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## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
On: 31 October 2017  
To: Customs Cooperation Working  
Subject: Summary of discussions

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### 1. Adoption of the agenda

The agenda was adopted as set out in CM 4570/1/17.

### 2. Information from the Presidency

The CCWP took note of the information provided by the Presidency on documents and past and upcoming meetings relevant to the work of the CCWP, as set out in WK 12264/17.

### 3. Draft 9th Action Plan developments

The Presidency presented a new draft for the 9th Action Plan set out in document 13482/17. The Presidency informed that it had added an introductory part and practical guidelines for the implementation of the Action Plan. In addition, the scope of certain actions had been broadened by the leaders.

IT expressed its wish to take part in Action 9.3 (“Customs against internet crime”). SE asked to rephrase the wording of Action 9.7 so that this action would not only be limited to increase the Member States' participation to EU SOCTA. Being the action leader, SE said that it would aim at enhancing the cooperation between Customs and Europol.

The Commission encouraged those Member States which wished to participate in some of the actions excluded from the 9th Action Plan due to the lack of leader or enough participants, to participate in the corresponding operational actions to be organised under the EU Policy Cycle.

The Presidency finally informed delegations that the 9th Action Plan would be put for adoption at the meeting on 14 November and invited delegations to send additional comments by Monday 6 November.

#### **4. Council conclusions on stepping up the fight against illegally traded tobacco products in the EU**

The Presidency presented a second draft of the Council conclusions as set out in document [11761/1/17 REV 1](#) and further changes that it would make following written contributions received from some delegations in the last days.

HU reiterated its position concerning the tracking and tracing system for tobacco products and asked to insert the wording of the Declaration of the Directors General for Customs of Hungary, Poland and Slovakia. PL entered a scrutiny reservation on the paragraph concerning the tracking and tracing system. DK supported HU and PL.

For the Council Legal Service, changing the wording as requested by HU would mean a circumvention of the delegation of powers given by the co-legislators to the Commission in Article 15, point 11 of Directive 2014//40/EC.

PL also asked to introduce a new paragraph addressed to the Commission and Member States on cooperation with third countries as well as a paragraph on cooperation between the public and private sector.

UK said it could not accept the wording in page 6 which asked the Commission to intensify its efforts "to encourage the third states in their actions to align the level of cigarettes taxation with the EU".

The Presidency concluded by saying that it would shortly issue a REV 2 of the draft Conclusions and asked delegations to limit their comments to key issues so as to allow the CCWP to agree on the conclusions at its next meeting on 14 November. The Presidency aimed at the adoption of the text by the JHA Council on 7-8 December 2017.

## **5. Final reports of the 8th Action Plan of the CCWP**

### **5.1 JCO Magnum II final report (under 8.6.1 action)**

The CCWP approved the final report of JCO Magnum II as set out in document [12518/1/17](#).

### **5.2 Action 8.6.1 "Cigarettes and tobacco products"**

The CCWP approved the final report of Action 8.6.1 "Cigarettes and tobacco products" as set out in document [12519/1/17](#).

### **5.3 Action CCWP 8.6.2 "Regional occurrence of excise fraud – mineral oils"**

The CCWP approved the final report of Action 8.6.2 "Regional occurrence of excise fraud – mineral oils" as set out in document [12520/1/17](#) with one change in Section 6.2 fourth bullet point suggested by SE.

## 6. Synergies between the CCWP 9th AP and the EU Policy Cycle actions

### a) Firearms

The driver (ES) gave a comprehensive presentation of the OAP "Firearms". The OAP has five goals and sixteen operational actions to be carried out next year. Among other, the driver indicated that four Member States' customs administrations (DE, ES, FR and SE) were fully involved in this OAP. He provided two examples of very real coordination between customs and police and underlined that one of the operational actions planned would be lead by SE customs as in previous years. Regarding costs involved by the participation of customs staff, the driver advised delegations to ask for funding through the Internal Security Fund.

### b) Cannabis/Cocaine/Heroin

The driver (ES) and one of the three co-drivers (UK) gave a comprehensive presentation of all the relevant operational actions included in the OAP for customs purposes where synergies should be sought between police and customs authorities. The CCWP discussed how information regarding specific operational actions would reach customs. The co-driver emphasised the idea that specific operational actions should bring an added value and should go beyond ordinary work by customs authorities.

### c) Criminal Finances

The driver (FR customs) made a comprehensive presentation of the OAP "Financial investigations". Among other, she indicated that a joint action would be organised with the leader of Action 9.4 ("Fight against illicit cash movements).

## 7. 10th meeting of the Heads of the Central Coordination Units on 25-27 October 2017

NL provided information on the discussions and the outcome of the tenth meeting of the Heads of the Central Coordination Units. NL reminded that there is not yet a Member State ready to host the same meeting in 2018, therefore NL encouraged Member States to volunteer given that the steering group would prepare the content part of the meeting.

## **8. High-level meeting of Customs and Border Guards on 18 October 2017**

The Commission gave a presentation on the results of the evaluation of the implementation of the guidelines for cooperation between border guards and customs and on the outcome of the high level meeting organised by DG TAXUD and DG HOME on 18 October 2017.

The Commission said that it intended to adopt a recommendation on the further development of cooperation between border guards and customs during 2018. The revised guidelines will not be binding.

## **9. Any other business**

A representative of Europol informed delegations that the next meeting of the SOCTA Advisory Group meeting would be held on 13 November 2017.

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