



2023/0156(COD)

16.12.2023

AMENDMENTS

34 - 117

Draft opinion

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(PE755.970v01-00)

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 34
Pirkko Ruohonen-Lerner

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Due to the establishment of the new Authority, the costs incurred by the EU budget and the Member States for the collection of customs duties should be closely monitored. In particular, it is necessary to make preliminary estimates (and then detailed calculations) of how the establishment and functioning of the new Authority affects customs revenues and the costs of their collection.

Or. en

Amendment 35
Pirkko Ruohonen-Lerner

Proposal for a regulation
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4 b) 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. Furthermore, the geographical spread of EU institutions, bodies and agencies should be taken into consideration.

Or. en

Amendment 36
Maria Grapini

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The obligations of the deemed importers, which are different from the obligations applicable to [the rest of] importers, should also be clarified. In particular, it should be provided that the deemed importer should provide to the customs authorities not only the data necessary for the release for free circulation of the sold goods but also the information that the deemed importer must collect for VAT purposes. This information is detailed in Council Implementing Regulation (EU) No 282/2011⁴³.

⁴³ Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

Amendment

(14) The obligations of the deemed importers, which are different from the obligations applicable to [the rest of] importers, should also be clarified. In particular, it should be ***clarified that the ‘deemed importer’ provision is a statutory fiction created for the purposes of effective and efficient collection of customs duties. The deemed importer is usually not in possession of the goods, and the transfer of ownership of the goods occurs between the underlying importer and the customer. Consequently, the deemed importer will often depend on the accuracy of the information provided by the importers before or at the latest upon checkout to be able to ensure the correct tax treatment (payment and reporting obligations) of the transaction. It should be*** provided that the deemed importer should provide to the customs authorities not only the data necessary for the release for free circulation of the sold goods but also the information that the deemed importer must collect for VAT purposes. This information is detailed in Council Implementing Regulation (EU) No 282/2011⁴³.

⁴³ Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

Or. ro

Amendment 37
Maria Grapini

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) The EU Customs Data Hub should enable the exchange of data with other systems, platforms, or environments for the purpose of increasing the quality of data used by customs in fulfilling their tasks, as well as for sharing relevant customs data with other authorities, for the purpose of increasing the effectiveness of controls in the internal market. ***In line with the approach set out in Regulation (EU) .../... of the European Parliament and of the Council⁴⁵ and the European Interoperability Framework⁴⁶, the EU Customs Data Hub should foster cross-border and cross-sector interoperability in Europe. It should exploit the potential of existing sources of risk information available at Union level, such as the rapid alert systems for food and feed (RASFF) and for non-food products (Safety Gate), the Information and Communication System for Market Surveillance (ICSMS), the IP Enforcement Portal. It should underpin the development of strategic and operational cooperation, including information exchange and interoperability, between customs and other authorities, bodies and services, within their respective competences. Moreover, the EU Customs Data Hub should provide a wide range of advanced data analytics, also including through the use of artificial intelligence. That data analysis should be an enabler for risk analysis, economic analysis, and predictive analysis to anticipate possible risks with consignments coming to or moving from, the Union. To ensure better supervision of trade flows and a streamlined way of collaboration with authorities other than customs, the EU Customs Data Hub should be capable of making use of the framework of collaboration of the EU Single Window Environment for Customs and, where that***

Amendment

(20) The EU Customs Data Hub should enable the exchange of data with other systems, platforms, or environments for the purpose of increasing the quality of data used by customs in fulfilling their tasks, as well as for sharing relevant customs data with other authorities, for the purpose of increasing the effectiveness of controls in the internal market. ***Relevant customs data should involve targeted primary data collection from data holders who have control over information which can be used to validate declarations (manufacturers, shippers, agents, e-commerce platforms and payment service providers). These data will support the performance of robust risk analysis enabled by the EU Customs Data Hub capabilities, as defined in Article 29(1)(d).***

framework cannot be used, offer those authorities a specific service through they can obtain the relevant data, provide and share information to the customs authorities and make sure that the sectorial requirements are complied with. This would be necessary in case the other authorities would not have an electronic system that could be federated with the EU Customs Data Hub.

⁴⁵ *[OJ: Please insert in the text the number of the Regulation contained in document COM/2022/720 final – 2022/0379 (COD) and insert the number, date, title and OJ reference in this footnote.] Regulation (EU)/... of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) [COM/2022/720 final – 2022/0379 (COD)] (OJ L ...,2023, p.).*

⁴⁶ *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the committee of the regions European Interoperability Framework – Implementation Strategy (COM/2017/0134 final).*

Or. ro

Amendment 38
Maria Grapini

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) *Applying the standard rules for duty calculation in e-commerce transactions would, in many cases, result in a disproportionate administrative burden both for the customs*

Amendment

(48) Certain rules of the Code on tariff classification, origin and customs value should be amended to provide for the simplifications applicable on a voluntary basis by the deemed importer when

administrations and economic operators in particular in respect of the collection of revenues. In the interest of developing a robust and effective fiscal and customs treatment for goods imported from third countries via e-commerce transactions ('distance sales of imported goods'), Union legislation is to be amended in order to remove the threshold under which goods of negligible value not exceeding EUR 150 per consignment are exempted from customs duties at import in accordance with Council Regulation (EC) No 1186/2009⁵³, and to introduce a simplified tariff treatment for distance sales of imported goods from third countries in accordance with Council Regulation (EEC) No 2658/87 (Combined Nomenclature). In light of these proposed amendments, certain rules of the Code on tariff classification, origin and customs value should be amended to provide for the simplifications applicable on a voluntary basis by the deemed importer when determining the customs duty in a business-to-consumer transaction qualifying as distance sales for VAT purposes. The simplifications should consist in the possibility to calculate the customs duty due by applying one of the new bucket tariffs in the Combined Nomenclature to a value calculated in a simpler way. Under the simplified rules for business-to-consumer e-commerce transactions, the net purchase price without VAT but including the total transport costs until the final destination of the product should be considered as the customs value and no origin should be required. However, if the deemed importer wishes to benefit from preferential tariff rates by proving the originating status of the goods, that person can do so by applying the standard procedures.

determining the customs duty in a business-to-consumer transaction qualifying as distance sales for VAT purposes. The simplifications should consist in the possibility to calculate the customs duty due by applying one of the new bucket tariffs in the Combined Nomenclature to a value calculated in a simpler way. Under the simplified rules for business-to-consumer e-commerce transactions, the net purchase price without VAT but including the total transport costs until the final destination of the product should be considered as the customs value and no origin should be required. However, if the deemed importer wishes to benefit from preferential tariff rates by proving the originating status of the goods, that person can do so by applying the standard procedures.

⁵³ ***Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from***

customs duty (OJ L 324, 10.12.2009, p. 23).

⁵⁴ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Or. ro

Amendment 39 **Maria Grapini**

Proposal for a regulation **Recital 56**

Text proposed by the Commission

(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 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.

Amendment

(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 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 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. ro

Amendment 40
Maria Grapini

Proposal for a regulation
Article 2 – paragraph 2 – point e

Text proposed by the Commission

(e) supporting legitimate business activity, by maintaining a proper balance between customs controls and facilitation of legitimate trade and simplifying customs processes and procedures.

Amendment

(e) supporting legitimate business activity, by maintaining a proper balance between customs controls and facilitation of legitimate trade and simplifying customs processes and procedures ***through robust real-time risk analysis enabled by the EU Customs Data Hub artificial intelligence capabilities, as defined in Article 29(1)(d).***

Or. ro

Amendment 41
Maria Grapini

Proposal for a regulation
Article 5 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘deemed importer’ means any person involved in the distance sales of goods to be imported from third countries into the customs territory of the Union who is authorised to use the special scheme laid down in Title XII, Chapter 6, Section 4 of Directive 2006/112/EC;

Amendment

(13) ‘deemed importer’ means any person involved in the distance sales of goods to be imported from third countries into the customs territory of the Union, ***including the person*** who is authorised to use the special scheme laid down in Title XII, Chapter 6, Section 4 of Directive 2006/112/EC;

Or. ro

Amendment 42

Maria Grapini

Proposal for a regulation

Article 5 – paragraph 1 – point 57

Text proposed by the Commission

(57) ‘customs debt’ means the obligation on a person to pay the amount of import or export duty which applies to specific goods under the customs legislation in force;

Amendment

(57) ‘customs debt’ means the obligation on a person to pay the amount of import or export duty **and any other charges** which **apply** to specific goods under the customs legislation in force;

Or. ro

Amendment 43

Maria Grapini

Proposal for a regulation

Article 5 – paragraph 1 – point 64 a (new)

Text proposed by the Commission

Amendment

(64a) ‘shipment not at risk’ means a shipment that has been assessed by the EU Customs Data Hub as not presenting a customs risk; as such, it is colour-coded ‘green’.

Or. ro

Amendment 44

Maria Grapini

Proposal for a regulation

Article 5 – paragraph 1 – point 64 b (new)

Text proposed by the Commission

Amendment

(64b) ‘shipment at risk – to be assessed before release in the internal market’ means a shipment to be segregated and examined by national customs authorities upon arrival at destination;

Amendment 45
Maria Grapini

Proposal for a regulation
Article 5 – paragraph 1 – point 64 c (new)

Text proposed by the Commission

Amendment

(64c) ‘non-compliant shipment’ means a shipment that does not comply with EU rules, to be refused for collection at origin and/or refused for release in the internal market.

Or. ro

Amendment 46
Maria Grapini

Proposal for a regulation
Article 5 – paragraph 1 – point 64 d (new)

Text proposed by the Commission

Amendment

(64d) ‘Quality of data’ means targeted primary data collection from data holders who have control over information which can be used to validate declarations and combat fraud. These data will support the performance of robust risk analysis enabled by the EU Customs Data Hub capabilities, as defined in Article 29(1)(d).

Or. ro

Amendment 47
Maria Grapini

Proposal for a regulation
Article 5 – paragraph 1 – point 64 e (new)

Text proposed by the Commission

Amendment

(64e) ‘other charges’ means any fees levied in addition to custom duties, VAT, customs formalities fees and courier fees;

Or. ro

Amendment 48
Maria Grapini

Proposal for a regulation
Article 5 – paragraph 1 – point 64 f (new)

Text proposed by the Commission

Amendment

(64f) ‘end customer’ means any natural or legal person residing or established in the Union, to whom a product has been made available by a seller or marketplace;

Or. ro

Amendment 49
Maria Grapini

Proposal for a regulation
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Customs authorities shall, without delay and at the latest within **30** calendar days of receipt of the application for a decision, verify whether the conditions for the acceptance of that application are fulfilled.

Customs authorities shall, without delay and at the latest within **14** calendar days of receipt of the application for a decision, verify whether the conditions for the acceptance of that application are fulfilled.

Or. ro

Amendment 50
Maria Grapini

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Except where otherwise provided, the competent customs authority shall take a decision as referred to in paragraph 1 at the latest within **120** calendar days of the date of acceptance of the application and shall notify the applicant without delay.

Amendment

Except where otherwise provided, the competent customs authority shall take a decision as referred to in paragraph 1 at the latest within **90** calendar days of the date of acceptance of the application and shall notify the applicant without delay.

Or. ro

Amendment 51 Maria Grapini

Proposal for a regulation Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where the customs authorities ***are unable to comply with the time-limit for taking a decision, they shall inform the applicant of that fact before the expiry of that time-limit, stating the reasons and indicating the further period of time which they consider necessary in order to take a decision. Except where otherwise provided, that further period of time shall not exceed 30 calendar days.***

Amendment

Where the customs authorities ***fail to take a decision within the time limits established in the first, second and third subparagraphs, the request shall be considered to be denied, and the applicant may appeal such a negative decision. The applicant may inform the EU Customs Authority that the customs authorities did not take a decision within the relevant time limits.***

Or. ro

Amendment 52 Maria Grapini

Proposal for a regulation Article 6 – paragraph 9 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The EU Customs Authority should ensure the uniform application of customs legislation at European level.

Amendment 53
Maria Grapini

Proposal for a regulation
Article 18 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) attendance, where requested, by customs staff outside official office hours or at premises other than customs premises; *deleted*

Or. ro

Amendment 54
Maria Grapini

Proposal for a regulation
Article 18 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) exceptional control measures, where these are necessary due to the nature of the goods or to a potential risk. *deleted*

Or. ro

Amendment 55
Maria Grapini

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

Amendment

5. In specific cases, the customs authorities shall invalidate the registration.

5. In specific *well-justified* cases, the customs authorities shall invalidate the registration.

Amendment 56
Maria Grapini

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. The customs authorities shall grant the status following consultation with other authorities, if necessary, and after having **had access to** the relevant data of the applicant for the last 3 years in order to assess compliance with the criteria in paragraph 3.

Amendment

2. The customs authorities shall grant the status following consultation with other authorities, if necessary, and after having **received and assessed** the relevant data of the applicant for the last 3 years in order to assess compliance with the criteria in paragraph 3.

Amendment 57
Maria Grapini

Proposal for a regulation
Article 25 – paragraph 3 – point c

Text proposed by the Commission

(c) financial solvency, which shall be deemed to be proven where the applicant has **good** financial standing, which enables him or her to fulfil his or her commitments, with due regard to the characteristics of the type of business activity concerned. In particular, during the last 3 years preceding the submission of the application, the applicant shall have fulfilled his financial obligations regarding payments of customs duties and all other duties, taxes or charges which are collected on or in connection with the import or export of goods, including on VAT and excise duties due in relation to intra-Union operations;

Amendment

(c) financial solvency, which shall be deemed to be proven where the applicant has financial standing, which enables him or her to fulfil his or her commitments, with due regard to the characteristics of the type of business activity concerned. In particular, during the last 3 years preceding the submission of the application, the applicant shall have fulfilled his financial obligations regarding payments of customs duties and all other duties, taxes or charges which are collected on or in connection with the import or export of goods, including on VAT and excise duties due in relation to intra-Union operations;

Amendment 58
Maria Grapini

Proposal for a regulation
Article 25 – paragraph 3 – point e

Text proposed by the Commission

(e) appropriate security, safety and compliance standards, adapted to the type and size of the activity carried out. The standards shall be considered as fulfilled where the applicant demonstrates that he or she maintains appropriate measures to ensure the security and safety of the international supply chain, including in the areas of physical integrity and access controls, logistical processes and handling of specific types of goods, personnel and identification of his or her business partners;

Amendment

(e) appropriate security, safety **(including product safety)** and compliance standards, adapted to the type and size of the activity carried out. **The applicant shall be required to participate in mandatory training provided by the competent authorities related to the type of activity.** The standards shall be considered as fulfilled where the applicant demonstrates that he or she maintains appropriate measures to ensure the security and safety of the international supply chain, including in the areas of physical integrity and access controls, logistical processes and handling of specific types of goods, personnel and identification of his or her business partners;

Or. ro

Amendment 59
Maria Grapini

Proposal for a regulation
Article 25 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The Trust and Check trader shall inform the customs authorities of the receiving Member State of any changes in its corporate structure, **ownership**, solvency situation, trading models or any other significant changes in its situation and activities if any of these changes have an impact on the Trust and Check status.

Amendment

The Trust and Check trader shall inform the customs authorities of the receiving Member State of any changes in its corporate structure, solvency situation, trading models or any other significant changes in its situation and activities if any of these changes have an impact on the Trust and Check status.

Amendment 60
Maria Grapini

Proposal for a regulation
Article 25 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Where a Trust and Check trader is ***suspected of involvement*** in fraudulent activity in relation to its economic or business activity, its status shall be suspended.

Amendment

Where a Trust and Check trader is ***involved*** in fraudulent activity in relation to its economic or business activity, ***releasing non-compliant goods in the internal market***, its status shall be suspended. ***This suspension shall be notified in the EU Customs Data Hub.***

Or. ro

Amendment 61
Maria Grapini

Proposal for a regulation
Article 25 – paragraph 11 – subparagraph 1 – point b

Text proposed by the Commission

(b) the modalities for the application of the criteria referred to in paragraph 3;

Amendment

deleted

Or. ro

Amendment 62
Maria Grapini

Proposal for a regulation
Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) ensure the quality, integrity, traceability and non-repudiation of data processed therein, including the

Amendment

(b) ensure the quality (***as defined in Article 5(66)***), integrity, traceability and non-repudiation of data processed therein,

amendment of such data;

including the amendment of such data;

Or. ro

Amendment 63
Maria Grapini

Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 2

Text proposed by the Commission

To ensure the effectiveness of customs controls, all customs authorities may receive and process the data resulting from a customs control where non-compliant goods have been detected.

Amendment

To ensure the effectiveness of customs controls, all customs authorities ***across the EU*** may receive and process the data resulting from a customs control where non-compliant goods have been detected.

Or. ro

Amendment 64
Maria Grapini

Proposal for a regulation
Article 31 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to perform robust real-time risk analysis so as to minimise the responsibilities and liability of legitimate operators;

Or. ro

Amendment 65
Pirkko Ruohonen-Lerner

Proposal for a regulation
Article 31 – paragraph 6

Text proposed by the Commission

Amendment

6. The European Public Prosecutor's Office ('EPPO') *may, upon request*, access data, including personal and commercially sensitive data, stored or *otherwise* available in the EU Customs Data Hub, *exclusively and to the extent necessary for carrying out its tasks pursuant to* Article 4 of Council Regulation (EU) 2017/1939⁶⁶, *insofar as the conduct investigated by EPPO concerns customs and under the conditions determined in an implementing act adopted pursuant to paragraph 14 of this Article.*

⁶⁶ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

6. The European Public Prosecutor's Office ('EPPO') *shall have unrestricted* access *to* data, including personal and commercially sensitive data, stored or available in the EU Customs Data Hub. *This access is granted for the fulfilment of EPPO's tasks as outlined in* Article 4 of Council Regulation (EU) 2017/1939⁶⁶, *irrespective of the nature of the investigated conduct or its relation to* customs. The conditions *for EPPO's access shall be established solely by EPPO's discretion, without limitation, ensuring unimpeded access for EPPO to carry out its investigative tasks.*

⁶⁶ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

Or. en

Amendment 66

Maria Grapini

Proposal for a regulation

Article 31 – paragraph 6

Text proposed by the Commission

6. The European Public Prosecutor's Office ('EPPO') may, *upon request*, access data, including personal and commercially sensitive data, stored or otherwise available in the EU Customs Data Hub, *exclusively and* to the extent necessary for carrying out its tasks pursuant to Article 4 of Council Regulation (EU) 2017/1939⁶⁶, *insofar as the conduct investigated by EPPO concerns customs and under the conditions determined in an implementing act adopted pursuant to paragraph 14 of this Article.*

Amendment

6. The European Public Prosecutor's Office ('EPPO') may *directly* access *and process* data, including personal and commercially sensitive data, stored or otherwise available in the EU Customs Data Hub, to the extent necessary for carrying out its tasks pursuant to Article 4 of Council Regulation (EU) 2017/1939⁶⁶.

⁶⁶ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁶⁶ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

Or. ro

Amendment 67
Maria Grapini

Proposal for a regulation
Article 31 – paragraph 14 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The processing of personal data by the authorities referred to in this article shall be in compliance with the General Data Protection Regulation.

Or. ro

Amendment 68
Maria Grapini

Proposal for a regulation
Article 32 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) data subjects who are occasionally involved in activities covered by the customs legislation or by other legislation applied by the customs authorities;

(b) data subjects who are ***economic operators that are*** occasionally involved in activities covered by the customs legislation or by other legislation applied by the customs authorities;

Or. ro

Amendment 69
Maria Grapini

Proposal for a regulation
Article 32 – paragraph 1 – point c

Text proposed by the Commission

(c) data subjects whose personal information is contained in the supporting documents referred to in Article 40, or in any additional evidence required for the fulfilment of the obligations imposed by customs legislation and other legislation applied by the customs authorities;

Amendment

(c) data subjects ***who are economic operators and*** whose personal information is contained in the supporting documents referred to in Article 40, or in any additional evidence required for the fulfilment of the obligations imposed by customs legislation and other legislation applied by the customs authorities;

Or. ro

Amendment 70
Maria Grapini

Proposal for a regulation
Article 32 – paragraph 1 – point d

Text proposed by the Commission

(d) data subjects whose personal data is contained in the data collected for risk management purposes pursuant to Article 50(3), point (a);

Amendment

(d) data subjects ***who are economic operators and*** whose personal data is contained in the data collected for risk management purposes pursuant to Article 50(3), point (a);

Or. ro

Amendment 71
Maria Grapini

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

3. Where authorities other than customs authorities ***or*** Union bodies make use of electronic means established by, used to achieve the objectives of, or referred to in Union legislation, the

Amendment

3. Where authorities other than customs authorities, Union bodies ***or authorities from third countries*** make use of electronic means established by, used to achieve the objectives of, or referred to in

cooperation may take place by means of interoperability of those electronic means with the EU Customs Data Hub.

Union legislation, the cooperation may take place by means of interoperability of those electronic means with the EU Customs Data Hub.

Or. ro

Amendment 72
Maria Grapini

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

4. Where authorities other than customs authorities do not make use of electronic means established by, used to achieve the objectives of, or referred to in, Union legislation, those authorities may use the specific services and systems of the EU Customs Data Hub in accordance with Article 31.

Amendment

4. Where authorities other than customs authorities, ***including authorities from third countries***, do not make use of electronic means established by, used to achieve the objectives of, or referred to in, Union legislation, those authorities may use the specific services and systems of the EU Customs Data Hub in accordance with Article 31.

Or. ro

Amendment 73
Maria Grapini

Proposal for a regulation
Article 41 – paragraph 2

Text proposed by the Commission

2. Goods brought into the customs territory of the Union shall remain under such supervision for ***as long as is necessary to determine*** their customs status.

Amendment

2. Goods brought into the customs territory of the Union shall remain under such supervision for ***the purpose of determining*** their customs status.

Or. ro

Amendment 74
Maria Grapini

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission

2. The customs authorities may **at any time** require goods to be unloaded and unpacked for the purpose of examining them, taking samples or examining the means of transport carrying them.

Amendment

2. The customs authorities may, **where there are good reasons for doing so**, require goods to be unloaded and unpacked for the purpose of examining them, taking samples or examining the means of transport carrying them.

Or. ro

Amendment 75
Maria Grapini

Proposal for a regulation
Article 54 – paragraph 1

Text proposed by the Commission

1. The Commission, in cooperation with the EU Customs Authority and the customs authorities, shall evaluate the implementation of risk management in order to continuously improve its operational and strategic effectiveness and efficiency at least once every **2 years**; the Commission may in addition arrange evaluation activities to be carried out where it considers necessary, and on an ongoing basis.

Amendment

1. The Commission, in cooperation with the EU Customs Authority and the customs authorities, shall evaluate the implementation of risk management in order to continuously improve its operational and strategic effectiveness and efficiency at least once **every year**; **the Commission should publish this evaluation**. The Commission may in addition arrange evaluation activities to be carried out where it considers necessary, and on an ongoing basis.

Or. ro

Amendment 76
Maria Grapini

Proposal for a regulation
Article 60 – paragraph 2 – point a

Text proposed by the Commission

(a) an importer or exporter is responsible for the goods;

Amendment

(a) an importer, **responsible person** or exporter is responsible for the goods;

Or. ro

Amendment 77
Maria Grapini

Proposal for a regulation
Article 60 – paragraph 3 – point b

Text proposed by the Commission

(b) where they have any evidence that the goods do not comply with the relevant other legislation applied by the customs authorities, ***unless that legislation requires consulting other authorities beforehand***;

Amendment

(b) where they have any evidence that the goods do not comply with the relevant other legislation applied by the customs authorities;

Or. ro

Amendment 78
Maria Grapini

Proposal for a regulation
Article 60 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where other legislation requires consulting the authorities, this should be provided for;

Or. ro

Amendment 79
Maria Grapini

Proposal for a regulation
Article 60 – paragraph 5 – point b – point ii

Text proposed by the Commission

Amendment

(ii) the other authorities have not replied within the time limit determined in the relevant other legislation applied by the customs authorities, or

deleted

Or. ro

Amendment 80
Maria Grapini

Proposal for a regulation
Article 60 – paragraph 5 – point b – point iii

Text proposed by the Commission

Amendment

(iii) the other authorities notify the customs authorities that more time is needed to assess whether the goods comply with the relevant other legislation applied by the customs authorities, on the condition that they have not requested to maintain the suspension, and the importer or the exporter provides to the customs authorities full traceability of those goods for 15 days starting from the notification of the other authorities or until the other authorities have assessed and communicated the outcome of their controls to the importer or the exporter, whichever comes first. The customs authorities shall make the traceability available to the other authorities.

(iii) the other authorities notify the customs authorities that more time is needed to assess whether the goods comply with the relevant other legislation applied by the customs authorities, on the condition that they have not requested to maintain the suspension, and the importer, **the responsible person** or the exporter provides to the customs authorities full traceability of those goods for 15 days starting from the notification of the other authorities or until the other authorities have assessed and communicated the outcome of their controls to the importer, **the responsible person** or the exporter, whichever comes first. The customs authorities shall make the traceability available to the other authorities.

Or. ro

Amendment 81
Maria Grapini

Proposal for a regulation
Article 75 a (new)

Text proposed by the Commission

Amendment

Article 75a

Organisation of the EU Customs Authority

In the interest of transparency, interested parties should be given observer status within the Advisory Board established and consulted by the Management Board of the EU Customs Authority.

Or. ro

Amendment 82
Maria Grapini

Proposal for a regulation
Article 86 – paragraph 5

Text proposed by the Commission

5. Non-Union goods in temporary storage shall be placed under a customs procedure no later than 3 days after the notification of their arrival or no later than 6 days after the notification of their arrival in the case of an authorised consignee as referred to in Article 116(4), point (b), unless the customs authorities require the goods to be presented. In exceptional cases, that time limit may be extended.

Amendment

5. Non-Union goods in temporary storage shall be placed under a customs procedure ***for a period of 90 days*** no later than 3 days after the notification of their arrival or no later than 6 days after the notification of their arrival in the case of an authorised consignee as referred to in Article 116(4), point (b), unless the customs authorities require the goods to be presented. In exceptional cases, that time limit may be extended.

Or. ro

Amendment 83
Maria Grapini

Proposal for a regulation
Article 150 – paragraph 10

Text proposed by the Commission

10. ***Where*** the importer has opted to

Amendment

10. ***Even if*** the importer has opted to

apply the simplified tariff treatment for distance sales, ***the importer may not benefit from*** the measures referred to in Article 145(2), points (d) and (e), or ***from*** non-tariff preferential measures.

apply the simplified tariff treatment for distance sales, the measures referred to in Article 145(2), points (d) and (e), or non-tariff preferential measures ***shall apply***.

Or. ro

Amendment 84
Maria Grapini

Proposal for a regulation
Article 159 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where the information provided or made available for the purpose of the procedures referred to in paragraph 1 leads to all or part of the import duty not being collected, the person who provided that information and who knew, or who ought reasonably to have known, that such information was false shall also be a debtor.

Amendment

Where the information provided or made available for the purpose of the procedures referred to in paragraph 1 leads to all or part of the import duty not being collected, the person who provided that information and who knew, or who ought reasonably to have known, that such information was false shall also be a debtor. ***That person shall be responsible for the payment of any other charges applicable.***

Or. ro

Amendment 85
Maria Grapini

Proposal for a regulation
Article 159 – paragraph 3

Text proposed by the Commission

3. Where Title XII, Chapter 6, Section 4 of Directive 2006/112/EC applies to the distance sales of goods to be imported from third countries or territories to ***a*** customer in the customs territory of the Union, the deemed importer shall incur a customs debt when the payment for the distance sale is accepted and shall be the debtor.

Amendment

3. Where Title XII, Chapter 6, Section 4 of Directive 2006/112/EC applies to the distance sales of goods to be imported from third countries or territories to ***an end*** customer in the customs territory of the Union, the deemed importer shall incur a customs debt when the payment for the distance sale is accepted and shall be the

debtor. *The deemed importer shall also be responsible for the payment of any other applicable charges.*

Or. ro

Amendment 86
Maria Grapini

Proposal for a regulation
Article 181 – paragraph 3 – subparagraph 2

Text proposed by the Commission

However, where the notification of the customs debt would prejudice a criminal investigation, the customs authorities may defer that notification until such time as it no longer prejudices the criminal investigation.

Amendment

However, where the notification of the customs debt would prejudice a criminal investigation, the customs authorities may defer that notification until such time as it no longer prejudices the criminal investigation, *irrespective of the Member State in which the investigation takes place. Notification shall be deferred following an explicit request to that effect by an authority that is competent for criminal investigations and prosecutions, including the EPPO.*

Or. ro

Amendment 87
Maria Grapini

Proposal for a regulation
Article 207 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the EU Customs Authority shall contribute to the mission of customs authorities to support legitimate business activity, by maintaining a proper balance between customs controls, the facilitation of legitimate trade and the simplification of customs processes and procedures by:

(i) performing robust risk analysis enabled by the EU Customs Data Hub capabilities, including artificial intelligence as defined in Article 29(1)(f); and

(ii) providing trusted traders with access to real-time risk analysis data made available through the EU Customs Data Hub and categorised and colour-coded as follows:

- ‘green’ for ‘shipment not at risk’ as defined in Article 5(64a new);*
- ‘yellow’ for ‘shipment at risk to be assessed before release in the internal market’, as defined in Article 5(64b new);*
- ‘red’ for ‘non-compliant shipment’ to be refused for collection at origin as defined in Article 5(64c new).*

The details of the colour-coding system used shall be laid down in an implementing act.

(iii) submitting on a yearly basis a series of recommendations to improve customs facilitation and to ensure a fair and balanced level of liability for trusted traders.

Or. ro

Amendment 88
Maria Grapini

Proposal for a regulation
Article 207 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) The EU Customs Authority shall introduce a mandatory special scheme for the collection of customs duties in relation to goods imported through distance sales from third territories or third countries. This mandatory special scheme should be aligned with the special scheme defined in

Title XII, Section 4, of Directive 2006/112 (EC).

Or. ro

Amendment 89
Maria Grapini

Proposal for a regulation
Article 211 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) an advisory body which shall exercise the functions set out in Article 212(a);

Or. ro

Amendment 90
Maria Grapini

Proposal for a regulation
Article 212 – paragraph 1

Text proposed by the Commission

Amendment

1. The Management Board shall be composed of one representative from each Member State *and* two representatives of the Commission, all with voting rights.

1. The Management Board shall be composed of one representative from each Member State, two representatives of the Commission *and one representative of the European Parliament*, all with voting rights.

Or. ro

Amendment 91
Maria Grapini

Proposal for a regulation
Article 212 – paragraph 2

Text proposed by the Commission

Amendment

2. The Management Board shall also include one member designated by the European Parliament, without the right to vote.

deleted

Or. ro

**Amendment 92
Maria Grapini**

**Proposal for a regulation
Article 212 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

(5a) Where appropriate, the participation, with observer status, of representatives of European third countries in the Management Board and the conditions for such participation shall be established through bilateral agreements.

Or. ro

**Amendment 93
Maria Grapini**

**Proposal for a regulation
Article 212 a (new)**

Text proposed by the Commission

Amendment

Article 212a

Functions of the Advisory Board

The Advisory Board referred to in Article 215(1)(va) shall appoint four of its members to participate with observer status in the Management Board. They shall represent, as broadly as possible, the different views represented in the advisory body. The initial term of office shall be

48 months and shall be extendable.

Or. ro

Amendment 94
Maria Grapini

Proposal for a regulation
Article 214 – paragraph 4

Text proposed by the Commission

4. The Management Board *may* invite *any person* whose opinion may be of interest to attend its meetings as an observer.

Amendment

4. The Management Board *shall* invite *representatives of the industry designated by the advisory body, as defined in Article 215(1)(va)*, whose opinion may be of interest to attend its meetings as an observer.

Or. ro

Amendment 95
Pirkko Ruohonen-Lerner

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 96
Pirkko Ruohonen-Lerner

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*** its rules of procedure;

Or. en

Amendment 97

Maria Grapini

Proposal for a regulation

Article 215 – paragraph 1 – point v a (new)

Text proposed by the Commission

Amendment

(va) The Management Board shall establish an advisory body representing the full range of interested parties affected by the work of the EU Customs Authority, which it shall consult prior to making decisions. The Management Board shall not, in any case, be bound by the opinion of the advisory body.

Or. ro

Amendment 98

Maria Grapini

Proposal for a regulation

Article 217 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) ensure, together with the Management Board, adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of OLAF and of EPPO;

(b) ensure, together with the Management Board, adequate follow-up to the findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of OLAF and of ***the EPPO, and implement procedures for the reporting to the latter of suspected criminal offences falling within its***

competence;

Or. ro

Amendment 99
Pirkko Ruohonen-Lerner

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 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 ***detailed below.***

Or. en

Amendment 100
Pirkko Ruohonen-Lerner

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

Text proposed by the Commission

Amendment

(a) The Commission will create and publish a shortlist of candidates, inviting them to participate in a transparent selection process. Candidates will be required to present themselves to the European Parliament and the Council's competent committee and respond to inquiries.

Or. en

Amendment 101
Pirkko Ruohonen-Lerner

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

Text proposed by the Commission

Amendment

(b) Following this, the European Parliament and the Council will express their opinions and preferences.

Or. en

Amendment 102
Pirkko Ruohonen-Lerner

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

Text proposed by the Commission

Amendment

(c) The Management Board, in the process of appointing the Executive Director, will duly consider and take into account the opinions expressed by the European Parliament and the Council.

Or. en

Amendment 103
Pirkko Ruohonen-Lerner

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 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. **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 104
Pirkko Ruohonen-Lerner

Proposal for a regulation
Article 218 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. The European Parliament and the Council shall be informed of the reasons.

Or. en

Amendment 105
Pirkko Ruohonen-Lerner

Proposal for a regulation
Article 219 – paragraph 3

Text proposed by the Commission

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.

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.***

Or. en

Amendment 106
Maria Grapini

Proposal for a regulation
Article 228 – paragraph 6

Text proposed by the Commission

6. In accordance with Regulation (EU) 2017/1939, EPPO *may investigate* and *prosecute* fraud and other illegal activities affecting the financial interests of the Union *as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council*⁷⁷.

Amendment

6. In accordance with Regulation (EU) 2017/1939, *the EPPO is responsible for investigating and prosecuting* fraud and other illegal activities affecting the financial interests of the Union. *Pursuant to Article 24 of Council Regulation (EU) 2017/1939, the Authority shall, without undue delay, report to the EPPO any criminal conduct in respect of which it could exercise its competence in accordance with Article 22 and Article 25(2) and (3) of that Regulation.*

⁷⁷ *Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).*

Or. ro

Amendment 107
Pirkko Ruohonen-Lerner

Proposal for a regulation
Article 236 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The Authority's liability indicated in paragraph 3 also applies to damages resulting from the administration of data placed in the central database and exchanged - via the database or by the Authority - with other entities;*

Amendment 108
Pirkko Ruohonen-Lerner

Proposal for a regulation
Article 237 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. All costs incurred by a Member State in ensuring the conditions set out in paragraphs 1 and 2 shall fall within the budget of the Authority and shall be financed by the EU budget, in accordance with Article 225, paragraph 3, point c.

Or. en

Amendment 109
Maria Grapini

Proposal for a regulation
Article 240 – paragraph 1

Text proposed by the Commission

Amendment

1. Customs authorities shall cooperate with other authorities at national level, including, but not limited to, market surveillance authorities, sanitary and phytosanitary authorities, law enforcement authorities and tax authorities, in the field of other legislation applied by the customs authorities, collection of duties and taxes and other relevant fields of cooperation. Where appropriate, customs authorities shall also cooperate with relevant bodies, expert groups, agencies, offices or networks coordinating the activities of other authorities at Union level. Where appropriate, customs authorities shall also cooperate with other relevant parties at EU level, as referred to in paragraph 9, and the involved customs authorities shall notify

1. Customs authorities shall cooperate with other authorities at national level, including, but not limited to, market surveillance authorities, sanitary and phytosanitary authorities, law enforcement authorities and tax authorities, in the field of other legislation applied by the customs authorities, collection of duties and taxes and other relevant fields of cooperation. **Customs authorities shall immediately alert all relevant authorities when they suspect infringement of other relevant EU legislation and send a notification to that effect in the EU Customs Data Hub.** Where appropriate, customs authorities shall also cooperate with relevant bodies, expert groups, agencies, offices or networks coordinating the activities of

the EU Customs Authority.

other authorities at Union level. Where appropriate, customs authorities shall also cooperate with other relevant parties at EU level, as referred to in paragraph 9, and the involved customs authorities shall notify the EU Customs Authority.

Or. ro

Amendment 110
Maria Grapini

Proposal for a regulation
Article 240 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the exchange of skills and best practices through joint training courses on how to detect non-compliant products, including keeping up to date on any other Union legislation that sets compliance requirements such as those related to product safety and sustainability.

Or. ro

Amendment 111
Maria Grapini

Proposal for a regulation
Article 243 – paragraph 1

Text proposed by the Commission

Amendment

The EU Customs Authority may, without prejudice to the powers of the Commission and subject to its prior approval, conclude working arrangements with the authorities of third countries and international organisations. These arrangements shall not create legal obligations incumbent on the Union.

The EU Customs Authority may, without prejudice to the powers of the Commission and subject to its prior approval, conclude working arrangements with the authorities of third countries and international organisations. These arrangements shall not create legal obligations incumbent on the Union. ***They shall empower the EU Customs Authority to exchange information with the authorities of third***

countries, as well as best practices, and to conduct joint activities.

Or. ro

Amendment 112

Maria Grapini

Proposal for a regulation

Article 252 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) failure to comply with importer and deemed importer obligations in accordance with Articles 20 and 21.

Or. ro

Amendment 113

Maria Grapini

Proposal for a regulation

Article 254 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) where the customs infringement is related to the deemed importer obligations, the pecuniary charge shall comprise an amount up to 4% of the importer's total turnover in the preceding financial year;

Or. ro

Amendment 114

Pirkko Ruohonen-Lerner

Proposal for a regulation

Article 258 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) an overview of the costs incurred by the Union on the one hand and the Member States on the other hand for the implementation of the Regulation including in comparison with the costs incurred at the date of entry into force of the Regulation;

Or. en

Amendment 115

Maria Grapini

Proposal for a regulation

Article 265 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The following provisions shall apply from **1 March 2028**:

2. The following provisions shall apply from ***the day this Regulation enters into force***:

Or. ro

Amendment 116

Maria Grapini

Proposal for a regulation

Article 265 – paragraph 6

Text proposed by the Commission

Amendment

6. Before 31 December 2027, the Commission shall present a report to the European Parliament and to the Council providing an assessment of centralised clearance referred to in Article 72. If appropriate, the Commission may present a legislative proposal with a view to ensuring a fair distribution of the rights and obligations of the Member States in connection with the assessment of and liability for the customs debt at import.

6. Before 31 December 2027, the Commission shall present a report to the European Parliament and to the Council providing an assessment of centralised clearance referred to in Article 72. If appropriate, the Commission may present a legislative proposal with a view to ensuring a fair distribution of the rights and obligations of the Member States in connection with the assessment of and liability for the customs debt at

import. *This report shall be made publicly available.*

Or. ro

Amendment 117

Maria Grapini

Proposal for a regulation

Article 265 – paragraph 7 – introductory part

Text proposed by the Commission

7. By 31 December 2035, the Commission shall present *a report* to the European Parliament and to the Council to assess, in particular:

Amendment

7. By 31 December 2035, the Commission shall *publish and* present to the European Parliament and to the Council *a report* to assess, in particular:

Or. ro