Allegations of infringements or poor administration under Community transit procedures

1995/2321(INI) - 13/03/1997 - Text adopted by Parliament, single reading

In adopting the report by Mr Edward KELLETT-BOWMANN (PPE, UK), the European Parliament called on its President to take the necessary steps to make public the report of the Committee of Inquiry containing allegations of infringements or poor administration under Community transit procedures. It urged the Commission, the Council and the Member States to ensure that action was taken on the conclusions of the inquiry, in accordance with the obligations of the decision of 19 April 1995. The main aspects of the Committee of Inquiry's recommendations were as follows: the Committee of Inquiry took the view that the viability of the transit regime and the credibility of the EU institutions depended on the attitude of the Commission, the Council and the Member States who were required to correct the said malfunctions quickly and effectively. To achieve this, the Committee of Inquiry proposed some forty recommendations affecting the customs sector, control measures, the judicial problem and the transit system proper. In the political domain, the Committee proposed cancelling or suspending the customs liabilities of operators. Customs services should be asked to agree to a suspension of demands for recovery which were made prior to the introduction of the 100% warranty for sensitive goods. The EU budgetary authorities should review the mechanism by which Member States retain 10% of the resources which they collect themselves and the entitlement to claim these deductions should be subject to proof that Member States are taking appropriate measures to protect the financial interests of the Community. The call was also made for current customs regulations to be simplified, so as to make controls more effective. Security of the Community transit system should be one of the primary concerns during negotiations on enlargement. Finally, while the signing of a mutual aid protocol with the Swiss authorities in January 1997 constituted a significant step forward, its implementation should be closely monitored and, within the framework of current negotiations with the Swiss with a view to concluding a bilateral agreement, the Commission was called on to ensure that the Swiss judicial authorities provide closer and more effective cooperation in the area of fraud and customs offences. With regard to customs services, the Committee of Inquiry called for these to function as if they were one and for a common customs investigation body to be set up as soon as possible (based on the Anti-Fraud Unit of the Commission). A central information office should be created to reinforce the mechanisms for information exchange between the various national customs services. Member States should recognize the crucial role which the customs services still played within the single market area and should review their policy of reducing manpower in this sector. Similarly, the judicial and administrative powers of the national customs services should be better adapted to the single market, particularly as regards the possibility of carrying out checks within the country in question. On the specific subject of controls, the Commission was called on to put in place a common policy for the application of physical checks, maximum journey times and route restrictions. Vehicles and containers used for transporting goods should be equipped with an electronic device which allows the position of the load to be determined at all times, the haulier who agrees to the installation of such a device being entitled to a reduction in customs security rates. Customs services were urged increasingly to explore the possibilities offered by existing control mechanisms and information exchange processes. This included examining the means to make trade in cigarettes more transparent (particularly with regard to the ownership chain and the financial transactions). In the judicial domain, formal procedures governing requests for legal assistance between Member States should be simplified and accelerated. The Committee of Inquiry called for the Convention on the protection of the financial interests of the European Communities to be ratified without delay by all Member States. It also advocated a system of mutual recognition of evidence to be set up by means of which evidence provided by another Member State may be declared admissible, and called for a system to be introduced whereby customs offences could be referred to the courts of a Member State, even if the offences in question had not been committed in the

territory of this State. Finally, the legislation of the Member States in respect of submission of evidence should be amended so that UCLAF might undertake criminal prosecutions and submit evidence to national courts under the same conditions as the national authorities. As far as the transit system was concerned, the Committee of Inquiry called for better use to be made of the potential offered by computerization (the Commission's NCTS project should be implemented as soon as possible). The time allotted to customs services for meeting their guarantee obligations should be reviewed and prior notification of changes in destination should be made compulsory. The Committee also called for proposals designed to extend the guarantee system to other means of transport, including shipping. Lastly, responsibility for taxes, duties and excise should be distributed more evenly among those who have a financial interest and/or who are physically in charge of the goods in transit.