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**NOTE**

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From:	Presidency
To:	Delegations
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Subject:	Draft Council Resolution on customs cooperation in the area of law enforcement and its contribution to the internal security of the EU

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As no substantial comments were received by the Presidency and General Secretariat of the Council until 20 April 2023, the attached Draft Council Resolution on customs cooperation in the area of law enforcement and its contribution to the internal security of the EU is considered agreed by the Law Enforcement Working Party - Customs. The resolution will be presented at the COSI meeting on 16 May 2023 and subsequently submitted to CRP/Council for approval.

**Draft Council Resolution**  
**on customs cooperation in the area of law enforcement and its contribution to**  
**the internal security of the EU**

RECALLING:

1. that Article 67(3) and Article 87 of the Treaty on the Functioning of the European Union provide for closer measures for coordination and cooperation between Member States' competent authorities, including customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences, in order to safeguard the area of freedom, security and justice.

RECOGNISING:

1. that the Member States' customs authorities are the leading authority for the monitoring and control of goods at the EU's external borders;
2. that, within and to the extent of their national competences, customs and other competent authorities of Member States make a vital contribution to the internal security of the EU through the prevention, detection and investigation of activities involving irregular or illegal cross-border movement of goods and money laundering, as well as to the protection of the financial and non-financial, interests of the EU and the health, safety and security of its citizens;
3. that transnational organised crime and terrorist groups not only exploit opportunities resulting from the free movement of goods and people within the EU, but also take advantage of and abuse differences in the legal and organisational systems of the Member States;
4. that criminals and criminal groups operate across borders and in the digital environment;

5. that, as a consequence of Russia's war of aggression against Ukraine, threats to the internal security of the EU have increased and new threats are emerging, creating opportunities for criminals;
6. that, as a consequence of growing e-commerce, the trafficking of goods in the postal and courier services is increasing;
7. that a better coordination and interlinkage of actions to fight cross-border crime within the EU, in combination with a preventive, multidisciplinary and multi-agency approach and the effective exchange of information, are imperative;
8. that within the framework of the free movement of goods, persons and capital, and bearing in mind the need to ensure an area of freedom, security and justice, including by fighting cross-border crime, there is a critical need to continuously assess, enhance and increase the effectiveness of cooperation among customs authorities, between customs and other law enforcement authorities, and also between customs and relevant public and private actors, without prejudice to the division of competences and applicable legal framework both at EU and national levels;
9. that to further strengthen the capacity of customs authorities to prevent, detect, and investigate or contribute to the investigation of crime, training and customs law enforcement cooperation must be improved;
10. that all actions initiated in accordance with Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters provide for fruitful cooperation between customs authorities that can be very useful for the purpose of cooperation in customs law enforcement in fighting cross-border crime;

11. that Member States' customs authorities have competence in supervising including risk management and carrying out controls on the movement of goods that cross the external borders of the EU, and that they fulfil this role alongside other national authorities and agencies that monitor and carry out checks on the movement of persons, thereby contributing to integrated border management;
12. that the equal and complementary involvement of customs in all discussions and decisions related to cross-border traffic should be ensured;
13. that the effective protection of the EU's economy and the security of its citizens requires strengthened cooperation and partnership with the competent authorities of third countries, in particular countries neighbouring the EU;
14. that the prosperity of the EU is dependent on various factors, including effective cooperation in the area of customs law enforcement.

#### NOTES WITH SATISFACTION:

the successes achieved so far in the context of customs law enforcement cooperation based on Council resolution of 13 December 2011 on the future of customs law enforcement cooperation, with the support of the Commission and EU agencies, including:

- a) the results achieved in the implementation of the strategies for future customs law enforcement co-operation and the consecutive action plans of the Law Enforcement Working Party (Customs);
- b) the cooperation based on the Convention on mutual assistance and cooperation between customs administrations (Naples II Convention);
- c) the results of the numerous joint operations organised and carried out by customs authorities, as well as by customs authorities together with other law enforcement authorities, EU institutions, bodies, agencies and international organisations;

- d) the active cooperation of customs authorities with the European Anti-Fraud Office (OLAF), the European Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL), the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the European Public Prosecutor's Office (EPPO), the European Border and Coast Guard Agency (Frontex), and the European Union Intellectual Property Office (EUIPO);
- e) the cooperation between customs authorities within the framework of Customs Eastern and South-Eastern Land Border Expert Team, CELBET;
- f) the active and continuously improving participation of customs authorities in the European multidisciplinary platform against criminal threats (EMPACT);
- g) the results of increased information exchange and case management through the Anti-Fraud Information System (AFIS) and the Secure Information Exchange Network Application (SIENA).

HEREBY RESOLVES:

1. to define a strategy on customs cooperation in the area of law enforcement and its contribution to the internal security of the EU. The strategy should provide a framework for customs law enforcement cooperation and its cooperation with other authorities, bodies and agencies in the area of Justice and Home Affairs, with a view to enhancing intelligence-led activities to fight cross-border crime and to strengthen the role of customs as the leading authority for monitoring and controlling the movement of goods within the area of freedom, security and justice;
2. The strategy should contribute to the achievement of the following objectives:
  - a) strengthening the capacity of customs authorities to prevent, detect and investigate, or contribute to the investigation of cross-border crime, and to deal with security-related incidents, threats, risks and crises;

- b) improving, facilitating and increasing the effectiveness of the cooperation and exchange of information between customs authorities and between these authorities and other law enforcement authorities, relevant EU institutions, bodies and agencies and, where appropriate, with third countries and international organisations;
- c) enhancing cross-border cooperation, including joint operations, between customs authorities and between these authorities and other law enforcement authorities and relevant EU institutions, bodies and agencies or competent authorities in third countries, in order to prevent, detect and investigate, or contribute to the investigation of cross-border crime;
- d) enhancing intelligence and risk analysis using data from other law enforcement agencies and promoting interoperability between relevant customs and JHA information systems, where appropriate.

INVITES:

1. Member States' customs authorities and other competent authorities of the Member States responsible for the implementation of customs legislation to take the necessary measures to successfully implement the strategy. Furthermore, they will contribute to the monitoring and evaluation of the strategy through the Law Enforcement Working Party (Customs);
2. the Commission and the competent EU bodies and agencies to actively contribute to the implementation of this strategy, and to continue, to the greatest possible extent, to provide operational, financial, technical and logistical support for the implementation of this strategy, as appropriate.

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