Basic information

2012/0073(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security **Subject** 2.10.01 Customs union, tax and duty-free, Community transit 6.20.03 Bilateral economic and trade agreements and relations 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin **Geographical area** Canada	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	ŠŤASTNÝ Peter (PPE)	29/05/2012
	Shadow rapporteur JADOT Yannick (Verts/ALE) STURDY Robert (ECR) SCHOLZ Helmut (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Foreign Affairs	3170	2012-05-31
Economic and Financial Affairs ECOFIN	3252	2013-07-09

European Commission

Commission DG	Commissioner
Taxation and Customs Union	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
28/03/2012	Preparatory document	COM(2012)0144	Summary
31/05/2012	Debate in Council		Summary
26/06/2012	Legislative proposal published	11362/2012	Summary
16/04/2013	Committee referral announced in Parliament		
25/04/2013	Vote in committee		
30/04/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0152/2013	Summary
22/05/2013	Decision by Parliament	T7-0211/2013	Summary
22/05/2013	Results of vote in Parliament		
09/07/2013	Act adopted by Council after consultation of Parliament		
09/07/2013	End of procedure in Parliament		
23/12/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0073(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 207-p4 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/09236

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE496.442	24/09/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0152/2013	30/04/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0211/2013	22/05/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	11362/2012	26/06/2012	Summary

Document attached to the procedure	11587/2012	26/06/2012	

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0144	28/03/2012	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0144	25/07/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N7-0120/2012 OJ C 335 01.11.2012, p. 0006	12/04/2012	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2014/0941
OJ L 367 23.12.2014, p. 0008 Summary

EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security

2012/0073(NLE) - 28/03/2012

PURPOSE: to conclude the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security.

PROPOSED ACT: Council Decision.

LEGAL BASIS: Article 207(4) first subparagraph, in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the customs relations between the EU and Canada are based on the Agreement on customs cooperation and mutual assistance in customs matters (CMAA) that entered into force on 1 January 1998.

In December 2005, the Canada Border Services Agency (CBSA) signalled its interest to move forward with closer cooperation between the EU and Canada on supply chain security. Following a series of exchanges of views, an agreement was found between the Commission and the CBSA on the possible scope of the new agreement expanding the EU-Canada customs cooperation.

On 26 November 2009, the Council adopted a decision authorising the Commission to open negotiations with Canada. The negotiations were launched in May 2011.

The negotiations have resulted in the draft Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security which builds on and expands the CMAA.

The aim of this proposal is to conclude this Agreement on behalf of the European Union.

CONTENT: by this draft Decision, the Commission proposes that the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security be approved on behalf of the Union.

Characteristics of the Agreement: the draft Agreement will establish a legal basis for EU-Canada customs cooperation on matters of **supply chain security and risk management**, including reinforcing the customs related aspects for securing the logistics chain of international trade while at the same time:

- facilitating legitimate trade;
- establishing **minimum standards, to the extent practicable, for risk management techniques** and related requirements and programmes;
- working towards and, where appropriate, establishing **mutual recognition of risk management techniques**, risk standards, security controls, container security and trade partnership programmes including equivalent trade facilitation measures;
- **exchanging information** for supply chain security and risk management subject to the confidentiality of information and personal data protection requirements set out in Article 16 of the CMAA and in the relevant legislation of the Contracting Parties;
- establishing contact points for this purpose;
- introducing, where appropriate, an interface for data exchange, including for prearrival or pre-departure data;
- developing a strategy that allows the customs authorities to partner cooperatively in the area of cargo inspection;
- collaborating, to the extent practicable, in any multilateral fora where issues related to supply chain security may be appropriately raised and discussed.

The draft Agreement constitutes an expansion of the CMAA in line with Article 23 of the CMAA, which sets down that the Contracting Parties may expand the CMAA with a view to increasing the levels of customs cooperation and supplementing them by means of agreements on specific sectors or matters. The CMAA will remain the overall umbrella for customs cooperation between the Contracting Parties and the institutional set-up of the CMAA is proposed to be extended also to cover the draft Agreement. In practice, the EU-Canada Joint Customs Cooperation Committee (JCCC), established under

Article 20 of the CMAA, will administer both agreements and will be empowered to adopt the necessary implementing decisions in accordance with the respective domestic legislation of the Contracting Parties, e.g. on mutual recognition of risk management techniques, risk standards, security controls and trade partnership programmes.

BUDGETARY IMPLICATIONS: this proposal has no budgetary implications for the Union budget.

EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security

2012/0073(NLE) - 31/05/2012

The Council discussed negotiations with Canada on a comprehensive economic and trade agreement. It addressed key outstanding issues, notably on rules of origin and intellectual property rights, with particular reference to pharmaceutical products.

The Council was briefed by the Commission on progress achieved, especially in the areas of market access for goods, public procurement, services, dispute settlement and, to a lesser extent, sanitary and phytosanitary issues and investment protection.

It took note of the Commission's assessment of the prospects for concluding the agreement in the near future, and called for full transparency in the final stages of the negotiations.

EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security

2012/0073(NLE) - 12/04/2012 - Document attached to the procedure

Executive summary of the Opinion of the European Data Protection Supervisor on the proposal for a Council decision on the conclusion of the Agreement between the European Union and Canada with respect to matters related to supply chain security.

The EDPS recalls that relations between the EU and Canada in the area of customs are based on the Agreement on customs cooperation and mutual assistance in customs matters (CMAA) of 1998, which allows the contracting parties to expand the agreement to increase customs cooperation.

On 28 March 2012, the Commission adopted a proposal for a Council decision on the conclusion of the Agreement between the European Union and Canada with respect to matters related to supply chain security. The proposal was sent to the EDPS on the same day.

The proposal aims at expanding the CMAA through a new, complementary agreement and at establishing a legal basis for EU-Canada customs cooperation on matters of supply chain security and related risk management.

The draft agreement also aims at providing a legal basis for the exchange of information. While the exchange of personal data is not the main aim of the proposal, significant exchanges of personal data will take place, especially related to operators.

The EDPS' Opinion analyses (i) how the exchange of such personal data is regulated in the draft agreement; (ii) **relevant provisions of the CMAA agreement insofar as they have an effect on the processing of personal data under the draft agreement**.

Aim of the EDPS Opinion: according to the proposal, the draft agreement also aims at providing a legal basis for the exchange of information. While the exchange of personal data is not the main aim of the proposal, significant exchanges of personal data will take place, especially related to operators. The present Opinion will analyse **how the exchange of such personal data is regulated in the draft agreement**. The Opinion will also analyse **the relevant provisions of the CMAA agreement insofar as they have an effect on the processing of personal data under the draft agreement**. Taking into account that the draft agreement provides the legal basis for further cooperation, the Opinion also provides recommendations for **future decisions or agreements requiring the exchange of personal data that may be adopted on the basis of the draft agreement**.

Conclusion of the EDPS:

Although the EDPS welcomes the reference to the applicability of the confidentiality and privacy requirements of the contracting parties and the reference to Article 16 of the CMAA, he makes certain recommendations regarding additions to the text of the draft agreement where possible or in future decisions or agreements adopted on the basis of the draft agreement:

- clarifying that matters not falling within the common commercial policy should be excluded from the scope of the agreement;
- **narrowing and better defining the scope of the exchanges of personal data**;
- **specifying the categories of data to be exchanged**;
- as regards the **processing of sensitive data**, providing for adequate safeguards and subjecting the processing to prior check by EU national data protection authorities and the EDPS;
- guaranteeing to all data subjects the **rights of access, rectification and effective judicial and administrative redress**;
- informing data subjects on the characteristics of the processing;
- requiring adequate security measures;
- mentioning that compliance with the contracting parties personal data protection law shall be supervised by EU national data protection authorities, the EDPS and Canada's privacy commissioners;
- consulting the EDPS on further JCCC decisions regarding the processing of personal data.

EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security

2012/0073(NLE) - 26/06/2012 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council may adopt the act only if the European Parliament has given its consent.

LEGAL BASIS: Article 207(4) first subparagraph, in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

BACKGROUND: the Union and Canada should expand their customs cooperation to cover matters of supply chain security and related risk management with a view to increasing end-to-end supply chain security and at the same time facilitating legitimate trade.

In accordance with a Council Decision, the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security was signed, subject to its conclusion.

The Agreement should be approved on behalf of the EU.

LEGAL BASIS: Article 207(4) first subparagraph of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 218(6)(a) thereof.

CONTENT: with this Council proposal, it is proposed to approve on behalf of the European Union, the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security.

The position to be adopted by the Union within the EU-Canada Joint Customs Cooperation Committee (JCCC), when called upon to adopt acts having legal effects, should be decided in accordance with the procedure set out in Article 218(9) of the Treaty on the Functioning of the European Union. Where necessary, other positions to be taken by the Union within the JCCC should be established by the Council in accordance with Article 16 of the Treaty on European Union.

For further information concerning the main provision of the draft Agreement, as well as its financial implications for the European Union's budget, *please refer to the summary of the Commission's initial legislative proposal, dated 28/03/2012.*

EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security

2012/0073(NLE) - 28/03/2012 - Preparatory document

PURPOSE: to conclude the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security.

PROPOSED ACT: Council Decision.

LEGAL BASIS: Article 207(4) first subparagraph, in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the customs relations between the EU and Canada are based on the Agreement on customs cooperation and mutual assistance in customs matters (CMAA) that entered into force on 1 January 1998.

In December 2005, the Canada Border Services Agency (CBSA) signalled its interest to move forward with closer cooperation between the EU and Canada on supply chain security. Following a series of exchanges of views, an agreement was found between the Commission and the CBSA on the possible scope of the new agreement expanding the EU-Canada customs cooperation.

On 26 November 2009, the Council adopted a decision authorising the Commission to open negotiations with Canada. The negotiations were launched in May 2011.

The negotiations have resulted in the draft Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security which builds on and expands the CMAA.

The aim of this proposal is to conclude this Agreement on behalf of the European Union.

CONTENT: by this draft Decision, the Commission proposes that the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security be approved on behalf of the Union.

Characteristics of the Agreement: the draft Agreement will establish a legal basis for EU-Canada customs cooperation on matters of **supply chain security and risk management**, including reinforcing the customs related aspects for securing the logistics chain of international trade while at the same time:

- facilitating legitimate trade;
- establishing **minimum standards, to the extent practicable, for risk management techniques** and related requirements and programmes;
- working towards and, where appropriate, establishing **mutual recognition of risk management techniques**, risk standards, security controls, container security and trade partnership programmes including equivalent trade facilitation measures;
- **exchanging information** for supply chain security and risk management subject to the confidentiality of information and personal data protection requirements set out in Article 16 of the CMAA and in the relevant legislation of the Contracting Parties;
- establishing contact points for this purpose;
- introducing, where appropriate, an interface for data exchange, including for prearrival or pre-departure data;
- developing a strategy that allows the customs authorities to partner cooperatively in the area of cargo inspection;
- collaborating, to the extent practicable, in any multilateral fora where issues related to supply chain security may be appropriately raised and discussed.

The draft Agreement constitutes an expansion of the CMAA in line with Article 23 of the CMAA, which sets down that the Contracting Parties may expand the CMAA with a view to increasing the levels of customs cooperation and supplementing them by means of agreements on specific sectors or matters. The CMAA will remain the overall umbrella for customs cooperation between the Contracting Parties and the institutional set-up of the CMAA is proposed to be extended also to cover the draft Agreement. In practice, the EU-Canada Joint Customs Cooperation Committee (JCCC), established under

Article 20 of the CMAA, will administer both agreements and will be empowered to adopt the necessary implementing decisions in accordance with the respective domestic legislation of the Contracting Parties, e.g. on mutual recognition of risk management techniques, risk standards, security controls and trade partnership programmes.

BUDGETARY IMPLICATIONS: this proposal has no budgetary implications for the Union budget.

EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security

2012/0073(NLE) - 30/04/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade unanimously adopted the recommendation by Peter ŠŤASTNÝ (EPP, SK) on the draft Council decision on the conclusion of the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply-chain security.

The committee recommends the European Parliament to give its consent to the conclusion of the Agreement which seeks to reinforce the customs related aspects for securing the logistics chain of international trade - including container security - while at the same time facilitating legitimate trade.

EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security

2012/0073(NLE) - 22/05/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 661 votes to 6, with 21 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply-chain security.

Parliament gave its consent to the conclusion of the Agreement.

EU/Canada Agreement: customs cooperation with respect to matters related to supply chain security

2012/0073(NLE) - 27/06/2013 - Final act

PURPOSE: to conclude an Agreement between the EU and Canada on customs cooperation with respect to matters related to supply chain security.

NON-LEGISLATIVE ACT: Council Decision 2014/941/EU on the conclusion of the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security

BACKGROUND: in accordance with Council Decision 2012/643/EU, the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security was signed on 4 March 2013, subject to its conclusion.

The Agreement should be approved on behalf of the Union.

CONTENT: under this Decision, the Agreement between the European Union and Canada on customs cooperation with respect to matters related to supply chain security is approved on behalf of the Union.

The Agreement constitutes **an expansion of the CMAA**, which sets down that the Contracting Parties may expand the CMAA with a view to increasing the levels of customs cooperation and supplementing them by means of agreements on specific sectors or matters.

Objectives of the Agreement: the Agreement establishes a legal basis for EU-Canada customs cooperation on matters of:

- **supply chain security and risk management**, including reinforcing the customs related aspects for securing the logistics chain of international trade while at the same time: facilitating legitimate trade;
- establishing **minimum standards**, to the extent practicable, for risk management techniques and related requirements and programmes;
- working towards and, where appropriate, **establishing mutual recognition of risk management techniques,** risk standards, security controls, container security and trade partnership programmes including equivalent trade facilitation measures;
- **exchanging information** for supply chain security and risk management subject to the confidentiality of information and personal data protection requirements set out in Article 16 of the CMAA and in the relevant legislation of the Contracting Parties;
- establishing contact points for exchanging information;
- introducing, where appropriate, an interface for data exchange, including for prearrival or pre-departure data;
- developing a **strategy that allows the customs authorities to partner cooperatively** in the area of cargo inspection;
- collaborating, to the extent practicable, in any multilateral fora where issues related to supply chain security may be appropriately raised and discussed.

Institutional provisions: the Joint Customs Cooperation Committee (JCCC), established under the CMAA, shall see to the proper functioning of this Agreement and be empowered to adopt decisions to implement this Agreement in accordance with the respective domestic legislation of the Contracting Parties, on aspects, such as mutual recognition of risk management techniques, risk standards, security controls and trade partnership programmes.

The position to be adopted by the Union within the EU-Canada Joint Customs Cooperation Committee (JCCC), when called upon to adopt acts having legal effects, should be decided in accordance with the procedure set out in Article 218(9) of the Treaty on the Functioning of the European Union. Where necessary, other positions to be taken by the Union within the JCCC should be established by the Council in accordance with Article 16 of the Treaty on European Union.

ENTRY INTO FORCE: the Decision enters into force on 27. 06.2013. The date of entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.