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**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 8 February 2000 (14.02)
(OR. p)**

SEMDOC
Statewatch European Documentation &
Monitoring Centre on justice and home
affairs in the European Union
PO Box 1510, London N16 0EW, UK
tel: 0181 302 1882 (00 44 181 302 1882)
fax: 0101 290 1727 (00 44 181 290 1727)

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ENFOCUSTOM 11

NOTE

from :	Portuguese Presidency of the Council of the European of Union
to :	Customs Cooperation Working Party
No. prev. doc.:	6704/2/98 ENFOCUSTOM 18 REV 2 + COR 1
Subject :	Implementation of the Naples II Convention
	– Preparatory questionnaire for the drafting of a customs cooperation handbook

1. The Naples II Convention offers customs administrations a set of renewed legal instruments for operational cooperation, in particular those provided for in Title IV.

The Portuguese Presidency and the future French and Swedish Presidencies give priority to entry into force of the Naples II Convention within the next 18 months for all the customs administrations of the Member States of the European Union.

Its practical and operational implementation will require the drafting of a handbook based on that produced in the context of the Schengen agreements, aimed at making it easier for the customs administrations to exercise the powers provided for by the Convention.

2. In the context of the Portuguese, French and Swedish Presidencies' work programme for the Customs Cooperation Working Party, it was assumed that Portugal, France and Sweden

would draw up replies to the preparatory questionnaire for the drafting of a customs cooperation handbook (6704/2/98 ENFOCUSTOM 18 REV 2 + COR 1), taking account of the possible difficulties encountered by each Member State.

Prompted by the desire to overcome the problems, it was nevertheless possible to reach the present stage with regard to the replies forwarded by the delegations of all the Member States.

They reflect the present situation, which may change, in particular at the level of the national legislation of each of the Member States where rules and regulations may be required in accordance with their specific characteristics, especially with regard to special forms of cooperation (Title IV).

3. Having regard to the firm intention of expediting work with a view to implementing the Naples II Convention and the need to draw up a handbook for implementing the Convention, while taking account of the difficulties arising from the fact that the Convention has not yet been ratified, in particular the lack of clarity concerning provisions at national level within each Member State, the Portuguese Presidency asks all the Member States' delegations to fill in their replies to the questionnaire already approved by the Customs Cooperation Working Party as set out in the documents referred to in point 2.

It is emphasised that Member States' documents containing replies to the questionnaire are merely working documents with a view to drawing up a draft handbook for implementing the Naples II Convention and will not be referred to the Article 36 Committee or be used for any other purposes.

4. After receiving all the replies, it is the Portuguese Presidency's intention to start drafting the handbook in question together with France and Sweden.
5. It is requested that the replies be sent to the Council General Secretariat and the Presidency ¹ by the end of April 2000.

¹ Fax 00 351 218868570; E.mail-mp2475@mail.telepac.pt