



Brussels, 19 December 2014
(OR. en)

16981/14

JAI 1021
ENFOCUSTOM 165

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 15 December 2014
To: Customs Cooperation Working Party
Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in document CM 5206/1/14 REV 1.

2. Information from the Presidency

The Presidency briefed the delegates about the recently held events relevant for customs, with a focus on the NEC meeting held at Europol on 19-20 November and on the 7th Meeting of Heads of Central Coordination Units (Naples II Convention) which took place on 11-12 December in Naples.

3. The Seventh Action Plan: progress reports and draft final reports

- **Action 7.1** "To analyse the current situation on excise fraud in the customs context and identify available tools, best practices, weaknesses and needs"

IT, as action leader, presented for adoption the draft Final Report on Action 7.1 (document 16069/14), outlining the results and the recommendations of the project group. At the request of the CCWP Plenary the action will continue in 2015 and, after revision, the document presented as final report will become an interim report. A deadline for comments was given for 15 January.

A brief information point on the related EMPACT OAP (Excise fraud) outlined certain aspects of it: in 2014 there were 25 participating Member States, EU agencies and associated third parties got involved (Europol, Eurojust, CEPOL, OLAF etc.) and 12 operational actions were completed or are on track. For 2015, 19 actions have been proposed.

- **Action 7.2 “To explore ways to improve cooperation with public authorities and private organizations in the field of counterfeit goods which are dangerous to public health and safety, taking into account the enforcement of the new IPR regulation”**

NL, as action leader, briefed the delegates on the deliverables and the state of play of Action 7.2. An extension of the mandate was granted and the final report will be presented in February/March 2015.

A brief information point on the related EMPACT OAP (Counterfeit goods, driven by IT with Europol as co-driver) outlined certain aspects of the activities undertaken in 2014: 20 participating Members States, involved EU agencies and associated 3rd parties (i.p. Europol, Eurojust, CEPOL, OHIM, DG SANCO, and Interpol) and 16 actions, all completed. The speaker mentioned the fact that due to their success, some actions from 2014 will be replicated in 2015 with a total of 24 actions and underlined a significant participation from Customs. The need of a better coordination at national level and more synergies at international level were also emphasised.

- **Action 7.3 “To examine the working/investigative techniques applied by customs and other law enforcement authorities to combat customs related crime, including organized crime, through the Internet, and to explore the current situation regarding the existence of customs specialized units dealing with those crimes and to ensure follow – up to action 5.2”**

DE, as action leader, briefed the delegates on the work done by the project group in 2014, including the creation of a communication network via EPE (European Platform of Experts of Europol). The speaker stressed the importance of a better cooperation between MS and with the other organisations and agencies. He also underlined the necessity of avoiding the duplication of work and repeating what has been done under Action 5.2. The action will continue in 2015 and a more detailed presentation of the main achievements and remaining objectives is envisaged for February 2015.

- **Action 7.4 “Customs law enforcement aspects of regime 42 frauds, which are associated with VAT fraud and organized crime. To identify tools for information exchange and analyse problems arising from enforcing the existing legal framework”**

EL, as action leader, presented for adoption the draft Final Report on Action 7.4 (document 16071/14), outlining the results and the recommendations of the project group. Certain MS considered that some distinctions should be made with respect to the appropriate legal basis in this area (Naples II Convention, Regulation (EU) No. 904/2010 and Regulation (EC) No. 515/97) and to the competences of different authorities (Customs and Tax). Further debate was considered necessary and a deadline for comments was given for 17 December.

A brief information point on the related EMPACT OAP (MTIC fraud) outlined certain aspects of the activities undertaken in 2014: 6 strategic objectives, 23 participating Member States, involved EU agencies and associated 3rd parties (Europol, Eurojust, CEPOL, OLAF etc.) and 11 actions (completed or on track). The speaker mentioned the fact that the group was heterogeneous so the scheduling and organisation of operational activities was challenging. In this regard, the work of the Europol focal point was very important and, due to its contribution, 16 actions were proposed in 2015, involving a greater number of MS.

- **Action 7.7 “To analyse the problem of undervaluation from the point of view of the possible involvement of the organized crime in this type of fraud, to evaluate existing tools and best practices to counter this phenomenon(legal/operational) and to propose adoption of new ones if needed”**

IT, as action leader, presented for adoption the draft Final Report on Action 7.7 (document 16072/14), outlining the results and the recommendations of the project group. Given the complexity of the topic, delegates requested more time for a thorough examination of the report in order for them to be able to offer meaningful contributions. A deadline for comments was given for 15 January. A revised version of the document will be put forward for adoption during the first CCWP Plenary under LV Presidency.

- **Action 7.8 “To improve the exchange of information and intelligence between Central Coordination Units as well as the practical implementation of mutual assistance and cooperation”**

IT, as action leader, briefly informed the delegates about the work of the project group, mentioning also the debate held in the framework of the 7th Meeting of Heads of Central Coordination Units (Naples II Convention) regarding the relation and possible conflicts between the European Investigation Order (Directive 2014/41/EU) and Naples II Convention.

- **Action 7.9 “To explore the available training possibilities for customs law enforcement officials at EU level and to examine the areas in which such training does not exist but would be required”**

HU, as action leader, briefed the delegates on work done by the project group in 2014 (questionnaire, evaluation, analysis). The action will continue in the first half of 2015. The speaker also mentioned the International College of Financial Investigation (ICOFI) as a possible tool/model for implementing action 7.9.

- **Action 7.11 “To improve capacities of law enforcement agencies in the fight against psychoactive substances”**

IE, as action leader, presented for adoption the draft Final Report on Action 7.11 (document 16073/14), outlining the results and the recommendations of the project group. Delegates acknowledged the high relevance of the topic and requested more time for a thorough examination of the report in order for them to be able to offer meaningful contributions. A deadline for comments was given for 15 January. A revised version of the document will be put forward for adoption during the first CCWP Plenary under LV Presidency.

A brief information point on the related EMPACT OAP (Synthetic drugs, driven by PL with NL as co-driver) outlined certain aspects of the activities undertaken in 2014: 28 participating Member States, involved EU Agencies and associated 3rd parties (i.p. Europol, Eurojust, CEPOL, and EMCDD) and 30 actions. The speaker mentioned the importance of Customs participation (one action in 2015 led by Customs of one MS). The risk of overlapping of activities was underlined. In this sense, better national coordination and more synergies at international level are necessary.

- **Action 7.5 “To identify the need for new models of cooperation between customs and other agencies/joint customs operations. To implement the strategy of the future customs law enforcement cooperation within the context of the EU policy cycle while taking into account the link with the tax authorities”**

The Presidency briefly presented document 16064/14 detailing the activities undertaken in the framework of Action 7.5 under EL and IT Presidencies - questionnaires, reports and sharing of best practices. The need to undertake step 3 of the action - identification of a new operational model with multi-agency involvement - was underlined.

- **Action 7.10 “To identify the fields for customs law enforcement cooperation such as joint operations, in the fight against environmental crime (e.g. hazardous waste, ozone, CITES, links to organized groups)”**

The Presidency briefly presented document 16065/14 detailing the activities undertaken in the framework of Action 7.10 under EL and IT Presidencies - one questionnaire, one report and sharing of best practices. The report was also presented during the COSI meeting on 11 December. At LV request, IT will continue to assume the leadership of Action 7.10.

4. Future of the CCWP - proposal for the way forward in 2015

The Presidency trio (IT, LV and LU) presented a proposal (document 15684/14) regarding the functioning of the CCWP in 2015. The paper outlines the methodology and the timeline allowing the future Presidencies to gather all relevant information for the drafting of the 8th Action Plan. A revised version of the document will be issued, incorporating comments received from the MS. These mainly concern the need for the CCWP to get involved actively in 2015 in the debate on the future of Customs governance and of Customs related Working Parties.

5. Coordination of the CCWP activity with the EU Policy Cycle

The Presidency briefly presented document 16066/14 outlining the main elements and challenges in this area. A discussion followed on the need of a better coordination between CCWP, COSI and the Policy Cycle stakeholders and the link with the documented presented under item 4 was underlined.

6. Priorities of the LV Presidency

LV described its priorities as incoming Presidency for the CCWP, both at strategic and operational level.

7. AOB

No item was raised.
