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2013/0410 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to Article 294(6) of the Treaty on the Functioning of the European Union**

**concerning the**

**position of the Council on the adoption of a Regulation of the European Parliament and  
of the Council amending Council Regulation (EC) No 515/97 on mutual assistance  
between the administrative authorities of the Member States and cooperation between  
the latter and the Commission to ensure the correct application of the law on customs  
and agricultural matters**

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**1. BACKGROUND**

Date of transmission of the proposal to the European Parliament and to the Council 25.11.2013.  
(document COM(2013) 0796 final – 2013/0410 (COD):

Date of the position of the European Parliament, first reading: 18.03.2014.

Date of adoption of the position of the Council: 15.06.2015.

**2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION**

The Commission's proposal amending Regulation 515/97 was adopted on 25 November 2013. Its main aim is to facilitate the fight against customs fraud both at the EU and national level by improving the availability of import, export and transit data as well as data on the movements of containers. In addition, the proposal seeks to ensure timely availability of supporting documents held by the economic operators. Furthermore, the proposal aims to clarify the possibility of using information obtained via mutual assistance as evidence in criminal and administrative proceedings in the Member States. The main elements of the proposal are the following: creation of a centralised directory of Container Status Messages (CSMs); creation of an Import, export, transit directory; it also clarifies the possibility of using information obtained via mutual assistance as evidence in judicial and administrative proceedings; and specifies the procedure for obtaining by the Commission supporting documents held by the economic operators.

**3. COMMENTS ON THE POSITION OF THE COUNCIL**

The Council's position by and large endorses the core elements of the Commission's proposal, with some changes as to the details. Those amendments include clarification that the information obtained via mutual assistance may be used as evidence in judicial proceedings only in case the Member State sending information does not object to such use. The position also extends the amendment relating to admissibility of evidence to cover information obtained via spontaneous assistance mechanism; limits the scope of data to be included in the proposed directories; adds a provision governing the sanctions for failure to report CSMs by the carriers; eliminates the provision on transfer of data from the proposed directories to

international organisations and EU agencies; and slightly modifies the procedure for obtaining supporting documentation by the Commission.

The Commission supports these amendments.

Following the informal tripartite discussions on 11 November 2014, 10 December 2014 and 18 December 2014 the Parliament, the Council and the Commission reached provisional political agreement on the text of the amendment of Regulation 515/97.

This political agreement was confirmed by the Council on 10 June 2015, and on 15 June 2015 the Council adopted its first reading position.

#### **4. CONCLUSION**

As all amendments introduced to the Commission proposal were discussed during the informal tripartite discussions, the Commission can accept the amendments that the Council adopted in its first reading position.