

4th EU-UK Trade Specialised Committee on Customs Cooperation and Rules of Origin under the EU-UK Trade and Cooperation Agreement

17 October 2024, Brussels

Joint Minutes

1. Opening remarks by the Co-Chairs

The UK and EU Co-chairs welcomed participants to the meeting.

2. Adoption of the agenda

The agenda was adopted as final, without changes.

3. Exchange of information on the Parties' respective customs regimes and border strategies, including legislative developments

The EU gave an update on the proposal for Customs Reform followed by UK questions, with topics including an explanation of the e-commerce voluntary buckets system, and the timeline for the EU Data Hub. The UK thanked the EU for this update, took note of the information provided and asked for further updates on areas of interest to UK exporters, which was agreed by the EU.

The UK provided a presentation on the Border Targeting Operating Model indicating the milestones reached so far, and those to be, or currently being, implemented. The EU thanked the UK for this update and provided feedback from Member States and economic operators on their issues. This included waiting times, potential for improved communication in the interest of legal certainty before legislative changes such as commodities' risk categorisation were introduced, proportionality of fees in the absence of actual control activities and lack of acceptance of electronic certification for animal products imported into GB. The UK noted these concerns and agreed to pass respective information to responsible authorities with both parties agreeing to monitor further developments.

4. Discussion on Rules of Origin of the TCA

The EU explained the ongoing procedure for adopting by written procedure in the week starting by November 4th 2024, the Partnership Council Decision on adopting a new Annex 3 adapting the TCA's product specific rules to the 2022 update of the Harmonized System. The UK welcomed the progress in this matter, made possible by the good cooperation between the Parties.

Following this Trade Specialised Committee, this Partnership Council Decision was adopted by written procedure on 5 November 2024 and published on 6 November 2024, leading to an entry into force of the new Annex 3 60 days after publication in early 2025.

The UK explained the need to jointly develop an interpretation or guidance for the processing required for used clothes to acquire origin. The UK recognised that although there may be different opinions in the EU and the UK, the UK have supported the EU's reflections and proposed joint work to move forward.

Regarding the joint interpretation how used clothes can acquire origin, the EU indicated that consultations with MS Customs Authorities are ongoing at expert level, and the EU will inform the UK once a final position is taken on the issue. The EU confirmed that further verification requests on such products would not be suspended.

The Parties envisaged further technical discussions over the next year, provided they were meaningful and lead to tangible outcomes. If such technical discussions were to take place, the Parties agreed that their results will be reported back to this Committee.

Regarding the guidance on the definition of active cathode materials (CAM), the Parties agreed to continue discussions intending to have at least one further technical meeting. This is following a technical session in advance of the Committee to discuss changes proposed by the EU. The UK and EU thanked each other for the progress so far. However, there remains key discrepancies and the EU and the UK will reflect together to overcome these to provide clarity for investment decisions by industry.

There is a joint aim to agree guidance and give businesses time to understand what adaptations are necessary. Both parties are grateful that technical discussions are moving things forward.

5. *Implementation of the Protocol on Mutual Administrative Assistance (MAA) on Customs Matters – State of play*

The EU informed that they had sent the updated contact points; and the UK confirmed they will send the updated list after the meeting.

The UK explained they are undergoing a restructure and mapping exercise of the internal mutual assistance request services, which will aide continued and future delivery of requests. The UK would further inform on this restructuring once it was completed.

The EU clarified the potential ask for OLAF to be present within some UK investigations pursuant to mutual assistance requests, for relevant cases that may benefit from some additional EU-technical expertise that OLAF may possess. The scope of such assistance could be clarified during a one-off bilateral meeting. The UK agreed to consider such presence on a case-by-case basis.

On mutual assistance requests in relation to excise duties, the Parties confirmed that the MAA Protocol can be used for the exchange of information provided there is a link with a customs case.

All requests for assistance linked to excise duties or only to customs should be based on the correct legal basis. The EU clarified their interpretation that criminal requests were more suitable to other methods, such as the Mutual Legal Assistance treaty, than the MAA Protocol.

Both parties agreed on the importance of the Protocol on Mutual Administrative Assistance and considered positively the general increase on assistance requests.

6. AOB

There were no items of other business raised.

7. *Conclusions and next steps*

Co-chairs concluded the meeting.

Both parties finally considered the positive atmosphere during the meeting and the good preparation and agreed to continue the good cooperation to deal with ongoing issues.

Follow-up technical meetings are envisaged on various aspects as mentioned above.

8. *Closing remarks*

Co-chairs agreed on the draft operational conclusions for each agenda item.

Annex 1 – Participants of the Fourth Meeting of the Specialised Committee on customs cooperation and rules of origin

EU Delegation (38 participants)

- EU Co-Chairs of the Trade Specialised Committee
- European Commission Officials
- Representatives of EU Member States

UK Delegation (54 participants)

- UK Co-chair of the Trade Specialised Committee
- UK Government Officials from HM Treasury, HM Revenue & Customs, Foreign, Commonwealth & Development Office (including UK Mission to the EU) and Department for Business & Trade
- Government of the Isle of Man Officials
- Government of the Bailiwick of Jersey Officials
- Government of the Bailiwick of Guernsey Officials
- Welsh Government Officials
- Scottish Government Officials
- Northern Ireland Executive Officials