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

2006/0290(COD) - 19/02/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution based on the report drafted by 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 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:

-Parliament inserted definitions for "regular automatic exchange" and "occasional automatic exchange";

-where no customs declaration or simplified declaration is presented or where it is incomplete or where there is a reason to believe that the data contained therein are false, the Commission and the competent authorities of each Member State may exchange with the competent authority of any other Member State and the Commission certain prescribed data: the business name; the name used by the company in its activity; the address of the business; the VAT identification number of the business; the excise duties identification number, information whether the VAT identification number and/or the excise duties identification number is in use; the names of the managers, directors and, if available, principal shareholders of the business; the number and the date of issue of the invoice and the value invoiced;

This article does not apply to movements of goods other than those referred to in the text;

-the competent authorities of each Member State may also, by regular automatic exchange or occasional automatic exchange, communicate to the competent authority of any other Member State concerned information received in the context of the entry, exit, transit, storage and end-use of goods, including postal traffic, moved between the customs territory of the Community and other territories, and the presence and movement within the customs territory of non-community and end-use goods, where necessary to prevent or detect operations which constitute, or appear to constitute, breaches of customs or agricultural legislation;

-not later than six months following the receipt of the information conveyed by the Commission, the competent authorities of Member States shall forward to the Commission a summary of the anti-fraud measures taken by them on the basis of that information. The Commission shall, on the basis of these summaries, regularly prepare and convey to Member States reports on the results of measures taken by the Member States;

-Member States and the Commission may exchange the results of operational and strategic analyses carried out under the Regulation;

-Parliament made some amendments to the data requirements concerning in particular the movements of containers and/or means of transport and goods and persons concerned with these movements. Personal data which are not necessary to achieve the aim in view shall be immediately deleted or shall have identifying factors removed. In any event, they may be stored for no more than three years;

-the Commission will be authorised to provide training and all forms of assistance other than financial assistance to the liaison officers of third countries and of European or international organisations and agencies;

- personal data copied from the CIS shall be kept only for the time necessary to achieve the purpose for which they were copied. The need for their retention shall be reviewed at least annually by the copying CIS partner. The storage period shall not exceed ten years. Personal data which are not necessary for the continuation of the analysis shall be immediately deleted or identifying factors shall be removed;

-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 administrative enquiry or criminal 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;

-the objective of the FIDE shall be to help to prevent operations in breach of customs legislation and of agricultural legislation applicable to goods entering or leaving the customs territory of the Community and to facilitate and accelerate their detection and prosecution;

-the excise duties identification number must be included in the FIDE. For persons, data must include former surnames:

-the committee 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.

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

-lastly, a new recital states that the exchange of personal data with third countries should be subject to prior verification that data protection rules in the receiving country offer a degree of protection equivalent to that offered by Community law.