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## **OUTCOME OF PROCEEDINGS**

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From: General Secretariat of the Council  
On: 17 June 2015  
To: Customs Cooperation Working Party  
Subject: Summary of discussions

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### **1. Adoption of the agenda**

The agenda was adopted as set out in CM 2925/15; under point 3, the sub-item regarding Action 7.7 was taken off the agenda.

### **2. Information from the Presidency**

The Presidency briefed the delegates about the recently held meetings, events and initiatives relevant for customs, among which were the High Level Seminar on Customs Matters ( Riga, May 2015) and the Eastern Partnership Summit (Riga, May 2015). The Presidency also informed the delegates that the Annual Report of the World Customs Organisation (2014-2015) is currently available.

### 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 Final Report on Action 7.1 (9368/15), largely similar to the latest version of the interim report, 16069/1/14), outlining the results and the recommendations of the project group. A few comments were made; these will be incorporated into a revised version which will be submitted to the written procedure.

- **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, presented the revised Final Report on Action 7.2 (document 5994/1/15) for adoption, outlining the results and the recommendations of the project group. The speaker outlined the main modifications of the report following the comments received from the Member States after the CCWP Plenary on 18 February. Following its presentation, the report was adopted (no other suggestions for changes were made). Delegates also agreed to make document 9541/15 public - a shortened version of the report, which does not contain sensitive information.

A brief information point on the related EMPACT OAP (Counterfeit goods, driven by IT with Europol as co-driver) outlined the initiatives, actions and conferences in this area. Thus, a state of play of the OAP was presented during the National EMPACT Coordinators' (NEC) meeting on 28-29 May: 8 actions out of 24 have already been completed. Debriefing of Operation OPSON on counterfeit and substandard food took place in Prague in April 2015. Two Cepol webinars were organised, one on semiconductors (60 participants, mainly from Customs), one on counterfeit medicines. DG SANCO led a series of training activities with the participation of competent LE officers. A regional seminar on IPR enforcement was jointly organised by OHIM and the Guardia di Finanza in Bari in May 2015. A report was produced by NL on awareness campaigns for consumers. Courses for Economic Financial Investigators with modules on the fight against counterfeiting were organized by Italy (Guardia di Finanza). A documentary on olive oil for the German speaking countries was broadcasted, which raised the interest of international media.

A knowledge and awareness conference jointly organised by OHIM/EP/EJ on cosmetics, perfumes and luxury goods took place in Alicante in June and involved different stakeholders (customs, police, prosecutors and private sector).

A series of actions will be initiated as soon as the grants from the Delegation Agreement will be available. All other actions are on track. One questionnaire on existing relationships with key third countries was distributed and two other questionnaires will be circulated soon: one on existing challenges with key source and transit third countries, one on anti-money laundering enforcement. More and more countries offer to lead activities. In the 2015 OAP, FI, FR, IT, NL, PT, and UK are action leaders. Efforts aimed at creating more effective synergies are ongoing as the pilot JCO on semiconductors shows.

- **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”**

The item was taken off the agenda.

- **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 for 2014, presented the main elements of the activities undertaken during last year. The outcomes concern three main aspects: improvement of exchange of information by the central coordinating units (CCU), use of Naples II Convention and mutual legal assistance requests in the pre-trial investigations and challenges on cross-border surveillance. The relations between the EIO Directive (European investigation Order) and the Naples II Convention were also examined in the framework of the activities related to Action 7.8. The complete outcomes and conclusions will be detailed in the interim report, which will be presented as a separate document during one of the forthcoming CCWP Plenaries.

- **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 the work done by the project group until now (questionnaire, evaluation, analysis). The working methods of the group included written/oral interviews, a questionnaire, face-to-face meetings, document analysis, comparative analysis. Among the possible outcomes of the action, the speaker mentioned the identification of those areas where training is currently not provided but which would be suitable subjects for training for customs law enforcement officials, the identification of topics which training programmes should contain and the options for exchanging experience, best practices etc. or other alternatives and platforms for improving training. The final report should be presented to the CCWP in September or October 2015.

- **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” - progress report**

The Presidency briefly presented document 8659/1/15 REV 1 detailing the activities undertaken in the framework of Action 7.5 under Latvian Presidency - sharing of best practices by means of presentations delivered by different speakers during CCWP meetings. In this sense, the following topics have been dealt with during the Latvian mandate:

- physical cash movements by criminal groups as a facilitator for money laundering (Europol);
- the way the Schengen Information System works in the context of customs control (DG Home);
- SPECIFICS forum - the first regional forum on the strategic and proactive efficient financial investigation of cigarette smuggling (Latvia);
- EUROFISC network - a group dedicated to the fight against VAT fraud (France);
- the technical equipment used in the fight against smuggling at the EU's eastern border (Latvia);

- the use of data mining to detect possible violations within the competence of customs authorities (Lithuania);
- the activities of the Visegrad Group aimed at fighting mineral oil tax evasion (Slovakia);
- OLAF's Tobacco Seizure Management Application (ToSMA);
- the modern detection technology used by customs to assist in the separation of illicit from legitimate goods when checks are being undertaken (DG Taxud);
- the way national authorities tackle the problem of firearms (SE and UK); and
- Latvia's experience in the field of new psychoactive substances.

The Latvian Presidency expressed its readiness to support Luxembourg in the preparation and drafting of the final report for Action 7.5.

#### **4. Situational awareness paper on customs threats and challenges to be taken into account for the drafting of the next Action Plan (2016-2017)**

The Presidency prepared document 9396/15 outlining the main threats and challenges in the customs areas that should be taken into account for the drafting of the next Action Plan: firearms, cigarette/tobacco products smuggling, synthetic drugs (NPS), counterfeit goods, the use of information technology and Internet for criminal activities, cash movements, excise duty/MTIC fraud, environmental crimes. The document also emphasises the need for a better coordination of the CCWP with other Working Parties (like COSI) and stakeholders (like Europol in relation to the drafting of SOCT A but not only). A debate followed, Member States expressing a general support for the paper. A deadline for written comments was given on 26 June 2015.

## 5. Exploring tomorrow's organised crime

Europol's presentation focused on the way the criminal landscape will, likely, be changing in the future. These findings are based on key driving factors identified in the report: technological ones (innovation in transportation and logistics, nanotechnology and robots, big data exploitation/personal data and e-waste) as well as socio-economical ones (economic disparity, natural resources, proliferation of virtual currencies and demographic changes). As a result, organised crime is becoming a virtual and service-oriented criminal underworld, matching in reality less and less its existing legal definition. The speaker stressed in particular the use of a crime-as-business model and trading in diversified commodities (personal data becoming used, for instance, as a commodity when stolen and traded), infiltration and targeting of changing pools of victims and clients such as the elderly and legal business. The increasing demand for mobility, alternative modes of transport, digital infrastructures create also new routes and hotspots, making physical presence unnecessary.

In a rapidly changing and adaptable criminal environment, all these aspects represent new challenges but also new opportunities for law enforcement authorities, which should focus on international and cross disciplinary cooperation including public-private partnerships, new and innovative funding methods and training /recruitment. Specialisation and expert knowledge would most probably be required at an unprecedented level in the future.

## **6. High level seminar on management of the external border: day-to-day passenger control challenges**

The Presidency presented the outcomes of the High Level Seminar on management of the external borders: day-to-day passenger control challenges that took place in Riga (7-8 May 2015). The seminar was a follow-up to the Conference "EU Eastern Border, 10 years after" (May 2014, Krakow, Poland) and to the Workshop on "EU Eastern Border Management" (March 2015, Narva, Estonia). Among the aspects discussed were the following: enhanced cooperation and coordination of agencies working at the border to ensure effective and efficient external border management, use of PNR data in customs risk analysis - PNR data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime, evaluation of the level of smuggling at the external border - common challenges in customs control of passengers travelling by land/air/waterways. At the end of the seminar, the participants adopted the Riga Declaration on ensuring effective EU external border management.

## **7. Update of the monitoring file of the implementation of project-groups' recommendations**

The Presidency presented document 9343/15 updating the monitoring file for the implementation of project-groups' recommendations. A debate followed and among others it was suggested that this document should also be taken into account for the drafting of the next Action Plan. 30 June 2015 was set as deadline for written comments. The revised document will be presented again during a forthcoming meeting under Luxembourg Presidency.

## **8. Revision of Tactical objectives and risk areas**

The Presidency presented for adoption DS 1176/2/15 REV 2 outlining the revised tactical objectives and risk areas. However, one Member State opposed adoption as it could not agree with MTIC being mentioned among the risk areas. If adopted, the revised tactical objectives and risk areas should have been integrated in the revised Guide for JCOs. After lengthy discussions, no outcome could be reached and the Presidency indicated it would reflect on possible solutions.

## **9. Study and Evaluation of the Options for a More Strategic Use of Customs Related Working Parties and Their Best Positioning within the Council Structure - Follow-up of the Council Conclusions on the Reform of the Customs Union - Phase 2 Report**

The Presidency put forward for further discussion document 7477/1/15 REV 1, which was originally debated in the framework of the CUWP. Few delegates took the floor and the Presidency suggested that, if deemed necessary, written contribution should be sent.

## **10. Priorities of the LU Presidency**

The incoming Luxemburg Presidency presented its priorities for the CCWP: finalisation of the implementation of the 7th Action Plan, preparation of the 8th Action Plan (to be implemented by the incoming Trio NL-SK-MT), dissemination and promotion of best practices in order to combat cross-border and organised crime involving customs and other law enforcement authorities and evaluation of results of joint operations. Two thematic Experts meeting were announced: one on Internet crime and one on non-proliferation regimes of weapons of mass destruction. The incoming Presidency also stated its support for JCO Sasha - French joint customs operation on chemical precursors for synthetic drugs.

## **11. AOB**

No item was raised.