



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 24 January 2014  
(OR. en)**

**5570/14**

**JAI 34  
ENFOCUSTOM 2**

## **OUTCOME OF PROCEEDINGS**

---

From: General Secretariat of the Council  
On: 21 January 2014  
To: Customs Cooperation Working Party  
Subject: Summary of discussions

---

### **1. Adoption of the Agenda**

The agenda was adopted as outlined in doc. CM 5540/13.

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

The EL Presidency informed the plenary group of its main priorities: implementation of 7th Action Plan, engagement of customs in EU Policy Cycle, revision of strategic and tactical objectives, and joint operations, in particular JCO ERMIS in the IPR fields organised by the Presidency.

### **3. The Seventh Action Plan (January 2014 – December 2015), reflective of the EU Policy Cycle**

#### **a) Update on project groups: leaders and participating MS**

The Presidency invited the delegations to provide updates of national participation in the actions of the 7th Action Plan, as set out in the overview doc. DS 1997/1/13 REV 1, as well as to provide contacts details for national experts to projects leaders, listed in the same document.

**b) Mandates to project groups (for adoption):**

**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 presented the draft mandate as set out in doc. 17775/13 ENFOCUSTOM 193. Some delegations provided drafting suggestions and several delegations raised concerns about the short planned duration of the project work. DG TAXUD confirmed its readiness to be involved and highlighted relevance of EMCS system. The Presidency invited the delegations to provide their comments in writing by 28 January 2014. A revised version of the draft mandate reflecting the comments would be sent for adoption by written procedure.

**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 presented the draft mandate as set out in doc. 17776/13 ENFOCUSTOM 194. Some delegations provided drafting suggestions. COM confirmed its readiness to be involved. The Presidency invited the delegations to provide their comments in writing by 28 January 2014. A revised version of the draft mandate reflecting the comments would be sent for adoption by written procedure.

**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 presented the draft mandate as set out in doc. 17778/13 ENFOCUSTOM 196. Some delegations provided drafting suggestions, including the need to include co-operation with third countries, and several delegations raised concerns about the short planned duration of the project work. OLAF reconfirmed its participation. The Presidency invited the delegations to provide their comments in writing by 28 January 2014. A revised version of the draft mandate reflecting the comments would be sent for adoption by written procedure.

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

IE presented the draft mandate as set out in doc. 17783/13 ENFOCUSTOM 198 COSI 170 CORDROGUE 140, and the meeting adopted it as presented.

**c) Mandates for two actions assigned to the CCWP Experts.**

**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 presented the draft mandate as set out in doc. 17777/13 ENFOCUSTOM 195, and the meeting adopted it as presented.

**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 presented the draft mandate as set out in doc. 17780/13 ENFOCUSTOM 197, and the meeting adopted it as presented.

**4. Operational activities and structure of police-customs cooperation in South East European Law Enforcement Center (SELEC)**

SELEC gave a presentation on its set-up and activities as a law enforcement co-operation platform for police and customs in South East Europe. SELEC's main focus is on exchange of information and joint investigations. There were 69 joint investigations in 2012 – 27 on drug trafficking, 16 on trafficking in human beings and smuggling of migrants, and 12 on anti-fraud and anti-smuggling.

**5. Future role of the CCWP: discussion paper on the role of the CCWP Experts Group in the implementation of the strategy for future law enforcement cooperation**

The Presidency presented the discussion paper (DS 2079/13) on the future of the CCWP focusing on strengthening the operational role of the CCWP Experts Group with 17 MS commenting the document, received positively as a step in the right direction. Some concerns were raised on the balance between plenary and experts meetings, and the issues related to financing. The Presidency invited the MS to provide their comments in writing by 31 January 2014.

**6. Follow-up on Customs engagement with the EU Policy Cycle: national strategies and action plans on the EU Policy Cycle Priorities**

The Presidency presented the questionnaire on customs engagement with the EU Policy Cycle as set out in doc. CM 5761/13 as a follow up initiative to the initiative under the Irish Presidency. The Presidency invited the MS to provide their replies in writing by 15 February 2014.

**7. Amendment of Regulation 515/97**

OLAF presented the proposal for amendment of Regulation 515/97 to improve the fight against customs fraud by increasing availability of data.

**8. Directive on Customs Penalties**

DG TAXUD presented the proposal for a Directive on a legal framework for customs infringements and sanctions seeking to bridge the gap between different legal regimes to achieve a more uniform and effective application of EU customs law.

**9. AOB**

No item was raised.

---