Mutual assistance and cooperation between administrations to ensure the correct application of the law on customs and agricultural matters: antifraud system and customs risk management

2013/0410(COD) - 24/06/2015 - Commission communication on Council's position

The Commission gave its opinion on the position of the Council on the adoption of a Regulation 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.

As all amendments introduced to the Commission proposal were discussed during the informal tripartite discussions, the Commission can accept the amendments that the Council adopted in its first reading position.

The Council's position by and large endorses the core elements of the Commission’s proposal, with some changes as to the details. Those amendments include:

- the clarification that the information obtained via mutual assistance may be used as evidence in judicial proceedings only in case the Member State sending information does not object to such use;
- the extension of the amendment to the Regulation relating to admissibility of evidence to cover information obtained via spontaneous assistance mechanism;
- limiting the scope of data to be included in the proposed directories;
- adding a provision governing the sanctions for failure to report Container Status Messages (CSMs) by the carriers;
- the elimination of the provision on transfer of data from the proposed directories to international organisations and EU agencies;
- the modification of the procedure for obtaining supporting documentation by the Commission.