



**2018/0258(COD)**

29.10.2018

# **AMENDMENTS**

## **7 - 23**

### **Draft opinion**

**Jeroen Lenaers**

(PE627.838v01-00)

Establishing, as part of the Integrated Border Management Fund, the instrument for financial support for customs control equipment

Proposal for a regulation

(COM(2018)0474 – C8-0273/2018 – 2018/0258(COD))



**Amendment 7**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) The 2 140 customs offices<sup>17</sup> that are present over the external borders of the European Union need to be properly equipped to ensure the operation of the customs union. The need for adequate and equivalent customs controls is ever more pressing not only by reason of the traditional function of customs to collect revenue but also increasingly by the necessity to significantly reinforce the control of goods entering and exiting Union's external borders in order to ensure both safety and security. However, at the same time, those controls on the movement of goods across the external borders should not impair but rather facilitate legitimate trade with third countries.

---

<sup>17</sup> Annex of the Annual 2016 Report of the Customs Union Performance available on: [https://ec.europa.eu/info/publications/annual-activity-report-2016-taxation-and-customs-union\\_en](https://ec.europa.eu/info/publications/annual-activity-report-2016-taxation-and-customs-union_en).

*Amendment*

(1) The 2 140 customs offices<sup>17</sup> that are present over the external borders of the European Union need to be properly equipped to ensure the ***efficient and effective*** operation of the customs union. The need for adequate and equivalent customs controls is ever more pressing not only by reason of the traditional function of customs to collect revenue but also increasingly by the necessity to significantly reinforce the control of goods entering and exiting Union's external borders in order to ensure both safety and security. However, at the same time, those controls on the movement of goods across the external borders should not impair but rather facilitate legitimate trade with third countries , ***in compliance with the safety and security conditions***

---

<sup>17</sup> Annex of the Annual 2016 Report of the Customs Union Performance available on: [https://ec.europa.eu/info/publications/annual-activity-report-2016-taxation-and-customs-union\\_en](https://ec.europa.eu/info/publications/annual-activity-report-2016-taxation-and-customs-union_en).

Or. en

**Amendment 8**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) There is currently an imbalance in the performance of customs control by Member States. This imbalance is due both

*Amendment*

(2) There is currently an imbalance in the performance of customs control by Member States. This imbalance is due both

to geographic differences between Member States and in their respective capacities and resources. The ability of Member States to react to challenges generated by the constantly evolving global business models and supply chains depend not only on the human component but also on the availability of modern and reliable customs control equipment. The provision of equivalent customs control equipment is therefore an important element in addressing the existing imbalance. It will improve equivalence in the performance of customs controls throughout Member States and thereby avoid the diversion of the flows of goods towards the weakest points.

to geographic differences between Member States and in their respective capacities and resources. The ability of Member States to react to challenges generated by the constantly evolving global business models and supply chains depend not only on the human component but also on the availability of modern and reliable customs control equipment , ***that can assure the digitalisation of the controls and inspections***. The provision of equivalent customs control equipment is therefore an important element in addressing the existing imbalance. It will improve equivalence in the performance of customs controls throughout Member States and thereby avoid the diversion of the flows of goods towards the weakest points.

Or. en

## **Amendment 9** **Anders Primdahl Vistisen**

### **Proposal for a regulation** **Recital 5**

#### *Text proposed by the Commission*

(5) Supporting the creation of an adequate and equivalent level of customs controls at the Union's external borders allows maximising the benefits of the customs union. A dedicated Union intervention for customs control equipment correcting current imbalances would ***moreover*** contribute to the overall cohesion between Member States. In view of the challenges facing the world, in particular the continued need to protect the financial and economic interests of the Union and its Member States while easing the flow of legitimate trade, the availability of modern and reliable control equipment at the external borders is indispensable.

#### *Amendment*

(5) Supporting the creation of an adequate and equivalent level of customs controls at the Union's external borders allows maximising the benefits of the customs union. ***Although the implementation of EU legislation in the field of customs control remains with the individual Member States***, a dedicated Union intervention for customs control equipment correcting current imbalances would contribute to the overall cohesion between Member States. In view of the challenges facing the world, in particular the continued need to protect the financial and economic interests of the Union and its Member States while easing the flow of legitimate trade, the availability of modern, ***interoperable*** and reliable control equipment at the external borders is indispensable. ***EU intervention should***

*take forms of grants to Member States supporting the purchase, maintenance and evolution of customs control equipment, while national authorities should continue to own directly the equipment.*

Or. en

## **Amendment 10**

**Maria Grapini**

### **Proposal for a regulation**

#### **Recital 6**

*Text proposed by the Commission*

(6) It is therefore opportune to establish a new Instrument for financial support for customs control equipment.

*Amendment*

(6) It is therefore opportune to establish a new Instrument for financial support for customs control equipment ***that will ensure the detection of the counterfeiting and dumping prices.***

Or. en

## **Amendment 11**

**Anders Primdahl Vistisen**

### **Proposal for a regulation**

#### **Recital 7**

*Text proposed by the Commission*

(7) As customs authorities of the Member States have been taking up an increasing number of responsibilities, which often extend to the field of security and take place at the external border, ensuring equivalence in carrying out border control and customs control at the external borders needs to be addressed by providing adequate Union financial support to the Member States. It is equally important to promote inter-agency cooperation at Union borders as regards controls of goods and controls of persons among the national authorities in each Member State that are

*Amendment*

(7) As customs authorities of the Member States have been taking up an increasing number of responsibilities, which often extend to the field of security and ***safety, and*** take place at the external border, ensuring equivalence in carrying out border control and customs control at the ***common*** external borders needs to be addressed by providing adequate Union financial support to the Member States. ***Therefore, cooperation between customs authorities as well as other departments of agencies such as police, the border guards, and health and consumer***

responsible for border control or for other tasks carried out at the border.

***authorities is vital.*** It is equally important to promote inter-agency cooperation at Union borders, ***in particular among EU agencies in the field of border control and police,*** as regards controls of goods and controls of persons among the national authorities in each Member State that are responsible for border control or for other tasks carried out at the border.

Or. en

## **Amendment 12**

**Tanja Fajon**

on behalf of the S&D Group

### **Proposal for a regulation**

#### **Recital 7**

*Text proposed by the Commission*

(7) As customs authorities of the Member States have been taking up an increasing number of responsibilities, which often extend to the field of security and take place at the external border, ensuring equivalence in carrying out border control and customs control at the external borders needs to be addressed by providing adequate Union financial support to the Member States. It is equally important to promote inter-agency cooperation at Union borders as regards controls of goods ***and controls of persons*** among the national authorities in each Member State ***that are responsible for border control or for other tasks carried out at the border.***

*Amendment*

(7) As customs authorities of the Member States have been taking up an increasing number of responsibilities, which often extend to the field of security and take place at the external border, ensuring equivalence in carrying out border control and customs control at the external borders needs to be addressed by providing adequate Union financial support to the Member States. It is equally important to promote inter-agency cooperation at Union borders as regards controls of goods among the national authorities in each Member State.

Or. en

*Justification*

*The purpose of this instrument is customs control. The more general instrument on Integrated Border Management has been proposed to deal with issues of border control on persons. The appropriate safeguards will be laid down in that instrument for the purchase and use of border control equipment using the Fund. The purposes of the two instruments should not be conflated in this way.*

**Amendment 13**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Regulation (EU) [2018/XXX] of the European Parliament and of the Council<sup>23</sup> establishes the "Customs" programme for cooperation in the field of customs to support the customs union and customs authorities. In order to preserve the coherence and horizontal coordination of cooperation actions, it is appropriate to implement all of them under one single legal act and set of rules. Therefore, only the purchase, maintenance and upgrade of the eligible customs control equipment should be supported under this Instrument while the Customs programme for cooperation in the field of customs should support related actions, such as cooperation actions for the assessment of needs or training relating to the equipment concerned.

---

<sup>23</sup> COM(2018) 442.

*Amendment*

(13) Regulation (EU) [2018/XXX] of the European Parliament and of the Council<sup>23</sup> establishes the "Customs" programme for cooperation in the field of customs to support the customs union and customs authorities. In order to preserve the coherence and horizontal coordination of cooperation actions, it is appropriate to implement all of them under one single legal act and set of rules. Therefore, only the purchase, maintenance and upgrade of the eligible customs control equipment should be supported under this Instrument while the Customs programme for cooperation in the field of customs should support related actions, such as cooperation actions for the assessment of needs or training relating to the equipment concerned ***and the establishing of common control procedures.***

---

<sup>23</sup> COM(2018) 442.

Or. en

**Amendment 14**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Most customs control equipment may be equally or incidentally fit for controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two

*Amendment*

(15) Most customs control equipment may be equally or incidentally fit for controls of compliance with other legislation, such as provisions on border management, visa or police cooperation. The Integrated Border Management Fund has therefore been conceived as two

complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by Regulation [2018/XXX]<sup>25</sup> will exclude equipment that can be used for both border management and customs control. On the other hand, the instrument for financial support for customs control equipment established by this Regulation will not only support financially equipment with customs controls as the main purpose but will also allow its use as well for additional purposes such as border controls and security. This distribution of roles will foster inter-agency cooperation as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624<sup>26</sup>, thereby enabling customs and border authorities to work together and maximising the impact of the Union budget through co-sharing and inter-operability of control equipment.

---

<sup>25</sup> COM(2018) 473.

<sup>26</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

complementary instruments with distinct but coherent scopes for the purchase of equipment. On the one hand, the instrument for border management and visa established by Regulation [2018/XXX]<sup>25</sup> will exclude equipment that can be used for both border management and customs control. On the other hand, the instrument for financial support for customs control equipment established by this Regulation will not only support financially equipment with customs controls as the main purpose but will also allow its use as well for additional purposes such as border controls and *safety and* security. This distribution of roles will foster inter-agency cooperation as a component of the European integrated border management approach, as referred to in Article 4(e) of Regulation (EU) 2016/1624<sup>26</sup>, thereby enabling customs and border authorities to work together and maximising the impact of the Union budget through co-sharing and inter-operability of control equipment.

---

<sup>25</sup> COM(2018) 473.

<sup>26</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1).

Or. en

## **Amendment 15**

### **Maria Grapini**

## **Proposal for a regulation**

### **Recital 19**



*Text proposed by the Commission*

(19) Although central implementation is indispensable in order to achieve the specific objective of ensuring equivalent customs controls, given the technical nature of this Instrument, preparatory work is required at technical level. Therefore, implementation should be supported by assessments of needs that are dependent on national expertise and experience through the involvement of customs administrations of the Member States. Those assessments of needs should be based on a clear methodology including a minimum number of steps ensuring the collection of the required information.

*Amendment*

(19) Although central implementation is indispensable in order to achieve the specific objective of ensuring equivalent customs controls, given the technical nature of this Instrument, preparatory work is required at technical level. Therefore, implementation should be supported by assessments of needs that are dependent on national expertise and experience through the involvement of customs administrations of the Member States. Those assessments of needs should be based on a clear methodology including a minimum number of steps ensuring the collection of the required **relevant** information.

Or. en

**Amendment 16**  
**Anders Primdahl Vistisen**

**Proposal for a regulation**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. As part of the Integrated Border Management Fund, the Instrument has the general objective to support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union and to protect the Union from unfair and illegal trade while facilitating legitimate business activity.

*Amendment*

1. As part of the Integrated Border Management Fund, the Instrument has the general objective to support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States, to ensure security and safety within the Union, **to promote inter-agency cooperation at Union borders as regards controls of goods and persons**, and to protect the Union from unfair and illegal trade while facilitating legitimate business activity.

Or. en

**Amendment 17**  
**Tanja Fajon**  
on behalf of the S&D Group

**Proposal for a regulation**  
**Article 3 – paragraph 1**

*Text proposed by the Commission*

1. As part of the Integrated Border Management Fund, the Instrument has the general objective to support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States, ***to ensure security and safety within the Union*** and to protect the Union from unfair and illegal trade while facilitating legitimate business activity.

*Amendment*

1. As part of the Integrated Border Management Fund, the Instrument has the general objective to support the customs union and customs authorities to protect the financial and economic interests of the Union and its Member States and to protect the Union from unfair and illegal trade while facilitating legitimate business activity.

Or. en

*Justification*

*This proposal has been presently separately from the more general instrument on Integrated Border Management. The purpose of this specific instrument is customs control and not the security of external borders, which is governed by the more general instrument. If the purposes of the two proposals were the same there would be no need for two proposals.*

**Amendment 18**  
**Anders Primdahl Vistisen**

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

2. The Instrument has the specific objective of contributing to adequate and equivalent customs controls through the purchase, maintenance and upgrade of relevant, state-of-the-art and reliable customs control equipment.

*Amendment*

2. The Instrument has the specific objective of contributing to adequate and equivalent customs controls through the purchase, maintenance and upgrade of relevant, state-of-the-art, ***interoperable*** and reliable customs control equipment.

Or. en

**Amendment 19**  
**Anders Primdahl Vistisen**

**Proposal for a regulation**

## Article 5 – paragraph 3

*Text proposed by the Commission*

3. When the action supported involves the purchase or upgrade of equipment, the Commission shall set up a coordination mechanism ensuring efficiency and interoperability between all the equipment purchased with the support of Union programmes and instruments.

*Amendment*

3. When the action supported involves the purchase or upgrade of equipment, the Commission shall set up a coordination mechanism ensuring efficiency and interoperability between all the equipment purchased with the support of Union programmes and instruments, ***which shall allow for the consultation and participation of relevant EU agencies, in particular the European Border and Coast Guard Agency.***

Or. en

## Amendment 20

**Tanja Fajon**

on behalf of the S&D Group

## Proposal for a regulation

### Article 6 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***4. Customs control equipment financed under this Instrument may be used for purposes additional to customs controls, including for control of persons in support of the national border management authorities and investigation.***

***deleted***

Or. en

*Justification*

*The purpose of this instrument would be greatly expanded if customs control equipment were actually to become border control equipment. The more general instrument on Integrated Border Management has been proposed for that purpose. The appropriate safeguards will be laid down in that instrument for the purchase and use of border control equipment using the Fund. The purposes of the two instruments should not be conflated in this way.*

## Amendment 21

**Anders Primdahl Vistisen**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. Any funding in excess of that ceiling shall only be granted in duly justified exceptional circumstances.

*Amendment*

2. Any funding in excess of that ceiling shall only be granted in duly justified exceptional circumstances, ***which may include the purchasing and submitting of new equipment to the technical equipment pool of the European Border and Coast Guard.***

Or. en

**Amendment 22**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 11 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) an exhaustive inventory of available customs control equipment;

*Amendment*

(b) an exhaustive inventory of available ***and functional*** customs control equipment;

Or. en

**Amendment 23**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

2. The Commission shall implement information and communication actions relating to the Instrument, and its actions and results. Financial resources allocated to the Instrument shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3.

*Amendment*

2. The Commission shall implement information and communication actions relating to the Instrument, and its actions and results ***in order to insure the transparency.*** Financial resources allocated to the Instrument shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives

referred to in Article 3.

Or. en