



Council of the  
European Union

Brussels, 23 March 2017  
(OR. en)

7586/17

**LIMITE**

**UD 83**  
**ENFOCUSTOM 84**

**NOTE**

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From: General Secretariat of the Council

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To: Delegations

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No. prev. doc.: 14132/4/16 REV 4 UD 225 ENFOCUSTOM 179

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Subject: Draft Council Conclusions on Customs Funding

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Delegations will find in the Annex the above revised draft Council Conclusions, as approved by the Working Party on Customs Union at its meeting on 22 March 2017<sup>1</sup>.

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<sup>1</sup> At the present stage, two delegations maintain a scrutiny reservation.

**Draft Council Conclusions on Customs Funding**

**The Council of the European Union**

HAVING REGARD TO:

- the Council Conclusions on the governance reform of the Customs Union and the Athens Declaration on the EU Customs Union's Governance Reform<sup>2</sup>;
- the Council Conclusions of 17 June 2016 on the follow - up of the Union Customs Code<sup>3</sup> which, in particular, refer to the pivotal role of customs, involvement of trade, development and funding of IT systems;
- the meeting of the High Level Working Party of Directors General for Customs on 25 October 2016, where Directors-General for Customs concluded that the issues of customs funding of equipment for Customs control at the EU external border and IT infrastructure should be adequately addressed<sup>4</sup>;
- the Report from the Commission to the Council and the European Parliament on the Strategy for the Evolution of the Customs Union<sup>5</sup>;
- the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the State of the Customs Union<sup>6</sup>;
- the Council Conclusions on the Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management<sup>7</sup>

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<sup>2</sup> OJ C 171 of 6.6 2014, p.1

<sup>3</sup> OJ C 357, 29.9.2016, p. 2

<sup>4</sup> Doc. 14161/16

<sup>5</sup> Doc. ST 18932/11

<sup>6</sup> Doc. ST 5132/13

<sup>7</sup> Doc. 14894/16

- the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on developing the EU Customs Union and Its Governance<sup>8</sup> and the Council Conclusions on Developing EU Customs Union and its Governance;

RECALLING:

- the mission assigned to the Customs Authorities, in particular their contribution to:
  - securing the integrity of the supply chain, including tackling the activities of organised crime;
  - facilitating and protecting legitimate trade;
  - protecting the financial interests of the EU and its Member States;
- the Council's invitation to the Commission to present a report, no later than mid-2018, on the provision of the necessary financial resources to purchase appropriate tools for customs controls in the area referred to in Article 3 (1) a) of the TFEU<sup>9</sup>
- that the Commission should present a proposal for a new multiannual financial framework before 1 January 2018<sup>10</sup>;

RECOGNISING:

- the need for:
  - adequate technical equipment for the control of goods crossing the EU external border;
  - up-to-date IT infrastructure of Customs Authorities;
  - the provision of high quality electronic customs systems, which are essential tools to facilitate and accelerate legitimate trade and to enhance the economic development and competitiveness of the European Union whilst carrying out the necessary controls and contributing to the security of goods moving across the external border of the EU;

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<sup>8</sup> Doc. ST15818/16

<sup>9</sup> Doc. 16094/13 ADD 1

<sup>10</sup> Regulation (EU, EURATOM) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020, OJ L347 of 20.12.2013 p. 884)

- the need and responsibility to ensure appropriate Customs protection of the external border of the EU;
- the challenges for Customs in the area of IT development, the supervision of the cross-border movement of goods and the commitment by the EU Customs Authorities to address these issues effectively, efficiently, consistently and coherently;

#### ACKNOWLEDGING:

- that the EU Customs Authorities and their role in the management of the external border have undergone a number of changes, since the establishment of the Customs Union, by:
  - extending their responsibilities beyond their traditional role in supervising and facilitating EU trade and its economic interests,
  - moving from paper-based to electronic customs, and;
  - taking on an increasing number of responsibilities in the field of safety and security;
- that changes and new responsibilities, which derive from the EU legislation, create challenges that require adequate technical equipment and up-to date Customs IT support;
- the benefits of the effective border management and the challenges faced by Customs at the external border;
- that an assessment of the EU financial resources allocated to assist Member States should be undertaken;

## UNDERLINING THE NEED:

- for the EU and its Member States to respond to and keep pace with the globalisation of trade and the simultaneous globalisation of crime, as well as to cope with the subsequent threats which require that there is adequate equipment to support the effective functioning of the Customs Union;
- for funding to equip Customs Authorities with the necessary technical equipment for the conduct of controls of goods crossing the EU external border and IT technology to meet the requirements imposed by the law and ensure safety and security, as well as support the facilitation of legitimate trade;
- to deliver on the challenges deriving from the Union Customs Code and to obtain the related benefits;
- to stress the role and input of Customs Authorities as one of the law enforcement authorities and to improve the coordination between these authorities;
- to promote the consistent and coherent application of the Customs legislation and modern approaches to Customs controls while allowing, where appropriate, common Customs IT infrastructure;
- for Member States and the Commission to further cooperate in developing the EU Customs Union and its governance and to implement future outcomes, emanating from the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee in this regard<sup>11</sup>.
- 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;

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<sup>11</sup> COM(2016) 813 final

INVITES THE COMMISSION AND THE MEMBER STATES to work together to assess by the end of 2017:

- existing programmes and instruments of EU- funding for customs, available for financing of technical equipment for the controls of goods crossing the EU external border and Customs IT infrastructure;
- routes for access to such funds and the challenges envisaged;
- potential synergies with other existing EU funding programmes and instruments, including the structural funds and whether these are properly exploited to the optimum;
- possibilities for reducing costs, including the sharing of resources, knowledge and best practices;

INVITES THE COMMISSION by the end of 2017, to:

- develop a strategy for the architecture, development, management and funding of Customs IT-systems taking into account the responsibilities between the Commission and the Member States for the development of IT systems required for the implementation of the EU legislation;
- consider and evaluate the possibility of funding technical equipment needs from future Commission financial programmes;
- provide a guide for the potential access to the current EU financial resources by Customs administrations as well as their intended use, as provided for by the competent Directorates, such as BUDGET, HOME, REGIO and TAXUD;
- improve coordination, and enhance the cooperation between Customs Authorities and other law enforcement authorities for funding purposes via a better EU-level partnership.