



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 25 January 2013

5635/13

ENFOCUSTOM 13

OUTCOME OF PROCEEDINGS

of: Customs Cooperation Working Party (Experts meeting and Plenary meeting)

on: 16-17 January 2013

Subject: Summary of discussions

EXPERTS MEETING
(16 January 2013, 10.00)

1. Adoption of the agenda

The agenda was adopted, with the addition of a point by OLAF under AOB.

2. Information from the Presidency

The Presidency gave an overview of the main issues of interest for the CCWP as referred to in document DS 1016/13. In addition, the Presidency made a presentation about its priorities and informed that the CCWP-Experts will have three meetings during the semester.

3. Update of the multi-annual overview of JCOs and other operations

The CCWP examined the document on the multi-annual review of JCOs and other operations (doc. 5194/13 ENFOCUSTOM 6 RESTREINT UE). The Presidency underlined the limited number of JCOs organised in recent years and referred to recommendations already discussed in the CCWP about the organisation of the JCOs and their funding. In this respect, the Presidency proposed to look at how the CCWP organises its operations and the lessons learnt from them, as well as at operations organised at national level and the feedback that could be drawn from them.

One delegation provided information about an upcoming regional operation.

4. Annual Review of the JCO Library

The Presidency recalled that the library (doc. 10805/2/09 REV 2 ENFOCUSTOM 58) was subject to an annual review at the beginning of the year. It requested delegations to express their views on a number of questions, inter alia to consider whether the outcome of recent JCOs should be included in the review and whether also regional operations could offer good learning points to be included; whether threat assessments were up-to-date and whether to include risk analyses of Europol, OLAF and WCO as well as any relevant new legislation or convention. The Presidency invited delegations to provide input and set a deadline for contributions on 1 February. The Presidency would then issue a formal note to OLAF with MS contributions and request OLAF to update the file. It would then inform the CCWP at one of the next meetings.

5. Annual Review of the Guide to JCOs

The Presidency raised a number of questions for consideration by delegations when looking at the annual review of the Guide (doc. 10837/2/12 REV 2 ENFOCUSTOM 49) such as the possible inclusion of issues emerged from recent operations, textual amendments, actions requiring updates, and set a deadline for contributions on 1 February. The issue of how lessons learnt from JCPOs could be included in the Guide was also raised and it was suggested that the Guide itself could give some guidance on how to incorporate recommendations from JCPOs. The Presidency would look into the issue and underlined the need to liaise with organisers of JCPOs and possibly with the LEWP. The CCWP would revert to this item at one of its next meetings.

6. Presentations by Europol on OPSON II and GOODEYE

Europol made a presentation on operation GOODEYE, which was considered a first trial cross-border action, to assess whether there would be scope and interest for such operations. Main objective were to raise awareness of the exploitation by organised crime of outgoing passengers flows, to assess the extent of the threat and promote a proactive approach, to prevent couriers from taking illicit goods out of Europe, and to facilitate the exchange of expertise. A report on the operation would be available in the coming months. Two delegations highlighted some problems in the circulation of information about this operation and suggested the involvement of the CCWP at an early stage.

A representative of the Airpol secretariat made a presentation on Airpol, a network to enhance overall security at EU airports, financed through a grant from the Commission under the ISEC programme for a timeframe of 26 months. A request for further financing was pending.

In addition, a representative of Europol made a short presentation of operation Opson II. A more detailed presentation would follow at the CCWP meeting in February and a full report should be available in March.

7. JCOs and other Customs Operations

- Draft final report on JCPO Radar

The NL delegation stated that it would provide for the next CCWP meeting a revised draft of the final report (doc. 12710/12 ENFOCUSTOM 74 ENFOPOL 237) so as to include the comments received by some delegations.

- Regional Maritime Operation (IE)

The Presidency made a presentation about its plans for a regional maritime operation.

One delegation raised the issue of whether the scope of the operation could be expanded, from a regional one to a JCO covering the EU maritime area as widely as possible. The Presidency highlighted the reasons why the operation had been conceived as a regional one, but recognised the merit of looking into the issue. It invited delegations to provide comments on the proposal by 1 February; a discussion could be scheduled for a later meeting on the basis of the comments received.

- Operation Athena III

DK made an intervention on operation Athena III. Many national reports had been received and the DK delegation was preparing a draft set of guidelines to be sent to the Member States and then discussed in at the next meeting of the group in March. The issue of briefing and de-briefing appeared particularly important to address. The DK delegation would appreciate to have initial feedback on the draft guidelines before the March meeting so as to assess whether they could be acceptable or not. The Presidency stated that the draft guidelines would be sent out to all experts and contact points for comments. The CCWP would be kept updated on the process.

- Presentation by Ireland on National Operation TOLA

The IE delegation made a presentation about national operation TOLA.

8. Internal Conspiracies

The UK delegation made a presentation about airport criminality. Several delegations underlined the importance of tackling this issue through a multiagency approach.

9. Discussion on Tactical objectives and risk areas for 2014 – 2015

The Presidency underlined the importance of this work feeding into the actual operations organised by the CCWP. The document reflecting the objectives (doc. 12736/1/12 REV 1 ENFOCUSTOM 78 COSI 68) needed now to be updated also in the context of the new Strategy adopted in December. One delegations suggested that it would be useful to provide written background when proposing to add or delete risk areas, and that some wording in this sense could also be added to the Guide. The Presidency invited delegations to send proposals for possible additions or amendments, including written background, by 1 February, bearing in mind that risk areas should correspond to real and current threats.

10. Threat assessment on air transit passengers - draft mandate

The CY delegation presented the above-mentioned draft mandate (doc. 5208/13 ENFOCUSTOM 7). It referred to the outcomes of the questionnaire circulated in July (doc. DS 1830/1/12 REV 1) that highlighted the need to conduct a threat assessment. The objective of the proposed threat assessment would be to achieve a better knowledge of the risks linked to transit passengers, and to better identify the transit routes and the modalities of travelling. The CY delegation was now working on the second questionnaire which would be submitted to the project group. Some MS had already expressed their wish to participate to the project group and participation by other Member States would also be welcome.

The meeting adopted the mandate.

11. Any other business

OLAF gave an update on the state of play of operation REPLICA. OLAF was considering to postpone the operation in view of the scarce reactions from the ASEM side.

PLENARY MEETING
(17 January 2013, 10.00)

1. Adoption of the Agenda

The agenda was adopted and information about the planning of the next meetings was provided.

2. Information from the Presidency

The Presidency presented summary information about the Experts Meeting of 16 January.

It also gave an overview of the main issues of interest for the CCWP as contained in the document DS 1016/13.

**3. Presentation by TAXUD Risk Management and Security Unit - Commission
Communication on Customs Risk Management and Security of the Supply Chain -
Open Forum and discussion**

DG TAXUD made a presentation of the above-mentioned Communication on Customs Risk Management and Security of the Supply Chain (doc. 5249/13), explaining the weaknesses of the system and the proposed improvements.

One delegation observed that in other Working Groups some discussions interesting for this subject are ongoing. The Presidency would have a look at the relevant issues and, if appropriate, would also provide presentations of interest for this Working Group on the mentioned issues.

The main discussions on this paper would start at the High Level Seminar that will be held in March in Dublin, and delegations were invited to contribute to the relevant activities.

4. Initiative by the Presidency on the identification of learning points arising from operations outside the direct auspices of the Customs Cooperation Working Party

The Presidency underlined that the initiative (explained in doc. 5078/13 ENFOCUSTOM 1 ENFOPOL 2) was not intended to verify or criticise current practices, but only to learn and to get benefits from the experience of other operations.

Several delegations expressed their support to the document. The Presidency set as deadline until 28 January for the submission of written comments.

5. The Fifth Action Plan (July 2011 – December 2012) to implement the Council Resolution of 23 October 2009 on a reinforced strategy for customs cooperation

The Presidency recalled that some actions of the Fifth Action Plan (referred to in doc. DS 1010/13) should be allocated or deleted.

With reference to Action Point 5.3, the two delegations, BE and RO, having expressed an initial interest confirmed their request to have the Action Point included in the next Action Plan. These delegations were invited to propose a re-phrasing of the Action and ensure its implementation.

With reference to Action Point 5.7, the Presidency set a deadline for replies on 28 January. If no concrete proposal for implementation was received by then, the Action Point would be considered as lapsed.

The delegations involved as leading Member State on the other Action Points gave an overview of the status of the relevant actions.

6. Adoption of Draft Final Report on Action 5.2 “To examine the working/investigative techniques applied by customs and other law enforcement authorities to combat customs related crime, including organized crime, through the Internet, and to explore the current situation regarding the existence of customs Internet crime specialized unit”

The Draft Final Report on Action 5.2 (doc. 17225/1/12 REV 1 ENFOCUSTOM 137 ENFOPOL 406) was adopted.

A delegation expressed concerns about the proposed release of the report to the WCO. The Presidency proposed to delete sensitive data from the report and to create a reduced version to be made publicly available. The deadline for comments concerning sensitive issues of the report was set on 28 January.

7. Adoption of Draft Final Report on Action 5.6 “To explore in greater detail the legal and operational possibilities of coordinated activities involving customs for detection, prevention and investigation of crime at the external borders”

The HU delegation explained that some Member States sent comments on the report (doc. 15423/1/12 REV 1 ENFOCUSTOM 109 ENFOPOL 409 FRONT 176 + COR 1), and the corresponding changes were made to the document.

The document was approved subject to a reservation from the UK, which was requested to react by 28 January.

8. Initiative by the Presidency on a review of the Project Group Guidelines

The Presidency explained that a review of the Project Group Guidelines (doc. 5093/13 ENFOCUSTOM 3) was needed within a reasonable time. A relatively small group should take care of the drafting of the guidelines. Once the draft recommendations for changes will be ready, they will be submitted to CCWP Plenary during the current Presidency for discussion. The two delegations that drafted the original guidelines, SE and UK, volunteered for this review and other delegations could join the group if interested. They should inform the SE delegation by 1 February.

9. The 6th Action Plan (January 2013 – June 2014) to implement the new strategy for the future of customs law enforcement cooperation of 7 December 2012 based on Council Resolution of 13 December 2011 – Commencement of Actions

The Presidency underlined that, as explained in doc. 5080/13 ENFOCUSTOM 2, the next Action Plan will cover twelve months, with a view to aligning it with the full EU Policy Cycle.

Some delegations suggested to have a longer duration for the Action Plan and expressed concerns about the corresponding financing.

The Action Plan includes at least four points and it is assumed that the delegations who would propose a further point for the Action Plan would be available for leading it.

The LT delegation expressed its availability to lead the group related to Action 6.1.

The HU delegation volunteered to work on training and would liaise with the BE delegation as regards the transfer of Action Point 5.2 to the 6th Action Plan.

The Presidency suggested that Actions 6.2 and 6.4 be dealt with by the CCWP as a whole as it would not be clear what a project group's mandate could be for these actions.

The Presidency invited delegations to send any comments and express their interest in leading the remaining actions, with a deadline for responses on 1 February.

10. Coordination of MS positions within the CCWP

The NL delegation presented the new draft of the document on the coordination of MS positions within the CCWP (doc. DS 1017/13). Two delegations kept their reservation arguing that, while the CCWP could play a role in this respect, the establishment of a formal coordination process did not seem appropriate as it would reduce flexibility. The CCWP could be involved in the presentation and discussion of operations and information sharing. Some other delegations proposed amendments to the draft and raised questions in relation to the role of the Commission.

The involvement of the Experts group could also be considered. The Presidency set a deadline until 28 January for the submission of written comments. The NL delegation would prepare a new draft in view of the next meeting.

11. Initiative by the Presidency on evaluation of Customs engagement with the EU Policy Cycle

The Presidency presented its initiative on the evaluation of customs engagement with the Policy Cycle as set out in doc. 5114/13. It underlined that, while customs engagement in the Policy Cycle was a national issue, the CCWP could help in driving the agenda towards efficient levels of engagement. It presented also the questionnaire attached to the above-mentioned document and invited delegations to provide replies by 1 February 2013.

12. Progressing the discussion initiated by OLAF on a permanent structure for JCOs

The Presidency presented its paper on a permanent structure for JCOs as set out in doc. 5100/12 ENFOCUSTOM 4, in order to bring forward the discussion initiated by OLAF at the CCWP meeting in November. The Presidency proposed to examine the proposal in its substance with a two stage evaluation. At a first stage, the Expert group should look at the proposal purely from an operational perspective to assess whether the proposal would be helpful to facilitate their work. The Expert group should report to the Plenary on the question of suitability of the proposal. The Plenary should then discuss the opinion of the experts and the broader political questions, bearing in mind that there could be issues of national competences and sovereignty involved. The Experts' reply should come not later than May, in order to allow the Plenary to discuss the issue in May or June.

Several delegations requested that the mandate to the Experts group be expanded so as to examine also the impact of other options than the suggested permanent structure. At the meeting in November the issues of the legal basis and funding were also raised and would need to be clarified through discussion in the Plenary. The Presidency invited delegations to submit proposals on the possible mandate to the Experts group, while agreeing that any strategic issue as well as the issues of legal basis and funding belonged to the Plenary level. It set the deadline of 28 January for written comments.

13. Any other business

No item was raised.
