COMMISSION STAFF WORKING DOCUMENT

Customs Control Equipment Instrument Annual Progress Report 2021
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1. Executive Summary

To respond to the need of ensuring solid border management and internal security, the Commission proposed, on 20 June 2018, a new financial instrument called “Integrated Border Management Fund” (IBMF) in the context of the Multiannual Financial Framework running from 2021 to 2027. The IBMF comprises on the one hand, the Border Management and Visa Policy Instrument (BMVI) for clearance of people and, on the other hand, the Customs Control Equipment Instrument (CCEI) for clearance of goods. The CCEI budget for the period 2021-2027 amounts to EUR 1.006 billion.

The new CCEI aims at helping Member States to purchase, maintain and upgrade relevant and reliable state-of-the-art customs equipment for both border crossing points and customs laboratories. Although the adoption of the Instrument was expected for the end of 2020, it could only be adopted on 24 June 2021 due to the late adoption of the Multiannual Financial Framework (MFF). Subsequently, the first Multiannual Work Programme for 2021-2022 was only adopted on 7 October 2021 and the first CCEI call was launched on 14 October 2021.

As a result, the financing of programme activities will only start in 2022. However, the regulation and Multiannual Work Programme 2021-2022 include a retroactivity clause allowing Member States to apply for co-financing of actions initiated since 1 January 2021.

The Grant Agreements between the Commission and the Member States are expected to be signed as of the end of the second quarter of 2022. Consequently neither programme outputs nor results are yet available for 2021. The present report therefore focuses on the achievements in establishing the programme’s operational framework to prepare the start of its activities, and its subsequent application and evaluation stages.

2. Context/Background

a) Overall policy context and customs policy priorities

The persistence of uneven customs control capabilities between Member States can lead to goods being diverted towards the weakest entry and exit points in the EU customs territory, to avoid detection. In this context, on 28 September 2020, the European Commission launched a new Customs Union Action Plan, setting out a series of measures to make EU customs smarter, more innovative and more efficient. As one of the objectives of the Custom Union Action Plan,

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1 COM(2018) 474 final
the Commission aims to ensure that Member States are equipped with relevant and reliable state-of-the-art customs control equipment to carry out better and more effective controls through the new Customs Control Equipment Instrument.

The new programme serves the Commission priority “An economy that works for people”\(^5\) and reflects the goal of ensuring an equivalent level of protection at all of the EU’s external borders. The Instrument also supports the Commission priority “Promoting our European life”\(^6\) and the objective to “Develop a more modern Customs Union, to facilitate trade, safeguard revenues and protect citizens and businesses”. CCEI aims to play an important role in improving the performance of customs, by co-financing the acquisition of relevant customs control equipment\(^7\). The instrument is a major initiative to meet the goal of making customs across the EU work as one. By addressing weak points of entry/exit of goods into the customs territory, which compromise the EU’s financial interests, as well as the safety and security within the Union, it should contribute to greater harmonisation, improved quality and equivalent levels of customs controls in the future.

b) **General and specific objectives of the Customs Controls Equipment Instrument**

The Instrument’s general objective is to support the Customs Union and customs authorities in their mission to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union and to protect the Union from illegal trade while facilitating legitimate business activity. The Instrument’s specific objective is to contribute to adequate and equivalent results of customs controls through the transparent purchase, maintenance and upgrading of relevant and reliable state-of-the-art customs control equipment that is secure, safe and environmental-friendly, thereby helping the customs authorities act as one to protect the interests of the Union.\(^8\)

c) **Customs Control Equipment Instrument 2021 financial dimensions**

The Commission implementing decision on the financing of the Instrument in 2021-2022 foresees a budgetary envelope of EUR 273 670 000. However, the late adoption of the MFF had a negative impact on the budget implementation of the vast majority of EU programmes in 2021, including the CCEI. The CCEI could only be adopted on 24 June 2021. Its first Multiannual Work Programme was adopted on 7 October 2021, following a favorable opinion given in unanimity by the Member States through the Customs Committee\(^9\) on 21 September 2021. The call for proposals was therefore published on 14 October 2021. The payments will only take place in 2022 after a thorough evaluation of the Member States’ proposals by the Commission.

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\(^9\) Ibid., Art. 15.
and the signature of grant agreements between Member States and the Commission. Nonetheless, based on article 18 of the CCEI regulation, the Commission included a retroactivity clause in the CCEI’s Multiannual Work Programme 2021-2022 allowing Member States to request financing for equipment purchases, maintenance or upgrade starting from 1 January 2021.

d) CCEI Monitoring and Evaluation Framework (MEF) and complementary Delegated Act

The CCEI has a robust data-driven performance logic that focuses on every single Border Crossing Point (BCP) as well as on the customs laboratories in the Member States. It connects the customs control equipment with the identified risks/threats, the traffic modalities and the results of the customs controls.

The CCEI’s MEF reflects the Commission’s commitment to sharpen its focus on performance as laid down in the Communication on the EU budget performance framework 2021-2027. More specifically, the MEF for the CCEI builds on the monitoring requirements set out in the CCEI regulation and aims to reach several targets:

- defining how the achievements of the Instrument will be monitored and reported during the 2021-2027 programming period;
- helping to identify potential implementation problems;
- contributing to transparency and accountability towards external stakeholders;
- generating factual information for future evaluations and impact assessments.

The CCEI regulation requires Member States to provide the Commission with information on the use of the customs control equipment.

Annex II of the CCEI regulation lists core indicators to report on the progress of the Instrument towards the achievement of the general and specific objectives. Article 12 of the same regulation empowers the Commission to adopt delegated acts to supplement the Regulation with provisions on the establishment of a monitoring and evaluation framework to ensure that the programme’s performance is adequately measured. In order to enable a comprehensive monitoring and reporting of programme activities, the Commission proposed additional indicators and a comprehensive monitoring and evaluation framework designed specifically to the CCEI programme.

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3. **CCEI’s 2021 Multiannual Work Programme implementation process and strategy**

a) **CCEI’s 2021 timeline**

Prior to the Multiannual Work Programme’s adoption on 7 October 2021, the Commission provided comprehensive guidance to Member States on the practical implementation aspects of the Instrument, and prepared the documentation necessary for the subsequent stages\(^\text{12}\). The call for proposals was launched on 14 October 2021. The customs authorities of the 27 Member States could submit their applications until 20 January 2022. The Commission expects to start signing grant agreements with Member States during Q2 2022. The timeline is presented in Annex III of this document.

b) **Coordination activities with Member States and other stakeholders during 2021**

The Commission kept Member States' customs authorities\(^\text{13}\) regularly informed on the Instrument’s objectives and scope. From the adoption of CCEI regulation, the Commission prepared the programme’s implementation by ensuring that the stakeholders got a clear understanding of the programme’s general and specific objectives as well as of the steps needed for its smooth implementation. Examples of these regular communication activities were:

- The creation of the CCEI Coordination Group\(^\text{14}\) with experts from all Member States as of July 2021. This group assists and supports the Commission in the implementation of the CCEI and the development of the policy aspects required by the CCEI regulation. Its purpose is to discuss and adopt policy guidance, inform on progress with the programme implementation and related initiatives, and consult and inform the Member States as needed. The CCEI Coordination Group met four times in the second half 2021. Working teams were set up to deliver on pre-defined policy subjects. Three of these deliverables have already been finalised and adopted by the CCEI Coordination Group\(^\text{15}\). This allowed to comply with the requirements of article 11 of the CCEI regulation. Seven other policy deliverables have already started and are underway\(^\text{16}\).

- The creation of a collaborative work space for the cooperative work with the Member States on the draft policy documents and to enable meetings between the working groups within the CCEI Coordination Group created for the coordination of work for the different deliverables.

- The presentation of the draft Multiannual Work Programme for the years 2021-2022 to the Customs Committee (composed of representatives from all EU Member States) in

\(^{12}\) This comprises documentation and guidance for the call for proposals, evaluation, grant agreement, monitoring and reporting stages.

\(^{13}\) The main stakeholders of the CCEI.

\(^{14}\) The Commission Customs Control Equipment Instrument (CCEI) Coordination Group (E03786). Available at: <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupId=3786&fromMeetings=true&meetingId=29394>.

\(^{15}\) Categorisation of the Border Crossing Points, List of equipment to be available per Border Crossing Points category, and List of equipment to be financed under the first CCEI call, including pricing list/estimations.

\(^{16}\) Guidance papers on procurement of equipment, maintenance of equipment, equipment training needs, equipment safety/security/environmental aspects, co-sharing of equipment, inventory of good practices and available guidance documents, equipment performance metrics and indicators.
September 2021. Member States were invited to provide their opinion on the draft Multiannual Work Programme before its formal adoption by the Commission.

- Proactive and reactive support and guidance to Member States on a continuous basis in the course of 2021 while preparing the necessary work for the launch of the programme and its call for proposals. This included:
  - The drafting and publication of the documentation pertinent to the CCEI 2021-22 call for grant proposals already in April 2021, in order to allow the Member States to consult the documentation and prepare in advance.
  - The creation of an online workspace allowing Member States to raise questions and to receive clarifications regarding the scope and future implementation of the programme, as well as the call for proposals.
  - The set up of three practical webinars explaining to the applicants the steps of the process for preparing and submitting their proposals, that were then also translated to video tutorials.
  - The organization of a general webinar on the tools to be used to introduce proposals and manage the grants.
  - The publication of a step-by-step guidebook on how Member States should prepare and submit their proposals.

The Commission developed a database in which is gathering all the CCEI data. The use of such a database and its model, allows for increased speed of turnover and speed of development of reports, which should ultimately contribute to better data collection, reporting and analysis under the programme. Work has also started on the use of the Dynamic Forms tool for easier use and synergies in the collection of data from the Member States by allowing the Member States to submit their data input directly through electronic forms instead of having to fill in and submitting files with the data.

The Commission also reached out to customs control equipment manufacturers to raise their awareness about the programme’s objectives, scope and planned activities. A dedicated workshop involving 58 participants representing all leading equipment manufacturers and service providers, as well as industry stakeholders organisations coming from Europe, Asia and the United States, took place in November 2021. In this framework, bilateral meetings with nine equipment manufacturers and service providers that had requested it also took place.

c) CCEI’s implementation strategy

Based on the unanimous favorable opinion expressed by all Member States on the draft Multiannual Work Programme and its subsequent adoption by the Commission, the CCEI is planned to be implemented in two stages:

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17 The purpose of these bilateral meetings was to allow companies to present their products and features relevant to the CCEI. The Commission insisted in particular on these important equipment features like interoperability, security, safety, equipment performance, innovative approaches.
• In the **short-term** (2021-2022), the CCEI will be used to fill existing performance gaps as priority. The identification of these gaps and their filling through the CCEI aims to contribute to adequate customs controls.

• In the **longer term**, the focus will be on the specific objective of contributing to equivalent levels of results of customs controls.

The first programming period, covering 2021-2022, will focus on the “adequacy” component of the Instrument’s objectives. It will aim to fill in the gaps in the availability of equipment or unmet clearly identified equipment needs, preventing border crossing points or customs laboratories to perform adequate and effective controls. As set out in the call for proposals, Member States were invited to present, in their applications, concrete projects where specific Border Crossing Points and customs laboratories:

• lack of necessary equipment or;
• need to replace equipment to maintain performance standards or;
• face new challenges or threats that require upgrades to increase existing capacities.

The results of the projects funded by the CCEI will be analysed in order to assess the progress towards the short-term and the long-term objectives, complement and update the equipment needs assessment.

d) **Adequacy of the Instrument and needs assessment of Border Crossing Points (BCP) and customs laboratories**

As specified in Article 11(4) of the CCEI regulation, periodic needs assessments that aim to ensure an efficient allocation of CCEI funds responding to the needs of Member States will take place. During an initial needs assessment activity performed under the Customs 2020 programme in 2019, Member States provided information on existing equipment and future needs for their border crossing points and customs laboratories. This initial assessment was a first source of information to frame the Commission’s future needs assessment. However, while it revealed performance gaps, it could not represent a final assessment of Member States’ equipment needs. Further needs assessments should be carried out at least every three years and should include:

- a common categorisation of border crossing points (BCPs) and customs laboratories;
- a comprehensive description of available customs control equipment;
- a common list of customs control equipment that should be available, by reference to the category of border crossing point;
- an estimate of financial needs.

In addition to the needs analysis, Member States were asked to provide in their proposals for funding, further information allowing for a more objective and justified prioritisation of their needs. Complementarily, Member States were invited to demonstrate through their proposals that each request for funding was relevant (equipment’ purchased, maintained or upgraded.
through the Instrument need to enable efficient and adequate customs controls) and how it would add value to their capacity to perform controls as well as to deal with concrete threats/risks. The Commission will assess the justifications provided by each Member State during the evaluation of their proposals.

The structured data and metrics collected from the Member States at the different stages (monitoring and reporting, and application/proposal) have been designed to have links with the Customs Union Performance (CUP) indicators, allowing for better data quality, cross-initiatives synergies, and decreased administrative burden for Member States and the Commission.

Finally, the Commission will use inputs from Expert groups when their expertise could contribute to a better understanding on the customs control landscape of the Union as well as to receive advice allowing for a better design of customs control policy.

4. Complementarities with other policies and programmes
   a) Customs Programme
      Regulation (EU) 2021/44420 of the European Parliament and of the Council establishes the Customs programme for cooperation in the field of customs to support the Customs Union and customs authorities. In order to preserve the coherence and horizontal coordination of cooperation actions relating to customs and customs control equipment, it is appropriate to implement such actions in a fully complementary and coordinated manner. Therefore, only the purchase, maintenance and upgrade of the eligible customs control equipment can be financed by the Customs Control equipment Instrument. All other related actions (such as cooperation actions or relevant training) can be financed by the Customs programme21.

   b) Border Management and Visa Policy Instrument
      The CCEI and the Border Management and Visa Policy Instrument (BMVI) compose the Integrated Border Management Fund (IBMF). The two Instruments have different scopes: CCEI supports the control of goods (customs) and finances only equipment. BMVI supports actions within the two specific objectives: (a) effective European integrated border management at the external borders and (b) common visa policy. This encompasses for example equipment for

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19 Adequate customs controls are defined as controls that are targeted (i.e. based on risk analysis) and that are performed in an efficient manner, without gaps in relation to the necessary equipment, staff and skills needed to perform these in an appropriate manner and at the right frequency.


the border control of persons (border guards), operating equipment, including means of transport and ICT systems, required for effective and secure border control at border crossing points and for border surveillance, in accordance with standards developed by the European Border and Coast Guard Agency, and addresses overall capacity building (e.g. trainings, exchange of experts, studies).

While having different scopes, the two Instruments are complementary: through the co-sharing of equipment, customs control equipment financed by CCEI may be used ancillary for other purposes, such as border controls and security. Equally, equipment primarily serving border management may be additionally used for complementary areas, such as customs control. Moreover, the interoperability of the equipment funded under the CCEI and BMVI Instruments will contribute to an improved integrated border management, given the cooperation between border guards and customs in the area of border checks, and by preventing and detecting cross-border crime at the external borders.

Finally, in order to ensure that the actions financed by the CCEI follow the principle of non-cumulative award and no double funding, the CCEI team is working closely with the BMVI experts. In addition, actions can benefit from cumulative and alternative financing, in line with BMVI and Common Provisions Regulations. The close cooperation between the two Commission teams concerns also the evaluation of proposals, where BMVI experts will be part of the CCEI evaluation committee. Similarly, the CCEI team will be invited to contribute to the evaluation committees established for the BMVI Union Actions which have a strong link with the CCEI.

c) EU Anti-Fraud programme

The EU Anti-fraud programme (EUAF) has two components: one covers events and training, the other one concerns “technical assistance” (TA). The TA component includes financial support used for the purchase of technical equipment and tools, such as investigation and

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22 As per Article 13(14) c) of Regulation (EU) 2011/1148 on the Border Management and Visa Policy Instrument ("As regards equipment, including means of transport, and ICT systems required for effective and secure border control, including for search and rescue operations, and purchased with the support of the Instrument: they may be additionally used in the following complementary areas: (...) customs control"). In addition there are certain conditions to be met for such equipment, including that “equipment and ICT systems shall remain available and deployable for effective and secure border control activities”, “The use of equipment in the complementary areas referred to in point (c) of the first subparagraph shall not exceed 30 % of the total period of use of that equipment.”

23 Article 3(1)(a) of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624. ‘Border control’ includes border checks, as defined in Article 2(11) of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), (‘border checks’ means the checks carried out at border crossing points, to ensure that persons, including their means of transport and the objects in their possession, may be authorized to enter the territory of the Member States or authorized to leave it)

24 Prohibits the award of more than one grant funded from the Union budget to the same beneficiary for the same action.
surveillance equipment, forensic tools and data analytics technologies. The EUAF has a wider range of beneficiaries compared to the CCEI, as it also supports entities such as law enforcement authorities, whereas the CCEI exclusively targets Member States’ customs authorities.

Nonetheless, the EUAF is complementary and contributes to the CCEI’s objective of supporting the Customs Union and customs authorities in their mission to protect the financial and economic interests of the Union and its Member States through the purchase of equipment.

In order to avoid the risk of double funding, similarly to the BMVI, both Commission teams work closely together. As for the BMVI, the coordination between the two programme teams includes the involvement in each other’s evaluation of the proposals submitted by Member States.

d) **Recovery Resilience Facility (RFF)**

As part of a wide-ranging response, the Recovery and Resilience Facility aims to mitigate the economic and social impact of the coronavirus pandemic and make European economies and societies more sustainable, resilient and better prepared for the challenges and opportunities of the green and digital transitions.

The Commission will continue monitoring the Member States’ Resilience and Recovery plans to identify relevant customs equipment components that would complement the actions to be financed under the CCEI, notably during the period until the latter becomes fully operational. An appropriate and adequate coordination within the Commission will reduce the risk of double financing of equipment.

e) **Technical Support Instrument**

The Technical Support Instrument (TSI) supports reforms the EU Member States in key EU policy areas. It supports the Customs Union priorities through tailor made technical assistance on to individual Member States or a group of Member States.

Subject to a selection procedure upon applications by Member States, TSI supports measures, that once implemented could facilitate the best use of the funding in the CCEI context. In particular, technical support may provide strategic advice for investment strategies and decisions, best use of funding instruments, legal and policy decisions to implement the joint procurement under the CCEI. A coordination within the Commission will ensure complementarity of activities and/or funding under several programmes while excluding any double funding.
f) **Horizon Europe**

Horizon Europe is the EU’s key funding programme\(^{25}\) that puts European funds at the disposal of both public and private entities that engage in research and innovation.

The Horizon work programme for 2021 – 2022 includes three topics related to EU customs needs and challenges:

1. Advanced detection of threats and illicit goods in postal and express carrier flows, with an indicative budget of EUR 8 000 000;
2. Improved detection of concealed objects on and within the body of persons, with an indicative budget EUR 5 000 000 and carrier flows with an indicative budget of EUR 8 000 000;
3. Improved capacities of customs authorities to acquire, analyze, share drugs spectra, and detect new drugs in customs inspections, with an indicative budget EUR 6 000 000.

Subject to award of grants following applications by Member States, the results of these projects, once implemented, could be relevant in the CCEI context. Here again, a constant coordination within the Commission will ensure the complementarity of activities or/and equipment funded by the two programmes while excluding any double financing of the same equipment.

g) **Synergies with ongoing customs policies and initiatives**

The CCEI is part of the overall Customs Union Action Plan and the future EU Risk Management Strategy. It seeks alignment and close cooperation with the Customs Union Performance in terms of data collection and performance indicators. The work carried out for cooperation with other policies and initiatives will allow for data sharing and better data quality in the future for both the CCEI and the policies/initiatives, thus enabling better, more informed, policy making.

5. **Conclusion and lessons learned**

Due to the late adoption of the programme regulation and the consequent delay in the launch of the call for proposals, no activities were financed by the Instrument in 2021. Therefore it is not possible at this stage to draw conclusions and indicate lessons learned on the outputs, results and impacts of programme activities during 2021. Nonetheless, an important amount of work has been carried out to ensure the smooth programme’s roll-out following the adoption of the CCEI’s regulation and to lay down the foundations for its successful implementation in the future.

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\(^{25}\) Budget of EUR 95.5 billion.
6. **Annex I: Acronyms and definitions**

The following acronyms are used in this document:

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>BCP</td>
<td>Border Crossing Point</td>
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<tr>
<td>BMVI</td>
<td>Border Management and Visa Policy Instrument</td>
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<tr>
<td>CCEI</td>
<td>Customs Control Equipment Instrument</td>
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<tr>
<td>CUP</td>
<td>Custom Union Performance</td>
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<tr>
<td>FAQ</td>
<td>Frequently Asked Questions</td>
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<td>EU</td>
<td>European Union</td>
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<tr>
<td>EUAF</td>
<td>European Union Anti-fraud programme</td>
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<tr>
<td>IBMF</td>
<td>Integrated Border Management Fund</td>
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<td>MAWP</td>
<td>Multiannual Work Programme</td>
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<td>MFF</td>
<td>Multiannual Financial Framework</td>
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<td>MEF</td>
<td>Monitoring and Evaluation Framework</td>
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<td>RRF</td>
<td>Recovery &amp; Resilience Facility</td>
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<tr>
<td>TA</td>
<td>Technical Assistance</td>
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7. **Annex II: CCEI Core Indicators**

Due to the late adoption of the CCEI regulation, and the subsequent delay in the adoption of the multiannual work programme and launch of the call for proposals, no activities were financed by the Instrument in 2021 and, therefore, Member States did not have to report on the indicators listed below for the year 2021.

To report on the progress of the Instrument towards the achievement of its general and specific objectives, the following indicators shall be used:

**Equipment**

a) Availability at land border crossing points of customs control equipment meeting agreed standards (by type of equipment);

b) Availability at sea border crossing points of customs control equipment meeting agreed standards (by type of equipment);

c) Availability at air border crossing points of customs control equipment meeting agreed standards (by type of equipment);

d) Availability at postal border crossing points of customs control equipment meeting agreed standards (by type of equipment);

e) Availability at rail border crossing points of customs control equipment meeting agreed standards (by type of equipment).
8. **Annex III: Timeline**

<table>
<thead>
<tr>
<th>Action</th>
<th>When</th>
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<tbody>
<tr>
<td>CCEI Regulation adopted</td>
<td>24 June 2021</td>
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<tr>
<td>Publication on Official Journal and entering into force</td>
<td>2 July 2021</td>
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<tr>
<td>Customs Committee meeting</td>
<td>21 September 2021</td>
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<tr>
<td>Adoption of the financing decision/ MAWP</td>
<td>7 October 2021</td>
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<tr>
<td>Launch of call for applications</td>
<td>14 October 2021</td>
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<tr>
<td>Deadline for applications</td>
<td>20 January 2022</td>
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</tbody>
</table>