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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	14590/2/16 REV 2
Subject:	High Level Working Party of Directors General for Customs - Establishment and adoption of its Terms of Reference

1. On 26 May 2014, the Council adopted Conclusions on the governance reform of the Customs Union, inviting Member States and future Presidencies "*to study and evaluate options for a more strategic use of customs related working parties and their best positioning within the Council structure, including the reporting mechanism and if necessary to provide the Council with a proposal accordingly*" and "*to take appropriate initiatives to enhance the customs role at the political level, within the Council*".¹
2. Subsequently, the Italian Presidency set up an Informal Working Group which conducted the study and the evaluation referred to in the above Council Conclusions, and proposed different options in view of improving governance, including the organisation, at the level of Directors General, of joint meetings of the Customs Union Working Party and the Customs Cooperation Working Party.

¹ Doc. 9688/14

3. Further work was conducted under the Latvian and the Luxembourg Presidencies in view of setting-up pilot meetings of Directors General of Customs, leading to of a first pilot meeting on 20 April 2016² under the Dutch Presidency.
4. On 25 October 2016, a second pilot meeting was held, with Directors General confirming their support for the formalisation of a High Level Working Party of Directors General for Customs.³
5. At its meetings on 11 and 23 November 2016, the Working Party on Customs Union examined draft terms of Reference for the High Level Working Party of Directors General for Customs⁴, and unanimously agreed on the version of the Terms of Reference laid down in the Annex.
6. Against this background, the Permanent Representatives Committee is invited to:
 - establish a High Level Working Party of Directors General for Customs;
 - endorse the Terms of Reference as set out in the Annex.

² A comprehensive review (and historical background) of the work conducted under the IT, LV, LU and NL Presidencies is laid down in doc. 12640/16, together with a report of the Directors General meeting on 20 April 2016,.

³ Doc. 14161/16

⁴ doc. 14590/2/16 REV 2

Terms of Reference

1. A High Level Working Party of Directors General for Customs (hereinafter called: the HLWP) is hereby established.
2. The HLWP will be entrusted with the strategic and horizontal coordination of Customs issues in the Council, including legislative and non-legislative activities related to the Customs Union, Customs Cooperation, and the cooperation of Customs with other authorities and agencies. Where necessary, it will bring these issues to the attention of the Permanent Representatives Committee and of the Council.
3. The activities of the HLWP will be without prejudice to the work carried out in other Working Parties and other Council bodies, which shall remain responsible for the legislative and non-legislative files under their remit.
4. The objectives of the HLWP will be to:
 - examine, discuss, and provide guidance on strategic Customs issues;
 - provide a horizontal overview of the transversal issues in the Customs field;
 - identify and further exploit synergies, including with other Council preparatory bodies and any other relevant entities;
 - enhance the exchange and sharing of information on customs issues
5. The HLWP will be composed of Directors General of Customs or high-level representatives responsible for Customs, designated by the Member States.
6. The HLWP will be chaired by the rotating Presidency of the Council and be assisted by the General Secretariat of the Council. It will only meet according to the need, in light of issues covered by the objectives of the HLWP at stake.

7. Depending on the discussed topics, representatives of International Organisations and other experts may be invited to assist on specific items on the agenda of the meetings of the HLWP.

8. These terms of reference may be subject to review, if deemed necessary.
