Council of the European Union

NOTE

From:	General Secretariat of the Council
To:	Delegations
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Subject:	Draft Council Conclusions on Developing the EU Customs Union and its Governance

Delegations will find in the Annex the above draft Council Conclusions, as agreed by the High Level Working Party of Directors General for Customs at its meeting on 29 March 2017[1].

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[1] At the present stage, two delegations maintain a scrutiny reservation.

Draft Council Conclusions on Developing the EU Customs Union and its Governance

The Council of the European Union

RECALLING:

- the crucial role that the Customs Union plays in contributing ~~on~~ to the EU prosperity and competitiveness as well as the security and safety of EU residents, by enabling and protecting the EU Single Market and by promoting EU standards at international level;

- the important role that Customs plays in contributing to internal security and the fight against serious and organised crime, and against terrorism;

- the Council Conclusions on the governance reform of the Customs Union and the Athens Declaration on the EU Customs Union's Governance Reform[2];

- the Council Conclusions of 17 June 2016 on the follow-up of the Union Customs Code[3] which, in particular, refer to the pivotal role of customs, the involvement of trade, and the development and funding of IT systems;

- the establishment of the High Level Working Party of Directors General for Customs, and the discussion on strategic issues at the meetings held on 20 April and 25 October 2016;

- the ongoing modernisation of the legal framework and the workings of the Customs Union, as anchored in the Union Customs Code (UCC), the associated Delegated and Implementing Acts applicable from 1 May 2016, as well as the related UCC IT Work Programme;

- the Council Conclusions on Electronic Customs and Single Window Implementation in the European Union[4]

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[2] OJ C 171 of 6.6 2014, p.1
[3] OJ C 357, 29.9.2016, p. 2
[4] Doc. 16507/14 UD 275

- the Council Conclusions on the Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management[5]

HAVING REGARD TO:

- the upcoming Multi-annual Financial Framework (MFF) negotiations and the on-going preparatory work;

- the related Council Conclusions on Customs Funding;

- the EU initiatives aimed at curbing the terrorist-related threats to the EU and its residents that require implementation/application by the Customs Authorities working within the framework of the Customs Union, amongst others under the European Agenda on Security[6] and the overall effort towards achieving a Security Union including the Commission Action Plan for strengthening the fight against terrorist financing[7].

- the number of stakeholders necessary for, and involved in, the successful operations of the Customs Union – the national customs authorities, the EU institutions and other EU and national authorities and agencies involved in the cross-border movement of goods at the EU and/or national level;

- the entry into force of the WTO Trade Facilitation Agreement[8] and the EU ambitions to go beyond the minimum requirements, outlined therein.

NOTING:

- the stability and good performance of the Customs Union since its establishment in 1968;

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[5]   Doc. 14894/16
[6]   COM(2015) 185 final
[7]   COM (2016) 50 final
[8]   O.J. L 284 of 30.10.2015, p. 1

- the enhanced role of customs in security and safety to ensure the protection of the EU Single Market and, the crucial need to foster trade facilitation;

- the significant changes in the composition, roles and the environment of the Customs Union, which calls for further review of its governance;

UNDERLINING THE NEED TO:

- strengthen cooperation between Member States and the Commission in accordance with their respective competencies in the management of human resources and equipment, and in line with the principle of subsidiarity;

- ensure a cross-spectrum policy and operational coordination between the Customs Union stakeholders by working in partnership;

- create a long-term overarching policy and shared operational management vision for the Customs Union by ensuring the continued good performance of the Customs Union in an effective, efficient, and coherent manner within the changing conditions and tighter resources available;

- ensure correct, effective and timely implementation of the UCC and its IT Work Programme, using any economies of scale and cooperation savings possible;

- ensure resources for the continued successful operation of the Customs Union, notably in view of the upcoming MFF discussions;

- make the Customs Union and its policy responsive to changes and threats, mainly by collaborating with other law enforcement authorities and agencies, particularly those involved in border management;

- enhance the partnership between the Customs Union stakeholders to be able to take decisions in a collaborative manner;

WELCOMES the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee developing the EU Customs Union and Its Governance[9]

INVITES THE COMMISSION AND THE MEMBER STATES TO:

- implement the UCC as a top-priority;

- develop a comprehensive mid and long-term strategy for customs IT systems to enable effective implementation of the UCC and to develop fully digital customs based on the added value of the individual systems, including considering the use of a permanent structure to manage the IT infrastructure, while taking into consideration the already developed or deployed IT systems;

- develop the governance of the Customs Union by ensuring an optimal partnership between the High Level Working Party of Directors General for customs and the Commission;

- continue to develop the Customs Union Performance as a management tool to guide policy decisions and provide a framework for performance/implementation evaluation and develop further the set of Key Performance Indicators based on policy needs, bearing in mind that no superfluous data should be requested and information available from already existing sources should be re-used;

- improve the coordination and the cooperation of customs with other law enforcement authorities and other agencies, particularly those involved in border management, and develop possible synergies and co-operation models, such as with Europol and European Border and Coast Guard Agency (Frontex), with the aim of further incorporating customs priorities, including, where possible, via the -interoperability of their IT systems;

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[9]   Doc. 15818/16 + COR 1

- continue with their effort to develop a workable solution for the creation of the EU Customs Single Window environment, underlining the importance of establishing a single point of entry of data;

- support improvement of the customs and tax co-operation, including practical means of alignment, creating interfaces and closing existing or potential gaps;

- continue the involvement of trade in the drafting and the efficient implementation of the EU customs legislation;

INVITES THE COMMISSION TO:

- formalise the Customs Policy Group and develop its role, in establishing co-ordination of strategic policy and operational aspects, and setting future priorities in partnership with the Member States;

- report on the developments in the individual areas mentioned in the previous section in the biennial report on the operations of the Customs Union, taking into account, as appropriate, the objectives, actions and achievements of the Customs Cooperation Working Party;

- take the Customs Union into consideration when outlining the policy areas and sectors, such as Trade, Transport, IT, Maritime, Aviation Affairs, and to further reflect the interaction of these policies in all the legislative proposals;

- consider and evaluate the value added and long-term benefits of a permanent structure to manage IT-infrastructure, as well as possible synergies with existing agenciesm and report by the end of 2017 on the progress made.

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