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) - 09/07/2008 - Final act

PURPOSE: to co-ordinate the fight against fraud by updating the “Customs Information System (CIS).

LEGISLATIVE ACT: Regulation (EC) No 766/2008 of the European Parliament and of the Council amending 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

CONTENT: Council Regulation (EC) No 515/97 allowed information to be stored in the Community database Customs Information System (CIS). However, experience gained since Regulation (EC) No 515 /97 entered into force has shown that the use of the CIS for the sole purposes of sighting and reporting, discreet surveillance or specific checks does not make it possible to achieve fully the system's objective, which is to assist in preventing, investigating and prosecuting operations that are in breach of customs or agricultural legislation. The changes introduced when the European Union was enlarged to include 27 Member States require a reconsideration of Community customs cooperation in a broader framework and with modernised mechanisms. In addition, the development of new markets, the increasing internationalisation of trade and the rapid expansion thereof, combined with the increase in the speed of the carriage of goods, require customs administrations to keep up with movement so as not to harm the development of Europe's economy.

This Regulation makes the following amendments to Regulation (EC) No 515/97:

Automatic data exchange: the Regulation supplements the spontaneous case-by-case exchange mechanism with an automatic and structured information exchange mechanism, without requiring a prior request from the receiving Member State.

European data directory: in order to help the competent authorities of the Member States to detect movements of goods that are the object of operations in potential breach of customs or agricultural legislation and means of transport, including containers, used for that purpose, data from the principal service suppliers worldwide, public or private, that are active in the international supply chain will be pooled in a European central data directory.

Training: the Commission is authorised to provide training and all forms of assistance other than financial assistance for the liaison officers of third countries and of European and international organisations and agencies, including the exchange of best practice with those bodies, and, for example, with Europol and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

Joint customs operations: this Regulation also creates conditions for the implementation of joint customs operations in the Community context. A permanent infrastructure is created within the Commission so that joint customs operations can be coordinated throughout the calendar year and representatives of the Member States and, if necessary, liaison officers from third countries or European or international

organisations and agencies, in particular Europol and the World Customs Organisation (WCO) and Interpol, can be hosted for the time needed to carry out one or more individual operations.

Co-ordination structure for operational co-operation: the purpose of this amendment is to promote the idea of developing an interface which allows enhanced coordination and co-operation between the Member States and the Commission. It should also improve co-ordination activities with European, regional and other international organisations and agencies.

Third countries: the current procedure is supplemented by a measure allowing the Commission, or a Member State, to enter into communication with a third country - on condition that the Member State from which information is received gives their prior consent.

The creation of a Community Customs Files Identification Database: in a bid to optimise the effectiveness of the co-operation mechanisms, the administrative authorities of the Member States will have access to files enabling them to target those who are requesting administrative assistance. That is the objective of FIDE, which records references to past or current investigations in each Member State. This system will allow competent authorities to find out whether other Member States are undertaking similar investigations to that of their own.

ENTRY INTO FORCE: 16/08/2008.