



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 9 October 2009**

**14252/09**

**ENFOCUSTOM 100**

**"I/A" ITEM NOTE**

---

From: Council General Secretariat  
To: Coreper / Council

---

No. prev. doc.: 13667/1/09 ENFOCUSTOM 90  
11267/2/09 REV 2 ENFOCUSTOM 65

---

Subject: Draft Council Resolution on a Reinforced Strategy for Customs Cooperation

---

1. In October 2003 the Council approved a Resolution on a Strategy for Customs Cooperation (OJ C 247 of 15.10.2003 p. 1). Since then considerable changes have occurred in the EU, which have had an impact on customs administrations, e.g. the number of Member States has increased, the role of Eurojust has been strengthened and the legal basis for Europol has been revised in order to better meet the needs of Member States. The text of the Resolution therefore needed to be revised and updated.
2. The Customs Cooperation Working Party has worked on the draft Council Resolution on a Reinforced Strategy for Customs Cooperation since June 2009 and agreed on a text that contributes to more effective cooperation between customs administrations as well as between customs administrations and other law enforcement authorities within the Union, thereby reinforcing the fight against cross-border organised crime.

3. The draft Council Resolution on a Reinforced Strategy for Customs Cooperation set out in annex was agreed by the Customs Cooperation Working Party at its meeting on 14 September 2009 and by the Article 36 Committee on 6 October 2009. The text was subsequently linguistically revised.
  
4. Coreper is therefore requested to invite the Council to approve the draft Council Resolution as set out in Annex.

---

DRAFT  
COUNCIL RESOLUTION  
of ... 2009  
on a reinforced strategy for customs cooperation  
(2009/.../...)

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

1. Articles 29 and 30 of the Treaty on European Union;
2. the Hague Programme<sup>1</sup>, adopted by the European Council in November 2004, which sets the objectives to be implemented in the area of freedom, security and justice in the period 2005–2009;
3. the Communication of 10 June 2009 from the Commission to the European Parliament and the Council on an area of freedom, security and justice serving the citizen<sup>2</sup>;
4. that a new multi-annual programme on an area of freedom, security and justice for the period 2010–2014 is under consideration in Council;
5. the Council Resolution of 2 October 2003 on a Strategy for Customs Cooperation<sup>3</sup>; and its implementation ensured by means of consecutive action plans;

---

<sup>1</sup> OJ C 53, 3.3.2005, p. 1.

<sup>2</sup> COM (2009) 262 final.

<sup>3</sup> OJ C 247, 15.10.2003, p. 1.

6. the Council Conclusions of 14 May 2008 on the Strategy for the Evolution of the Customs Union;
7. Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union<sup>4</sup>;
8. Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime<sup>5</sup>, as amended by Decision 2003/659/JHA<sup>6</sup> and Decision 2009/426/JHA<sup>7</sup>;
9. Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)<sup>8</sup>;
10. the Council Conclusions of 12 October 2005 on intelligence-led policing and the development of the Organised Crime Threat Assessment (OCTA);
11. the EU Drugs Strategy for the period 2005–2012 and the EU Drugs Action Plan for 2009–2012<sup>9</sup>;
12. that the European Union has concluded relevant agreements and common strategies with third countries with a particular emphasis on those bordering the Union,

---

<sup>4</sup> OJ L 349, 25.11.2004, p. 1. Regulation as amended by Regulation (EC) No 863/2007 (OJ L 199, 31.7.2007, p. 30).

<sup>5</sup> OJ L 63, 6.3.2002, p. 1.

<sup>6</sup> OJ L 245, 29.9.2003, p. 44.

<sup>7</sup> OJ L 138, 4.6.2009, p. 14.

<sup>8</sup> OJ L 121, 15.5.2009, p. 37.

<sup>9</sup> OJ C 326, 20.12.2008, p. 7.

RECOGNISING:

1. that the customs authorities of the Member States play a crucial role in the fight against cross border illicit trafficking in goods, being the first firewall between these illegal activities and the citizens of the Union, and that strong cooperation between the customs authorities and between them and other competent authorities is indispensable for the fulfilment of their tasks;
2. that the need for a strategic framework laying down the objectives for the multi-national and multi-agency approach to customs cooperation remains;
3. the changes in the European Union legal framework, including the introduction of new and improved legislation regarding in particular information exchange and cross -border cooperation in order to further enhance the fight against cross- border crime and terrorism, since the adoption of the current Strategy for Customs Cooperation and the consequent need for its revision;
4. that cross -border organised crime and terrorism have evolved since 2003 and have become more sophisticated and global, and that the customs authorities, through the use of new forms of cooperation, play an active role in the fight against these threats to the European Union and its citizens;
5. that there is a need to further strengthen the cooperation with relevant European Union and Community agencies and bodies such as Europol, Eurojust, OLAF and FRONTEX;
6. the need for a closer and more effective cooperation between Member States' customs authorities and competent authorities in third countries, especially those neighbouring the European Union, and with relevant international organisations,

NOTES WITH SATISFACTION:

1. the progress that has been achieved by the implementation of the 2003 Strategy for Customs Cooperation and the subsequent work carried out in the Council's Customs Cooperation Working Party;
2. that customs cooperation continues to evolve through the use of the Naples II Convention and the Customs Information System, including the customs files identification database;
3. that the results of Joint Customs Operations and the regional operations carried out by customs authorities and other law enforcement authorities provide a good basis for the development of working methods and ways to share information and intelligence, involving also third countries, and actively contribute to the creation of an area of freedom, security and justice;
4. the closer cooperation and coordination between the Council's Customs Cooperation Working Party, FRONTEX and the Police Chiefs Task Force in operational matters;
5. the efforts to develop an EU Information Management Strategy for Justice and Home Affairs, which will make the exchange of information between law enforcement agencies and bodies more effective and secure,

HEREBY RESOLVES:

1. to continue to strengthen and develop the cooperation between the customs authorities and other competent authorities, as well as with European Union and Community agencies and bodies, to ensure that citizens of the Union, society and the economy are better protected against threats from cross -border crime by means of a new and updated strategy.  
The cooperation should be based on, but not limited to, the following aims:
  - (a) to consider new forms of cooperation and new investigative techniques in order to protect citizens of the European Union and the economy;

- (b) to take practical steps towards implementing these new forms of cooperation and to continue to further develop existing forms of cooperation, e.g. by improving operational cooperation, maximising the effectiveness of customs at the external borders of the European Union, adopting an institutional approach based on cooperation between customs, police and other relevant authorities, in order to ensure synergy and to further develop relevant IT systems; and
  - (c) to improve and make more flexible the existing cooperation process with a view to achieving an effective approach to combating cross -border organised crime and the seizure of illicit goods throughout the European Union,
2. to continue to establish and implement a detailed action plan in order to fulfil the overall aims and objectives of this strategy, taking due account of the priorities of the new multi- annual programme on an area of freedom, security and justice for the period 2010–2014;

INVITES:

1. customs authorities, other competent authorities of the Member States and the competent European Union and Community agencies and bodies responsible for the implementation of customs legislation to continue to implement this strategy;
2. customs authorities and other law enforcement authorities of the Member States and the competent European Union and Community agencies and bodies to continue to do their utmost to strengthen and further develop cooperation with each other and with third countries in the fields of prevention, detection, investigation, and prosecution of cross -border criminal activities;

3. the Commission to make its expertise, technical and logistical assistance, training or communication activity or any other operational support available to the Member States in the performance of their duties in the framework of the implementation of the customs cooperation provided for by Articles 29 and 30 of the Treaty on European Union and to continue to provide, to the maximum possible extent, its financial support for the implementation of this strategy.

This Resolution replaces the Resolution of 2 October 2003 on a Strategy for Customs Cooperation.