# Customs 2000: Community action programme 1996-2000

1995/0087(COD) - 11/01/1996 - Commission communication on Council's position

In its opinion on the Council's common position, the Commission indicated that, although it had no difficulty accepting the new structure of the text and considering a new legal basis (following reflection), there were certain points in the Council's text which it could not support: - the title of the decision: this did not adequately reflect the unique nature of customs regulations and the objectives of Community customs procedures; - the removal of the reference to the possibility of carrying out physical checks despite the fact that these checks were already used for the agricultural sector; - the addition of the adjective "administrative" to the concept of "penalties": the Commission stated that it could not accept administrative penalties which would substantially limit the scope of the penalties to be applied and, as a result, that of the programme itself. To substantiate this, it referred to a Court judgment of 21 September 1989 (Case 68/88) where the Court ruled that a violation of Community law should result in the application of effective, balanced and dissuasive penalties. It added that if penalties were to be purely "administrative", the aim of transparent national penalty systems provided for in the programme would not be satisfied and would instead result in only a partial knowledge of provisions in some Member States, since certain countries would be able to apply purely administrative penalties where other countries would apply "civil" or "criminal" penalties, over which the programme would have no influence; - the removal of a paragraph relating to the use of the sums retained as the costs of collecting own resources: the Commission stressed that this passage strengthened the commitment of the Member States to the programme; - a new financial envelope which halved the sums set aside for cooperation with customs authorities in third countries; - the removal of important amendments by the EP, such as those concerning cooperation with the associated CEECs, the introduction of a common symbol on the uniforms of customs officials throughout the Community, the creation of a European Customs Academy, access to certain information stored in the Member States' databases, the proposal to harmonise checks at the Community's external borders, and so on.