

Excise duties: administrative cooperation

2011/0330(CNS) - 05/03/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Economic and Monetary Affairs adopted the report drafted by David CASA (EPP, MT) on the proposal for a Council regulation on Administrative Cooperation in the field of excise duties.

It suggests that the European Parliament should amend the Commission proposal as follows:

Characteristics of the system: the report stresses that the creation of a European fiscal union should include an extended, rapid, efficient, user friendly and, as far as possible, automatic exchange of information among Member States in order to improve the fight against tax evasion. The **need to simplify bureaucratic procedures** is also highlighted.

Cooperation on request: Members deleted the obligation, for the requested authority, to immediately inform the requesting authority of the reasons for its decision that no administrative enquiry is necessary.

Form of the request and the reply and provision of documents: in such exceptional cases, where the requested authority considers this to be necessary, the message shall be accompanied by an explanation of why the use of the mutual administrative assistance document was impractical.

Simultaneous controls: Members consider that simultaneous controls should not appear just as an option, but as a natural procedure allowed by this Regulation.

Exchange of information without prior request: the proposal provides that the Commission shall adopt implementing acts to determine the exact categories of information that shall be exchanged under the Regulation. An amendment stipulates that the objective is to create a **comprehensive list of information**, which will be updated twice a year in order to align it to new exchange needs.

Optional exchange of information: to that end, Members consider that it is desirable to use the computerised system where the system is capable of processing such information. Where the authority has forwarded the information following discovery of an unusual but economically significant irregularity, it shall request such a report on follow-up action.

Storage and exchange of information on authorisations of economic operators and warehouses: Members state that it should clearly be stated that the address registered in the SEED-register for a registered consignee shall be the same as where he receives the goods under duty suspension arrangement.

Language regime: the Member States should be required to translate to all the official languages. This is a disproportionate administrative burden for the competent authorities.

General limits to the duties of the requested authority: Members have deleted the possibility for the competent authority of a Member State to refuse to forward information if the requesting Member State cannot, for legal reasons, provide similar information. The provision of information may be refused where it would demonstrably lead to the disclosure of a commercial, industrial or professional secret or of a commercial process, or where its disclosure would be contrary to public policy.

Official secrecy, data protection and use of the information communicated under this Regulation: the competent authority of the Member State providing the information may permit its use for other purposes in the Member State of the requesting authority, if the legislation of the Member State of the requested authority allows the information to be used for similar purposes in that Member State.

Processing of personal data by Member States referred to in this Regulation shall be subject to the national provisions implementing Directive 95/46/EC. Personal data processed in accordance with this Regulation should be kept for no longer than is necessary, in compliance with the applicable national and Union law.

Relations with third countries: information obtained under this Regulation may be communicated by a competent authority of a Member State to that third country, with the consent of the competent authorities which supplied the information, in accordance with their national law, for the same purposes for which this information has been supplied and in compliance with Directive 95/46/EC.

Conflict resolution mechanism: the report stresses that it is necessary to create an efficient and transparent legal instrument for an alternative resolution of cross-border disputes. The Commission should establish a new VAT and excise duties forum, similar to the Joint Transfer Pricing Forum (JTPF), within which companies can address issues relating to corporate VAT and disputes between Member States.

Evaluation of arrangements, collection of operational statistics and reporting: Members consider that the Commission should have a well defined and active role in the examination and evaluation of the application of this Regulation. To that end, the Commission shall regularly summarise the experience of the Member States with the aim of improving the operation of the system established by this Regulation. The Commission shall present to Parliament and to the Council a report on fraud in the field of excise duties by 31 December 2012, together with amendments to this Regulation if appropriate.

Lastly, every three years (as opposed to five years) from the date of entry into force of this Regulation and based in particular on the information provided by the Member States, the Commission shall report to the European Parliament and to the Council on the application of this Regulation.