



4.12.2018

NOTICE TO MEMBERS

(30/2018)

Subject: Proposal for a decision of the European Parliament and of the Council on computerising the movement and surveillance of excise goods (recast) (COM(2018)0341 – C8-0215/2018 – 2018/0187(COD))

The Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹ requires a consultative working party of the legal services of Parliament, the Council and the Commission to consider any Commission proposal for recasting.

Please find attached the Consultative Working Party's opinion on the above proposal.

The Committee on Legal Affairs intends to state its views on the opinion at its meeting on 10 December 2018.

Annex

¹ OJ C 77, 28.3.2002, p. 1.



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 29 November 2018

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a decision of the European Parliament and of the Council on computerising the movement and surveillance of excise goods (recast)
COM(2018)0187 of 25.5.2018 – 2018/0187(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 17 October 2018 for the purpose of examining the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a Decision of the European Parliament and of the Council recasting Decision No 1152/2003/EC of the European Parliament and of the Council of 16 June 2003 on computerising the movement and surveillance of excisable products resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in recital 6, Article 1(1), Article 4(1) and (2), Article 5(2) and Article 6, the adding of the word '*extension*';
- in recital 7 and in Article 10(1) and (3), the adding of the word '*extending*'; - in recital 11, the replacement of the words '*the EMCS*' with the words '*a new extension of the computerised system*';
- in Article 1(2)(b), the replacement of the words '*products under excise duty suspension arrangements*' with '*excise goods*';
- the entire wording of Article 2;
- in Article 6, the replacement of the word '*and*' with the words '*as relating*';
- in Article 11(2), the adding of the word '*extend*'.

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

2. In the second sentence of recital 7, the replacement of the word '*excisable*' with '*excise*' should have been identified as a formal adaptation made to the current text of recital 12 of Decision No 1152/2003/EC.

3. In Article 3(2), the final words '*movements of excisable goods and goods subject to other duties and charges coming from or going to third countries*' should read '*movements of excise goods and goods subject to other duties and charges coming from or going to third countries*'.

4. In Article 11(2), the words '*modify*', '*extend*' and '*operate*' have been erroneously repeated twice. The first occurrence of those words should be removed.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

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