



Brussels, 16 October 2017
(OR. en)

13133/17

ENFOCUSTOM 215
JAI 895

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 5 October 2017
To: Customs Cooperation Working Party (Experts)
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 3997/3/17.

2. Information from the Presidency

The CCWP took note of the information provided by the Presidency on documents and past and upcoming meetings relevant to the work of the CCWP, as set out in WK 10729/1/17.

3. Report on the implementation of the 8th CCWP action plan

3.1 JCO Magnum II final report (under action 8.6.1)

- The CCWP took note of the presentation of the draft final report of JCO Magnum II set out in 12518/17. The draft final report would be submitted for approval by the plenary at its meeting on 31 October 2017. JCO Magnum II targeted cigarette smuggling at road and rail border crossing points along the EU's eastern land border. Delegations were invited to submit any written comments by 13 October 2017.

3.2 Action 8.6.1 (cigarettes and tobacco products) final report

The CCWP took note of the presentation of the draft final report on action 8.6.1 (excise fraud in the field of cigarettes and tobacco products) set out in 12519/17. The Commission commented on recommendations 6 and 9. In particular, the Commission indicated that it would present its study on the possibility of a harmonised tax for new tobacco products by the end of this year. On the Excise Movement Control System (EMCS), the Commission indicated that the impact assessment on the amendment of the Horizontal Directive was still under way. The representative of Europol recommended more frequent use of SIENA, inter alia, because the data retention periods are longer than for other relevant databases.

The draft final report would be submitted for approval by the plenary at its meeting on 31 October 2017. Delegations were invited to submit any written comments by 13 October 2017.

3.3 Action 8.6.2 – 'Regional occurrence of excise fraud – mineral oils' – Final report

The CCWP took note of the presentation of the draft final report on action 8.6.2 (mineral oils) set out in 12520/17. 23 Member States and Europol had participated. A number of delegations asked the Presidency about the follow-up to the recommendations set out in this report. The Presidency would take on board some of the recommendations in the progress report on excise fraud for the meeting of the HLWP of the Directors-General for Customs (11760/3/17). Other recommendations would be discussed in the relevant Council Working Parties.

The draft final report would be submitted for approval by the plenary at its meeting on 31 October 2017. Delegations were invited to submit any written comments by 13 October 2017.

4. Draft 9th action plan developments

The Presidency provided delegations with an update on the latest developments regarding the 9th action plan. All relevant information can be found in [12763/17](#).

FR, UK, FI, LT and NL supported SE's initiative regarding the new action 9.7 on better integration of customs in EU SOCTA.

HU offered to be co-leader with SK for action 9.1.2.2 (excise fraud – smuggling of designer fuels).

FR offered its cooperation to IT, since FR customs is the driver for the EMPACT OAP 'Financial investigations'.

LT expressed its wish to participate in action 9.3 (customs against internet crime) and its concern over the absence of a leader for action 9.6 (central coordination units).

5. European Policy Cycle: EMPACT excise developments

LT, as co-leader of the EMPACT excise fraud priority, presented together with Europol the draft operational action plan (OAP) for 2018. LT invited other delegations to improve the communication at national level between customs and EMPACT national coordinators and other stakeholders.

The Presidency informed delegations that it intended to invite other EMPACT leaders or co-leaders to come to the CCWP to present other OAPs which were linked to customs matters.

6. Draft Council conclusions on stepping up the fight against illegally traded tobacco products in the EU

The Presidency informed delegations of the timeline for the adoption of the Council conclusions. The Presidency would issue a REV 1 of [11761/17](#) to be discussed at the CCWP (plenary) on 31 October 2017. The Presidency would aim to reach an agreement at the CCWP plenary on 14 November 2017, before submitting the text for adoption by Coreper and the Council as an 'A' item.

HU reminded the group of its position regarding the track and trace system and its impact on small businesses, and asked the Presidency to amend the text of the draft Council conclusions accordingly.

7. Finnish customs darknet investigations

FI gave a presentation on how darknet investigations were carried out by Finnish customs authorities.

8. JCO Darius

NL presented the operational plan for JCO Darius, which is aimed at enhancing customs controls on small consignments used for trade in illicit goods, both at the external borders of the EU and, where appropriate, on the circulation of goods within the EU.

9. Project SHOT: Initiative launched by the Eastern and Central Europe RILO supported by the WCO

A representative of the WCO gave a presentation on Project SHOT, the aim of which is to facilitate the exchange of information on alcohol seizures by the Member States of the 11 RILO regions, to identify intelligence and to support risk analysis that may assist the anti-smuggling and other enforcement efforts of customs administrations.

The Presidency encouraged delegations to participate in this project.

10. AOB

- The Presidency asked delegations who had not yet replied to submit the information on planned JCO operations for the remainder of 2017 and for 2018.
- The General Secretariat of the Council explained to delegations the possible reasons why some delegates do not have access to the documents discussed in CCWP meetings.