



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 December 2013  
(OR. en)**

---

---

**Interinstitutional File:  
2011/0341A (COD)**

---

---

**16094/13  
ADD 1 REV 2**

**CODEC 2544  
UD 292  
AELE 70**

**"I/A" ITEM NOTE**

---

**From:** General Secretariat of the Council  
**To:** Permanent Representatives Committee/Council

---

**Subject:** Proposal for a Regulation of the European Parliament and of the Council establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No 624/2007/EC **(first reading)**

- Adoption of the legislative act (LA + S)
- = Statements

---

**Statement by the Council**

Effective, efficient, modern and harmonised approaches to customs controls at the external border of the EU are essential:

- to protect the financial interests of the Union and its Member States;
- to fight against illegal trade while allowing facilitations for legitimate business activity;
- to ensure the safety and security of the Union and its inhabitants, and the protection of the environment;

- to protect intellectual property rights, and
- to secure compliance with the common commercial policy.

In order to exercise such controls, it is crucial for customs to have access to the appropriate tools, such as detection equipment and technology. The need for these tools is exemplified, amongst others, in the 2011 Europol's Organized Crime Threat Assessment Report, which states that the economic impact of cigarette smuggling represents a loss to budgets of the Member States and of the Union estimated at around 10 billion Euros per year.

At present, the several instruments of the Multiannual Financial Framework (MFF) available to co-fund the acquisition of such tools are not exploited to the fullest extent. To achieve efficient allocation of funding resources, the Council invites the Commission to present a report, no later than mid-2018, on the provision of the necessary financial resources to purchase appropriate tools for customs controls in the area referred to in Art. 3(a) of the TFEU, including the possibility of allocating these resources through a single fund.

#### **Statement by the Council and the Commission**

This Regulation cannot be interpreted as including or conferring any powers or obligations which fall under Title V of Part III of the Treaty on the Functioning of the European Union.

#### **Statement of the Netherlands and Denmark on Article 14**

The Customs 2020 program lays down the rules for financing activities in the field of customs cooperation in the EU. All activities under the program, including the creation of expert teams, are determined in annual work plans on the basis of Article 14.

Expert teams are a new instrument, which potentially touches upon the balance of powers between Member states and the Union's institutions as foreseen in the treaties. In view of the possible major implications of the expert teams for operational activities and competences of customs authorities in the Member states, The Netherlands and Denmark would have preferred a separate implementing act for the creation and for the rules on the functioning of each expert team, enabling a more transparent decision process at the appropriate level.

Taken this into account,

The Netherlands and Denmark will whenever the creation of an expert team is being proposed in the work plan insist on a thorough evaluation of the proposed scope of the team, clear rules on the functioning of the team, a detailed business case and an in-depth legal analysis on the basis of the EU treaties, in particular regarding the respective competences of Member States and Union's institutions.

---