



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 February 2011

6049/11

ENFOCUSTOM 5

OUTCOME OF PROCEEDINGS

of:	Customs Cooperation Working Party (Experts and Plenary)
on:	12-13 January 2011
Subject:	Summary of discussions

EXPERTS MEETING

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 6221/1/10 REV 1 with the addition of an information point by Europol under AOB.

2. Information from the Presidency

The Presidency presented the revised working document containing the provisional dates of the CCWP meetings for the period from January to June 2011 and the contacts of the Presidency's team.

The Presidency also pointed out issues of relevance to the CCWP as set out in doc. DS 1019/11 focusing in particular on the forthcoming meetings and events.

Delegations were informed that the analysis of replies to the questionnaire on counterfeit medicines (doc. CM 5146/10) would be presented at the joint CCWP-LEWP meeting on 17 February 2011.

3. Priorities of the Hungarian Presidency

The Presidency pointed out the general priorities of the Hungarian Presidency, namely the development of the international law enforcement cooperation, coordination of activities with other Council bodies, enhancing cooperation with the neighbourhood countries, supporting enlargement and fighting against counterfeit goods. Several specific objectives were also mentioned, for example, the work related to the Actions Plans, JCOs, threat assessments and operational activities.

4. Information about the new National Tax and Customs Administration of Hungary

The HU delegation gave a presentation about the new National Tax and Customs Administration of Hungary which was established by merging the National Tax Authority and the Hungarian Customs and Finance Guard in order to enhance the efforts in combating financial crime and to work more effectively. The structure of the new administration, its main tasks and investigative powers were presented in detail. Delegations exchanged views on the trend of merging similar structures in several other Member States.

5. Introduction of the activities of the Customs Laboratory

The HU delegation presented the organisational structure, the main tasks and activities of various laboratories of the Forensic Institute within the National Tax and Customs Administration of Hungary. The milestones of the international cooperation of the Hungarian Forensic Institute with its counterparts in AT, CZ and RO were presented.

The CZ delegation presented the main features and the structure of the Czech Customs Technical Laboratory and its international cooperation. The AT and RO delegations commented on the best practices of bilateral cooperation agreements of their customs laboratories and described the practical functioning of such agreements.

The Presidency informed the meeting that delegations would be invited to reply to a questionnaire on the added value of international agreements between customs laboratories and on the need for mobile laboratories by 18 February 2011.

6. Joint Customs Operations (JCOs)

6.1 Update of the multiannual overview of JCOs

The Presidency invited delegations to provide information on the planned JCOs, regional operations and other operations by 1 February 2011 for the meeting of the Coordination Mechanism for joint operations to be held on 16 February 2011 and in view of preparing an updated multiannual overview of JCOs.

6.2 Review of JCOs planned for 2011 (by risk area)

- Risk area: Tobacco and Tobacco Products

The PL delegation presented the business case for JCO BARREL (doc. 17863/1/10 REV 1 ENFOCUSTOM 116 ENFOPOL 367 CORDROGUE 103) revised to take into account the comments of delegations made at the previous CCWP meeting.

The meeting approved the revised business case.

Two delegations indicated their wish to participate in JCO BARREL. A representative of Europol voiced the intention to support the organisation of this JCO.

- Risk area: Money Laundering

No new developments were announced regarding JCOs in this risk area.

- **Risk area: IPR**

The Presidency noted that the threat assessment on Intellectual Property Rights (doc. 15841/1/10 REV 1 ENFOCUSTOM 104 ENFOPOL 322 CRIMORG 198 DROIPEN 127) was approved by written procedure on 21 December 2010, and that JCO FIREBLADE could now be organised. Delegations were informed that 9 Member States had so far indicated their wish to participate in this JCO and that third countries were invited to join it as well. Four additional delegations announced their intention to participate in JCO FIREBLADE. The Presidency invited other interested delegations to confirm their participation by 14 January 2011.

- **Risk area: Drugs**

The FR delegation informed the meeting that the final report on JCO ULYSSE was being prepared, and that the debriefing meeting would take place in March 2011.

- **Risk area: Others**

The IT delegation explained that due to the fact that the financing for JCO COLOSSEUM was not confirmed, the timetable of this operation could not be set.

6.3 Review of regional JCOs

The FI delegation informed the meeting about the preparation of a regional JCO to be organised within the framework of the Baltic Sea Task Force.

6.4 Other operations

The Presidency briefed the meeting about other operations which might have an impact for customs organised by SECI as well as about joint police operations (JPOs) organised by the Hungarian Ministry of Interior, namely JPOs AUTOMOTOR, DANUBIUS and RAILS. Delegations were invited to approach their police authorities if they were interested in participating in these JPOs.

7. JCO financing opportunities from the EU funds managed by the Commission

A representative of the Commission (OLAF) outlined various possibilities for financing JCOs from the EU funds managed by the Commission. On the one hand, various co-funding opportunities under the programmes ISEC, Customs 2013 and HERCULE II were available, on the other hand, reimbursement or pre-payment under the new Article 42a of Regulation 515/97 was also possible. The main features, the advantages and conditions for obtaining financing under each option were presented. It was also mentioned that the current Regulation 515/97 does not cover shared competencies nor third countries, but that it could be amended.

8. Progress report on AFIS Library and the recent and future developments of Mutual Assistance Broker (MAB)

A representative of the Commission (OLAF) presented the progress related to the AFIS Library explaining that AFIS Library would be available for all designated users as of 1 February 2011. The recent developments of Mutual Assistance Broker (MAB) as well as the MAB Work Programme for 2011 were also presented.

9. Any other business

- Information by Europol on the restructuring of AWF

A representative of Europol briefed the meeting about the restructuring of 21 Analysis Work File (AWF) into five thematic ones in order to better face the emerging threats of crime in the EU. Delegations were informed that an explanation of this restructuring was contained in Europol doc. 2510/306 of 17 November 2010.

PLENARY MEETING

1. Adoption of the agenda

The meeting adopted the agenda as set out in doc. CM 6221/1/10 REV 1.

2. Information from the Presidency

The Presidency pointed out issues of relevance to the CCWP as set out in doc. DS 1019/11 focusing in particular on the forthcoming meetings and events.

The Chair of the Working Party on Customs Union presented the priorities of the HU Presidency for this group such as the cooperation with neighbouring countries, data exchange, expansion of the licensed operator status, implementation of the modernised Customs Code, amendment of Council Regulation (EC) No 1383/2003 on IPR, supporting the anti-tobacco work of WHO, communication about the work of customs.

4. Priorities of the Hungarian Presidency

The Presidency pointed out the general priorities and the specific objectives of the Hungarian Presidency underlining the need to enhance cooperation between the CCWP and the Working Party on Customs Union.

4. Information about the new National Tax and Customs Administration of Hungary

The HU delegation gave a presentation about the new National Tax and Customs Administration of Hungary which was established by merging the National Tax Authority and the Hungarian Customs and Finance Guard in order to enhance the efforts in combating financial crime and to work more effectively.

5. Implementation of the Fourth Action Plan: January 2010 - June 2011

5.1 Situation report and update of ongoing actions

The Presidency gave a general overview of ongoing actions under the Fourth Action Plan as set out in doc. DS 1018/11 and invited delegations to provide an update for each action.

- As regards **Action 4.1**, lead by SE, the Presidency noted that the final report had already been adopted and draft Council Conclusions had been prepared on the basis of this report.
- As regards **Action 4.2**, the UK delegation announced that it would report to CCWP after the meeting of the Counter Terrorism Project Group of 17 January 2011.
- As regards **Action 4.3**, the BE delegation stated that a project group meeting was held on 12 January 2011. The draft final report could be expected in March 2011.
- As regards **Action 4.4**, the UK delegation informed the meeting that 24 replies to the questionnaire on tobacco smuggling through the postal system had been received and were being analysed. The draft final report could be expected in March 2011.
- As regards **Action 4.6**, the DK delegation informed the meeting about the results of the recent meeting of the project group, joined also by PL. The next meeting of the project group would be held on 16 February 2011.
- As regards **Action 4.8**, the ES delegation announced that a meeting would be held in February 2011 with various EU agencies and organisations in order to study the possibilities to strengthen the cooperation in the fight against maritime drugs smuggling.
- As regards **Action 4.9**, the CZ delegation explained that the leadership of the steering group of the CCUs was taken over by the BE delegation.
- As regards **Action 4.10**, lead by SK, the Presidency noted that the translation of the updated Handbook on the Naples II Convention was available in 22 EU languages.

5.2 Draft mandate for Action 4.5: "Explore the necessary coordination between the activities of the CCWP and other agencies and bodies, including TA, in the fight against organised crime and terrorism"

The NL delegation presented the draft mandate for Action 4.5: "Explore the necessary coordination between the activities of the CCWP and other agencies and bodies, including TA, in the fight against organised crime and terrorism" (doc. 5092/11 ENFOCUSTOM 1) pointing out in particular the scope of this mandate and the suggested working method.

The DE delegation entered a scrutiny reservation. A Commission representative asked to clarify the reference to the Commission in the "Terms of reference" of this mandate. The Presidency took note of this comment and invited the delegations to approve the draft mandate by silence procedure by 25 January 2011.

5.3 Draft final report on Action 4.7: "To update the JCO Guide in the light of the revised Resolution and Strategy on Customs Cooperation"

The SE delegation presented the revised Draft Guide for Joint Customs Operations (JCOs) (doc. 17379/10 ENFOCUSTOM 115 ADD 1 REV 1) taking into account the comments of delegations received following the last CCWP meeting, in particular regarding the clarification of the term "JCOs", the reference to COSI and the clarification regarding the communication during the operational phase.

The meeting then adopted the final report on Action 4.7: "To update the JCO Guide in the light of the revised Resolution and Strategy on Customs Cooperation" (doc. 17379/10 ENFOCUSTOM 115 + ADD 1 REV 1) containing the updated Guide for JCOs.

6. Information about the Fifth Action Plan: July 2011 – December 2012

The Presidency explained its intention to draft the Fifth Action Plan for the period from 01.07.2011 to 31.12.2012 as set out in doc. DS 1007/11 and invited delegations to send their proposals for new actions and to indicate their wish to participate in the drafting group by 1 February 2011. Delegations were informed that the first drafting group meeting would be held on 18 February 2011.

The PL, BE and DK delegations indicated their intention to participate in the drafting group.

7. Revision of the monitoring file of the implementation of recommendations drawn under the Action Plans to implement the strategy for customs cooperation

The BE delegation presented the state of play as regards the revision of the monitoring file of the implementation of recommendations drawn under various Action Plans (doc. 11801/2/10 REV 2 ENFOCUSTOM 65) noting that additional annexes V and VI would be added to the document in the coming weeks, containing the proposed selection of recommendations made by the project groups having carried out the first Action Plan (January 2004 - December 2006).

Delegations exchanged views on the proposal of one delegation to include in the document the specific references to the criteria as regards the monitoring of recommendations that are not to be followed-up at the CCWP level. The BE delegation took note of this proposal.

8. Follow-up to the results of Action 4.1: "To contribute to the implementation of the Stockholm Programme" - proposal of the draft Council Conclusions

The SE delegation presented the draft Council Conclusions on the contribution of the customs authorities to the implementation of the Stockholm Programme as set out in doc. 5126/11 ENFOCUSTOM 3, prepared on the basis of the final report on Action 4.1 (doc. 15653/1/10 REV 1 ENFOCUSTOM 99 + COR 1).

Delegations had a first exchange of views whether the proposed draft was concrete enough. It was also suggested to refer to the Internal Security Fund and to additionally highlight the work of customs in the document.

The SE delegation took note of the comments of delegations and invited them to send those comments and further remarks in writing by 1 February 2011.

9. Annual revision of strategic objectives for JCOs

The Presidency presented the proposal for the annual revision of strategic objectives for JCOs as set out in doc. 5112/11 ENFOCUSTOM 2, suggesting in particular to include cooperation with FRONTEX in the first strategic objective.

One delegation, supported by other delegations, proposed to also modify the sixth objective referring to the area of freedom, security and justice.

The Presidency agreed to include this suggestion in a revised version of the document that would be circulated to delegations. If no further comments were received by 1 February 2011, it would be considered adopted and would be incorporated into the updated Guide for JCOs.

10. Progress report on AFIS Library and the recent and future developments of the Mutual Assistance Broker (MAB)

A representative of the Commission (OLAF) presented the progress related to the AFIS Library and the recent developments of Mutual Assistance Broker (MAB) as well as the MAB Work Programme for 2011.

11. Any other business

No items were raised under AOB.

The following working documents were made available in the meeting room:

- presentation on the priorities of the Hungarian Presidency;
- presentation on the National Tax and Customs Administration of Hungary;
- presentation on the activities of the customs Forensics Laboratory of Hungary;
- presentation on the financing opportunities of JCOs;
- presentation on the progress of AFIS Library;
- presentation on the Mutual Assistance Broker (MAB);
- revised working document containing the provisional dates of the CCWP meetings for the period from January to June 2011 and the contacts of the Presidency's team.