Establishing the Union Customs Code and the European Union Customs Authority

2023/0156(COD) - 13/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 486 votes to 19, with 97 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing the Union Customs Code and the European Union Customs Authority and repealing Regulation (EU) No 952/2013.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter and scope

The amended text stipulates that this proposed Regulation establishes a **European Union Single Window Environment for Customs** that provides an integrated set of interoperable electronic services, at Union level, to support interaction and enhance information exchange between the EU Customs Data Hub and the Union non-customs systems. It lays down rules for **digital administrative cooperation** and information sharing through interoperable data sets, within the EU Single Window Environment for Customs.

Mission of the customs authorities

The amended text stated that the customs authorities should introduce measures aimed, *inter alia*, at:

- ensuring that goods presenting a **risk for the security** of citizens and residents do not enter the customs territory of the Union, by putting in place the appropriate measures for controls of goods and supply chains;

- protecting the Union from unfair, non-compliant and illegal trade, including **counterfeit** and goods that are not in compliance with other legislation applied by the customs authorities through a close monitoring of economic operators, sectors and supply chains and a minimum core of customs infringements and penalties;

- supporting all **legitimate business activity**, by maintaining a proper balance between customs controls and facilitation of legitimate trade and simplifying customs processes and procedures through robust real-time risk analysis made possible, including by the artificial intelligence systems;

- promoting **cost-efficiency** by avoiding duplication, and promoting effectiveness in customs processes and an efficient use of related resources at Union and national level.

Grating operator status of a trust and check trader

A person, who is resident or registered in the customs territory of the Union who has conducted regular customs operations in the course of that person’s business for **at least 2 years**, may apply for the status of Trust and Check trader to the customs authority of the Member State where that person is established.

The EU Customs Authority should grant, after assessing the audit of the competent national authority, the status of Trust and Check trader to a person who meets all the following criteria: (a) the absence of any serious infringement or repeated infringements of customs legislation and taxation rules and no record of serious criminal offences; (b) financial solvency; (c) appropriate security, safety and compliance standards; (d) having an electronic system, including systems managed by a third-party provider, that exceptionally makes available to the customs authorities real-time access to appropriate and relevant data on the movement of the goods and the compliance of the person with all requirements applicable on those goods, including relating to safety and security.

Where a Trust and Check trader is involved in fraudulent activity in relation to its economic or business activity or serious infringement of relevant other legislation applied by customs authorities, its status should be suspended by the customs authorities.

The EU Customs Authority

The EU Customs Authority should:

- operate and maintain the information technology systems used for the implementation of the customs union, such as the EU Customs Data Hub;

- cooperate with other Union institutions, bodies, offices and agencies in areas where their activities relate to the management of goods crossing the external border;

- introduce a mandatory special scheme for the collection of customs duty on distance sales of goods imported from third territories or third countries;

- support the Commission and the Member States to enable them to supervise more efficiently the implementation of the restrictive measures that the Council may adopt on the flow of goods, to ensure that those measures are not circumvented.

Customs Advisory Board

The amended text suggested that the EU Customs Authority establish a Customs Advisory Board to assist the Executive Board.

Start of the EU Customs Authority's activities

The EU Customs Authority is established as of 2026 and should become fully operational as of 1 January 2028.

Platform on the reporting of goods

The EU Customs Authority platform on the reporting of goods should give authorities, businesses, consumers and citizens the opportunity to report goods that enter the internal market and are not in compliance with conformity standards and/or with relevant Union legislation. The platform should be set as an online platform, be easily accessible, intelligible and available in all official languages of the Union.

Cooperation with other authorities

Customs authorities should immediately alert competent Union and national authorities of any suspected infringement of Union legislation and send a notification to the EU Customs Data Hub

Minimum non-criminal sanctions

Members suggested that Member States should decide on the use of the proceeds resulting from the enforcement of non-criminal sanctions except for when established as an own resource.

EU Customs Data Hub

The functionalities of the EU Customs Data Hub should be fully operational by 31 December 2032. Before this date, the Commission may establish a pilot phase for the use of the EU Customs Data Hub. The pilot phase should be voluntary and have the purpose of testing its functionalities.