# Customs cooperation: use of information technology for customs purposes. Initiative France

2009/0803(CNS) - 30/11/2009 - Final act

PURPOSE: to replace the Customs Information System Convention (CIS) with a view to reinforcing cooperation between customs administrations.

LEGISLATIVE ACT: Council Decision 2009/917/JHA on the use of information technology for customs purposes.

CONTENT: this decision is aimed at replacing the 1995 Convention on the use of information technology for customs purposes (Customs Information System Convention) and bringing it into line with regulation 766/2008, which amends regulation 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.

Experience gained since the CIS Convention on the use of information technology for customs purposes entered into force has shown that the use of the Customs Information System 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 serious contraventions of national laws.

The aim of the Customs Information System, in accordance with this Decision, shall be to assist in preventing, investigating and prosecuting serious contraventions of national laws by making information available more rapidly, thereby increasing the effectiveness of the cooperation and control procedures of the customs administrations of the Member States.

The Customs Information System shall consist of a central database facility, accessible through terminals in each Member State. It shall comprise exclusively data necessary, including personal data, in the following categories: (a) commodities; (b) means of transport; (c) businesses; (d) persons; (e) fraud trends; (f) availability of expertise; (g) items detained, seized or confiscated; (h) cash detained, seized or confiscated.

The Commission shall ensure the technical management of the infrastructure of the Customs Information System in accordance with the rules provided for by the implementing measures adopted by the Council.

The decision also aims to enhance complementarity with actions in the context of cooperation with the European Police Office (Europol) and the European Judicial Cooperation Unit (Eurojust), by granting those bodies access to the Customs Information System, including the customs files identification database, to fulfil their tasks within their mandate.

This Decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. It does not prevent the Member States from applying their constitutional rules relating to public access to official documents.

ENTRY INTO FORCE: 30/12/2009.

TRANSPOSITION IN NATIONAL LAW: 27/05/2011.

APPLICATION: from 27/05/2011.