarding the coordination meeting held on 4 July 2012 were also provided. Delegations were informed that the final operational plan would be finalised by mid July once the issue regarding the establishment of physical OCU was resolved. Delegations were provided by 26 June 2012 with the possibility to inform in writing the DK delegation whether they could second an officer to the physical OCU or would opt for the establishment of a virtual OCU.

No update on JCPO RADAR was provided as the NL delegation was not present at the meeting.

A WCO representative provided an update on Operation DEMETER II whose focus was hazardous waste. He explained that its final report was in process of preparation and would be shortly available. The Basel Convention Secretariat, Interpol and IMPEL supported the operation whereas 77 WCO members took part in it. The CENcomm system and warning messages were among the main tools used. Numerous seizure were performed predominantly in Europe. Delegations were also informed about a future WCO operation dedicated to smuggling of wild life.

A representative of the Commission provided details on JCO ASEM and JCO EU-China, in particular their geographical and product area, participating MS/third countries and potential partners, provisional timetable and funding arrangement. As the business cases of JCO ASEM and JCO EU-China would be presented for approval any comments by delegations should be sent through the Mutual Assistance Group respectively by 30 June 2012 and by 18 June 2012.

A representative of Europol provided a detailed information on the organisation and main results of Operation OPSON run in 2011 whose final report was issued in February 2012. She informed the meeting that following its success it was decided to organise a follow-up operation, trying to have a wider reach, to involve more countries and to partner with more agencies.

5. Draft final report on JCO COLOSSEUM

The IT delegation presented the draft final report on JCO COLOSSEUM (doc. 10515/12 ENFOCUSTOM 45 ENFOPOL 159) providing details on its organisation, participants and results.

The operation was implemented in 4 phases:

- the pre-operation phase focussed on collection of data, testing the CENcomm system and preparing the list of subjects according to the predefined risk criteria;
- the operational phase had two parts: monitoring (entering data on detection of cultural goods illegally moved within/outside EU in the CENcomm system) and controlling (entering suspicious operations and detected illegal operations in the CENcomm system and checking the Interpol database of stolen cultural goods);

- during the post-operational phase all the pending controls were finalised and the data collected in the CENcomm system were processed;
- the final analysis took place at the debriefing meeting which was combined with a workshop dedicated to the fight against illicit trafficking of cultural goods where the methods of control and risk indicators were discussed.

The IT delegation presented the concrete results of JCO COLOSSEUM stating the region, number of seizures, quantity and type of cultural goods seized during the operation phase as well as the specific recommendations that were elaborated on that basis.

The Presidency set 26 June 2012 as a deadline for delegations to send their written comments on the draft final report on JCO COLOSSEUM.

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

The Presidency introduced the intermediate version of the JCO "Recommendation Monitoring File" (doc. 6975/1/12 REV 1 ENFOCUSTOM 13) containing in a separate column suggestions for amendments and comments of the Presidency, OLAF and the CZ delegation.

The CZ delegation recalled that at the last CCWP meeting it was decided to revise thoroughly the file and to give it a practical impact. Therefore it was proposed to delete certain recommendations leaving only those that should be followed when a new JCO was being prepared and to introduce a new category of recommendations - the "systematic" ones - in order to gather those that had a much wider impact (ex. to create a network, to change a software, etc.), but which should not be followed when a new JCO was organised.

A number of delegations supported the idea to delete the obsolete recommendations and to introduce the systematic ones as a new category whereas others raised additional questions inter alia on how to classify the new recommendations coming from just completed JCOs such as for example JCO COLLOSEUM and what to do with the deleted recommendations. Following the discussion the Presidency concluded that two new annexes would be inserted in the existing document - the systematic recommendations would become Annex 2 and the deleted recommendations Annex 8 whereas the old annexes would be renumbered accordingly. Delegations were also provided with the possibility to send additional comments regarding the suggestions and new structure of the Recommendations Monitoring File by 26 June 2012.

7. Update of the Guide for JCOs

The Chair presented a revised version of the Guide for JCOs (doc. 10837/12 ENFOCUSTOM 49), encompassing both the recommendations set out in the final report of Action 4.6 "To review the concept of JCOs" and the update of the strategic objectives as adopted at the last CCWP/Plenary meeting held on 21 May 2012. Delegations were provided with the possibility to send their written comments and/or suggestions by 26 June 2012.

8. Annual revision of the tactical objectives for JCOs

The Presidency introduced doc. DS 1394/12 by which it aimed at initiating a revision of the tactical objectives for JCOs and explained that no new objectives or risk areas were proposed therein. Several delegations intervened proposing to add "stolen vehicles" to the risk areas.

The Chair concluded that if no additional comments were received by 26 June 2012 the tactical objectives and the risk areas with the addition of the new one would be considered approved.

9. Production and coordination of risk analysis products at CCWP Expert Meetings

The BE delegation recalled the Index of Risk Analysis Products established in 2008 and available under the JCO library stressing its value for the preparation of new JCOs and selection of risk areas to focus them on. Delegations were also reminded of the procedure as provided in doc. DS 1740/1/10 which required the inclusion of the risk analysis issue in the agenda of CCWP/Experts each semester by the Presidency in order to allow exchange of information among experts and update of the Index.

Following a discussion on the place to store the Index and the need to go ahead with its update, the Presidency concluded that it would be useful to continue the work done so far on the Index and pointed out that till now it was the Presidency of the second semester that was dealing with its update. The CY delegation stated that they would take on board this issue as well as any other that would remain open during the DK Presidency.

10. Presentation of the outcome of the AFIS Conference held in Lisbon on 9-11 May 2012

A representative of the Commission provided a detailed presentation on the outcome of the AFIS Conference and its workshops. Delegations were informed that 4 participants per Member State took part in the event respectively with legal, technical, business and an end-user background.

At the Applications workshop the importance of quality rather than quantity of data was underlined. It was also recommended to establish a working group for the development of applications, to consider the possibility to restrict information and to turn MAB into a single system. B2B although acknowledged as important was not deemed a top priority.

At the Technical and IT workshop the AFIS framework and access to it by customs authorities (including alternative ways) as well as the technical solutions for AFIS integration with national customs IT system, AFIS IT security benchmark and DG TAXUD IT enablers were discussed. At the workshop the following issues were analysed: the provision to end-users of control over data, the use of intrusion detection mechanisms and the close cooperation between AFIS and MS on identity lifecycle management and security incident reporting.

Finally, among the main topics of the JCO workshop, were the coordination/overlapping of JCO, funding options, JCO management, follow-up and legal basis. It was concluded that there was a need to improve coordination with the active role of CCWP and potential involvement of COSI and to provide quick and easy mechanisms for sufficient funding. In addition the JCO library should be further developed whereas a continuous structure to support knowledge management should be created. Regarding follow-up it was decided that the results of investigation should be included as well as the threat assessment should be updated in the follow-up cycle.

11. AOB

The incoming CY Presidency gave a detailed overview of its priorities for CCWP, specifying that a significant part of its efforts would be devoted to the adoption of the new Strategy for customs law enforcement cooperation, the implementation of the Fifth Action Plan and the preparation of a threat assessment on air transit passengers. It also informed the meeting about its intention to organise a new regional JCO and to put efforts into strengthening the cooperation with Eurojust and Europol.

The incoming CY Presidency also listed the provisional dates of the meetings in the second semester of 2012: 13 July (plenary), 12 and 13 September (experts and plenary), 11 October (plenary), 13 November (a joint CCWP-LEWP meeting), 14 November (plenary), 11 and 12 December (experts and plenary). Regarding other meetings, the CCWP was informed that a State General Laboratory Conference would be held on 28-31 October in Limassol and a CCU meeting would be organised on 8-9 November 2012 in Larnaca.

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 3222/1/12 REV 1 with the deletion of item 6 and with the addition of an information point by the NL delegation under AOB.

2. Information from the Presidency

The Chair informed delegations about the issues discussed at the Council on 7-8 June 2012 in particular the creation of the European Cybercrime Centre, the strengthening of Europol's role in the fight against itinerant criminal groups as well as the agreement reached on the Schengen Government Package. Some other events of relevance to CCWP as outlined in doc. DS 11377/12 were also mentioned.

The Chair summarised each point of the CCWP/Experts agenda held the previous day stressing the update of the JCO Guide, the start of the revision process of the tactical objectives as well as the proposal of the BE delegation to update and use much more the Index of Risk Analysis Products when preparing a new JCO.

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

The PL delegation provided an updated information on the latest meeting of the drafting group, explaining that slow progress was being made. Following extensive discussions it was decided to divide the new strategy into two parts: one dedicated to the mission and tasks of the customs authorities and the other to the "strategy" itself. The latter would comprise the strategic measures (information management, operational and institutional cooperation and governance) which should be translated into specific operations to be listed in an Annex to the Strategy.

The PL delegate underlined further that the aim was to have a brief, concise document possibly in the form of a Council Decision explaining how the proposed measures should be implemented in order to strengthen the customs cooperation in the future.

Next meeting of the drafting group was scheduled for 2 July 2012.

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

Delegations provided an update on various actions under the 5th Action Plan.

As regards Action 5.1, the LT delegation recalled that at the end of April 2012 a questionnaire was circulated. So far only 13 replies were received. The length of the questionnaire was pointed out as a plausible explanation for the delay. Delegations were invited once again to provide their answers.

As regards Action 5.2, the CZ delegation informed that the third meeting took place on 23-25 May 2012 in Berlin. It focussed on the analyses of the Internet environment and the fraudulent acts performed therein and the web-based social activities such as Facebook. Topics of discussion were also cloud computing, Internet searches and the possible organisation of a new JCO on the matter. At the next meeting, which will be the last one for this project group (date still to be defined), they would discuss information sharing, would try to perform mapping exercise regarding cybercrime and would expect a presentation from OLAF and Europol on cyber activities.

As regards Action 5.4, the SE delegation announced that their draft final report was ready and would be presented at the next CCWP meeting in July.

As regards Action 5.5, the FR delegation explained that at the next meeting scheduled for 26 June 2012 they would examine the answers of the questionnaire and would prepare a draft final report which they hope to present at the September meeting of CCWP.

As regards Action 5.6, the HU delegation recalled the fact that the mandate of the project group was approved at the last CCWP meeting held on 21 May 2012. Four MS declared that they participate in the project group which was working in two directions: prevention and investigation of crimes at the external borders. A questionnaire would be circulated for the purpose of gathering information. The DE delegation informed that they would not take part in this action.

As regards Action 5.8, the PL delegation explained that for the moment the project was put on hold due to the involvement of the project leader in the Championship 2012 Crisis Centre.

As regards Action 5.10, the DE delegation informed the meeting that Eurojust would take part in the work of the project group and that they expected the answers of the questionnaire by 15 June 2012.

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

5. State of play of Action 5.9 "To improve the exchange of information and intelligence between central coordinating units as well as the practical implementation of mutual assistance and cooperation" - CCU Steering Group Meeting held in London on 30 May 2012

The BE delegation presented the Second Interim Report on Action 4.9 contained in doc. 10738/12 ENFOCUSTOM 47, starting by some details on the creation of the steering group, its mandate and the principle of participation in it. He provided information on the meetings held in the course of 2011 and the issues discussed there. The meeting took note of the report.

The PL delegation informed about the meeting with Eurojust held on 15 May 2012 (doc. DS 1395/12) in which it took part in its quality of Chair of the Steering Group. At the meeting were discussed the use of the Naples II Convention by judiciary, the participation of Eurojust in Action 5.10, the possibility for Eurojust to organise trainings for customs authorities and to fund JITs. The participants in the meeting were designated as points for contact between Eurojust and CCWP/the Steering Group.

The CY delegation announced that on 8-9 November 2012 a CCU Heads meeting would take place in Larnaca. The idea was to strengthen the link between customs and judicial authorities in relation to fight against crime. It was planned to invite the leaders of the project groups for Actions 5.4 and 5.10 to present their work. The agenda for the meeting together with the invitations would be circulated shortly.

6. The FIDE Handbook

This item was withdrawn from the agenda.

7. Presentation of the AFIS Conference held in Lisbon on 9-11 May 2012

A representative of OLAF provided detailed information on the AFIS Conference dedicated to the review of Regulation (EC) No 515/97 and Council Decision 2009/917/JHA. He focussed mainly on the outcome of the legal aspects workshop explaining the purpose of the impact assessment and the results of the questionnaire. It was pointed out that 14 additional improvements were proposed by MSs related inter alia to audit, notification, coordination and CIS-RIF.

To the question raised by the BE delegation it was explained that there was neither clarity which provisions of Regulation (EC) No 515/97 nor how they would be amended. The representative of OLAF also pointed out that no final decision has been taken yet whether a MLA Committee would be specifically tasked to deal with the review of that regulation.

8. Information from the incoming CY Presidency

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9. AOB

The NL delegation informed about a study on the risk management in Customs that might be of interest to the CCWP and proposed that the Presidency organises a presentation of the study for the CCWP.

Just for information as the NL expert was not present at the CCWP/Experts meeting the previous day, delegations were also informed that the debriefing meeting of JCO RADAR would be held in London on 15 June 2012.
