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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 13 July 2017
To: Customs Cooperation Working Party
Subject: Summary of discussions

1. Adoption of the Agenda

The agenda as set out in CM 3473/1/17 was adopted with the addition of two information points by the Council Legal Service and the Netherlands delegation respectively.

2. Presentation of the Presidency priorities

The Presidency presented its main priorities and the meetings calendar. One of the main priorities would be the preparation and adoption of the 9th Customs Action Plan. In this respect the Presidency underlined the importance of exploring synergies with the EU Policy Cycle 2018-2021. Tackling excise fraud, the draft Council Conclusions on the Progress report on the implementation of the Commission Communication „Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products – a comprehensive EU strategy", the finalisation of the 8th Action Plan as well as the organisation of the coordination mechanism meeting would be other priorities.

3. Information from the Presidency

The Presidency informed delegations on a number of meetings and documents of particular relevance for this Working Party set out in WK 8035/17.

4. Preparation of the 9th Action Plan (2018-2019) of the Customs Cooperation Working Party: information by the Presidency

Based on the situational awareness paper approved under Maltese Presidency (8791/2/17) and following the discussions in a triple trio project group on 19 June 2017, the Presidency issued a questionnaire set out in CM 3546/17 to prepare the 9th Customs Action Plan, notably to map Member States' interest to take part in the actions as leader, co-leader or participant and to choose the relevant subcategories of actions.

Delegations welcomed the Presidency's questionnaire as a good follow-up to the situational awareness paper. Some delegations emphasized the need to limit the number of actions considering the high number of threats identified (50) combined with the limited national resources. The Czech delegation suggested including a footnote in the questionnaire clarifying the meaning of "restrictive measures" similar to the footnote in chapter 3.5 of the situational awareness paper. Some delegations asked about the Presidency's intentions regarding the next steps as well as regarding the other actions of the 8th Action Plan such as cybercrime (action 8.2 Customs against internet crime).

The Presidency welcomed delegations' support for the questionnaire and stated that delegations were welcome to come up with suggestions regarding the 9th Action Plan. The Presidency pointed out that overlaps with other initiatives should be avoided and that the CCWP could make drafting suggestions for the Multi Annual Strategic Plans and Operational Action Plans in the framework of the EU Policy Cycle.

The German delegation informed the Working Party that the final report on cybercrime was sent to the members of the project group for final examination and would become available in September - October 2017.

The Presidency invited delegations to send their contributions to the questionnaire by 20 July 2017 with a view to the CCWP Experts Group on 25 July 2017.

5. Preparations to draft Council Conclusions on the Progress report on the implementation of the Commission Communication „Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products – a comprehensive EU strategy“: information by the Presidency

Delegations welcomed the Presidency discussion paper which identified six topics to be addressed in the draft Council conclusions (11005/17). Some delegations felt that the state of play of the implementation of the Council conclusions adopted in 2013 (16644/13) should be taken into consideration. Delegations also suggested addressing the topic of illegal factories/production within the EU. Comments were made regarding the costs of the tracking and tracing system of the 2014 Tobacco Products Directive. Some delegations also stated that the approach agreed at the High Level Working Party of Directors-General for Customs should be kept into account.

The Presidency invited delegations to send their contributions to the Presidency discussion paper by 20 July with a view to the CCWP Experts Group on 25 July 2017. Some delegations voiced their concerns on the short deadline.

6. OLAF Conference "Fight against cigarette smuggling": information by OLAF

The Commission (OLAF) presented the main results of the Annual Task Group Cigarettes Conference, which OLAF organised with experts from the Member States together with a number of key third countries. This conference, which was held from 27 to 29th June 2017 in Tallinn, brought together investigators, analysts and policy makers to review the results achieved and to identify emerging trends and threats. The conference was divided into two parts; strengthening the cooperation with third countries and emerging trends such as the shipments from free trade zones to Libya or the T1.4 fraud. OLAF also informed the meeting about GPS devices which it could make available to Member States.

7. Proposal for a joint case related data analysis project (Customs / Police, Europol/OLAF): presentation by OLAF

The OLAF representative presented a proposal which OLAF tabled on 29 June 2017 for a joint case related data analysis project on counterfeit detergents, as set out in 11057/17. Some delegations asked for clarifications regarding the legal framework for the exchange of data between OLAF and Europol.

The OLAF representative stated that this issue was examined by OLAF's legal department.

8. Customs Eastern Land Border Expert Team (CELBET) developments: presentation by CELBET

The leader of the equipment and procurement team of CELBET, presented the latest developments in CELBET, a cooperation project which involves 11 Member States. The 18 months project aims at developing a uniform and harmonised way of customs' actions at the external borders and to exchange best practices. Reference was made to risk profiles, a random control pilot, the equipment at the border control points, training, the cooperation with Frontex and third countries as well as the concept of a possible CELBET 2 which would last 24 months.

9. State of play of the EU Policy Cycle 2018-2021: information by the Commission

The Commission representative informed delegations about the state of play of the EU Policy Cycle 2018-2021. He mentioned the adoption of the new EU crime priorities by the Council on 18 May 2017. Following this adoption, the Commission organised a general Multi-Annual Strategic Plan (MASP) workshop on 26 June 2017, which identified seven common horizontal minimum strategic goals (set out in 10838/17), which should be applied to all MASPs. In addition two specific MASP workshops have also taken place: one on "Environmental crime" and one on "Criminal finances, money laundering and asset recovery". Other MASPs, for example on "MTIC, excise fraud", will be organised back to back with the OAP workshops in September - October 2017.

The Presidency welcomed this state of play and said that this item would be again addressed at forthcoming meetings.

10. Meeting of the European Police Chiefs Convention (EPCC) and of the Directors General of Customs Administrations on 6-7 September 2017: information by Europol

Europol briefly presented the programme of the meeting of the Directors General of Customs Administrations in the Hague on 6 September and the European Police Chiefs Convention on 7 September 2017, which would be attended by the Directors General of the Customs Administrations.

11. Any other business

– Data protection in the Customs Information System (CIS)

The Council Legal Service briefly intervened and invited the Commission to come up with a legislative proposal to align the supervision of the Customs Information System (Council Decision 2009/917/JHA) to the current legal framework regarding other JHA bases, that is to entrust the data protection supervision to the European Data Protection Supervisor.

– Central coordination unit (CCU)

The Netherlands delegation informed delegations about the results of the Steering Group meeting of the CCU on 12 July 2017. A programme was agreed for the Heads of the Central Coordination Units meeting on 25 - 27 October 2017 at Europol. Three workshops would be held: (1) cash movements in relation to the Naples II Convention, (2) a new Manual and (3) the European investigation order in relation to the Naples II Convention.