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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 1 June 2017
To: Customs Cooperation Working Party
Subject: Summary of discussions

1. Adoption of the Agenda

The agenda as set out in CM 2852/2/17 was adopted.

2. Information from the Presidency

The Presidency informed delegations on a number of meetings and documents of particular relevance for this Working Party.

3. JCO Guide

The Presidency submitted WK 6099/2017 with a new wording for points 2.1.9 and 2.1.10 of the JCO Guide. A large number of delegations entered a scrutiny reservation. In particular, some delegations objected that it was not clear to which forum it belonged the responsibility of approving the final report.

The Presidency concluded that it would forward a new wording to delegations so that an agreement on the revision of the JCO Guide could be reached at the next Plenary meeting of the Working Party on 20 June 2017.

4. JCOs and other Customs operations

4.1 JCO Wafers Evaluation

The Netherlands presented the draft final report of JCO Wafers, which targeted counterfeited semiconductors imported from China and Hong-Kong by post/express courier services.

The Presidency invited delegations to send their comments, if they wished to do so, before 16 June 2017.

4.2 JCO Darius

The Netherlands presented the business case for JCO Darius to fight against trafficking of illegal goods in small consignments bought on Internet.

The Presidency invited delegations to send their comments, if they wished to do so, before 16 June 2017.

5. Intellectual Property Right (IPR)

5.1 Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 - Implementation report

The Commission made a presentation on the implementation of Regulation (EU) No 608/2013. For the Commission, the Regulation is functioning satisfactorily. However, the Commission recognised the need to reinforce efforts made in certain areas (like the quality of information contained in the Application for Action (AFA), notably the Union AFA). The handling of small consignments remained a challenge for Member States. The Commission indicated that it would now proceed to assess the implementation of the EU Customs Action Plan to combat IPR infringements for the years 2013/2017 with a view to adopting a report by the end of the year.

5.2 EUIPO Virtual Training Centre

A representative of the European Union Intellectual Property Observatory made a presentation on a new virtual training centre developed in cooperation with CEPOL.

5.3 Malta IPR Unit

A representative of the Customs Intellectual Property Rights Enforcement Unit of Malta made a presentation on its risk analysis, tools, and activities.

6. Outcome from High Level Seminar "Strengthening Cooperation between Customs and Tax Authorities"

The Presidency debriefed delegations on the discussions held at the High Level Seminar "Strengthening Cooperation between Customs and Tax Authorities" which was organised in Malta on 27/28 April 2017.

7. ACTION 8.4 Firearms – interim report

Portugal informed delegations on activities carried out under Action 8.4 against the trafficking of firearms. Portugal explained how those activities have been implemented in a coherent way and in complementarity with others EU initiatives, such as EMPACT Firearms and PCA Firearms.

8. Priorities of the Estonian Presidency

As incoming Presidency, Estonia made a presentation on its priorities regarding CCWP activities.

9. AOB

- i) **Octopus II** - France provided information concerning the organisation of Octopus II Operation, which would take place from 19 June till 1 December 2017 with the participation of 13 Member States, Europol and OLAF.

ii) **PNR** - The Netherlands debriefed delegations on the discussions held in DAPIX on 29 May 2017 on the added value of customs for Passenger Information Units (9439/17). The Netherlands considered that for the Working Party on Information Exchange and Data Protection (DAPIX) the recognition of customs authorities as competent authorities for the purposes of Article 7 of the PNR Directive was generally accepted. As for the direct involvement in the PIU of customs authorities, the Netherlands informed that this idea was supported by several delegations in DAPIX due to their great deal of experience in dealing with PNR data. The Commission stated the view that after the implementation of the PNR Directive, it would not be possible Member States to continue running their national systems whereby customs receive PNR data directly from airlines..According to the Commission, the PNR Directive organized in a complete manner the transmission of PNR data from carriers to Member States and PNR data could be processed only for the purposes listed in the Directive.
