

# EUROPEAN PARLIAMENT

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*Committee on Budgets*

**2006/0075(COD)**

20.11.2006

## **OPINION**

of the Committee on Budgets

for the Committee on the Internal Market and Consumer Protection

on the proposal for a decision of the European Parliament and of the Council  
establishing an action programme for customs in the Community (Customs  
2013)

(COM(2006)0201 – C6-0158/2006 – 2006/0075(COD))

Draftsman: Wojciech Roszkowski

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## SHORT JUSTIFICATION

Customs 2013 programme is the successor of the currently running Customs 2007 programme which is to expire at the end of 2007. Its duration has been planned for the period from 1 January 2008 to 31 December 2013, so it is to terminate at the same time as the Multi-annual Financial Framework agreed upon this year.

Overall objectives of the programme are: ensuring compliance of the customs activities with the needs of the internal market, functioning of the different customs administrations as if they were one administration, protection of the Community's financial interests and increasing citizens' safety and security. These objectives along with the more specific ones are to be achieved in practice via, inter alia, operational communication and exchange information systems, benchmarking in order to identify best practices, training, common projects and monitoring of actions.

The reference amount proposed for the 6 years of the duration of the programme is EUR 323.8 million. This means an increase compared to the previous edition of the programme. According to the Commission increased funding is necessary in order to implement the new strategic initiatives (eCustoms) and, to a lesser extent, for the modernisation of trans-European IT systems and other objectives.

According to the Financial Statement attached to the Commission's proposal, 2.1% of the reference amount (EUR 6.8 million) would be spent on administrative expenditure. The breakdown of the expenditure in the six years of the duration of the programme is presented in the table below, with separate categories for administrative and operational expenditure.

		<i>EUR million</i>							
Expenditure type		2008	2009	2010	2011	2012	2013	2014-2015	Total 2008-13
<b>Operational expenditure</b>									
Commitment Appropriations (CA)	(1)	41.868	48.368	50.318	54.768	59.568	62.118	-	317.008
Payment Appropriations (PA)	(2)	15.417	35.276	47.368	51.253	55.133	59.328	53.233	317.008
<b>Administrative expenditure within reference amount</b>									
Technical & administrative assistance (NDA)	(3)	1.132	1.132	1.132	1.132	1.132	1.132	-	6.792
<b>TOTAL REFERENCE AMOUNT</b>									
Commitment Appropriations	(1+3)	43.000	49.500	51.450	55.900	60.700	63.250	-	323.800
Payment Appropriations	(2+3)	16.549	36.408	48.500	52.385	56.265	60.460	53.233	323.800

The CUSTOMS programme has been a successful tool for supporting European customs services in both cooperation and training. The programme provided for organisation of seminars, international working groups, internships, benchmarking and training.

C2007 also ensures the functioning of information sharing systems among its partners.

In the conclusions of the mid-term evaluation of the Customs 2007 programme the Commission concludes: "...there is general satisfaction with the effectiveness and efficiency of the Programme. This seems to be confirmed by the quantitative data gathered during this evaluation."

The Draftsman believes that with consideration of the following amendments, the Commission's proposal for renewal of the programme shall develop into an even more effective support tool for European customs services for the years 2008-13.

## AMENDMENTS

The Committee on Budgets calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

### Draft legislative resolution

#### Amendment 1 Paragraph 1 a (new)

***1a. Considers that the financial envelope indicated in the legislative proposal must be compatible with the ceiling of heading 1a of the new multi-annual financial framework (MFF) and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 37 of the IIA of 17 May 2006;***

### Proposal for a decision

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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#### Amendment 2 Recital 1

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<sup>1</sup> Not yet published in OJ.

and jobs, as reflected in the re-launch of the Lisbon Strategy. The previous programmes in the customs field, in particular Decision No 253/2003/EC of the European Parliament and the Council of 12 February 2003 adopting an action programme for customs in the Community, (hereinafter “Customs 2007”) have significantly contributed to the achievement of that objective and to the overall objectives of the Customs policy. It is therefore appropriate to continue activities commenced under those programmes. This programme should be established for a period of six years to align its duration with that of the Multi-Annual Financial Framework contained in the Inter-institutional agreement of *(date to be inserted)* between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management.<sup>2</sup>

<sup>2</sup>*To be inserted in the course of negotiations.*

and jobs, as reflected in the re-launch of the Lisbon Strategy. The previous programmes in the customs field, in particular Decision No 253/2003/EC of the European Parliament and the Council of 12 February 2003 adopting an action programme for customs in the Community, (hereinafter “Customs 2007”) have significantly contributed to the achievement of that objective and to the overall objectives of the Customs policy. It is therefore appropriate to continue activities commenced under those programmes. This programme should be established for a period of six years to align its duration with that of the Multi-Annual Financial Framework contained in the Interinstitutional Agreement of *17 May 2006* between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management<sup>2</sup>.

<sup>2</sup> *OJ C 139, 14.6.2006, p. 1.*

### *Justification*

*Reference to the current Interinstitutional Agreement should be inserted.*

### Amendment 3 Recital 12

(12) This Decision establishes a financial framework for the entire duration of the programme, which is to be the principal point of reference for the budgetary authority, within the meaning of *point 33* of the Inter-institutional agreement *of 6 May 1999* between the European Parliament, the Council and the Commission on budgetary discipline and *improvement of the budgetary procedure*<sup>10</sup>.

<sup>10</sup> *OJ C 172, 18.6.1999, p. 1, agreement as last amended by Decision 2003/429/EC (OJ L 147, 14.6.2003, p. 25).*

(12) This Decision establishes a financial framework for the entire duration of the programme, which is to be the principal point of reference for the budgetary authority, within the meaning of *point 37* of the Interinstitutional Agreement *of 17 May 2006* between the European Parliament, the Council and the Commission on budgetary discipline and *sound financial management*.

*Justification*

*The Interinstitutional Agreement of 6 May 1999 is no longer in force.*

Amendment 4

Article 4, paragraph 1, point (a)

(a) ensure that the customs activities match the needs of the internal market, including supply chain security;

(a) ensure that the customs activities match the needs of the internal market, including supply chain security ***and trade facilitation, and support the strategy for growth and jobs;***

*Justification*

*Overall objectives of the programme should be completed in line with the Lisbon strategy.*

Amendment 5

Article 4, paragraph 1, point (b)

(b) ***interaction and performance of the duties of the Customs administrations*** as efficiently as though they were one administration, ensuring ***equivalence of*** controls at every point of the Community customs territory and the support of legitimate business activity;

(b) ***ensure that Customs administrations in the Community interact and perform their duties*** as efficiently as though they were one administration, ensuring controls ***leading to the equivalence of results*** at every point of the Community customs territory and the support for legitimate business activity;

*Justification*

*One should insist on the equivalence of results rather than controls.*

Amendment 6  
Article 4, paragraph 1, point (d)

(d) strengthening **the** security and safety of **citizens**;

(d) strengthening security and safety;

*Justification*

*Wider wording allowing for greater flexibility seems to be more appropriate.*

Amendment 7  
Article 4, paragraph 1, point (e)

(e) **to** prepare for enlargement, including the sharing of experience and knowledge with the customs administrations of the countries concerned.

(e) prepare **the countries referred to in Article 3(2)** for enlargement, including the sharing of experience and knowledge with the customs administrations of the countries concerned.

*Justification*

*Provision will be more precise with a reference to Article 3.*

Amendment 8  
Article 14

Representatives of international organisations, administrations of third countries, economic operators and their organisations may take part in activities organised under the programme whenever this is **essential** to carry out the objectives mentioned in Article 4 and 5.

Representatives of international organisations, administrations of third countries, economic operators and their organisations may take part in activities organised under the programme whenever this is **useful** to carry out the objectives mentioned in Article 4 and 5.

*Justification*

*Conditions for the participation of the representatives of external bodies should be less restrictive.*

Amendment 9  
Article 16, paragraph 2

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the multi-annual scheme of the financial *perspectives*.

2. The annual appropriations shall be authorised by the budgetary authority within the limits of the multi-annual scheme of the financial ***frameworks, in accordance with point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management.***

*Justification*

*For reasons of legal clarity, it is important to indicate the relevant provisions.*

Amendment 10  
Article 17, paragraph 2, point (e)

(e) the costs of any other activity referred to in point h of Article 1(2).

(e) the costs of any other activity referred to in point h of Article 1(2) ***up to a ceiling of no more than 5% of the overall cost of the programme.***

Or. de

*Justification*

*The possibility of support for ‘any other activities required for the realisation of the objectives of the programme’ is expressed in very broad terms. In order to achieve the necessary flexibility without causing damaging effects to other tasks within the Customs 2013 programme, a ceiling of 5% as agreed in the Council working party should also be incorporated in the text of the decision.*

**Article 17a**

***Applicability of the Financial Regulation***

***The provisions of the Financial Regulation shall be applicable to any grants made pursuant to this Decision within the meaning of Title VI of the Financial Regulation<sup>1</sup>. In particular, they shall be subject to a prior written agreement with the beneficiaries as set out in Article 108 of the Financial Regulation and on the basis of the implementing rules adopted in accordance with it<sup>2</sup>. Such agreements shall contain the acceptance by the beneficiaries of an audit by the European Court of Auditors into the use made of the financing granted.***

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<sup>1</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002, p. 1.

<sup>2</sup> Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 357, 31.12.2002, p. 1. Last amended by Regulation (EC, Euratom) No 1248/2006 (OJ L 227, 19.8.2006, p. 3).

Or. de

***Justification***

*If the Commission concludes partnership framework regulations, it should comply with all the relevant provisions of the Financial Regulation, without exception. Since these are not exclusively provisions on financial control, the applicability of the Financial Regulation should be set out in a separate paragraph.*

Amendment 12  
Article 18

Financing decisions and any agreements or contracts resulting from this Decision shall be subject to financial control, and if necessary, on the spot audits by the Commission, including the European Anti-Fraud Office (OLAF) and by the European Court of Auditors. ***Any grants made pursuant to this Decision will be subject to agreement in writing in advance by the beneficiaries. Such agreement shall contain the acceptance by the beneficiaries to an audit by the European Court of Auditors into the use made of the financing granted.***

Financing decisions and any agreements or contracts resulting from this Decision shall be subject to financial control, and if necessary, on the spot audits by the Commission, including the European Anti-Fraud Office (OLAF) and by the European Court of Auditors. ***Such audits may take place unannounced.***

Or. de

*Justification*

*Audits are considerably more effective if they take place unannounced. This obligation of the Member States should therefore be included in the text of the decision. The obligations of the partners to the agreement under the Financial Regulation do not relate exclusively to financial control, and are therefore set out in a separate article: Article 17 a (new) 'Applicability of the Financial Regulation'.*

Amendment 13  
Article 19, paragraph 2

2. Where reference is made to this paragraph, the procedure laid down in ***Article 4*** of Decision 1999/468/EC shall apply, in compliance of Articles 7 and 8 thereof. ***The period provided for in Article 4(3) of Decision 1999/468/EC shall be three months.***

2. Where reference is made to this paragraph, the procedure laid down in ***Article 3*** of Decision 1999/468/EC shall apply, in compliance of Articles 7 and 8 thereof.

Or. de

*Justification*

*Even in the case of a programme that serves mainly to support the Member States, but nevertheless implements EU policy and is funded from the EU budget, the Council should not be placed at an advantage over the Parliament. An advisory committee is therefore more appropriate than a management committee.*

Amendment 14

Article 21, paragraph 3, point (a)

(a) by **30 September** 2011 at the latest, a mid-term evaluation report, and a communication on the desirability of continuing the programme;

(a) by **31 July** 2011 at the latest, a mid-term evaluation report, and a communication on the desirability of continuing the programme;

Or. de

*Justification*

*The dates for submission of reports by the Commission to Parliament, the ESC and the CoR do not take enough account of deadlines in the EP's budgetary procedure. The Commission's deadlines for submission should therefore be changed from 30 September to 31 July.*

Amendment 15

Article 21, paragraph 3, point (b)

(b) by **30 September** 2014 at the latest, a final evaluation report.

(b) by **31 July** 2014 at the latest, a final evaluation report.

Or. de

*Justification*

*The dates for submission of reports by the Commission to Parliament, the ESC and the CoR do not take enough account of deadlines in the EP's budgetary procedure. The Commission's deadlines for submission should therefore be changed from 30 September to 31 July.*

## PROCEDURE

<b>Title</b>	Proposal for a decision of the European Parliament and of the Council establishing an action programme for customs in the Community (Customs 2013)
<b>References</b>	COM(2006)0201 – C6-0158/2006 – 2006/0075(COD)
<b>Committee responsible</b>	IMCO
<b>Opinion by</b> Date announced in plenary	BUDG 15.6.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Wojciech Roszkowski 15.6.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	20.11.2006
<b>Date adopted</b>	20.11.2006
<b>Result of final vote</b>	+: 25 –: 0:
<b>Members present for the final vote</b>	Reimer Böge, Simon Busuttil, Gérard Deprez, Brigitte Douay, Bárbara Dührkop Dührkop, James Elles, Ingeborg Gräßle, Louis Grech, Nathalie Griesbeck, Catherine Guy-Quint, Anne E. Jensen, Alain Lamassoure, Janusz Lewandowski, Vladimír Maňka, Jan Mulder, Gérard Onesta, Giovanni Pittella, Wojciech Roszkowski, Antonis Samaras, Esko Seppänen, László Surján, Kyösti Virrankoski, Ralf Walter
<b>Substitute(s) present for the final vote</b>	Hans-Peter Martin, Margarita Starkevičiūtė
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	...