



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 6 May 2014
(OR. en)**

9174/14

LIMITE

**ENFOCUSTOM 56
ENFOPOL 119
COSI 33**

NOTE

From:	Presidency
To:	Customs Cooperation Working Party
No. prev. doc.:	ST 5754/14, DS 2079/13
Subject:	Discussion paper on the future of the CCWP

Following the CCWP Plenary meeting on 31/03/2014 and discussions on the future role of the CCWP, the Presidency held an informal meeting on 29/04/2014 with the participation of 18 MS that expressed their interest to further reflect and elaborate on this issue.

Taking into account input provided by MS during the informal meeting, the Presidency wishes to underline the following issues for the CCWP meeting.

Current structure of the CCWP.

The current CCWP structure is based on a division of tasks between Plenary meetings and meetings of Experts.

The CCWP Plenary formation holds a more strategic role and is responsible for setting out and implementing the CCWP action plan. Various project groups are established on the basis of the CCWP action plan and function outside of the CCWP but under the auspices of the CCWP Plenary, which adopts their mandates and the final reports of their work.

The CCWP Plenary also follows the work schedule provided by the JCO Guide in order to decide on the JCO strategic objectives, to approve JCO tactical objectives and risk areas, to approve JCOs under the CCWP auspices and to report results of JCOs to COSI.

The CCWP Plenary also elaborates draft Council Conclusions and Resolutions.

On the other hand, the CCWP Experts formation has a more operationally oriented role, with an overview of customs operational activities and JCOs, through the adoption of JCO business cases and reports and through the JCO coordination mechanism.

According to the JCO Guide, the CCWP Experts are responsible for the annual review of the JCO library and the JCO Guide and for initiating discussions on tactical objectives and risk areas.

Moreover, the CCWP Experts are also assigned with the implementation of actions under the CCWP action plan.

Weaknesses identified in the current CCWP structure.

Weaknesses of the current CCWP structure and orientation arise from the fact that the active role of customs in law enforcement and the increasing need for cooperation are not always reflected to their full potential in the work of the CCWP.

These weaknesses were identified by the Irish Presidency in a discussion paper presented during the 35th meeting of the Customs Policy Group – Full members, where Ireland, being the out- going presidency, underlined concerns regarding the operational activities of the CCWP, their significance and relevance to the operational customs community, the balance between Plenary and Experts meetings and the actual participation of operational experts.

Moreover, experience from the implementation of CCWP Action Plans has shown that there is limited participation of MS to the Action Plan project groups and MS are not eager to lead actions. Both in the 6th and the 7th Action Plan, despite the efforts to find leaders for all actions, some actions were finally deemed lapsed due to the lack of leader and other actions were delegated to the CCWP Experts under the leadership of the Presidency.

The limited participation of MS and their experts in actions and meetings of the CCWP highlights a greater issue of allocation of resources, both human and financial.

An issue of specific importance is also the implementation of conclusions and the execution of recommendations deriving from actions under the CCWP Action Plans. It has been noted that the vast majority of actions lead to theoretical reports and studies without further tangible results since the CCWP Action Plans until today have not provided for the procedure and the specific responsibility for the follow up on recommendations.

Way forward

Following discussions with MS, the following key factors have been identified for the future of CCWP:

Commitment of MS

Discussions on the role of the CCWP have also taken place in the past and led to the Council Resolution 2012/C5/01 on the future of customs law enforcement cooperation.

Nevertheless, the implementation of the strategy requires strong commitment of the MS.

In order to promote the work undertaken in the CCWP and produce tangible results, MS must participate actively, mainly by allocating experts, participating in project groups and meetings, leading actions, undertaking initiatives, sharing best practices and enforcing the recommendations made under the auspices of the CCWP.

Financing

Implementing the CCWP strategy and reinforcing the role of the CCWP will have to take under serious consideration the issue of financial resources.

Making the best possible use of available funding programs like HERCULE III, ISF and Regulation 515/97 is strongly recommended, given that the financial framework for years 2014-2020 has been finalised.

Nevertheless, future efforts should focus towards creating a fund solely for customs purposes, eligible to finance the variety actions and meetings in the framework of the CCWP.

CCWP Action Plan

In order to produce tangible results with added value for customs, the CCWP should continue working with a specific Action Plan.

Some MS have suggested that a customs threat assessment should be elaborated primarily in order to serve as basis for the CCWP Action Plan. Contrary to other threat assessments currently undertaken by other organisations, this would be a purely customs focused threat assessment, building on threat assessment work conducted in other relevant fora.

The CCWP Action Plan will need to focus on actions that lead not only to JCOs but also to guidelines, best practices, training, study visits and other operational results. MS leading actions must also be responsible for supervising the implementation of the action's recommendations.

It should be further elaborated whether the CCWP Action Plan will continue to be implemented by project groups or could be assigned to the CCWP Experts group in order to make the best possible use of the Council working party, based on the Presidency's proposal (DS 2079/13, 5754/14). The work carried out by CCWP Experts on actions 7.5 and 7.10 can be used as benchmark exercise for the delegation of actions to the CCWP Experts.

Moreover, some MS suggested that monothematic meetings could also be organised in order to elaborate in-depth specific issues and guarantee participation of real experts.

Flexibility

The CCWP has identified an important link to the EU Policy Cycle priorities for serious and organised crime and has created synergies between the 7th CCWP action plan and EU Policy Cycle MASPs and OAPs. Notable efforts have been undertaken to increase visibility of customs as a law enforcement authority with a distinct share of competence in the framework of the EU Policy Cycle and a major improvement has been achieved in the involvement of customs with the EU Policy Cycle.

Nevertheless, some MS have also underlined that the CCWP needs to follow a flexible approach towards the EU Policy Cycle, given that certain crime priorities are outside the competence of customs. On the other hand, the CCWP should be able to address crime areas and emerging risks that are of customs importance and outside the scope of the EU Policy Cycle.

The CCWP strategy should be flexible enough in order to combine the EU Policy Cycle with the customs related priorities and act within the framework of an Action Plan that will be able to respond to the changing needs and new threats.

Customs Governance Reform

The discussions concerning the future role and structure of the CCWP are relevant to the EU Customs Union Governance Reform in general. Following the High Level Seminar that took place in Athens on 19-21 March 2014, the Athens Declaration agreed upon by the General Directors of Customs and the Commission called for raising the political profile of customs and in this respect for a study to be initiated on a more strategic use of the customs working parties in the Council and the best positioning of those working parties in the Council structure.

The CCWP should take under consideration the evolutions in Customs Governance and should actively provide input to the study on the more strategic use of the customs working parties in the Council and their best positioning in the Council structure.

Some MS reflections on the possibility to provide for the involvement and the participation of General Directors in the CCWP meetings and on the role of the CCWP as the working party responsible for the overall implementation of Customs legislation may be further elaborated in the course of the study.

Ways of better cooperation with the Commission should also be examined.

The EL Presidency invites the future Presidencies to take under consideration the above findings and further reflect on the CCWP structure and orientation within the framework of Customs Union Governance Reform.