Basic information

2003/0167(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Community customs code: treatments, controls and risk-related informations (amend. Regulation (EC) No 2913/92) **Subject** 2.10.01 Customs union, tax and duty-free, Community transit 7.30 Police, judicial and customs cooperation in general	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	FOURTOU Janelly (ALDE)	27/09/2004

Former committee responsible	Former rapporteur	Appointed
JURI Legal Affairs and Internal Market	FOURTOU Janelly (PPE-DE)	11/09/2003

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
CONT Budgetary Control	SØRENSEN Ole B. (ELDR)	09/09/2003
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	SØRENSEN Ole B. (ELDR)	07/10/2003
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2583	2004-05-17
Transport, Telecommunications and Energy	2625	2004-11-29

European Commission

Commission DG	Commissioner
Taxation and Customs Union	

Key events

Date	Event	Reference	Summary
24/07/2003	Legislative proposal published	COM(2003)0452	Summary
01/09/2003	Committee referral announced in Parliament, 1st reading		
07/04/2004	Committee report tabled for plenary, 1st reading	A5-0255/2004	
20/04/2004	Decision by Parliament, 1st reading	T5-0281/2004	Summary
06/06/2004	Vote in committee, 1st reading		
29/11/2004	Council position published	12060/2/2004	Summary
02/12/2004	Committee referral announced in Parliament, 2nd reading		
02/02/2005	Vote in committee, 2nd reading		Summary
04/02/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0021/2005	
23/02/2005	Decision by Parliament, 2nd reading	T6-0037/2005	Summary
23/02/2005	Results of vote in Parliament		
13/04/2005	Final act signed		
13/04/2005	End of procedure in Parliament		

Technical information

Procedure reference	2003/0167(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 026 EC Treaty (after Amsterdam) EC 135 EC Treaty (after Amsterdam) EC 133 EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/6/25247

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0255/2004	07/04/2004	
		T5-0281/2004		

Text adopted by Parliament, 1st reading/single reading		OJ C 104 30.04.2004, p. 0030-0129 E	20/04/2004	Summary
Committee recommendation tabled for plenary, 2nd reading		A6-0021/2005	04/02/2005	
Text adopted by Parliament, 2nd reading		T6-0037/2005 OJ C 304 01.12.2005, p. 0137-0182 E	23/02/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	09499/2004	20/09/2004	
Council position	12060/2/2004 OJ C 038 15.02.2005, p. 0036-0044 E	29/11/2004	Summary
Draft final act	03611/2005	13/04/2005	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0452	24/07/2003	Summary
Document attached to the procedure	COM(2003)0672	11/11/2003	Summary
Commission communication on Council's position	COM(2004)0770	30/11/2004	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0316/2004 OJ C 110 30.04.2004, p. 0072-0076	25/02/2004	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2005/0648
OJ L 117 04.05.2005, p. 0013-0019 Summary

Community customs code: treatments, controls and risk-related informations (amend. Regulation (EC) No 2913/92)

2003/0167(COD) - 13/04/2005 - Final act

PURPOSE: to amend the Community Customs Code in order to simplify administration and strengthen security at its external borders.

LEGISLATIVE ACT: Regulation 648/2005/EC of the European Parliament and of the Council.

CONTENT: This Regulation amends the Community Customs Code in order to establish an equivalent level of controls for goods entering and leaving the Community by introducing a system of pre-arrival and pre-departure declarations and by using an improved system of data communication and information sharing between Member States.

The Regulation, which modifies Regulation 2913/92, endeavours to establish a balance between the aim of strengthening security by better-targeted border controls and limiting the additional administrative burden for economic operators created by the obligation to deliver advance information to enable such controls.

ENTRY INTO FORCE: 11/05/2005.

Community customs code: treatments, controls and risk-related informations (amend. Regulation (EC) No 2913/92)

2003/0167(COD) - 30/11/2004 - Commission communication on Council's position

The Commission welcomes the Council's Common Position noting that the changes proposed provide greater clarity as well as more flexible legislation. The Commission also notes that the Common Position establishes an effective framework for an authorised economic operator programme through which reliable traders will be able to benefit from trade facilitation and security certification. Based on all of the considerations listed above, the Commission fully supports the Council's Common Position .

Community customs code: treatments, controls and risk-related informations (amend. Regulation (EC) No 2913/92)

2003/0167(COD) - 11/11/2003 - Document attached to the procedure

The European Commission has presented a report on the implementation of the Customs 2002 programme (1998-2002). Customs 2002 covers two types of project: "joint" actions and computer applications. I) The first part of the report concerns joint actions, i.e. those aspects of cooperation that are not directly related to information technology: exchanges of officials, project groups, seminars, benchmarking and training. It looks at the joint actions carried out over the last three years of Customs 2002 (2000, 2001, 2002) for a total cost of EUR 6.75 million, since those carried out earlier are covered in the 2001 interim report. The different aspects of the programme interested the national administrations, who were, by and large, satisfied with the course and results of the operations. In the participants' opinion, the improvements to be made relate above all to an even more finely tuned selection of subjects and participants. The dissemination of the results could be improved. 2) The second part presents the results and impact of the different computer applications and the organisational and management tools of the IT projects. A total of EUR 84 million was committed to the IT side of Customs 2002. Since the computerised systems have Community and national components, Customs 2002 only finances the Community component. The development and deployment of the CCN/CSI (Common Communication Network/Common System Interface) communication network required an investment of EUR 23 million, of which half was financed by Customs 2002 and the other half by Fiscalis. The NCTS (New Computerised Transit System) application represents 51% of the Customs 2002 IT budget (including half of the CCN/CSI expenditure and the management tools). The NCTS gave rise to considerable costs, since both development and deployment were involved. Most of the other customs applications were already in operation before the beginning of the programme. The "tariff" applications account for 15% of the total budget (those requiring most work were TARIC (Integrated Community Tariff), TQS (Tariff Quota and Surveillance), EBTI (European Binding Tariff Information), ISPP (Information System for Processing Procedures) and SMS (Specimen Management System). AFIS/SID and SIGL account for 13% and 5% respectively of the total budget. The report states that Customs 2002 has helped enhance cooperation both among Member States and between Member States and the Commission. In addition, it has prepared the way for the integration of future Member States' administrations into the management of Community customs. Because of the direct involvement of national and EU administrations in this type of programme, the credibility of evaluations would be improved if they could be based on the work of independent consultants. The objective of ensuring that Member States' customs administrations "work together as one" justifies intensifying our efforts. This is all the more necessary in view of the coming accession of new Member States and the changes to the external borders of the EU that this will bring with it. To ensure that our common external borders are well managed, facilitating cross-border traffic while controlling risks, it may be necessary to engage in more coordination between the various services concerned and renewed cooperation with our neighbours. The successors to Customs 2002 should be capable of taking suchdevelopments into account.

Community customs code: treatments, controls and risk-related informations (amend. Regulation (EC) No 2913/92)

2003/0167(COD) - 20/04/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 454 votes in favour, 7 against with 51 abstentions a number of amendments on the Community Customs Code regulation, with a vote under the simplified procedure. The resolution was drafted by Janelly FOURTOU (EPP-ED, France). The principal amendments were as follows: - Parliament deleted the provision permitting the conditions under which information provided by economic operators to customs might be disclosed to other authorities in the same Member State, other Member States, the Commission, or authorities in third countries; - Parliament set out the criteria for accreditation as authorised economic operators. The latter are those who might avail themselves of the simplified procedure; - a new clause is inserted stating that Customs authorities might carry out such controls as they deem necessary to ensure that customs rules and other legislation governing the international movement of goods between the customs territory of the Community and third countries and the presence of goods that do not have Community status are correctly applied. Customs controls for the purpose of verifying the correct application of Community legislation may be carried out in a third country where this is authorized by international agreement; - where controls are performed by authorities other than customs authorities, such controls must be performed in close coordination with the customs authorities, wherever possible at the same time and place; - customs and other competent authorities, such as veterinary and police authorities, may exchange data received in connection with the international movement of goods between the customs territory of the Community and third countries and the presence of goods that do not have Community status. They may also exchange such data with the customs authorities of Member States and the Commission, where this is required for the correct application of relevant legislation, so as to protect the security of citizens and businesses or to detect or prevent irregularities. The communication of confidential data to customs and other authorities (such as. security agencies) of third countries shall be permitted only in the context of an international agreement and provided that the data protection provisions in force, in particular Directive 95/46/EC and Regulation 45/2001, are observed; - Parliament stated that the committee procedure must be used to determine a number of matters, inter alia, the time-limit for lodging summary declaration before goods are brought into the customs territory of the Community; - the time limits for introducing electronic declaration and automated systems for the implementation of risk management and for the electronic exchange of data between customs offices have been extended.

Community customs code: treatments, controls and risk-related informations (amend. Regulation (EC) No 2913/92)

2003/0167(COD) - 29/11/2004 - Council position

In its Common Position, the Council notes that it is in broad agreement with the general objectives of the proposed Regulation, namely to establish an equivalent level of protection in customs controls for goods entering and leaving the Community. Some changes are proposed regarding the amendments put forward by the European Parliament at first reading. Most of the Parliamentary amendments (18 out of 26) have, however, been incorporated into the Common Position, reflecting the high level of agreement between the institutions. Proposed Council changes to Parliament's text are as follows:

- The inclusion of a reference to customs controls on goods leaving the Community.

- The acceptance of a reference to international agreements.

- Non-acceptance of different types of customs office.

- The inclusion of a reference to "the entry, exit, transit, transfer and end-use of goods" in the definition of "risk". The Council accepts the deletion of the definition of "authorised economic operator" – given that this has been inserted in a new Article.

- Refining the concept of "authorised economic operator" through the introduction of a differentiation between the recognition of the statues of "authorised economic operator" by Member States other than the Member State which initially granted that status and the authorisation for such operators to benefit from simpler customs rules.

- The inclusion of a reference to "financial solvency" as one of the criteria for accreditation as an "authorised economic operator".

- Adaptation of rules and conditions to be laid down by the Committee procedure in line with the modifications on the concept of "authorised economic operator".

The following amendments have not been accepted by the Council:

- The system of pre-departure declaration should not only apply in cases where the exporter is obliged by the third country to provide security-related information but should apply as part of a general system of security-related advance information.

- Deleting and suppressing the need for a summary declaration of goods leaving the EU customs territory from a free zone, has been rejected by the Council, on the grounds that such a move could result in security loopholes in the system of pre-departure declarations.

In addition to the items on which the European Parliament has delivered its Opinion and on which the Council common position is reflected above, the Council inserted two recitals clarifying its approach relating to the recognition of authorised economic operators and the simplifications granted to them.

Community customs code: treatments, controls and risk-related informations (amend. Regulation (EC) No 2913/92)

2003/0167(COD) - 24/07/2003 - Legislative proposal

PURPOSE : to simplify administration and strengthen security at its external borders. CONTENT : the purpose of the proposal for a Regulation amending the Community Customs Code is to bring together the basic concepts underlying the new security-management concept for the EU's external borders, such as a harmonised system for risk assessment. The Commission is therefore proposing a number of measures to tighten security around goods crossing international borders. The measures will be good for customs authorities, good for the public and good for traders because they will mean faster and better targeted checks. The proposed measures would: - require traders to provide customs authorities with information on goods before they are imported into or exported from the European Union. This information would take the form of an electronic summary declaration. It would be used as a basis for selecting goods for checks even before they arrive at the border, thus enabling them to cross it more quickly when they do arrive; - provide reliable traders with special, user-friendly options; - introduce a mechanism for the setting of risk-selection criteria that will apply throughout the Community; - introduce a computerised support system to help with implementation of risk management. This proposal is accompanied by two communications on the role of customs in the integrated management of external borders and on a simple and paperless environment for customs and trade. The first communication proposes that security checks be improved and reinforced. This would involve: - rationalising the work involved in checks at external borders by focusing on priority checks (such as checks to determine whether goods can be let in or not) at border posts; - establishing a common approach to risk management at external borders: for this, all public bodies responsible for the various aspects of the safety of traded goods (e.g. customs, veterinary-health services, environmental bodies and the police) will be called on to help establish criteria, and customs authorities in all Member States will need to apply the common approach homogeneously; - inducing traders and customs authorities to routinely send and process information electronically; - promoting cooperation and rapid exchange of information between all services responsible for the security of traded goods crossing the EU's external borders; - ensuring that all crossing points on the EU's external borders have the necessary equipment. The second communication proposes to simplify and rationalise customs legislation to take into account changes in business trends and to tackle fraud. Emphasis is given in particular to promoting modern techniques and a greater spread of information to help customs and economic operators apply the legislation in a consistent manner. FINANCIAL STATEMENT : - budget line : B 5307; - period of 12 months : EUR 300 000; current financial year : EUR 1 470 000; following financial year : EUR 2 040 000; - financial implications are linked to the setting up of an automated system for risk management.

Community customs code: treatments, controls and risk-related informations (amend. Regulation (EC) No 2913/92)

2003/0167(COD) - 23/02/2005 - Text adopted by Parliament, 2nd reading

By adopting the report by Janelly FOURTOU (ADLE, FR), the European Parliament adopted the legislative resolution on establishing the Community Customs Code.