

Modernised Community Customs Code

2005/0246(COD) - 23/01/2008

The Committee on the Internal Market and Consumer Protection adopted the recommendation for the second reading drafted by the rapporteur, Ms Janelly **FOURTOU** (ADLE, FR), approving, without amendment, the common position of the Council, as regards the adoption of the regulation laying down the Community Customs Code (Modernised Customs Code).

The European Parliament adopted 51 amendments to the proposal at first reading, of which 34, mainly essential, are wholly or partly accepted in the Council's common position. As recalled in the explanatory memorandum, which accompanies the report, the main differences compared to the first reading are:

- **The status of authorised economic operator:** in its common position, the Council has taken over Parliament's Amendment, providing for two distinct types of authorisation - 'customs simplification' and 'safety and security'. As called for by the Parliament, an applicant will not now be able to request that authorised economic operator status be limited to one or more specified Member States.
- **Entitlement to act as a customs representative:** the Council, without reproducing Parliament's proposals exactly, has nonetheless proceeded from the premise that customs representatives and authorised economic operators should interact. In the common position, customs representation is deemed to be a service within the meaning of the Treaty. The right of establishment is a matter for Member States. The entitlement to provide services within the Community is based on the criteria governing authorised economic operator status as laid down in Article 14(a) to (d).
- **Centralised customs clearance:** the Council has introduced in a new single article, all of the provisions of the Code related to the concept of centralised clearance: all economic operators may benefit from centralised clearance on the territory of any one Member State, but they have to satisfy the eligibility criteria for authorised economic operator status in cases involving several Member States. The Council has issued a statement 'on the sharing of duty collection, on VAT and on statistics under the centralised clearance system'. The Council and Commission have, in addition, produced a joint statement on the need to assess the operation of the centralised clearance system three years after the Modernised Customs Code has entered into force. The Commission will accordingly submit a report to the Council and Parliament and draw up such proposals as might be considered necessary to amend the legislation.
- **Comitology:** the regulatory procedure with scrutiny, involving the Parliament, was to have applied to just 28 provisions but the Council broadened it out to cover 44 provisions.