



2023/0156(COD)

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AMENDMENTS

21 - 61

Draft opinion

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(PE753.728v01-00)

Establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013

Proposal for a regulation

(COM(2023)0258 – C9-0175/2023 – 2023/0156(COD))

Amendment 21
Valérie Hayer

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) Common Customs Tariff duties and other duties established in respect of trade with third countries constitute an own resource entered in the Union budget, and represent a legitimate, stable and important source of revenue for the Union budget. For the sake of covering the operating costs supported by their national administrations to ensure the proper functioning of the EU Customs Union, Member States retain, by way of collection costs, a percentage of the amount of customs duties collected by them.

Or. en

Amendment 22
Valérie Hayer

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1 b) Over the period covering the MFF 2021-2027, Member States retain 25% of the collected customs duties as a retention cost, a rate in constant increase compared to the previous MFF. Such an upward trend undermines the Union budget, goes against the spirit of the Own Resources Decision and leads to an equivalent increase in Member States contribution to the Union budget, the GNI-based contribution acting as an adjustment factor to ensure a balanced EU budget. The retention of customs duties by Member States shall only be justified to

cover operating costs incurred by customs authorities, and shall be strictly limited to this purpose.

Or. en

Amendment 23

Valérie Hayer

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The implementation of Regulation (EU) No 952/2013 has disclosed weaknesses in several areas. These include: the insufficient/ineffective action in ensuring the protection of the Union and its citizens against non-financial risks applicable to goods established by Union policies other than customs legislation; the capacity of customs authorities to effectively handle the increasing volume of goods imported from third country via distance sales (e-commerce transactions); the capacity of the IT systems architecture created by Regulation (EU) No 952/2013 to digitalise customs processes to keep up with the pace of technological progress, namely with technologies based on the exploitation of data; the lack of effective governance structures of the customs union, resulting in divergent practices and non-uniform implementation of the rules in the Member States. Those weaknesses lead to the emergence of obstacles to the proper functioning of the customs union and therefore of the internal market, due to the internal and external risks and threats.

Amendment

(2) The implementation of Regulation (EU) No 952/2013 has disclosed weaknesses in several areas. These include: the insufficient/ineffective action in ensuring the protection of the Union and its citizens against non-financial risks applicable to goods established by Union policies other than customs legislation; the capacity of customs authorities to effectively handle the increasing volume of goods imported from third country via distance sales (e-commerce transactions); the capacity of the IT systems architecture created by Regulation (EU) No 952/2013 to digitalise customs processes to keep up with the pace of technological progress, namely with technologies based on the exploitation of data; the lack of effective governance structures of the customs union, resulting in divergent practices and non-uniform implementation of the rules in the Member States. Those weaknesses lead to the emergence of obstacles to the proper functioning of the customs union and therefore of the internal market, due to the internal and external risks and threats, ***and have also significantly undermined the capacity of national authorities to levy customs duties proportionate to the real value of imports entering the EU Single Market. This customs gap has led to an important loss of revenues for the Union budget, which should be addressed.***

Amendment 24**Nils Ušakovs****Proposal for a regulation****Recital 55***Text proposed by the Commission*

(55) Criteria to be taken into account in order to contribute to the decision making process for choosing the EU Customs Authority seat should be the assurance that Authority can be set up on site upon the entry into force of this Regulation, the accessibility of the location and the existence of adequate education facilities for the children of staff members as well as appropriate access to the labour market, social security and medical care for both children and spouses of staff members. In view of the cooperative nature of most of the EU Customs Authority activities, and in particular the close connection that will exist between the IT systems that the Commission will maintain during the transitional period, while the EU Customs authority will build and operate the EU Customs Data Hub, it should be in a place that allows such close cooperation with the Commission, the authorities of the Union regions most relevant for international trade, and relevant Union and international bodies *(for example the World Customs Organisation for facilitating practical cross fertilisation on specific subjects)*. Considering these criteria, the EU Customs Authority should be located at [...].

Amendment

(55) Criteria to be taken into account in order to contribute to the decision making process for choosing the EU Customs Authority seat should be the assurance that Authority can be set up on site upon the entry into force of this Regulation, the accessibility of the location and the existence of adequate education facilities for the children of staff members as well as appropriate access to the labour market, social security and medical care for both children and spouses of staff members. In view of the cooperative nature of most of the EU Customs Authority activities, and in particular the close connection that will exist between the IT systems that the Commission will maintain during the transitional period, while the EU Customs authority will build and operate the EU Customs Data Hub, it should be in a place that allows such close cooperation with the Commission, the authorities of the Union regions most relevant for international trade, and relevant Union and international bodies. ***Furthermore, the geographical spread of EU institutions, bodies and agencies should be taken into consideration.*** Considering these criteria, the EU Customs Authority should be located at [...].

Amendment 25**Nils Ušakovs**

Proposal for a regulation
Recital 55 a (new)

Text proposed by the Commission

Amendment

(55 a) The Authority should proactively contribute to national and Union efforts while carrying out its tasks in full cooperation with Union institutions, bodies, offices and agencies, and Member States, avoiding any duplication of work, promoting synergy and complementarity. In order to achieve financial savings, the Authority should, where and when appropriate, cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same Member State.

Or. en

Amendment 26
Valérie Hayer

Proposal for a regulation
Recital 56

Text proposed by the Commission

Amendment

(56) The Member States ***and*** the Commission should be represented on a Management Board, in order to ensure the effective functioning of the EU Customs Authority. The composition of the Management Board, including the selection of its Chairperson and Deputy-Chairperson, should respect the principles of gender balance, experience ***and*** qualification. Given the Union's exclusive competence on the customs union, and the close link between customs and other policy fields, it is appropriate that its chairperson is elected from among those Commission representatives. In view of the effective and efficient functioning of the EU Customs Authority, the Management Board should, in particular, adopt a Single Programming Document including annual

(56) The Member States, the Commission ***and the European Parliament*** should be represented on a Management Board, in order to ensure the effective functioning of the EU Customs Authority. The composition of the Management Board, including the selection of its Chairperson and Deputy-Chairperson, should respect the principles of gender balance, experience, qualification ***and integrity***. Given the Union's exclusive competence on the customs union, and the close link between customs and other policy fields, it is appropriate that its chairperson is elected from among those Commission representatives. In view of the effective and efficient functioning of the EU Customs Authority, the Management

and multiannual programming, carry out its functions relating to the Authority's budget, adopt the financial rules applicable to the Authority, appoint an Executive Director, and establish procedures for taking decisions relating to the operational tasks of the Authority by the Executive Director. The Management Board should be assisted by an Executive Board.

Board should, in particular, adopt a Single Programming Document including annual and multiannual programming, carry out its functions relating to the Authority's budget, adopt the financial rules applicable to the Authority, appoint an Executive Director, and establish procedures for taking decisions relating to the operational tasks of the Authority by the Executive Director. The Management Board should be assisted by an Executive Board.

Or. en

Amendment 27
Nils Ušakovs

Proposal for a regulation
Recital 56 a (new)

Text proposed by the Commission

Amendment

(56 a) With regard to the prevention and management of conflicts of interest, it is essential that the Authority acts impartially, demonstrates integrity and establishes high professional standards. There should never be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Authority as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt and make publicly available comprehensive rules on conflicts of interests, giving due consideration to the recommendations of the European Ombudsman. Those arrangements should ensure in particular that senior representatives of the Authority do not undermine its integrity during or after their term of office.

Amendment 28**Valérie Hayer****Proposal for a regulation****Recital 57***Text proposed by the Commission*

(57) To guarantee its effective functioning, the EU Customs Authority should be granted an autonomous budget, with revenue coming from the general budget of the Union and any voluntary financial contribution from the Member States. In exceptional and duly justified circumstances, the EU Customs Authority should also be in the position to receive additional revenues through contribution agreements or grant agreements, and charges for publications and any other service provided by the EU Customs Authority.

Amendment

(57) To guarantee its effective functioning ***and support its efforts towards a better coordination between national customs authorities***, the EU Customs Authority ***should be provided with the necessary financial and human resources. For this purpose, it*** should be granted an autonomous budget, with revenue coming from the general budget of the Union and ***complemented by*** any voluntary financial contribution from the Member States, ***providing it does not jeopardise the independence of the Authority***. In exceptional and duly justified circumstances, the EU Customs Authority should also be in the position to receive additional revenues through contribution agreements or grant agreements, and charges for publications and any other service provided by the EU Customs Authority.

Amendment 29**Valérie Hayer****Proposal for a regulation****Recital 57 a (new)***Text proposed by the Commission**Amendment*

(57 a) With regard to the prevention and management of conflicts of interest, it is essential that the Authority acts impartially, demonstrates integrity and

establishes high professional standards. There should never be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Authority as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt comprehensive rules on conflicts of interests.

Or. en

Amendment 30
Nils Ušakovs

Proposal for a regulation
Recital 64 a (new)

Text proposed by the Commission

Amendment

(64 a) The financial proceeds resulting from the enforcement of Union regulations should accrue to the Union budget, as an own resource or as other revenue. The minimum harmonisation of non-criminal sanctions as well as the increasing role of the EU in the enforcement of the Union Customs Code should be considered in this context. The proceeds of such sanctions should constitute an EU own resource alongside customs duties.

Or. en

Amendment 31
Valérie Hayer

Proposal for a regulation
Recital 64 a (new)

Text proposed by the Commission

Amendment

(64 a) Pecuniary charges resulting from the application of common minimum non-criminal sanctions shall be transferred to the Union budget as other revenues.

Or. en

Amendment 32
Valérie Hayer

Proposal for a regulation
Recital 64 b (new)

Text proposed by the Commission

Amendment

(64 b) If Member States decide to provide for further acts and omissions that constitute customs infringements than those defined in the present regulation, or if they decide to provide for pecuniary sanctions above the minimum thresholds for customs infringements defined in the present regulation, they shall retain the proceeds of the corresponding pecuniary charges resulting from the application of these sanctions.

Or. en

Amendment 33
Valérie Hayer

Proposal for a regulation
Recital 65

Text proposed by the Commission

Amendment

(65) The performance of the customs union should be evaluated at least on an annual basis to allow the Commission, with the help of the Member States, to take the appropriate policy orientations. The collection of information from customs authorities should be formalised and

(65) The performance of the customs union, ***including the costs incurred by customs authorities to carry out their tasks***, should be evaluated at least on an annual basis to allow the Commission, with the help of the Member States, to take the appropriate policy orientations, ***including***

deepened, as more comprehensive reporting would improve benchmarking and could help to homogenise practices and assess the impact of customs policy decisions. It is, therefore, appropriate to introduce a legal framework for the evaluation of the performance of the customs union. To allow sufficient granularity of analysis, the performance measurement should be done not only at national level but also at border crossing point level. The EU Customs Authority should support the Commission in the evaluation process by gathering and analysing the data in the EU Customs Data Hub and identifying how customs activities and operations support the achievement of the strategic objectives and priorities of the customs union and contribute to the mission of customs authorities. In particular, the EU Customs Authority should identify key trends, strengths, weaknesses, gaps, and potential risks, and provide recommendations for improvement to the Commission. In the context of cooperation with law enforcement and security authorities in particular, the EU Customs Authority should also participate, from the operational perspective, in strategic analyses and threat assessments conducted at Union level, including those carried out by Europol and Frontex.

with regard to the retention rate applied by Member States on customs duties collected by them. The collection of information from customs authorities should be formalised and deepened, as more comprehensive reporting would improve benchmarking and could help to homogenise practices and assess the impact of customs policy decisions. It is, therefore, appropriate to introduce a legal framework for the evaluation of the performance of the customs union. To allow sufficient granularity of analysis, the performance measurement should be done not only at national level but also at border crossing point level. The EU Customs Authority should support the Commission in the evaluation process by gathering and analysing the data in the EU Customs Data Hub and identifying how customs activities and operations support the achievement of the strategic objectives and priorities of the customs union and contribute to the mission of customs authorities. In particular, the EU Customs Authority should identify key trends, strengths, weaknesses, gaps, and potential risks, and provide recommendations for improvement to the Commission. ***It should also support the Commission to carry out, in close cooperation with Member States, an analysis of the operating costs incurred by national customs authorities for the fulfilment of their tasks.*** In the context of cooperation with law enforcement and security authorities in particular, the EU Customs Authority should also participate, from the operational perspective, in strategic analyses and threat assessments conducted at Union level, including those carried out by Europol and Frontex.

Or. en

Amendment 34
Valérie Hayer

Proposal for a regulation

Article 204 – paragraph 3

Text proposed by the Commission

3. The EU Customs Authority shall set up a crisis response cell that is permanently available throughout the crisis.

Amendment

3. The EU Customs Authority shall set up a crisis response cell that is permanently available throughout the crisis. ***This cell should be financed by the budget granted to the EU Customs Authority.***

Or. en

Amendment 35

Valérie Hayer

Proposal for a regulation

Article 208 – paragraph 3 – point b

Text proposed by the Commission

(b) carry out performance measurement for the customs union, and support the Commission in its evaluation of the performance of the customs union, in accordance with Title XV, Chapter 1;

Amendment

(b) carry out performance measurement for the customs union, and support the Commission in its evaluation of the performance of the customs union, ***including the measurement of operating costs incurred by customs authorities to carry out their activity,*** in accordance with Title XV, Chapter 1;

Or. en

Amendment 36

Valérie Hayer

Proposal for a regulation

Article 208 – paragraph 3 – point k a (new)

Text proposed by the Commission

Amendment

(k a) monitor the legal frameworks applied in the Member States to deter non-compliance with the Union Customs Code and support the Member States in the implementation and application of minimum non-criminal sanctions defined

Amendment 37

Nils Ušakovs

Proposal for a regulation

Article 212 – paragraph 4

Text proposed by the Commission

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of customs, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall *aim to achieve* a gender-balanced representation on the Management Board.

Amendment

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of customs, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall *ensure* a gender-balanced representation on the Management Board.

Amendment 38

Henrike Hahn

Proposal for a regulation

Article 212 – paragraph 4

Text proposed by the Commission

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of customs, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall *aim to achieve* a gender-balanced representation on the

Amendment

4. Members of the Management Board and their alternates shall be appointed in the light of their knowledge in the field of customs, taking into account relevant managerial, administrative and budgetary skills. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of its work. All parties shall *ensure* a gender-balanced representation on the Management Board.

Management Board.

Or. en

Amendment 39

Valérie Hayer

Proposal for a regulation

Article 212 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in the situation of conflict of interests. Each member and alternate shall update his or her statement in the case of a change of circumstances with regard to any conflict of interests, or at least on an annual basis. The Authority shall publish the statements and updates on its website.

Or. en

Amendment 40

Henrike Hahn

Proposal for a regulation

Article 212 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interests. Each member and alternate shall update his or her statement in the case of a change of circumstances with regard to any conflict of interests or at least on an annual basis. The Agency shall publish the statements and their updates on its website.

Or. en

Amendment 41
Henrike Hahn

Proposal for a regulation
Article 213 – paragraph 1

Text proposed by the Commission

1. The Management Board shall elect a Chairperson from among the Commission representatives and a Deputy Chairperson from among its other members with voting rights.

Amendment

1. The Management Board shall elect a Chairperson from among the Commission representatives and a Deputy Chairperson from among its other members with voting rights ***ensuring gender balance.***

Or. en

Amendment 42
Valérie Hayer

Proposal for a regulation
Article 214 – paragraph 6

Text proposed by the Commission

6. When a matter of confidentiality or conflict of interests is on the agenda, the Management Board shall discuss and decide on this matter without the presence of the member concerned. Detailed rules for the application of this provision may be laid down in the rules of procedure.

Amendment

6. When a matter of confidentiality or conflict of interests is on the agenda, the Management Board shall discuss and decide on this matter without the presence of the member concerned. ***This shall not affect the right of the Member States, the European Parliament and of the Commission to be represented by an alternate or by any other person.*** Detailed rules for the application of this provision may be laid down in the rules of procedure.

Or. en

Amendment 43
Nils Ušakovs

Proposal for a regulation
Article 215 – paragraph 1 – point f

Text proposed by the Commission

(f) adopt rules for the prevention and management of conflicts of interests in respect of its members; and shall publish annually on its website the declaration of interests of the management board members;

Amendment

(f) adopt ***and make publicly available the*** rules for the prevention and management of conflicts of interests in respect of its members; and shall publish annually on its website the declaration of interests of the management board members;

Or. en

Amendment 44
Nils Ušakovs

Proposal for a regulation
Article 215 – paragraph 1 – point h

Text proposed by the Commission

(h) adopt ***its*** rules of procedure;

Amendment

(h) adopt ***and make publicly available the*** rules of procedure;

Or. en

Amendment 45
Henrike Hahn

Proposal for a regulation
Article 217 – paragraph 4

Text proposed by the Commission

4. The Executive Board shall be composed of the two representatives of the Commission to the Management Board and three other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote. The decisions of the

Amendment

4. The Executive Board shall be composed of the two representatives of the Commission to the Management Board and three other members appointed by the Management Board from among its members with the right to vote ***and ensuring gender balance***. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote. The decisions of

Executive Board shall be taken by simple majority. Decisions with respect to paragraph (2), point (b) may only be taken if one representative of the Commission casts a positive vote.

the Executive Board shall be taken by simple majority. Decisions with respect to paragraph (2), point (b) may only be taken if one representative of the Commission casts a positive vote.

Or. en

Amendment 46
Henrike Hahn

Proposal for a regulation
Article 218 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Executive Director shall be appointed by the Management Board ***on grounds of merit and documented administrative and managerial skills, as well as relevant competence and experience, from a list of at least three candidates proposed by the Commission,*** following ***an open and transparent selection*** procedure.

Amendment

The Executive Director shall be appointed by the Management Board ***in accordance with the*** following procedure:

Or. en

Amendment 47
Henrike Hahn

Proposal for a regulation
Article 218 – paragraph 1 – subparagraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a) on the basis of a shortlist drawn up and published by the Commission ensuring gender balance after a call for candidates and a transparent selection procedure, applicants will be asked to address the competent committee of the European Parliament and the Council and to reply to questions;

Or. en

Amendment 48

Henrike Hahn

Proposal for a regulation

Article 218 – paragraph 1 – subparagraph 2 – point b (new)

Text proposed by the Commission

Amendment

(b) the European Parliament and the Council will then give their opinions and state their preferences;

Or. en

Amendment 49

Henrike Hahn

Proposal for a regulation

Article 218 – paragraph 1 – subparagraph 2 – point c (new)

Text proposed by the Commission

Amendment

(c) the Management Board will appoint the Executive Director taking those opinions into account.

Or. en

Amendment 50

Henrike Hahn

Proposal for a regulation

Article 218 – paragraph 3

Text proposed by the Commission

Amendment

3. The Management Board, acting on a proposal from the Commission **which** takes into account the assessment referred to in paragraph 2, may extend the term of office of the Executive Director once for no more than 5 years.

3. The Management Board, acting on a proposal from the Commission **that** takes into account the assessment referred to in paragraph 4, may extend the term of office of the Executive Director once, for no more than **five** years. **The Management Board shall inform the European Parliament and the Council about its intention to extend the Executive**

Director's mandate. Before the Management Board takes its decision to extend the mandate, the Executive Director may be asked to make a declaration before the competent committee of the European Parliament and answer questions.

Or. en

Amendment 51
Henrike Hahn

Proposal for a regulation
Article 218 – paragraph 5

Text proposed by the Commission

5. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.

Amendment

5. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission. ***The European Parliament and the Council shall be informed of the reasons.***

Or. en

Amendment 52
Henrike Hahn

Proposal for a regulation
Article 219 – paragraph 3

Text proposed by the Commission

3. The Executive Director shall report to the European Parliament and the Council on the performance of his or her duties and the overall performance of the EU Customs Authority when invited to do so.

Amendment

3. The Executive Director shall report to the European Parliament and the Council on the performance of his or her duties and the overall performance of the EU Customs Authority when invited to do so. ***The Executive Director may be called upon at any time by the European Parliament or by the Council to attend a hearing on any matter linked to the Agency's activities.***

Amendment 53

Henrike Hahn

Proposal for a regulation

Article 219 – paragraph 5 – point a

Text proposed by the Commission

(a) ensure the day-to-day administration of the EU Customs Authority;

Amendment

(a) **(a)** ensure the **sustainable and efficient** day-to-day administration of the EU Customs Authority **in line with the ‘Do No Significant Harm’ principle**;

Or. en

Amendment 54

Henrike Hahn

Proposal for a regulation

Article 228 – paragraph 1

Text proposed by the Commission

1. In order to combat fraud, corruption and other unlawful activities within the EU Customs Authority, the provisions of Regulation (EU, Euratom) No 883/2013 shall apply without restriction.

Amendment

1. In order to combat fraud, corruption and other unlawful activities, **as well as ensure observance of human rights and environmental protection principles**, within the EU Customs Authority, the provisions of Regulation (EU, Euratom) No 883/2013 shall apply without restriction.

Or. en

Amendment 55

Henrike Hahn

Proposal for a regulation

Article 228 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The EU Customs Authority shall be encouraged to deploy interoperable platforms such as EDES, in order to mitigate potential risks listed in paragraph 1.

Or. en

Amendment 56
Nils Ušakovs

Proposal for a regulation
Article 237 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where exceptional circumstances so require, the Executive Director may decide to establish ***a local office in another*** Member ***State*** for the purposes of carrying out the EU Customs Authority's tasks in a more, efficient, effective and coherent manner.

Amendment

Where exceptional circumstances so require, the Executive Director may decide to establish ***offices in other*** Member ***States*** for the purposes of carrying out the EU Customs Authority's tasks in a more, efficient, effective and coherent manner.

Or. en

Amendment 57
Nils Ušakovs

Proposal for a regulation
Article 254 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Proceeds resulting from the enforcement of non-criminal sanctions shall be established as an own resource in accordance with Article 311(3) TFEU.

Or. en

Amendment 58
Valérie Hayer

Proposal for a regulation
Article 254 a (new)

Text proposed by the Commission

Amendment

Article 254a

Transfer of the proceeds of non-criminal pecuniary sanctions to the EU budget and to Member States

1. The proceeds of pecuniary charges resulting from the application of common minimum non-criminal sanctions as defined in Article 254 of the present regulation shall be assigned to the EU budget as other revenues, net of the cost incurred by national authorities for the prosecution of customs infringements.

2. If Member States decide to provide for further acts and omissions that constitute customs infringements than those defined in Article 252 of the present regulation, or if they decide to provide for pecuniary sanctions above the minimum thresholds for Union customs infringements defined in Article 254 of the present regulation, they shall transfer the proceeds of the corresponding pecuniary charges resulting from the application of these sanctions to their national budget.

Or. en

Amendment 59
Valérie Hayer

Proposal for a regulation
Article 255 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall assess and evaluate the performance of the customs union at least on an annual basis. This includes the measurement of customs activities performed by the customs authorities of the Member States and where possible candidate countries at national and

1. The Commission shall assess and evaluate the performance of the customs union at least on an annual basis. This includes the measurement of customs activities performed by the customs authorities of the Member States and where possible candidate countries at national and

border crossing points levels. Such measurement may build on existing tools developed by the Commission and Member States for this purpose.

border crossing points levels, *as well as a regular monitoring of the level of expenditure incurred by national customs authorities in carrying out their activities, and a recommendation on the level of customs duties retention to be applied by Member States for the financing of their customs authorities*. Such measurement may build on existing tools developed by the Commission and Member States for this purpose.

Or. en

Amendment 60 **Valérie Hayer**

Proposal for a regulation **Article 255 – paragraph 2**

Text proposed by the Commission

2. The EU Customs Authority shall assist the Commission with that task. To support the Commission in its evaluation of the performance of the custom union, the EU Customs Authority shall identify how customs activities and operations support the achievement of the strategic objectives and priorities of the customs union and contribute to the mission of customs authorities laid down in Article 2. In particular, the EU Customs Authority shall identify key trends, strengths, weaknesses, gaps, *and* potential risks, and provide recommendations for improvement to the Commission.

Amendment

2. The EU Customs Authority shall assist the Commission with that task. To support the Commission in its evaluation of the performance of the custom union, the EU Customs Authority shall identify how customs activities and operations support the achievement of the strategic objectives and priorities of the customs union and contribute to the mission of customs authorities laid down in Article 2. In particular, the EU Customs Authority shall identify key trends, strengths, weaknesses, gaps, potential risks, *support the Commission in gathering relevant data regarding the levels of expenditure incurred by national customs authorities to ensure their functioning*, and provide recommendations for improvement to the Commission.

Or. en

Amendment 61 **Valérie Hayer**

Proposal for a regulation
Article 256 – paragraph 4

Text proposed by the Commission

4. The Commission shall verify the report and transmit it afterwards to the Member States for information.

Amendment

4. The Commission shall verify the report and transmit it afterwards to the Member States ***and the European Parliament*** for information.

Or. en