



Council of the
European Union

Brussels, 15 November 2016
(OR. en)

14288/16

JAI 931
ENFOCUSTOM 183

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	12164/3/16 REV3
Subject:	Draft Council Conclusions on the Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management

Delegations find in the annex the draft Council Conclusions on the Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management.

THE COUNCIL OF THE EUROPEAN UNION:

HAVING EXAMINED

The report from the Commission to the Council and the European Parliament: Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management and its accompanying document, the Commission staff working document¹.

RECALLING

- the Communication from the Commission of 21 August 2014 on the EU Strategy and Action Plan for customs risk management: Tackling risks, strengthening supply chain security and facilitating trade²;
- the Council Conclusions of 4 December 2014 on the EU Strategy and Action Plan for customs risk management: Tackling risks, strengthening supply chain security and facilitating trade³;
- the Council Resolution of 13 December 2011 on the future of customs law enforcement cooperation⁴;
- the Council Conclusions of 17 June 2016 on the follow - up of the Union Customs Code⁵ which, in particular, refer to the pivotal role of customs, involvement of trade, development and funding of IT systems;

¹ 11415/16 + ADD 1
² 12644/14 + ADD 1
³ 15403/14
⁴ OJ C 5, 7.1.2012, p. 1
⁵ OJ C 357, 29.9.2016, p. 2

WELCOMES

- the progress achieved so far on the implementation of the EU Strategy and Action Plan for customs risk management, both at EU and Member State level as reflected in the Progress Report;
- the good cooperation between the Member States and the Commission leading to steps forward in the reform of customs risk management, in particular for those actions falling within the direct remit of customs authorities;

UNDERLINES

- the strategic objectives and role of customs authorities of protecting the security and integrity of the supply chain and the safety of citizens and the financial interests of the EU and its Member States and of facilitating and accelerating legitimate trade to promote competitiveness;
- that risk management processes are essential for safeguarding the security and financial interests of the EU and its Member States whilst ensuring the facilitation of legitimate trade;
- that risk management of the supply chain involves a broad range of risks including terrorist threats and activities of organised crime, prohibited and dangerous goods, product health and safety concerns, regulatory compliance and financial risks;
- the need to continue to implement the EU Strategy and Action Plan for customs risk management;
- the significant contribution of the EU Strategy and Action Plan for customs risk management to the Renewed Internal Security Strategy and its implementation especially in the fight against terrorism and cross border organised crime;

- that for the purpose of improving risk management the development of the appropriate IT systems is crucial to ensure the availability and sharing of supply chain-data and risk relevant information. This implies that a timely funding for customs systems is essential in particular in the light of customs-related aspects of the Renewed Internal Security Strategy;
- the need to implement the Action Plan in line with the work plan for electronic systems as mentioned in Article 280 of the Union Customs Code and as foreseen for the implementation of the Union Customs Code;

NOTES THAT

- the cooperation of law enforcement authorities has proved to be challenging in interlinking customs controls and risk management on the one hand, fraud and crime prevention, detection and investigation measures on the other;
- the partnership of customs with trade, together with cooperation with international partners, needs to be further explored and enhanced in order to ensure supply chain security and to facilitate legitimate movement of goods by ensuring effective and efficient customs controls;

STRESSES

- the importance of ensuring the respect of fundamental rights when implementing the EU Strategy and Action Plan for customs risk management;
- the need for the Commission to regularly report to the Council on the progress of the EU Strategy and Action Plan for customs risk management.

URGES THE COMMISSION TOGETHER WITH THE MEMBER STATES to continue to work on the outstanding questions related to the legislation, governance, operational mode, delivery strategy and planning, related to the appropriate IT systems;

CALLS UPON MEMBER STATES AND THE COMMISSION to continue work on assuring the availability of resources in a timely manner for the necessary IT systems in order to meet the objectives of the EU Strategy and Action Plan for customs risk management;

STRONGLY RECOMMENDS MEMBER STATES AND THE COMMISSION, each within their respective competence:

- to improve synergies between customs and other law enforcement authorities in the area of organised crime, security and fight against terrorism both at the national and EU level;
- to strengthen multi-agency cooperation by emphasizing customs risk management and the role of customs at the external border of the EU as the leading authority for the control of goods and the fight against illegal trade in goods;
- to continue work on improving access to and exchange of information for customs risk management purposes for instance on modes of transport, postal consignments and passenger movements;
- to enhance international cooperation to further develop the implementation of the EU Strategy and Action Plan for customs risk management;
- to continue to cooperate with third countries' customs authorities to facilitate legitimate trade and further enhance supply chain security, including the mutual recognition of initiatives in these areas;

INVITES THE COMMISSION

- to take into account the role of customs as an important stakeholder towards the development of a Security Union;
- in close cooperation with the Member States to update the Road Map for the implementation of the Strategy and Action Plan, in the light of the current global situation;
- to develop in close cooperation with the Member States an efficient reporting mechanism to measure the impact of outcomes and results of specific actions deriving from the EU Strategy and Action Plan on improvements to the customs risk management processes;
- to ensure, when adopting legislative proposals, better consistency between rules on prohibition and restrictions at the EU border and customs regulations in order to achieve more effective controls whilst facilitating legitimate trade;
- to submit the next progress report to the Council on further implementation of the EU Strategy and Action Plan for customs risk management within the 18-month time frame, setting out the results achieved during the implementation of the EU Strategy and Action Plan for customs risk management.
