



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 April 2010

5097/10

ENFOCUSTOM 1

OUTCOME OF PROCEEDINGS

of:	Customs Cooperation Working Party
on:	24 March 2010
Subject:	Summary of discussions

CCWP EXPERT MEETING

1. Adoption of the agenda

The meeting adopted the agenda as outlined in doc. CM 2081/1/10 REV 1 with the addition of an information point under item 8, update of JCO MATTHEW II, by the CZ delegation.

2. Information from the Presidency

The Chair presented room document DS 1146/10 outlining items of interest to customs authorities discussed at the JHA Council on 25 February and the Standing Committee on Internal Security (COSI) on 11 March. Specific reference was made to discussions in COSI on the role and working methods of the Committee and of the planning of operational cooperation between different law enforcement authorities.

A seminar on Customs and Security to be held in Valencia on 27-28 May 2010 was announced. An invitation and a questionnaire would be distributed to Member States in the beginning of April.

3. Production and coordination mechanism of risk analysis products

The Chair called the attention of delegations to document 6843/10 ENFOCUSTOM 14, adopted at the CCWP plenary meeting in February, setting out principles for the production and the coordination mechanism of risk analysis products.

The SE delegation informed the meeting of the drafting of an overview of existing risk analysis products, which would be distributed to delegations by the end of April.

The Chair announced that the coordination mechanism of risk analysis products will be included in the agenda of the CCWP expert meeting in May.

4. Threat assessment on cigarette smuggling

The PL delegation presented a draft mandate for a threat assessment on cigarette smuggling (doc. 7566/10 ENFOCUSTOM 20) to be drafted in cooperation with Europol and OLAF. The meeting adopted the mandate.

5. Threat assessment on IPR

In line with action 4.4 in the Action Plan of 2010-2011, the HU delegation presented a draft mandate for a threat assessment on intellectual property rights (IPR) (doc. 7805/10 ENFOCUSTOM 26) to be drafted in cooperation with Europol.

The DE delegation set a scrutiny reservation on the draft mandate. The IT delegation suggested to take into account the revision of Regulation 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights, which is being prepared by the Commission services.

A representative of the Commission suggested to coordinate the work with the Commission services to avoid duplication of ongoing activities in the field.

The representative of Europol expressed support to the proposal and pointed out the relevance of the AWF COPY, started in 2008, to work in this topic.

The Chair announced the deadline, 21 April, for sending comments on the draft mandate to the HU delegation and the Presidency.

6. Revision of tactical objectives and risk areas for JCOs

The Chair outlined the draft revised tactical objectives and risk areas for JCOs, contained in doc. DS 1135/10. Delegations proposed several changes to the document on the basis of which an updated version would be presented to the CCWP plenary meeting in the afternoon for a final decision. The following amendments were agreed on:

- to include a new tactical objective: to promote the development and use of IT systems for the exchange and enrichment of the information;
- to include “mineral oils” as a priority risk area;
- to delete the priority risk area “stolen vehicles”.

A Commission representative expressed criticism on the inclusion of mineral oils in the risk areas for JCO as the Commission has always considered that this form of cooperation is outside pure customs cooperation and falls under the excise's legal and operational tools.

7. Update of the multiannual JCO Plan

The Chair presented the updated overview of JCOs and other operations, contained in doc. 5105/1/10 REV 1 ENFOCUSTOM 4 RESTREINT UE. The IE and PL delegations suggested amendments to the document, which would be incorporated to the version to be presented at the CCWP experts meeting in May.

8. JCOs and other customs operations

Delegations exchanged information about the following customs operations: ULYSSES, RADAR, regional maritime operations in the Atlantic and in the Mediterranean Sea, WCO operation on synthetic drugs, SIROCCO, DIABOLO II, MATTHEW II, ATHENA II, EARLY BIRD, WCO operation on intellectual property rights, operations related to the Football World Cup, ALCHEMIST and COLOSSEUM.

A representative of the WCO presented the results of Operation ALTAS.

9. JCO Planning Modules

doc. 11569/09 ENFOCUSTOM 69

The Chair presented two updated JCO planning modules, contained in doc. DS 778/1/09 REV 1 and doc. DS 779/1/09 REV 1, and encouraged delegations to draw up planning modules also in other areas.

10. Any other business

No items were discussed.

CCWP PLENARY MEETING

1. Adoption of the agenda

The meeting adopted the agenda outlined in doc. CM 2081/1/10 REV 1 with the addition of an information item under AOB by the Commission (OLAF).

2. Information from the Presidency

The Chair presented room document DS 1146/10, outlining items of interest for customs authorities discussed at different meetings, in particular:

- the Internal Security Strategy (doc. 5842/2/10 REV 2 JAI 90) approved by the JHA Council on 25 February,
- the Council Decision setting up the Standing Committee on Internal Security (COSI) (doc. 16515/09 POLGEN 201), approved by the same Council meeting,
- the first meeting of COSI held on 11 March,
- the kick-off meeting of Action 4.8 on 16 March,
- the conclusions of the High Level Seminar on Customs Control and Risk Analysis held on 4-5 March in Barcelona (Barcelona Declaration),
- the outcome of the UN Commission on Narcotic Drugs held on 8-12 March in Vienna and of the WHO 4th International Negotiating Body of the Protocol to eliminate illicit trade in tobacco products held in Geneva on 14-21 March.

The Chair also informed the meeting of a seminar on Customs and Security to be held in Valencia on 27-28 May 2010.

A discussion was held on the role of the CCWP Presidency in keeping the WP informed of customs related discussions at COSI. The Chair stressed that coordination and information exchange concerning COSI should take place at national level, however, this Presidency would continue to keep the CCWP informed of discussions in COSI and would inform the Presidency of COSI of the opinions of the CCWP.

3. Action Plan June 2008 – December 2009

3.1 Situation report

The meeting took note of the situation report of the Action Plan 01.07.2008-31.12.2009, contained in doc. DS 1004/2/10 REV 2.

3.2 ACTION 16: Use of special forms of cooperation under Naples II

The SE delegation presented the updated draft final report of Action 16, contained in doc. 6026/1/10 REV 1 ENFOCUSTOM 8 ENFOPOL 37 CATS 13 COPEN 36. A few additional amendments were suggested and a deadline for sending further changes was set to 29 March. Thereafter the document would be adopted through a written procedure.

It was pointed out by the SE delegation that the Handbook contained in the final report would be translated into all official EU languages and distributed on a CD to all MS.

4. New Action Plan January 2010 - June 2011

4.1 Situation report

The meeting took note of the situation report of the Action Plan 01.01.2010-30.06.2011, contained in doc. DS 1058/1/10 REV 1.

The FR, RO and MT delegations announced their interest to participate in Action 4.4. The SE delegation invited delegations to join Action 4.7.

4.2 ACTION 4.4: Exchange of views on different methods of tobacco smuggling as part of organized crime and preventive/counteracting measures, with specific reference to the use of the postal system

- Draft mandate

The UK delegation presented the draft mandate of Action 4.4, contained in doc. 7434/10 ENFOCUSTOM 17, outlining the reasons for the importance of combating the smuggling of cigarettes by the postal system and the timetable of the Action. The work on the Action would be coordinated with the drafting of the threat assessment on tobacco smuggling led by PL (doc. 7566/10 ENFOCUSTOM 20) even though the threat assessment would have a wider scope than the Action. The meeting approved the mandate.

Delegations were invited to inform the UK delegation of their possible intention to participate in the Action by 9 April 2010.

5. Revision of tactical objectives and risk areas for JCOs

The Chair presented the draft revised tactical objectives and risk areas for JCOs, contained in doc. DS 1135/10, in line with the JCO Guide foreseeing a revision of tactical objectives in the beginning of each year to be agreed by the CCWP expert meeting and approved by the plenary (doc. 8171/09 ENFOCUSTOM 38).

The Chair noted that as a result of the discussions in the expert group some changes had been agreed to the tactical objectives and risk areas for JCOs and that they should be approved by the plenary. The meeting thereafter approved the updates proposed by the expert group.

The Chair pointed out that the amendments would be included to the JCO Guide (doc. 8171/09 ENFOCUSTOM 38) at its next revision.

6. Any other business

- A representative of the Commission (OLAF) informed the meeting about the activities of the FATF in relation to cash control in the fight against money laundering. The FATF has made a special recommendation to control the intra-EU movements of cash on the basis of national legislation. This recommendation will be evaluated this year.
As a response to a question by the IE delegation about documents reflecting the abovementioned information, the representative of OLAF pointed out that it could be found at the FATF website and that DG TAXUD and DG MARKT would provide the relevant documents to be circulated by CGS.
- The DK delegation informed the Working Party of a request from the US Embassy concerning DK interest to participate in a project on controlled deliveries on cash and would be interested in knowing the experience of other MS. The Presidency noted that the Spanish Customs have carried out some controlled deliveries of cash with the US authorities.
- The Chair recalled the following deadlines:
 - 29 March: to send comments on the final report of Action 3.16 (doc. 6026/1/10 REV 1);
 - 30 April - to provide updates regarding national factsheets of the Handbook for the Naples II Convention to the Council General Secretariat (ccwp@consilium.europa.eu);
 - 9 April: to inform the UK delegation of interest to participate in Action 4.4.

In the margins of the CCWP meeting:

Meeting of the Committee provided for in Article 16 of the CIS Convention:

- Annual report to the Council regarding the efficiency and effectiveness of the CIS

A representative of the Commission (OLAF) presented the updated report (doc. 6546/1/10 REV 1 ENFOCUSTOM 12), pointing out that the SE, DE and MT comments were incorporated and stressing the importance of receiving the opinion of the Joint Supervisory Authority (JSA) before approving the document. He also noted that MT recently ratified the Protocol on money laundering and on the inclusion of the registration numbers of the means of transport.

The Chair concluded that the CCWP agrees with the revised report but would like to hear the opinion of the JSA before the final approval of the document.
