



2018/0040(COD)

11.9.2018

AMENDMENTS

6 - 27

Draft report

Jasenko Selimovic

(PE623.824v01-00)

Prolongation of the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code

Proposal for a regulation

(COM(2018)0085 – C8-0097/2018 – 2018/0040(COD))

Amendment 6
Andreas Schwab

Proposal for a regulation

—

Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. de

Amendment 7
Marcus Pretzell

Draft legislative resolution
Paragraph 2

Draft legislative resolution

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

Amendment

2. Calls on the Commission, ***firstly***, to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal ***and, secondly, to keep Parliament constantly informed about whether interim objectives have been attained within the prescribed deadlines for the new binding planning schedule and, if so, which objectives***;

Or. de

Amendment 8
Marcus Pretzell

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Under Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code⁸ (the Code), all exchanges of information between customs authorities and between economic operators and

Amendment

(1) Under Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code⁸ (the Code), all exchanges of information between customs authorities and between economic operators and

customs authorities, and the storage of such information, are to be made using electronic data-processing techniques.

customs authorities, and the storage of such information, are to be made using electronic data-processing techniques. ***In order to protect these data, and in particular those of economic operators, and the exchange of such data, the utmost importance should be attached to data protection and security against hacker attacks in the selection, design and management of the electronic systems to be set up for this purpose.***

⁸ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

⁸ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

Or. de

Amendment 9

Marcus Pretzell

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In accordance with the Code, Member States are to cooperate with the Commission to develop, maintain and employ electronic systems for the exchange and the storage of customs information and the Commission is ***to*** draw up a ***work programme relating to*** the development and deployment of ***those*** electronic systems.

Amendment

(3) In accordance with the Code, Member States are to cooperate with the Commission to develop, maintain and employ electronic systems for the exchange and the storage of customs information. ***These systems must be mutually compatible and have appropriate and secure interfaces, so that exchanges between these systems work smoothly in terms of data technology and these systems are also highly immune to hacker and cyber-attacks.*** The Commission ***should*** draw up a ***programme of specific obligations with binding deadlines for the individual subtasks and interim objectives for the development and deployment of these*** electronic systems.

Amendment 10
Marcus Pretzell

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The Work Programme has been established by Commission Implementing Decision (EU) 2016/578⁹. It contains a list of seventeen electronic systems that must be developed for the application of the Code, either by the Member States alone (in the case of systems to be managed at national level - "national systems") or by the Member States and the Commission in close collaboration (in the case of Union-wide systems, some of which consist both of Union-wide components and national components - "trans-European systems").

⁹ Commission Implementing Decision (EU) 2016/578 of 11 April 2016 establishing the Work Programme relating

Amendment

(4) The Work Programme has been established by Commission Implementing Decision (EU) 2016/578⁹ ***and has probably therefore been overtaken by technological progress and is totally obsolete.*** It contains a list of seventeen electronic systems that must be developed for the application of the Code, either by the Member States alone (in the case of systems to be managed at national level - "national systems") or by the Member States and the Commission in close collaboration (in the case of Union-wide systems, some of which consist both of Union-wide components and national components - "trans-European systems"). ***For this reason, and because of the relentless pace of technical progress, the Commission is invited to draw up a programme of specific obligations with binding deadlines for the subtasks and interim objectives, ensuring that the 17 electronic systems in question are state of the art, mutually compatible, invulnerable to hacker attacks and cyber-crime, especially their interfaces, the number of which is therefore to be kept as low as possible. The Work Programme should then be replaced by this programme of specific obligations, which should be continuously updated to keep abreast of the pace of technological progress.***

⁹ Commission Implementing Decision (EU) 2016/578 of 11 April 2016 establishing the Work Programme relating

to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 99, 15.4.2016, p. 6).

to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 99, 15.4.2016, p. 6).

Or. de

Amendment 11
Marcus Pretzell

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) The Work Programme sets out the planning schedule for the implementation of those national and trans-European systems

Amendment

(5) The ***programme of specific obligations which is hierarchically superior to the*** Work Programme sets out the planning schedule, ***including all binding deadlines, also*** for the implementation of those national and trans-European systems.

Or. de

Amendment 12
Andreas Schwab

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The simplifications provided for in the Union's Customs Code will only take effect for European companies with the completion of the technical systems. These include the possibility of centralised customs clearance, which would considerably reduce red tape and thus the costs for companies. The technical systems should therefore be completed as soon as possible.

Or. de

Amendment 13
Marcus Pretzell

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) ***There are many challenges in*** setting up all the necessary electronic systems by 2020 ***both for the Commission and for the Member States. First, in some cases,*** harmonising the data elements on the basis of internationally accepted data models as required by the Code ***demand***s a full reprogramming of existing electronic systems ***and*** investments both in financial terms and in terms of time that are greater than foreseen at the time of adoption of the Code. ***Second, as the electronic systems are closely interlinked, introducing them in the right order is important.*** Delays in the development of one system will therefore unavoidably lead to delays in the development of others. ***Third,*** the Code (including the end date for transitional measures on 31 December 2020) was adopted in 2013 while the rules supplementing and implementing it, namely Commission Delegated Regulation (EU) 2015/2446¹⁰, Commission Implementing Regulation (EU) 2015/2447¹¹ and Commission Delegated Regulation (EU) 2016/341¹², were only adopted in 2015 and 2016. The discussions on those rules took much longer than expected and this has caused a delay in setting out the functional and technical specifications necessary for the development of the electronic systems.

Amendment

(6) ***The Commission and the Member States should have known that this task, the*** setting up all the necessary electronic systems by 2020, ***was a major challenge.*** Harmonising the data elements on the basis of internationally accepted data models as required by the Code ***in some cases demanded not only*** a full reprogramming of existing electronic systems, ***but also*** investments both in financial terms and in terms of time that are greater than foreseen at the time of adoption of the Code. ***Another important point is to respect the correct order in introducing the electronic systems as they are closely interlinked.*** Delays in the development of one system will therefore unavoidably lead to delays in the development of others. ***However,*** the Code (including the end date for transitional measures on 31 December 2020) was ***already*** adopted in 2013 while the rules supplementing and implementing it, namely Commission Delegated Regulation (EU) 2015/2446¹⁰, Commission Implementing Regulation (EU) 2015/2447¹¹ and Commission Delegated Regulation (EU) 2016/341¹², were only adopted in 2015 and 2016. The ***European Parliament disapproves of the fact that*** discussions on those rules took much longer than expected and this ***in turn*** has caused a delay in setting out the functional and technical specifications necessary for the development of the electronic systems. ***All of these delays suggest that the rules on the basis of which the electronic systems were designed, developed and set up, as well as the systems themselves, are now completely obsolete and lag far***

behind the current state of technical progress and therefore pose an unquantifiable but high risk for data security.

¹⁰ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

¹¹ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

¹² Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards 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 (OJ L 69, 15.3.2016, p. 1).

¹⁰ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

¹¹ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

¹² Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards 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 (OJ L 69, 15.3.2016, p. 1).

Or. de

Amendment 14 **Andreas Schwab**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) ***There are many challenges in setting up all the necessary*** electronic systems ***by 2020 both for*** the Commission and ***for*** the Member States. ***First, in some***

Amendment

(6) ***Setting*** up electronic systems ***requires*** the Commission and the Member States ***to harmonise*** the data elements on the basis of internationally accepted data

cases, harmonising the data elements on the basis of internationally accepted data models as required by the Code ***demanding a full reprogramming of*** existing electronic systems and investments both in financial terms and in terms of time ***that are greater than foreseen at the time of adoption of the Code.*** ***Second,*** as the electronic systems are closely interlinked, introducing them in the right order is important. Delays in the development of one system will therefore unavoidably lead to delays in the development of others. ***Third,*** the Code (including the end date for transitional measures on 31 December 2020) was adopted in 2013 while the rules supplementing and implementing it, namely Commission Delegated Regulation (EU) 2015/2446¹⁰, Commission Implementing Regulation (EU) 2015/2447¹¹ and Commission Delegated Regulation (EU) 2016/341¹², were only adopted in 2015 and 2016. ***The discussions on those rules took much longer than expected*** and this has caused a delay in setting out the functional and technical specifications necessary for the development of the electronic systems.

¹⁰ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

¹¹ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

¹² Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No

models, as required by the Code, ***in some cases to fully reprogramme*** existing electronic systems and ***to make*** investments both in financial terms and in terms of time. ***Adaptation is prioritised differently by Member States, which has led to differences in the timing of implementation of systems in Member States.*** As the electronic systems are closely interlinked, introducing them in the right order is important. Delays in the development of one system will therefore unavoidably lead to delays in the development of others. the Code (including the end date for transitional measures on 31 December 2020) was adopted in 2013 while the rules supplementing and implementing it, namely Commission Delegated Regulation (EU) 2015/2446¹⁰, Commission Implementing Regulation (EU) 2015/2447¹¹ and Commission Delegated Regulation (EU) 2016/341¹², were only adopted in 2015 and 2016 and this has caused a delay in setting out the functional and technical specifications necessary for the development of the electronic systems.

¹⁰ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

¹¹ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

¹² Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No

952/2013 of the European Parliament and of the Council as regards 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 (OJ L 69, 15.3.2016, p. 1).

952/2013 of the European Parliament and of the Council as regards 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 (OJ L 69, 15.3.2016, p. 1).

Or. de

Amendment 15
Maria Grapini

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) It has become evident that, while most systems will be deployed by 2020, others can only be partially completed by that date.

Amendment

(7) It has become evident that, while most systems will be deployed by 2020, others can only be partially completed by that date, ***which will make it impossible for customs authorities to perform their duties as they will be unable to use the old system; it should be possible to use and exchange information and keep paper records until December 2025 at the latest.***

Or. ro

Amendment 16
Marcus Pretzell

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) ***It has become evident*** that, while most systems will be deployed by 2020, others can only be partially completed by that date.

Amendment

(7) ***The European Parliament also notes with disapproval the information provided by the Commission*** that, while most systems will be deployed by 2020, others can only be partially completed by that date, ***as this shows a lack of responsibility in dealing with the budget.***

Amendment 17

Tiziana Beghin

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The full entry into force of the Union Custom Code will help ensuring harmonised custom controls throughout the Union territory, therefore reducing frauds and port-shopping and should be a priority for the Commission and Member States.

Amendment 18

Marcus Pretzell

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) The Commission, after having consulted Member States and economic operators, therefore proposes that work should continue after 31 December 2020 on two groups of systems. A first group consists of existing electronic systems that must be upgraded to take account of certain requirements of the Code, such as the harmonisation of the requirements on data to be input into the systems. This group consists of three trans-European systems (the system dealing with Entry Summary Declarations, the system dealing with external and internal transit and the system dealing with goods taken out of the customs territory of the Union) as well as the National Export System (including the export component of the national Special

(8) The Commission, after having consulted Member States and economic operators, therefore proposes that work should continue after 31 December 2020 on two groups of systems. A first group consists of existing electronic systems that must be upgraded to take account of certain requirements of the Code, such as the harmonisation of the requirements on data to be input into the systems. This group consists of three trans-European systems (the system dealing with Entry Summary Declarations, the system dealing with external and internal transit and the system dealing with goods taken out of the customs territory of the Union) as well as the National Export System (including the export component of the national Special

Procedures System). The second group consists of three new trans-European electronic systems (the systems concerning guarantees for a potential or existing customs debt, the customs status of goods and centralised clearance). The Commission, in *partnership* with the Member States, *has drawn up a detailed timetable with a view to deploying those systems over a period up to the end of 2025*.

Procedures System). The second group consists of three new trans-European electronic systems (the systems concerning guarantees for a potential or existing customs debt, the customs status of goods and centralised clearance). The *timetable with a view to deploying those systems over a period up to the end of 2025 which the Commission has drawn up* in cooperation with the Member States, *must be accompanied by binding deadlines for all subtasks and interim objectives, if this has not yet been done, and be disclosed to the European Parliament. In addition, the Commission is called upon to inform the European Parliament, unsolicited, at each (interim) deadline, about the progress made by the ongoing work*.

Or. de

Amendment 19

Tiziana Beghin

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The Commission, after having consulted Member States and economic operators, therefore proposes that work should continue after 31 December 2020 on two groups of systems. A first group consists of existing electronic systems that must be upgraded to take account of certain requirements of the Code, such as the harmonisation of the requirements on data to be input into the systems. This group consists of three trans-European systems (the system dealing with Entry Summary Declarations, the system dealing with external and internal transit and the system dealing with goods taken out of the customs territory of the Union) as well as the National Export System (including the export component of the national Special

Amendment

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Procedures System). The second group consists of three new trans-European electronic systems (the systems concerning guarantees for a potential or existing customs debt, the customs status of goods and centralised clearance). The Commission, in partnership with the Member States, ***has drawn*** up a detailed timetable with a view to deploying those systems over a period up to the end of ***2025***.

Procedures System). The second group consists of three new trans-European electronic systems (the systems concerning guarantees for a potential or existing customs debt, the customs status of goods and centralised clearance). The Commission, in partnership with the Member States, ***should draw*** up a detailed timetable with a view to deploying those systems over a period up to the end of ***2022***. ***The Commission should also ensure that the delayed activation of those systems does not negatively affect the set-up of other electronic systems by 31 December 2020.***

Or. en

Amendment 20

Maria Grapini

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The Commission, after having consulted Member States and economic operators, therefore proposes that work should continue after 31 December 2020 on two groups of systems. A first group consists of existing electronic systems that must be upgraded to take account of certain requirements of the Code, such as the harmonisation of the requirements on data to be input into the systems. This group consists of three trans-European systems (the system dealing with Entry Summary Declarations, the system dealing with external and internal transit and the system dealing with goods taken out of the customs territory of the Union) as well as the National Export System (including the export component of the national Special Procedures System). The second group consists of three new trans-European electronic systems (the systems concerning

Amendment

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guarantees for a potential or existing customs debt, the customs status of goods and centralised clearance). The Commission, in partnership with the Member States, has drawn up a detailed timetable with a view to deploying those systems over a period up to *the end of* 2025.

guarantees for a potential or existing customs debt, the customs status of goods and centralised clearance). The Commission, in partnership with the Member States, has drawn up a detailed timetable with a view to deploying those systems over a period up to **31 December** 2025.

Or. ro

Amendment 21
Maria Grapini

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Commission will run a fitness check within one year from 31 December 2025, once all the electronic systems are in operation.

Or. ro

Amendment 22
Marcus Pretzell

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) In line with the **new** planning for the development of the electronic systems, the period laid down in the Code during which means for the exchange and storage of information, other than the electronic data-processing techniques referred to in Article 6(1) of the Code, may be used on a transitional basis, should **also** be extended **to 2025** as regards those two groups of electronic systems.

(9) In line with the **change in** planning **necessitated by circumstances** for the development of the electronic systems, the period laid down in the Code during which means for the exchange and storage of information, other than the electronic data-processing techniques referred to in Article 6(1) of the Code, may be used on a transitional basis, should be extended as regards those two groups of electronic systems, **as a last resort, but only up to 2025 at the latest.**

Amendment 23

Tiziana Beghin

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) In line with the new planning for the development of the electronic systems, the period laid down in the Code during which means for the exchange and storage of information, other than the electronic data-processing techniques referred to in Article 6(1) of the Code, may be used on a transitional basis, should also be extended to **2025** as regards those two groups of electronic systems.

Amendment

(9) In line with the new planning for the development of the electronic systems, the period laid down in the Code during which means for the exchange and storage of information, other than the electronic data-processing techniques referred to in Article 6(1) of the Code, may be used on a transitional basis, should also be extended to **2022** as regards those two groups of electronic systems.

Or. en

Amendment 24

Marcus Pretzell

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) With regard to the other systems to be set up for the purposes of implementing the Code, the **general end** date of 31 December 2020 for the use of means for the exchange and storage of information other than the electronic data-processing techniques referred to in Article 6(1) of the Code **should continue** to apply.

Amendment

(10) With regard to the other systems to be set up for the purposes of implementing the Code, the date of 31 December 2020 for the use of means for the exchange and storage of information other than the electronic data-processing techniques referred to in Article 6(1) of the Code **continues** to apply **unchanged**.

Or. de

Amendment 25

Marcus Pretzell

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 952/2013

Article 278 – paragraph 2

Text proposed by the Commission

2. Means other than the electronic data-processing techniques referred to in Article 6(1) may be used on a transitional basis, until 31 December 2025 at the latest, where the electronic systems which are necessary for the application of the following provisions of the Code are not yet operational:

Amendment

2. Means other than the electronic data-processing techniques referred to in Article 6(1) may be used on a transitional basis, until 31 December 2025 at the **very** latest, where the electronic systems which are necessary for the application of the following provisions of the Code are not yet operational:

Or. de

Amendment 26

Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 952/2013

Article 278 – paragraph 2

Text proposed by the Commission

2. Means other than the electronic data-processing techniques referred to in Article 6(1) may be used on a transitional basis, until 31 December **2025** at the latest, where the electronic systems which are necessary for the application of the following provisions of the Code are not yet operational:

Amendment

2. Means other than the electronic data-processing techniques referred to in Article 6(1) may be used on a transitional basis, until 31 December **2022** at the latest, where the electronic systems which are necessary for the application of the following provisions of the Code are not yet operational:

Or. en

Amendment 27

Andreas Schwab

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EU) 952/2013

Article 278 – Paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to avoid further delays in setting up the electronic systems referred to in paragraph 2 of this Article, the Commission shall submit an annual report to the European Parliament and the Council on progress in the development of the electronic systems.

Or. de