



Confederation Internationale Des Agents en Douane

## Regulatory framework

- COM (2005) 608 Implementing the Community Lisbon programme Proposal for a Modernized Custom Code
- Modernized Custom Code Reg.450/2008
- Union Custom Code – UCC Reg. (UE) n. 952/2013
- Delegated regulation Reg. (UE) n. 2446/2015 – DA
- Commission Implementing Regulation (UE) 2447/2015 – IA
- Commission Implementing decision 2014/255 UE of 29 April 2014 establishing the Work Programme for the Union Customs
- Delegated Regulation (EU) 2016/341 Transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446
- Commission Implementing decision 2016/578 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code
- 13 Guidelines

# Table of Times for the Implementation of the Union Code

2005 Proposal for a Modernized Custom Code

2008 Published Modernized Custom Code

2008 to 2013 Recast Process

2013 Published Union Custom Code

2016 First May Entry into a force Union Custom Code

11 Years for the Union Custom Code

## The Reasons fo a New Code

- Align the basic legislation with the new provisions of the Lisbon Treaty
- In Particular, the Union Customs Code introduces measures necessary, to complete the transaction to a paperless environment for customs and trade, as a key element in ensuring trade facilitation and the same time, the effectiveness of customs controls, thus reducing costs for business and risk for society.
- Harmonized and standardized application of customs controls by the Member States , to ensure an equivalent level of customs control truoghout the Union so as not to give rise to anti-competitive behavior at the various Union entry end exit points.
- The harmonized application of customs controls by Member States should be based upon a common risk management framework and electronic system.
- In order to ensure effective administrative simplification , the views of economic operators should be taken into account when the customs legislation is further modernized

- Common data requirements for the exchange and storage of information using electronic systems data processing techniques.
- Use of information and communication technologies should be accompanied by harmonized and standardized application of customs controls by the Member States, to ensure an equivalent level of customs control throughout the Union so as not to give rise to anti-competitive behavior at the various Union entry and exit points.

Customs law is virtually the only global form of tax harmonization. As a matter of EU law, its rules and principles are directly applicable in EU Member States and must comply with the GATT / WTO system of agreements multilaterally binding the trade and customs disciplines of some 160 countries.

- The Lisbon Treaty provided the tools to achieve such harmonization:
  - The power to issue delegated acts to the COM Code
  - The power to issue acts of implementation of the Code
  
- For this reason, the application of the Code's rules should take place uniformly on the territory of the Union

## IT SYSTEM

The preparation and implementation of the related electronic system must be managed in a manner consistent with the Work Programme and multi-annual strategic plan

- The work program is a tool to support the Code regarding the development and use of the electronic systems envisaged
- The UCC Work Program draws up planning for seventeen UCC electronic systems as:
  - Fourteen trans-European systems including some systems that have a national component for development by the Member States and
  - Three national systems that have to be developed or upgraded by the Member States alone

- ❑ Article 278 UCC provides that, until all the new electronic system envisaged under the Code are operational, existing electronic and paper-based system can continue to be used for customs process.
- ❑ The article established the end of 2020, at the latest, as the date by which the use of these transitional arrangement.
- ❑ The 2020 deadline could only be met if the rules supplementing and implementing of the UCC had entered into force in 2013, but the discussion took much than expected and the acts were only adopted in their final form in late 2015/early 2016.
- ❑ It has become necessary provide for a later date (2025 at latest) for full completion of work on some of system



## Issues

- ❑ The delay in the adoption of the delegated rules and the implementation of the Code
- ❑ The non-uniform application of the code rules in the member states
- ❑ The economic and political situations of some Member States
- ❑ Data harmonisation difficulties, crucial for the interoperability of different UCC electronic
- ❑ The lack of capacity to ensure effective implementation of the common risk management platform, both in terms of risk analysis and in percentages of checks

## Conclusions

This transitory situation will result in a further loss of competitiveness in the EU market and in countries outside the EU, as well as costs for economic operators who can not benefit from the simplifications provided by Code, on which they had invested.

Ultimately, the setting of the new Union Code, in force since May 1, 2016, should be a valid opportunity for operators to change their import / export activities, eliminating any paper support, centralizing the activities of customs clearance, significantly reducing the incidence of controls.

Likewise, with this approach, the work of the European Customs Authorities should have been facilitated as a result of the possibility of using better knowledge of the trades, authorized operators, and allowing the Offices to support legitimate exchanges that they will have to facilitate.

The primary objective of the new Code is to allow operators to optimize international relations, minimizing costs and reducing the time of "passage" to customs, entrusting the customs with the precious role of reference partners and support for the competitiveness of the whole community.

11 Years Union Custom Code (2005 – 2016)

9 Years Electronic System (2016 – 2025)

Twenty years to implement and apply the rules of the new Union code

It is difficult to understand what the advantages are for the Internal Market and  
above all for the economic operators



Thank you for your Attention

Massimo De Gregorio