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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (12060/2/2004 – C6-0211/2004 – 2003/0167(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Janelly Fourtou

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council common position for adopting a regulation of the European Parliament and of the Council on Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (12060/2/2004 – C6-0211/2004 – 2003/0167(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (12060/2/2004 – C6-0211/2004),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2003)0452)²,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Internal Market and Consumer Protection (A6-0021/2005),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Texts Adopted, 20.4.2004, P5_TA(2004)0281.

² Not yet published in OJ.

EXPLANATORY STATEMENT

Aim and substance of the proposal for a regulation

The aim of the proposal for a regulation amending the Community Customs Code is to incorporate the basic principles underlying the new concept of security management for external borders, including the introduction of a harmonised risk-assessment system. The Commission has accordingly put forward a number of measures aimed at tightening up security around goods crossing international borders. To this end, the proposal redefines the role of customs offices and promotes centralised customs clearance arrangements. It also introduces a mechanism for setting risk-selection criteria that will apply throughout the Community, together with a computerised risk-management support system. Under the proposal, economic operators would be required to supply customs authorities with information on goods 24 hours before they are imported into or exported from the European Union. This information would be provided in the form of an electronic summary declaration to be used as a basis for selecting goods for inspection prior to their arrival at the border, thus enabling them to cross it more quickly when they do arrive. At the same time, the proposal provides for the granting of facilitations to reliable traders.

In her draft report, the rapporteur called for the 24-hour rule to be made more flexible and for the term 'authorised economic operator' to be clearly defined. The rapporteur's changes were adopted unanimously by the Committee on Legal Affairs and the Internal Market, and by Parliament on 6 May 2004.

Common position

Eighteen of the twenty-six amendments adopted by Parliament have been incorporated, in substance, into the Council's common position, including the key amendment seeking the introduction of a new provision on authorised economic operators, under which reliable traders will be able to benefit from trade facilitation and security certification.

The common position contains other new provisions seeking to tighten up safety and security arrangements, including the requirement that pre-departure declarations be lodged for exports. The changes the Council has made in this respect are in keeping with the global approach adopted by the Commission towards security and safety for exports to all countries and not only those that have introduced additional security measures for imports, such as the United States, and with recent WTO documents on the responsibilities of parties in an end-to-end international supply chain.

The common position also provides for better Community-wide common rules, covering matters such as pre-arrival declarations for imports, and clearly defines the role of customs offices.

Rapporteur's conclusions

Having carefully studied the common position and canvassed the views of the various sectors affected, the rapporteur believes that Parliament can approve the common position, given that the Council has taken account of many of the amendments that Parliament adopted at first reading.

The rapporteur nonetheless takes the view that the Commission should give a formal undertaking to our committee and to Parliament, to the effect that it will ensure that those within the sector are involved more closely in the comitology decision-making procedure, so that proper account may be taken of their concerns.

PROCEDURE

Title	Council common position for adopting a regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code
References	(12060/2/2004 – C6-0211/2004 – 2003/0167(COD))
Legal basis	Articles 251(2) and 26, 95, 133, 135 EC
Basis in Rules of Procedure	Rule 67
Date of Parliament's first reading – P[5]	20.4.2004 P5_TA(2004)0281]
Commission proposal	COM(2000)0452 – C6-0211/2004
Amended Commission proposal	
Date receipt of common position announced in plenary	2.12. 2004
Committee responsible Date announced in plenary	IMCO 2.12.2004
Rapporteur(s) Date appointed	Janelly Fourtou 27.9.2004
Previous rapporteur(s)	Janelly Fourtou
Discussed in committee	18.1.2005 1.2.2005 2.2.2005
Date adopted	2.2.2005
Result of final vote	for: 35 against: 0 abstentions: 0
Members present for the final vote	Mercedes Bresso, Charlotte Cederschiöld, Mia De Vits, Bert Doorn, Janelly Fourtou, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Anna Hedh, Edit Herczog, Pierre Jonckheer, Henrik Dam Kristensen, Alexander Lambsdorff, Lasse Lehtinen, Arlene McCarthy, Toine Manders, Manuel Medina Ortega, Zita Pleštinská, Guido Podestà, Marco Rizzo, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Heide Rühle, Eva-Britt Svensson, József Szájer, Marianne Thyssen, Jacques Toubon, Bernadette Vergnaud, Barbara Weiler, Phillip Whitehead, Joachim Wuermeling
Substitutes present for the final vote	Simon Coveney, Sérgio Ribeiro, Alexander Stubb, Diana Wallis
Substitutes under Rule 178(2) present for the final vote	Martine Roure
Date tabled – A[6]	3.2.2005 A6-0021/2005
Comments	...