

Mutual assistance and cooperation between the administrative authorities of the Member States and the Commission concerning the application of the law on customs and agricultural matters

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The Committee on the Internal Market and Consumer Protection adopted a report drafted by Mr Bill **NEWTON DUNN** (ADLE, UK), and amended, in the first reading of the codecision procedure, the proposal to amend Council Regulation (EC) No 515/97 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.

The main amendments are as follows:

-the Commission may make certain data available to the relevant authorities using electronic data processing techniques ;

-the Commission shall be authorised to provide all forms of technical assistance and training to the liaison officers of third countries and of European or international organisations and agencies, including Europol and Frontex;

-data exchanges with third countries governed by the Regulation should be subject to prior verification that data protection rules in the receiving country, particularly in relation to the processing of personal data, offer a degree of protection equivalent to that offered by EU rules;

-in any event, access may (rather than “shall”)be denied to any person whose data are processed during the period in which actions are carried out for the purposes of sighting and reporting or discreet surveillance and during the period in which the operational analysis of the data or investigation is ongoing;

-two amendments aim to recognise the role of the European Data Protection Supervisor (EDPS): in order to address CIS related supervision issues, the European Data Protection Supervisor (EDPS) should convene a meeting with national data protection supervisory authorities at least once a year; and the EDPS shall supervise CIS compliance with Regulation (EC) No 45/2001;

-following the opinion of the Court of Auditors, the Committee specified that the excise duties identification number must be included in the FIDE. This will further facilitate the investigations of the Commission and the competent national authorities, and controls in general;

-Members also felt that expenditure must correspond to the tasks provided for in this Regulation and the emphasis on combating fraud should be maintained;

-the Committee stated that participation by the legislative bodies, particularly the European Parliament, in the creation of new information exchange systems must be ensured, and it deleted a clause allowing the Commission to decide to establish or acquire such other communication and information exchange systems as are considered necessary after consulting the relevant committee;

- an amendment on comitology is made in order to introduce the new regulatory procedure with scrutiny, in line with the provisions of Council Decision 2006/512/EC;

-following the model adopted for the second generation Schengen Information System (SIS II), Members propose that the committee, together with the supervisory group, shall examine all problems with the operation of the CIS which are encountered by the national supervisory authorities. The committee shall meet in its ad hoc formation at least once a year;

-lastly, the Commission, in cooperation with the Member States, shall each year submit to the European Parliament and to the Council a report on the measures taken in implementation of this Regulation.