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ENFOCUSTOM 107

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 12 July 2016
To: Customs Cooperation Working Party
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 3314/16.

2. Information from the Presidency

The Presidency briefed the delegates with respect to several issues:

- the Terms of Reference for Project Group on customs procedure 4200 (10664/1/16 REV 1) presented by the Netherlands Presidency at the Joint Meeting of the Working Parties (Customs Union / Indirect Taxation - VAT / Customs Cooperation) on 30 June 2016;
- the event organised on 28-29 June 2016 by the European Union Intellectual Property Office which brought together customs and police officers of the 28 Member States, officials from DG TAXUD, OLAF, Europol, WCO and right-holders; the aim was to look at counterfeiting from the perspective of law enforcement authorities perspective;

- the 21st Task Group Cigarette Annual Conference organised by OLAF in close cooperation with the State Revenue Service of the Republic of Latvia, held in Riga on 28-29 June 2016 . The event brought together over 85 anti-smuggling experts from all Member States and third countries like Russia, Turkey, Ukraine, Georgia, Moldova and Norway. Europol, WCO and the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) also took part in the discussions. The conference stressed that the smuggling of illegal cigarettes takes away considerable resources from the EU and Member States' budgets. Participants highlighted the need for continued exchange of information and operational support among all the agencies involved in the fight against tobacco smuggling, especially in the air traffic; and
- the first meeting of the Customs Expert Group organised by DG TAXUD on 11-12 July 2016.

3. Priorities of the Presidency

The Presidency briefly presented its priorities for the CCWP:

- implementation of the 8th Action Plan;
- customs competences;
- role of customs and the cooperation with other enforcement authorities in the fight against terrorism;
- Council Conclusions on the implementation of the EU Strategy and Action Plan on Customs Risk Management;
- information exchange and cooperation with third countries;
- JCOs and participation of Customs in other joint operations;
- improving the financing of customs co-operation activities;
- excise fraud; and
- Council Conclusions on the OLAF Report on tobacco fraud.

4. 8th Action Plan (2016-2017) of the Customs Cooperation Working Party

The action leaders presented updates for each of the actions in the 8th Action Plan on the activities already undertaken. However, given that the mandates had just been adopted, not much was done in practice yet.

Slovakia presented a questionnaire to be circulated to the members of the Project Group in the framework of Action 8.6.2: Regional occurrence of excise fraud - Mineral oils (CM 3321/16). Drafting suggestions were made so a revised version should be issued. The deadline for replies was set for 9 September 2016.

With respect to the mandate given to the CCWP by the Directors General of Customs in April 2016 in the area of excise fraud (reflect on strategic conclusions), the Presidency and the Member States agreed on the following: on the basis of the activities undertaken in the framework of Actions 8.6.1 and 8.6.2 (Regional occurrence of excise fraud in relation to cigarettes and mineral oils) and on the basis of the relevant OAPs in the context of the Policy Cycle against organised and serious crime, an interim report will be presented to the Directors General of Customs (a new meeting is expected to take place at the end of October 2016). On the basis of this report, the DGs will have to decide on the follow-up; a possible way to further action would be to set-up a new action in this regard in the Action Plan.

5. Revised Guide for Joint Customs Operations

In the context of the approval of the revised Guide for Joint Customs Operations, a discussion took place on the need to approve Business Cases for JCOs organised under Regulation 515/97 in CCWP. 18 Member States took the floor and requested OLAF to provide a written and detailed position on this issue to be discussed in a future meeting. OLAF stated that it would coordinate with other relevant DGs in the Commission and present their position in writing as requested.

6. Monitoring file - update

The Netherlands briefed the delegates about the latest changes incorporated in the documents of the monitoring file (DS 1269/2/16 REV 2, 7456/3/3/16 REV 3 and 7456/16 ADD 1 REV 3) as agreed during the CCWP Plenary on 23 June.

7. OLAF annual report 2015

OLAF presented its report for 2015, highlighting the increased number of complex, often cross-border investigations, the way these were split among different areas, institutions etc, the follow-up they received at national level (where appropriate), the activities at international level (signing of Administrative Cooperation Arrangements) and the level of participation in Joint Customs Operations. OLAF also underlined the fact that there are significant limits to what OLAF can achieve with its current powers. It was stated that transnational nature fraud requires a European approach, not only in the area of administrative investigations but also for criminal investigations. Therefore, there is a need for a strong, independent European Public Prosecutor, to bring fraudsters to justice and effectively protect European money

8. Meeting of the TRIO Presidencies with Frontex (29 June 2016) - results

The Netherlands briefed the delegates about the meeting the Presidency TRIO held with Frontex on 29 June. Discussions focused among others on the customs relevant issues of the Frontex mandate (aspects related to cross border crime for example), cooperation with Commission, EUROPOL and the involvement of FRONTEX in the OAP, article 51 (3) of the European Coast and Border Guards Regulation, working arrangements Frontex has with third countries allowing the collection of data and drafting of analysis, and the coordination mechanism for JCOs. Frontex has expressed interest in participating in four of the actions of the CCWP Action Plan (8.3, 8.4, 8.5 and 8.6).

9. Report from the Commission to the Council – Progress report further to the Council Conclusions of 28 January 2014 on Customs Cooperation with the Eastern Neighbouring Countries

The Commission presented its progress report further to the Council Conclusions of 28 January 2014 on Customs Cooperation with the Eastern Neighbouring Countries (10388/16). The following topics were discussed: customs cooperation with Georgia, Moldova, Ukraine, Belarus and Russia, the trilateral EU-Russia-Ukraine talks, the Eurasian Economic Union, the Eastern Partnerships activities. In relation to the customs cooperation with Armenia and Azerbaijan, OLAF was requested to clarify some aspects regarding the cooperation arrangements with authorities from these countries. This is to be done during a future CCWP meeting.

10. Council Conclusions of 9 June 2016 and Action Plan on the way forward with regard to financial investigation

The Presidency briefly presented the Council Conclusions and the Action Plan on the way forward with regard to financial investigation, drafted in the LEWP and adopted by the JHA Council on 9 June 2016 (10125/16 + COR 1, 8777/16).

11. AOB

No item was raised under this point.
