

COMMISSION DECISION
of 7 June 2018
formalising the Commission Customs Policy expert group
(2018/C 201/04)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Whereas:

- (1) The Treaty on the Functioning of the European Union (TFEU) confers on the Union the competence on customs-related matters in several areas of its internal or external policies and actions. The exercise of that competence by the Union and the implementation by the Member States of the measures adopted on its basis have shaped and progressively reinforced the customs union since 1968.
- (2) In accordance with the Communication from the Commission entitled Developing the EU Customs Union and Its governance ⁽¹⁾, the Commission needs to revitalise the partnership with the Member States in order to put in place a shared overall management vision for the EU customs union to ensure more flexible and effective cooperation and better rule-making, calling upon the expertise of Member States' customs authorities in an advisory body.
- (3) It is also necessary to ensure uniform application and effective enforcement of rules through better coordination of, and cooperation between, operational services.
- (4) Moreover, managing effectively the external border of the Union today requires a joined-up border management and law enforcement, and development of closer cooperation and enhanced information exchange with administrations involved in other relevant policy areas such as Security Union in order to contribute to its effectiveness.
- (5) With regard to the policy development, coordination and implementation of the customs union, the Commission has, until now, largely benefited from the expertise and advice of the Customs Policy Group (CPG), which was set up in 1962. The CPG is an informal Commission expert group in the sense of the Commission Decision establishing horizontal rules on expert groups ⁽²⁾, which brings together the heads of customs administrations. The importance of CPG was recognised by the Council in its Conclusions on the Governance Reform of the EU Customs Union ⁽³⁾.
- (6) In order to strengthen the position of CPG in the customs union governance, ensuring the consistency of work carried out in this respect and building on its expertise, and in order to underline its importance in the customs union governance process alongside the other fora involved and develop and clarify its role, tasks and structure, it is necessary to formalise the status of CPG.
- (7) The group should provide input to the Commission to help to define the customs policy and strategy and set clear strategic and operational priorities for the future of the development and management of the customs union, in line with its strategic objectives, as set out in Commission Communication on strategy for the evolution of the customs union ⁽⁴⁾.
- (8) The group should also assist the Commission in establishing overarching cooperation and coordination between the Commission and Member States and other stakeholders on the operational aspects of the customs union and the implementation of the Union legislation, programmes and policies on customs. Furthermore, the group should take into account and provide advice on the relevant aspects of other policies relevant to customs such as anti-fraud policy or revenue collection.
- (9) The group should be composed of the customs authorities of the Member States.
- (10) Rules on disclosure of information by members of the group should be laid down.

⁽¹⁾ COM(2016) 813 final of 21 December 2016.

⁽²⁾ C(2016) 3301 final of 30 May 2016.

⁽³⁾ OJ C 171, 6.6.2014, p. 1.

⁽⁴⁾ COM(2008) 169 final of 1 April 2008.

- (11) Personal data are to be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The Commission Customs Policy expert group, ('the group'), is formally set up.

Article 2

Tasks

The group's tasks shall be:

- (a) to provide strategic advice to the Commission on customs policy matters and how the operation of the customs union can be enhanced;
- (b) to provide the Commission with advice on the effective and efficient operation of the customs union, including advice on operational policy implementation and matters;
- (c) to share experience, best practice and information on emerging risks and operational, financing and compliance challenges;
- (d) to provide strategic advice to the Commission in relation to the activities under the following financial programmes:
 - (i) Customs 2020, established by Regulation (EU) No 1294/2013 of the European Parliament and of the Council ⁽²⁾;
 - (ii) Fiscalis 2020, established by Regulation (EU) No 1286/2013 of the European Parliament and of the Council ⁽³⁾;
- (e) to provide advice on revenue collection related matters which fall under the responsibility of customs;
- (f) provide strategic advice on the following matters:
 - (i) emerging or planned new customs policy and programme initiatives and planned legislation that will change or impact on existing customs policy or affect operational procedures;
 - (ii) operational policy implementation matters that arise from new legislation;
 - (iii) issues that will impact the Member States' administrations or authorities organisation, human resource management, including training and educational programs, budget or capacity;
 - (iv) any other issue that is of strategic nature on customs-related matters/issues in which the members are involved and that fall within other Union policy areas than the customs union;
- (g) bring about an exchange of experience and good practice on customs-related matters.

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁽²⁾ Regulation (EU) No 1294/2013 of the European Parliament and of the Council of 11 December 2013 establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No 624/2007/EC (OJ L 347, 20.12.2013, p. 209).

⁽³⁾ Regulation (EU) No 1286/2013 of the European Parliament and of the Council of 11 December 2013 establishing an action programme to improve the operation of taxation systems in the European Union for the period 2014-2020 (Fiscalis 2020) and repealing Decision No 1482/2007/EC (OJ L 347, 20.12.2013, p. 25).

*Article 3***Consultation**

The Commission may consult the group on any customs-related matter.

*Article 4***Membership**

1. Members shall be customs authorities as defined in point (1) of Article 5 of Regulation (EU) No 952/2013 of the European Parliament and of the Council⁽¹⁾. Members shall nominate their representatives at the level of Director-General of DG TAXUD/head of department or at an equivalent level and shall be responsible for ensuring that their representatives provide the required level of expertise.
2. Representatives of the Members who, in the opinion of DG TAXUD, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

*Article 5***Chair**

The group shall be chaired by the Director-General of DG TAXUD or, in the absence of the Director-General, by another representative of the Commission appointed by DG TAXUD.

*Article 6***Operation**

1. The group shall act at the request of DG TAXUD, in compliance with the horizontal rules.
2. Meetings of the group shall, in principle, be held on Commission premises.
3. DG TAXUD shall provide secretarial services. Commission officials from other departments with an interest in the proceedings may attend meetings of the group and its sub-groups.
4. In agreement with DG TAXUD, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.
6. The group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

*Article 7***Sub-groups**

1. DG TAXUD may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG TAXUD. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. Only members of the group may be appointed as members of a sub-group.

*Article 8***Invited experts**

DG TAXUD may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

*Article 9***Observers**

1. Individuals, organisations and public entities may be granted an observer status, in compliance with the horizontal rules, by direct invitation or as a result of a call for applications.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group.

*Article 10***Rules of procedure**

On a proposal by and in agreement with DG TAXUD, the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules.

*Article 11***Professional secrecy and handling of classified information**

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443 ⁽¹⁾ and 2015/444 ⁽²⁾. Should they fail to respect these obligations, the Commission may take all appropriate measures.

*Article 12***Transparency**

1. The group and sub-groups shall be registered in the Register of expert groups.
2. As concerns the group composition, the following data shall be published on the Register of expert groups:
 - (a) the name of the customs authorities;
 - (b) the name of observers.
3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available either on the Register of expert groups or *via* a link from the Register to a dedicated website, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽³⁾.

*Article 13***Meeting expenses**

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.

⁽¹⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁽²⁾ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

⁽³⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

2. Travel and subsistence expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission. Reimbursement shall be made in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources. Reimbursement shall be limited to one participant per Member State.

Done at Brussels, 7 June 2018.

For the Commission

Pierre MOSCOVICI

Member of the Commission
