Basic information

2012/0027(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Union Customs Code. Recast Repealing Regulation (EC) No 450/2008 2005/0246(COD) Amended by 2016/0229(COD) Amended by 2018/0040(COD) Amended by 2018/0123(COD) **Subject** 2.10.01 Customs union, tax and duty-free, Community transit 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
IMCO Internal Market and Consumer Protection	LE GRIP Constance (PPE)	14/09/2011
	Shadow rapporteur RAPTI Sylvana (S&D) SCHMIDT Olle (ALDE) RÜHLE Heide (Verts/ALE) BIELAN Adam (ECR) SALVINI Matteo (EFD)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	MUSCARDINI Cristiana (PPE)	26/03/2012
JURI Legal Affairs	SPERONI Francesco Enrico (EFD)	03/07/2012

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3258	2013-09-26
Competitiveness (Internal Market, Industry, Research and Space)	3208	2012-12-10

Commission DG	Commissioner

European Commission	Taxation and Customs Union	ŠEMETA Algirdas
European Economic and Social Committee		

Key events

Date	Event	Reference	Summary
20/02/2012	Legislative proposal published	COM(2012)0064	Summary
13/03/2012	Committee referral announced in Parliament, 1st reading		
10/12/2012	Debate in Council		
18/12/2012	Vote in committee, 1st reading		
26/02/2013	Committee report tabled for plenary, 1st reading	A7-0006/2013	Summary
10/09/2013	Debate in Parliament		
11/09/2013	Decision by Parliament, 1st reading	T7-0359/2013	Summary
11/09/2013	Results of vote in Parliament		
26/09/2013	Act adopted by Council after Parliament's 1st reading		
09/10/2013	Final act signed		
09/10/2013	End of procedure in Parliament		
10/10/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0027(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 450/2008 2005/0246(COD) Amended by 2016/0229(COD) Amended by 2018/0040(COD) Amended by 2018/0123(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 207 Treaty on the Functioning of the European Union TFEU 033 Treaty on the Functioning of the European Union TFEU 114-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/08924

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE494.493	13/09/2012	
Committee opinion	INTA	PE492.800	15/10/2012	
Amendments tabled in committee		PE498.017	29/10/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0006/2013	26/02/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0359/2013	11/09/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00036/2013/LEX	09/10/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0064	20/02/2012	Summary
Commission response to text adopted in plenary	SP(2013)774	06/12/2013	
Follow-up document	COM(2018)0039	22/01/2018	Summary
Follow-up document	COM(2019)0629	13/12/2019	Summary
Follow-up document	SWD(2019)0434	13/12/2019	Summary
Follow-up document	COM(2020)0806	14/12/2020	
Follow-up document	SWD(2020)0339	15/12/2020	
Follow-up document	COM(2021)0791	14/12/2021	
Follow-up document	SWD(2021)0382	14/12/2021	
Follow-up document	SWD(2022)0158	31/05/2022	
Follow-up document	SWD(2022)0159	31/05/2022	
Follow-up document	COM(2023)0068	10/02/2023	
Follow-up document	SWD(2023)0029	10/02/2023	

Follow-up document	COM(2023)0079	17/02/2023	
Follow-up document	COM(2024)0395	09/09/2024	
Follow-up document	SWD(2024)0214	09/09/2024	
Follow-up document	COM(2025)0579	02/10/2025	
Follow-up document	SWD(2025)0281	02/10/2025	
Follow-up document	COM(2026)0362	13/07/2026	
Follow-up document	SWD(2026)0180	13/07/2026	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0064	24/05/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1297/2012	23/05/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Corrigendum to final act 32013R0952R(01)
OJ L 287 29.10.2013, p. 0090 Summary

Regulation 2013/0952
OJ L 269 10.10.2013, p. 0001 Summary

Corrigendum to final act 32013R0952R(03)
OJ L 267 30.09.2016, p. 0002

Delegated acts	
Reference	Subject
2015/2822(DEA)	Examination of delegated act
2015/3042(DEA)	Examination of delegated act
2019/2658(DEA)	Examination of delegated act
2020/2619(DEA)	Examination of delegated act
2018/2766(DEA)	Examination of delegated act
2016/2639(DEA)	Examination of delegated act
2018/2704(DEA)	Examination of delegated act
2019/2656(DEA)	Examination of delegated act
2016/2656(DEA)	Examination of delegated act
2018/3000(DEA)	Examination of delegated act
2020/2908(DEA)	Examination of delegated act
2020/2890(DEA)	Examination of delegated act
2021/2844(DEA)	Examination of delegated act
2022/3018(DEA)	Examination of delegated act
2023/2619(DEA)	Examination of delegated act
2023/3010(DEA)	Examination of delegated act
2024/2974(DEA)	Examination of delegated act
2026/2715(DEA)	Examination of delegated act

Union Customs Code. Recast

2012/0027(COD) - 20/02/2012 - Legislative proposal

PURPOSE: to carry out a recast of Regulation (EC) n° 450/2008 ((Modernised Customs Code)) before the current date of application.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: Regulation No 450/2008 entered into force on 24 June 2008, but it is not yet applicable. It shall be applicable once its implementing provisions are in force and on 24 June 2013 at the latest. The Commission proposes to amend Regulation (EC) No 450/2008 ('MCC') before it becomes applicable for the following reasons:

- **the implementation most of the processes** to be introduced depends on the definition and the development, by the Commission, the national customs administrations and the economic operators, of a wide range of electronic systems. This requires important investments in new EU wide IT systems and supporting activities as well as an unprecedented effort from the business community to operate according to new business models. It is now apparent that only a very limited number or even no new customs IT systems may be introduced in June 2013, the latest legal date for the implementation of the MCC;

- **following the entry into force of the Lisbon Treaty**, the Commission must propose amendments so that implementing provisions of the MCC which have to be "split" between delegated acts and implementing acts in accordance with new provisions in line with Articles 290 and 291 TFEU. Moreover, the "Community" Customs Code (Modernised Customs Code) has now to be renamed the "Union" Customs Code (UCC);

- **there is a need to adjust some provisions of the MCC** which are no longer in line with changes introduced since 2008 to current customs legislation or have proved difficult to implement through sound measures and workable business processes (such as the temporary storage of goods or a customs declaration through an entry of data in the declarant's records).

Consequently the Commission found it was appropriate to proceed to a recast of Regulation (EC) No 450/2008 before its currently scheduled application. Policy objectives remain those of the Regulation to be recast.

The proposal preserves the objectives of Regulation (EC) No 450/2008, which were fully in line with existing policies and objectives relevant to the trade of goods brought into and out of the customs territory of the Union.

IMPACT ASSESSMENT: a full recast of the MCC before its currently scheduled application is the only comprehensive solution which will avoid changing Regulation (EC) N° 450/2008 twice at a very short notice and would also allow the introduction of the adjustments necessary for a sound implementation of that new legal and procedural framework.

As the proposal for Regulation (EC) N° 450/2008 to be recast has already gone through an impact assessment and the proposed changes introduced by this Regulation are justified by technical and procedural considerations, there is no need for an Impact Assessment.

LEGAL BASIS: Articles 33, 114 and 207 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed action is to **replace Regulation (EC) No 450/2008 (Modernised Customs Code) with a recast Regulation** which: (i) postpones the date of application of the Modernised Customs Code, (ii) aligns it to the Treaty of Lisbon, (iii) adjusts it to the practical aspects and developments in customs legislation and in other policy fields relevant to the movement of goods between the EU and third countries and (iv) allows sufficient time for the development of supporting IT systems.

Most of the provisions of the Regulation to be recast are affected by changes, either due to the need to align provisions with the Lisbon Treaty or to the need for adjustments because of the further evolution of relevant EU legislation. The overall structure of the Regulation remains the same

BUDGETARY IMPLICATIONS: the budgetary implications are the same as those relating to Regulation (EC) No 450/2008 being recast. The Commission, Member States and traders will have to invest in accessible, inter- operable customs clearance systems. The financial implications concerning the EU share of IT developments for that purpose are set out in the proposal for the FISCUS programme.

Union Customs Code. Recast

2012/0027(COD) - 13/12/2019 - Follow-up document

This Commission staff working document accompanies the report from the Commission on progress in developing the electronic systems provided for under the Union Customs Code (UCC).

In particular, the document sets out the detailed information and progress reporting per project.

The progress of the Commission and the Member States in developing each of the electronic systems is assessed, taking particular account of the following milestones:

- the date of publication of the technical specifications for the external communication of the electronic systems;

- the period of conformance testing with economic operators;

- the expected and actual dates of deployment of the electronic systems.

The progress with the different projects for systems is presented as follows:

- for the trans-European systems, the analysis refers to the European Commission’s activities only when central while for the systems that involve national input and even in some cases national components the analysis refers to both the Commission’s and Member States’ activities. For the national systems, only Member States’ activities are reported;

- for projects that have already been initiated and even completed, an overview of the project progress, a summary of responses, as well as a visual illustration of progress against planned milestones is provided;

- for projects that have not yet been initiated, an overview of the planned project progress is provided.

Union Customs Code. Recast

2012/0027(COD) - 13/12/2019 - Follow-up document

The Commission presented a report giving an overview of the progress made in the implementation of the electronic systems provided for in the Union Customs Code (UCC), which is the main legal framework governing customs rules and procedures in the customs territory of the Union.

The UCC provides for the transition to a paperless environment for customs formalities. To achieve this objective, the UCC requires the European Commission and the Member States to upgrade most of the existing electronic systems, interconnect some of these systems at trans-European level and introduce a number of new systems to complete the full automation of the customs procedures and formalities.

The projects listed in the UCC work programme can be divided into three system categories:

- 11 trans-European central systems to be developed or upgraded by the Commission (often also requiring developments or upgrades by the Member States of national systems);

- three decentralised trans-European systems that have to be developed or upgraded by the Commission but have a major national component to be implemented by the Member States;

- three national systems that have to be developed or upgraded by the Member States themselves.

Challenges and progress made

The report highlighted that the Commission and the Member States face challenges in ensuring the full deployment of the UCC electronic systems by the relevant deadlines. There are resource issues in Member States, the systems are complex and interconnected, and there must be a smooth transition from existing systems to upgraded ones, so that the impact on trade is minimised.

Nevertheless, it is also clear that tangible progress is being made. An important number of electronic systems have already been deployed and are now fully operational. The remaining ones are mostly on track and planned to be completed in the period 2020-2025 in line with the planning of the projects defined in the UCC work programme. The Commission has successfully upgraded or deployed six core systems and will complete two more by 31 December 2020. Thus, by the end of 2020, the Commission will have completed eight of the fourteen trans-European systems for which it is responsible.

The six completed trans-European core systems (new systems and upgrades) are: (i) Registered Exporters System (REX); (ii) Customs Decisions (CDS); (iii) Direct Trader Access to European Information Systems - UUM&DS (Uniform User Management and Digital Signature); (iv) Upgrade of the Economic Operators Registration and Identification (EORI) system; (v) Surveillance 3 in the framework of the CDU; (vi) Binding Tariff Information (BTI).

The two trans-European core systems to be completed by 31 December 2020 are: (i) Upgrading of Authorised Economic Operators (AEO); (ii) Information Sheets for Special Procedures (INF).

Remaining systems

Most of the remaining systems are on track and are expected to be completed during the period 2020-2025 according to the project planning defined in the UCC work programme. The report provides an overview of the planning and progress made.

As regards the remaining systems, although a number of issues have been raised at Member State level, no critical risks have been identified at the time of writing. However, the IT teams of the Commission and of the Member States Customs Administrations need to be provided with the appropriate resources to mitigate the existing high risks of missing deadlines for some of the systems, notably concerning national systems. There is a need to ensure appropriate statutory staff in the IT teams to lead the projects, and financial resources in the current Customs 2020 and future replacement programme to ensure the delivery by outsourcing partners.

Future steps

The Commission and the Member States will continue their regular meetings to steer and monitor the projects via the multi-annual strategic plan for customs dashboards and the enhanced requirements for planning and reporting on progress in the implementation of the UCC work programme. The Commission and the Member States will also continue the elaboration and development work for the remaining trans-European systems in terms of business cases and vision documents, as well as to prepare the functional and technical specifications (including transitional technical specifications in some cases) as the basis for the systems rollouts and deployments.

The Commission plans to take additional mitigation measures from the beginning of 2020, in the form of a coordination programme to assist Member States in the deployment of their components of the Automated Export Systems (AES) and the New Computerised Transit System (NCTS) in particular, and a monitoring programme to assess progress in this area. Many Member States, for their part, have expressed their willingness to take mitigation measures to ensure that planning deadlines are met.

Union Customs Code. Recast

2012/0027(COD) - 22/01/2018 - Follow-up document

The Commission presented a report on the implementation of the Union Customs Code and on the exercise of the power to adopt delegated acts pursuant to Article 284 thereunder.

The European Union adopted the Union Customs Code (UCC). Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code entered into force on 30 October 2013 although most of its substantive provisions took effect from 1 May 2016.

Notwithstanding the fact that the UCC is still in this transitional phase, the European Commission has prepared the present report so as to **take stock of the state of play of implementation of the legislative provisions and delivery of the electronic systems**.

In addition, the Commission herewith reports to the European Parliament and the Council, as required, on its use of the delegation of power to adopt delegated acts conferred by Article 284 of the UCC.

State of implementation of the UCC legislative package: the UCC package was **implemented on time** on 1 May 2016. The Commission has **not so far identified any major problems** in its application, although it is clear that both the benefits and the impact of the UCC will only be fully evident when all the related IT systems have been deployed.

Since the UCC's entry into force, **the Commission has continued the process of regular meetings with Member States and trade representatives** in order to identify and address problems with the legislation, assist in its interpretation and explore the scope for further simplification of processes.

The Commission has paid particularly close attention at all times to the need for **realistic timelines** and to the costs and general impact of the changes on customs and trade. It has set up a number of project groups under Customs 2020, involving both Member States and trade representatives, to look at some concrete business cases.

Furthermore, **pilot testing** in conjunction with trade and Member States is ongoing, as provided for in the UCC, to test new methods and find better ways to address challenges such as those posed by increased internet sales, lack of availability of data and the need for systems-based approaches.

The process of **regular dialogue** with stakeholders has led to some further amendments and additions to the UCC legal package since 1 May 2016.

The first deadline for the operation of some of the seventeen IT systems listed in the UCC Work Programme was 2017 and this deadline has been met. However, it has also become clear that **not all the systems can be fully completed** by the 2020 deadline due to the complexity of these systems.

The harmonisation of the data requirements (i.e. the data that the customs authorities of the Member States require from economic operators) has proved to be one of the main challenges for the development of the IT systems.

Next steps: the Commission views as a considerable achievement the fact that the UCC which introduced such major changes has not encountered any major legislative problems during its first eighteen months of implementation. However, it is clear that the **impact of the UCC must be studied in a comprehensive way** in the future so as to determine whether the UCC has met the goals for which it was designed.

The Commission proposes, therefore to

- carry out **by 2021 an interim evaluation of the UCC legal framework** and the electronic systems implemented by that date;
- continue to propose corrections or **technical amendments** to the UCC legal package necessary to ensure the continued smooth functioning of the legislative framework;
- consider **tabling a legislative proposal in early 2018 for an amendment to the UCC**, so as to extend to 2025 at the latest the period during which transitional arrangements can be used in respect of the customs formalities that are dealt with by the IT systems which cannot be fully implemented by 2020;
- **update the UCC Work Programme** via a Commission Implementing Decision.

Exercise of the power to adopt delegated acts: concerning the use of the power to adopt delegated acts conferred by Article 284 (2) of the UCC, the Commission believes that it has exercised these powers actively and appropriately.

Until November 2017, the Commission exercised its power to adopt delegated acts **four times**. When preparing the delegated acts the Commission consulted all relevant stakeholders and ensured the timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The European Parliament and the Council did not object to the adoption of any of those acts.

In order to ensure that the EU customs legislation is constantly adapted to the technical requirements and technological progress of customs activity, the Commission is of the view that the **power to adopt delegated acts conferred on it should be extended** for a further period of five years.

Union Customs Code. Recast

2012/0027(COD) - 26/02/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Constance LE GRIP (EPP, FR) on the proposal for a regulation of the European Parliament and of the Council laying down the Union Customs Code (recast). The committee recommends that Parliament adopt its position in first reading following the ordinary legislative procedure, and amend the Commission proposal. The main amendments are as follows:

Authorised economic operator (AEO): the report states clearly that the status of an authorised economic operator shall entitle the holder to “facilitations” relating to security and safety, including fewer controls at the point of import or export and may also be taken into account for post-clearance controls. Several provisions of the EU Guidelines on authorised economic operators have been incorporated in the text as well as provisions of the Modernised Customs Code Implementing Provisions). The committee considers that these provisions should be part of the directive itself rather than implementing acts.

Centralised clearance: the report states that the **customs office at which the customs declaration is lodged** or made available shall carry out the formalities for the verification of the declaration, the recovery of the amount of import or export duty corresponding to any customs debt and for granting release of the goods taking into account information received from that office. The **customs office at which the goods are presented** shall, without prejudice to its own controls for security and safety purposes, carry out any examination justifiably requested by the customs office at which the customs declaration has been lodged and shall allow release of the goods, taking into account information received from that office.

Consultation of stakeholders: the committee states that because some or all provisions of a draft delegated act could fundamentally change the way in which the basic rules set out in the Regulation were applied prior to its entry into force, the Commission shall ensure that proper pre-adoption consultation with the Council, the European Parliament and the business community takes place in good time and that their views are taken into account before a delegated act is adopted so as to avoid potentially negative effects on the Union's competitiveness.

Members add that further modernisation of the Union's customs legislation should take due account of the views of economic operators in order to ensure effective administrative simplification.

Use of electronic systems by all Member States: the report notes that the Commission proposed derogations for one or several Member States from the mandatory use of electronic data interchange between customs administration and economic operators introduced in the Modernised Customs Code. Members consider that such a policy would lead to a two-speed approach to Customs processes across the EU with a risk of widening the gap between those Member States that choose to invest and those that do not. They feel it essential that the **Code be applied uniformly in all 27 Member States.** The amended text therefore specifies that the Commission may adopt, **in exceptional cases and for a limited period of time**, decisions allowing one or several Member States to use, by way of derogation, means of exchange and storage of data other than electronic data-processing techniques. Such derogations shall not affect the developing, maintenance and employment of the electronic systems for the exchange of data

Testing further simplification using electronic data-processing techniques: tests of simplifications should be available to all Member States that wish to participate. Once the time limit of the test has expired, the Commission shall **undertake an evaluation** in order to determine its benefits. The text sets out the non-essential elements of the Regulation concerning simplification tests.

Rules on origin: the committee considers that the criteria governing the application of rules of origin are essential elements and should be made explicit in the directive itself. The proposal incorporates several provisions of the Modernised Customs Code Implementing Provisions and the Union Customs Code.

It also considers it essential for consumer protection and for EU industry for the Commission to be able to **adopt measures on traceability of the origin of products transiting EU customs from third countries**, as a means of preventing and combating counterfeiting.

Rules on preferential origin of goods: the text states that the rules defining the preferential origin of goods shall be based on the criterion of "whole obtention" or sufficient processing operation.

Declaration for temporary storage: the text states that non-Union goods presented to customs shall be covered by a declaration for temporary storage which shall **include a reference to any entry summary declaration** lodged for the goods presented to customs, except where they have already been in temporary storage or have been placed under a customs procedure and have not left the customs territory of the Union. The text also sets out the forms which the declaration for temporary storage may take including a reference to any entry summary declaration lodged for the goods concerned, supplemented by the particulars of a declaration for temporary storage

Lodging and the responsible person: a new clause states that the entry summary declaration shall be lodged using electronic data processing techniques and shall be governed by means of the **multiple filing system as recommended by the World Customs Organisation (WCO) Safe Framework of Standards**. That system shall be based on the principle that information needs to be collected from the person who has it available and who holds the appropriate right to submit it.

Pre-arrival notification: the Commission's proposal stipulates that goods can be released or otherwise selected for control only after their arrival in the territory of the Union. The committee feels that this would cause considerable delays at the point of entry into the EU. The amended text states that **customs declarations which comply with the relevant conditions shall be accepted by the customs authorities immediately**, provided that the goods to which they refer have been presented to customs or, to the satisfaction of the customs authorities, are notified in advance and subsequently made available for customs controls. Where the declaration takes the form of an entry in the declarant’s records and access to those data by the customs authorities, the declaration shall be deemed to have been accepted at the moment at which the goods are entered in the records. The customs authorities may, without prejudice to the declarant's legal obligations or to the application of security and safety controls, waive the obligation for the goods to be presented or to be made available for customs control.

Union Customs Code. Recast

2012/0027(COD) - 11/09/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 630 votes to 47, with 11 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down the Union Customs Code (recast).

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise negotiated between the European Parliament and the Council. They amend the proposal as follows:

Means for the exchange and storage of information and common data requirements: the Regulation stipulates that, except in exceptional cases, all exchanges of information, such as declarations, applications or decisions, between customs authorities and between economic operators and customs authorities, and the storage of such information, as required under the customs legislation, shall be made using electronic data-processing techniques.

Common data requirements shall be drawn up for the purpose of the exchange and storage of information.

Information systems: Member States shall cooperate with the Commission to develop, maintain and employ electronic systems for the exchange of information between customs authorities and with the Commission and for the storage of such information, in accordance with the Code.

Registration: economic operators established in the customs territory of the Union shall register with the customs authorities responsible for the place where they are established. In specific cases, economic operators which are not established in the customs territory of the Union shall register with the customs authorities responsible for the place where they first lodge a declaration or apply for a decision. Persons other than economic operators shall not be required to register with the customs authorities unless otherwise provided. In specific cases, the customs authorities shall invalidate the registration.

Customs representative: as a general rule, a customs representative should be established in the customs territory of the Union. That obligation should be waived where the customs representative acts on behalf of persons who are not required to be established within the customs territory of the Union or in other justified cases.

Status of authorised economic operators: compliant and trustworthy economic operators should enjoy the status of 'authorised economic operator' subject to the granting of an authorisation for customs simplifications or an authorisation for security and safety, or both.

Depending on the type of authorisation granted, authorised economic operators should be able to:

- take maximum advantage of widespread use of customs simplifications or;
- benefit from facilitations relating to security and safety. They should also be given more favourable treatment in respect of customs controls, such as fewer physical and document-based controls.

Compliant and trustworthy economic operators should benefit from international mutual recognition of the status of 'authorised economic operator'.

Right to be heard: the Regulation stipulates that it is necessary, in addition to the right of appeal against any decision taken by the customs authorities, to provide for the right of every person to be heard before any decision is taken which would adversely affect him or her. However, restrictions to that right may be justified in particular where the nature or the level of the threat to the security and safety of the Union and its residents, to human, animal or plant health, to the environment or to consumers so requires.

Comprehensive guarantee with a reduced amount: a comprehensive guarantee with a reduced amount, including for customs debts and other charges which have been incurred, or a comprehensive guarantee with a guarantee waiver, should be authorised under certain conditions.

Implementing powers: in order to ensure uniform application of the customs controls, it is proposed that implementing powers be conferred on the Commission in a number of areas.

Union Customs Code. Recast

2012/0027(COD) - 09/10/2013 - Final act

PURPOSE: to update the Union Customs Code.

LEGISLATIVE ACT: Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code.

CONTENT: the **recast of the Union Customs Code** aims to update the Customs Code laid down under Regulation (EC) No 450/2008.

The amendments to the current Customs Code were made to ensure that provisions are consistent with the Treaty on the Functioning of the European Union (TFEU), which entered into force on 1 December 2009 and to the evolution of relevant EU and international legislation.

The new Regulation establishes the Customs Code which contains general rules and procedures which ensure the implementation of tariff and other common policy measures introduced at Union level in connection with trade in goods between the Union and countries or territories outside the customs territory of the Union. It aims to:

- provide **more legal certainty** to businesses and national customs administrations;
- promote the **use of electronic procedures** and a more uniform application of legislation during customs control at the EU's external borders;
- contribute to **efficient and simple clearance procedures** that will facilitate trade and reduce costs for businesses.

The new Regulation provides that economic operators established in the customs territory of the Union shall **register with the customs authorities responsible for the place where they are established.** In specific cases, economic operators that are not established in the customs territory of the Union shall register with the customs authorities responsible for the place where they first lodge a declaration or apply for a decision.

Persons other than economic operators will not be required to register with the customs authorities unless otherwise provided.

As a general rule, a **customs representative** should be established in the customs territory of the Union. That obligation should be waived where the customs representative acts on behalf of persons who are not required to be established within the customs territory of the Union or in other justified cases.

Compliant and trustworthy economic operators will enjoy the **status of 'authorised economic operator'** subject to the granting of an authorisation for customs simplifications or an authorisation for security and safety, or both.

Depending on the type of authorisation granted, authorised economic operators will be able to:

- take maximum advantage of widespread use of customs simplifications or benefit from facilitations relating to security and safety;
- receive more favourable treatment in respect of customs controls, such as fewer physical and document-based controls.

Compliant and trustworthy economic operators will benefit from **international mutual recognition** of the status of 'authorised economic operator'.

In addition to the right of appeal against any decision taken by the customs authorities, the Regulation provides for the right of every person to be heard before any decision is taken which would adversely affect him or her. However, restrictions to that right may be justified in particular where the nature or the level of the threat to the security and safety of the Union and its residents, to human, animal or plant health, to the environment or to consumers so requires.

The new Code lays down at Union level the rules governing the destruction or disposal otherwise of goods by the customs authorities, since these are matters which previously required national legislation.

Lastly, the Regulation authorises, under certain conditions, a **comprehensive guarantee with a reduced amount,** including for customs debts and other charges which have been incurred, or a comprehensive guarantee with a guarantee waiver.

ENTRY INTO FORCE: 20/10/2013.

APPLICATION: from 30/10/2013 or from 01/06/2016, depending on the provisions.

DELAGATED ACTS: the Commission may adopt delegated acts, inter alia, in order to: i) ensure a paperless environment for customs and trade; (ii) supplement the factors on the basis of which import or export duty and other measures are applied; (iii) ensure a consistent and equal treatment of persons concerned by customs formalities and controls; (iv) ensure free movement of Union goods in the customs territory of the Union and customs treatment of non-Union goods brought into that territory.

The power to adopt delegated acts is conferred on the Commission for a **period of five years from 30 October 2013.** The European Parliament or Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If either Parliament or council express objections, the delegated act will not enter into force.

In order to ensure uniform conditions for the implementation of the Regulation, **implementing powers** are conferred on the Commission in a large number of areas.

Union Customs Code. Recast

2012/0027(COD) - 09/10/2013 - Corrigendum to final act

PURPOSE: **Corrigendum** to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code

(regulation originally published in the Official Journal (OJ) of the European Union L 269 of 10 October 2013)

The corrections relate to dates and deadlines initially foreseen in regard to the application of certain provisions.

The regulation foresees that the provisions of the regulation establishing the delegation of powers and the attribution of implementing powers and the provisions relating to fees and costs shall apply from the date of entry into force of the regulation. The correction clarifies that **the other provisions shall apply from 1st May 2016** (and not from 1st June 2016).