



Council of the
European Union

Brussels, 10 April 2015
(OR. en)

7716/15

JAI 214
ENFOCUSTOM 26

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 31 March 2015
To: Customs Cooperation Working Party
Subject: Summary of discussions

1. Adoption of the Agenda

The agenda was adopted as set out in CM 1939/1/15 REV 1. One intervention, by Hungary, was added under AOB.

2. Information from the Presidency

The Presidency briefed the delegates about the recently held meetings, events and initiatives relevant for Customs. Among these, a special focus was placed on the following:

- Europol's newly released report "Exploring tomorrow's organised crime", which outlines the massive changes in the criminal landscape (decline of traditional hierarchical criminal groups and networks and expansion of virtual criminal networks made up of individuals who come together on a project basis, "crime-as-a-service" business model etc.);
- publication of EMCDDA's first overview of drug situation in Western Balkans;
- Europol's issuing of 2015 Interim EU SOCTA.

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

- **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”**

Greece presented a revised version of the final report on Action 7.4, incorporating comments made by Member States (16071/1/15 REV 1). The Working Party unanimously considered that the project group fulfilled its mandate and the report identified a genuine problem that required a coordinated response at EU level. Following the discussion, it emerged that 24 Member States fully agreed to the conclusions of the report. However, 4 Member States could not express their support, pointing notably to the fact that the scope of the report exceeded the remit of the competences of the CCWP. It was therefore decided that a Presidency note acknowledging this situation would be drafted (7717/15) and the package (final report and Presidency note) would be submitted via written procedure for adoption. Afterwards, the Presidency should ensure the necessary coordination with Customs Union and Tax Questions Working Parties, in view of an appropriate follow-up.

4. Practical interinstitutional cooperation and coordination within the Policy Cycle: "French Customs experience of the European Policy Cycle"

The presentation of the French delegation focused on the experience of French Customs with the Policy Cycle. The first part summarised the positive outcomes but also the lessons learnt during the OAP Containers, as part of the first Policy Cycle (2012-2013): dissemination of best European practices, joint training sessions by CEPOL, multidisciplinary approach in an area of Customs expertise (containers control), high costs in terms of time and money. The speaker explained how Operation Archimedes (September 2014) was used to promote Customs and Customs actions. He also detailed the way the new European Policy Cycle is conceived (as a "spider web"), each of the priorities (excise, firearms, synthetic drugs, MTIC fraud, counterfeit, cocaine) involving several interested stakeholders working together with Customs. Finally, the speaker mentioned the following objectives for the current European Policy Cycle: strengthening Customs' alliances with other stakeholders (national and European), deepening the knowledge, experiencing alternative ideas, contributing to law enforcement with a Customs perspective.

5. Information point from Europol on Interim SOCTA

Europol presented the Interim SOCTA (7271/15). The speaker highlighted the methods used for the drafting: assessment of key threats to the EU using Member States strategic and operational data, Europol third partners data and Open Source Intelligence as well as a focus on recent developments. The speaker shared some of the conclusions drawn after this exercise: serious and organised crime remains a dynamic and substantial threat, the routes, modi operandi and technologies evolve, crime-as-a-service, use of the internet, poly-criminal groups and crime enablers represent the main features of the current criminal landscape. The main SOCTA priority areas were also detailed: drugs, counterfeiting, crimes against persons (facilitation of illegal immigration, trafficking in human beings), organised property crimes, economic crimes (fraud, money laundering), cybercrime. Environmental crime and trafficking of firearms were also mentioned. Finally, the speaker reminded the delegates about the possibility for the CCWP to take part in the preparation of SOCTA 2017. A discussion followed, Member States questioning the method used for the drafting of Interim SOCTA (the fact that certain crimes were only included in the watch list) as well as the way data are exchanged between Europol and other agencies such as OLAF.

6. Measurement of the share of illegal cigarettes on the cigarette market

Estonia delivered a presentation on the national experience in measuring the share of illegal cigarettes on the cigarette market. Keeping in mind the goal of reducing by 50% the black market for cigarettes, Estonian authorities used different types of indicators to assess the situation and the impact of illicit cigarette trade: percentage of smokers out of the total adult population, percentage of conscious consumers of illicit cigarettes, daily consumption of illegal cigarettes, percentage of smokers ordering cigarettes from abroad etc. The speaker also detailed some of the results of the work in this area: a decrease of the share of black market, an increase of excise revenues and of the compliant attitude within the society, a decrease of seizures per case (random selection).

7. Revision of tactical objectives and risk areas for Joint Customs Operations

The Presidency presented DS 1176/15 (to be discussed during CCWP Experts on 14 April), urging the delegates to send their written comments and suggestions by 30 April 2015.

8. EU Customs Governance Reform - Outcome of the discussions within the IWG and the CUWP

Delegations discussed the suggestions regarding the Customs governance reform put forward by the IWG/CUWP in documents 16821/14, DS 1135/15 and 7477/15. The following conclusions could be drawn: the future of the CCWP should be discussed in full cooperation with the CUWP, with the involvement of the Commission, the aspects related to content (aspects discussed and decided upon) and to MS commitment were considered to be more important than changing the structure of the Working Parties involved in Customs area, a pilot/test of the scenario identified as the most suitable to address the issues related to Customs governance was considered a good idea, the fact that CCWP is the only framework where certain aspects related to Customs can be discussed (e.g. Customs contribution to fight against terrorism) was underlined and the need to improve the visibility of CCWP, within and outside the Council, was also emphasised.

9. AOB

Hungary informed the delegates that the next meeting of the project group for Action 7.9 would take place on 14-15 May 2015, in Budapest.
