



2023/0156(COD)

17.11.2023

AMENDMENTS

133 - 434

Draft report

Deirdre Clune

(PE755.046v01-00)

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 133

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

Citation 3 a (new)

Text proposed by the Commission

Amendment

***having regard to the European
Parliament resolution of 25 November
2009 on origin marking,***

Or. fr

Amendment 134

Carlo Fidanza

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) In order to provide for effective means of achieving the objectives of the customs union, a number of rules and procedures regulating how goods are brought into or taken out of the customs territory of the Union should be revised and ***simplified***. A modern, integrated set of interoperable electronic services should be provided for collecting, processing and exchanging information relevant for implementing customs legislation (European Union Customs Data Hub, ‘EU Customs Data Hub’). A European Union Customs Authority (‘EU Customs Authority’) should be established as a central, operational capacity for the coordinated governance of the customs union in specific areas.

(4) In order to provide for effective means of achieving the objectives of the customs union, a number of rules and procedures regulating how goods are brought into or taken out of the customs territory of the Union should be revised and ***harmonised***. A modern, integrated set of interoperable electronic services should be provided for collecting, processing and exchanging information relevant for implementing customs legislation (European Union Customs Data Hub, ‘EU Customs Data Hub’). A European Union Customs Authority (‘EU Customs Authority’) should be established as a central, operational capacity for the coordinated governance of the customs union in specific areas.

Or. it

Justification

As revealed in Special Report No 4/2021: 'Customs controls: insufficient harmonisation hampers EU financial interests' by the European Court of Auditors, the legislative framework

is not designed well enough to ensure that Member States select controls to make on import declarations in a harmonised way. What is more, Member States implement the framework in different ways.

Amendment 135

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In order to provide for effective means of achieving the objectives of the customs union, a number of rules and procedures regulating how goods are brought into or taken out of the customs territory of the Union should be revised **and** simplified. A modern, integrated set of interoperable electronic services should be provided for collecting, processing and exchanging information relevant for implementing customs legislation (European Union Customs Data Hub, ‘EU Customs Data Hub’). A European Union Customs Authority (‘EU Customs Authority’) should be established as a central, operational capacity for the coordinated governance of the customs union in specific areas.

Amendment

(4) In order to provide for effective means of achieving the objectives of the customs union, a number of rules and procedures regulating how goods are brought into or taken out of the customs territory of the Union should be revised, simplified **and harmonized**. A modern, integrated set of interoperable electronic services should be provided for collecting, processing and exchanging information relevant for implementing customs legislation (European Union Customs Data Hub, ‘EU Customs Data Hub’). A European Union Customs Authority (‘EU Customs Authority’) should be established as a central, operational capacity for the coordinated governance of the customs union in specific areas.

Or. en

Amendment 136

Catharina Rinzema

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Since the adoption of Regulation (EU) No 952/2013, the role of customs authorities has evolved to increasingly cover the application of Union and national

Amendment

(5) Since the adoption of Regulation (EU) No 952/2013, the role of customs authorities has evolved to increasingly cover the application of Union and national

legislation laying down requirements on goods subject to customs supervision, in particular the non-financial requirements on goods that are necessary for these goods to enter and circulate in the internal market. Such non-financial tasks have increased exponentially over the years in line with growing expectations of Union businesses and citizens regarding safety, security, accessibility for persons with disabilities, sustainability, human, animal and plant health and life, the environment, the protection of human rights and Union values. New tools, such as the Digital Product Passport, are to be introduced to ensure that other legislation applied by the customs authorities related to products continues to respond to these expectations. It is therefore necessary to reflect the increasing number and complexity of non-financial risks by including in the mission of customs authorities a specific reference to protecting all these public interests and, where applicable, national legislation, in close cooperation with other authorities.

legislation laying down requirements on goods subject to customs supervision, in particular the non-financial requirements on goods that are necessary for these goods to enter and circulate in the internal market. Such non-financial tasks have increased exponentially over the years in line with growing expectations of Union businesses and citizens regarding safety, security, accessibility for persons with disabilities, sustainability, human, animal and plant health and life, the environment, the protection of human rights and Union values. New tools, such as the Digital Product Passport, are to be introduced to ensure that other legislation applied by the customs authorities related to products continues to respond to these expectations. It is therefore necessary to reflect the increasing number and complexity of non-financial risks by including in the mission of customs authorities a specific reference to protecting all these public interests and, where applicable, national legislation, in close cooperation with other authorities. *It is equally important to note that a significant volume of goods processed in major harbors and airports are being transshipped, coming from and destined for other continents without entering the EU market. Such goods do not need to comply with the same EU safety and product standards required for goods entering the internal market.*

Or. en

Amendment 137
Vlad-Marius Botoș

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) Pursuant to Article 24 of Council Regulation (EU) 2017/1939, the competent customs authorities 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. The competent customs authorities shall refrain from taking measures which could jeopardize the confidentiality of criminal investigations into the same facts of the competent national judicial or law enforcement authority or the EPPO, when requested to do so by these authorities.

Or. en

Amendment 138
Deirdre Clune

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for compliance of the goods, including for financial and non-financial risks, in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding responsibilities. New definitions should also be introduced in relation to the broader scope of the

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(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for compliance of the goods, including for financial and non-financial risks, in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding responsibilities *ensuring that the relevant economic operator has complied with the applicable*

provisions of customs supervision, risk management and customs controls.

legislation applied by the customs authorities when the goods enter or exit the customs territory of the Union and providing, keeping and making available appropriate records of such compliance.
New definitions should also be introduced in relation to the broader scope of the provisions of customs supervision, risk management and customs controls.

Or. en

Amendment 139
Anne-Sophie Pelletier

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for compliance of the goods, including for financial and non-financial risks, in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding responsibilities. New definitions should also be introduced in relation to the broader scope of the provisions of customs supervision, risk management and customs controls.

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(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for compliance of the goods, including for financial and non-financial risks, in order to strengthen customs supervision. In the case of the new concept of deemed importer, ***applying to all sellers and marketplaces involved in a distance sale of goods to be imported from third countries***, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding responsibilities. New definitions should also be introduced in relation to the broader scope of the

provisions of customs supervision, risk management and customs controls.

Or. en

Amendment 140

Ivan Štefanec

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for compliance of the goods, including for financial and non-financial risks, in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding responsibilities. New definitions should also be introduced in relation to the broader scope of the provisions of customs supervision, risk management and customs controls.

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(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for compliance of the goods, including for financial and non-financial risks, in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding **financial responsibilities and specific obligations under product compliance laws**. New definitions should also be introduced in relation to the broader scope of the provisions of customs supervision, risk management and customs controls.

Or. en

Amendment 141

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons **liable** for compliance of the goods, including for financial and non-financial risks, in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding responsibilities. New definitions should also be introduced in relation to the broader scope of the provisions of customs supervision, risk management and customs controls.

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Or. en

Justification

We want to clarify that we are talking about responsibility towards customs, and not liability in the terms of other pieces of legislation (GSPR.).

Amendment 142

Adam Bielan

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for compliance *of the goods, including for financial and non-financial risks*, in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding responsibilities. New definitions should also be introduced in relation to the broader scope of the provisions of customs supervision, risk management and customs controls.

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Or. en

Justification

The proposed amendments make clear that (deemed) importers are subject to PC obligations under existing product compliance laws rather than new PC obligations enacted under the EUCR.

Amendment 143

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) Beyond their traditional role of collecting customs duties, VAT and excise and applying customs legislation, customs authorities also play a critical role in enforcing other Union and, where applicable, other national legislation on customs matters. A definition of this ‘other legislation applied by the customs authorities’ should be introduced in order to build an effective framework for regulating the application and supervision of these particular requirements on goods. Such prohibitions and restrictions can be justified on grounds of, inter alia, public morality, public policy or public security, the protection of the health and life of humans, animals or plants, the protection of the environment, the protection of national treasures possessing artistic, historic or archaeological value and the protection of industrial or commercial property and other public interests, including controls on drug precursors, goods infringing certain intellectual property rights and cash. The notion of other legislation applied by the customs authorities should also include commercial policy measures and fishery conservation and management measures, as well as restrictive measures adopted on the basis of Article 215 TFEU.

(8) Beyond their traditional role of collecting customs duties, VAT and excise and applying customs legislation, customs authorities also play a critical role in enforcing other Union and, where applicable, other national legislation on customs matters. A definition of this ‘other legislation applied by the customs authorities’ should be introduced in order to build an effective framework for regulating the application and supervision of these particular requirements on goods. Such prohibitions and restrictions can be justified on grounds of, inter alia, public morality, public policy or public security, the protection of the health and life of humans, animals or plants, the protection of the environment, the protection of national treasures possessing artistic, historic or archaeological value and the protection of industrial or commercial property and other public interests, including controls on drug precursors, goods infringing certain intellectual property rights and cash. The notion of other legislation applied by the customs authorities should also include commercial policy measures and fishery conservation and management measures, as well as restrictive measures adopted on the basis of Article 215 TFEU. ***Divergences in the national lists of prohibition and restrictions create significant difficulties for entities importing in multiple Member States. In order to facilitate trade and the functioning of customs, the EU should work to gradually harmonise national lists of prohibitions and restrictions. Furthermore, harmonised definitions of the legal terms used in providing for prohibitions and restrictions should be adopted, in order to avoid diverging interpretations by Member States.***

Or. en

Amendment 144
Ivan Štefanec

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Beyond their traditional role of collecting customs duties, VAT and excise and applying customs legislation, customs authorities also play a critical role in enforcing other Union and, where applicable, other national legislation on customs matters. A definition of this ‘other legislation applied by the customs authorities’ should be introduced in order to build an effective framework for regulating the application and supervision of these particular requirements on goods. Such prohibitions and restrictions can be justified on grounds of, inter alia, public morality, public policy or public security, the protection of the health and life of humans, animals or plants, the protection of the environment, the protection of national treasures possessing artistic, historic or archaeological value and the protection of industrial or commercial property and other public interests, including controls on drug precursors, goods infringing certain intellectual property rights and cash. The notion of other legislation applied by the customs authorities should also include commercial policy measures and fishery conservation and management measures, as well as restrictive measures adopted on the basis of Article 215 TFEU.

Amendment

(8) Beyond their traditional role of collecting customs duties, VAT and excise and applying customs legislation, customs authorities also play a critical role in enforcing other Union and, where applicable, other national legislation on customs matters. A definition of this ‘other legislation applied by the customs authorities’ should be introduced in order to build an effective framework for regulating the application and supervision of these particular requirements on goods ***in accordance with Regulation 2019/1020 on market surveillance and compliance of products, and within the specific customs controls and procedures established under this Regulation (establishing the Union Customs Code)***. Such prohibitions and restrictions can be justified on grounds of, inter alia, public morality, public policy or public security, the protection of the health and life of humans, animals or plants, the protection of the environment, the protection of national treasures possessing artistic, historic or archaeological value and the protection of industrial or commercial property and other public interests, including controls on drug precursors, goods infringing certain intellectual property rights and cash. The notion of other legislation applied by the customs authorities should also include commercial policy measures and fishery conservation and management measures, as well as restrictive measures adopted on the basis of Article 215 TFEU.

Or. en

Amendment 145
Adam Bielan

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Beyond their traditional role of collecting customs duties, VAT and excise and applying customs legislation, customs authorities also play a critical role in enforcing other Union and, where applicable, other national legislation on customs matters. A definition of this ‘other legislation applied by the customs authorities’ should be introduced in order to build an effective framework for regulating the application and supervision of these particular requirements on goods. Such prohibitions and restrictions can be justified on grounds of, inter alia, public morality, public policy or public security, the protection of the health and life of humans, animals or plants, the protection of the environment, the protection of national treasures possessing artistic, historic or archaeological value and the protection of industrial or commercial property and other public interests, including controls on drug precursors, goods infringing certain intellectual property rights and cash. The notion of other legislation applied by the customs authorities should also include commercial policy measures and fishery conservation and management measures, as well as restrictive measures adopted on the basis of Article 215 TFEU.

Amendment

(8) Beyond their traditional role of collecting customs duties, VAT and excise and applying customs legislation, customs authorities also play a critical role, ***together with Market Surveillance Authorities***, in enforcing other Union and, where applicable, other national legislation on customs matters. A definition of this ‘other legislation applied by the customs authorities’ should be introduced in order to build an effective framework for regulating the application and supervision of these particular requirements on goods ***in accordance with Regulation 2019/1020 on market surveillance and compliance of products***. Such prohibitions and restrictions can be justified on grounds of, inter alia, public morality, public policy or public security, the protection of the health and life of humans, animals or plants, the protection of the environment, the protection of national treasures possessing artistic, historic or archaeological value and the protection of industrial or commercial property and other public interests, including controls on drug precursors, goods infringing certain intellectual property rights and cash. The notion of other legislation applied by the customs authorities should also include commercial policy measures and fishery conservation and management measures, as well as restrictive measures adopted on the basis of Article 215 TFEU.

Or. en

Justification

While Customs plays a crucial role in enforcing product compliance laws, the primary responsibility for this should remain with the Market Surveillance Authorities (MSAs). The amendments also reference the Market Surveillance Regulation (MSR), which outlines detailed rules on how Customs should collaborate with MSAs in upholding product compliance laws.

Amendment 146

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The consequence of the failure of a customs authority to take a decision upon application within the established time-limits should be clarified. The principle that in such case the application is deemed to be subject to a negative decision and that the applicant may lodge an appeal, in accordance with the general rule on customs decisions should also be established.

Amendment

(10) The consequence of the failure of a customs authority to take a decision upon application within the established time-limits should be clarified. The principle that in such case the application is deemed to be subject to a negative decision and that the applicant may lodge an appeal, in accordance with the general rule on customs decisions should also be established. ***In order to ensure that trade is not paralysed in case of large-scale failure of the centralised electronic systems, the Commission and the EU Customs agency should work with Member States on fall-back procedures.***

Or. en

Amendment 147

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

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 is created for the purpose 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 importer and the customer. Consequently, the***

Regulation (EU) No 282/2011⁴³ .

deemed importer will often depend on the accuracy of the information provided by the importers before or at the latest upon check-out to be able to ensure correct duties treatment (payment and reporting obligations) of the transaction. It should also 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 077 23.3.2011, p. 1).

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 077 23.3.2011, p. 1).

Or. en

Amendment 148 **Andreas Schwab**

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 .

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 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 . **However, the deemed importer can not be liable for providing non-fiscal compliance**

information.

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 077 23.3.2011, p. 1).

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 077 23.3.2011, p. 1).

Or. en

Amendment 149
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Economic operators meeting certain criteria and conditions to be considered compliant and trustworthy traders by customs authorities can be granted the status of AEO and thereby benefit from facilitations in customs processes. While ensuring that the traders dealing with most of Union trade are trustworthy, the AEO scheme suffers from certain weaknesses highlighted in the evaluation of Regulation (EU) No 952/2013 and in the findings of the European Court of Auditors. To deal with those concerns, in particular about the divergent national practices and challenges regarding AEO compliance monitoring, the rules should be amended to introduce the customs authorities' obligation to monitor compliance at least every **3** years.

Amendment

(15) Economic operators meeting certain criteria and conditions to be considered compliant and trustworthy traders by customs authorities can be granted the status of AEO and thereby benefit from facilitations in customs processes. While ensuring that the traders dealing with most of Union trade are trustworthy, the AEO scheme suffers from certain weaknesses highlighted in the evaluation of Regulation (EU) No 952/2013 and in the findings of the European Court of Auditors. To deal with those concerns, in particular about the divergent national practices and challenges regarding AEO compliance monitoring, the rules should be amended to introduce the customs authorities' obligation to monitor compliance at least every **2** years.

Or. en

Amendment 150
Andreas Schwab

Proposal for a regulation
Recital 16

(16) ***The changes in the customs processes and the way of operating the customs authorities requires a new partnership with economic operators, that is the Trust and Check traders scheme. The criteria and conditions to become a Trust and Check trader should build on the AEO criteria but should also ensure that the trader is considered transparent for the customs authorities. It is therefore appropriate to require Trust and Check operators to grant the customs authorities access to their electronic systems keeping record of their compliance and the movement of their goods. The transparency should be accompanied by certain benefits, notably the possibility to release the goods on behalf of customs without the necessity for their active intervention, except where a pre-release approval is required by other legislation applied by the customs authorities and to defer the payment of the customs debt. As this mode of working should progressively replace the one based on customs declarations, it is appropriate to establish the customs authorities' obligation to reassess the existing authorisations for AEO for customs simplifications until the end of the transition period.***

(16) ***In order to allow especially trustworthy traders to benefit from even more facilitations the Trust and Check traders scheme will be established. The criteria and conditions to become a Trust and Check trader build on the AEO criteria, but require increased transparency efforts such as to grant the customs authorities access to their electronic systems keeping record of their compliance and the movement of their goods. The transparency should be accompanied by certain benefits, notably the possibility to release the goods on behalf of customs without the necessity for their active intervention, except where a pre-release approval is required by other legislation applied by the customs authorities and to defer the payment of the customs debt. The Trust and Check traders scheme should co-exist next to the AEO.***

Or. en

Amendment 151

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 16

(16) The changes in the customs processes and the way of operating the customs authorities requires a new partnership with economic operators, that is the Trust and Check traders scheme. The

(16) The changes in the customs processes and the way of operating the customs authorities requires a new partnership with economic operators, that is the Trust and Check traders scheme. The

criteria and conditions to become a Trust and Check trader should build on the AEO criteria but should also ensure that the trader is considered transparent for the customs authorities. It is therefore appropriate to require Trust and Check operators to grant the customs authorities access to their electronic systems keeping record of their compliance and the movement of their goods. The transparency should be accompanied by certain benefits, notably the possibility to release the goods on behalf of customs without the necessity for their active intervention, except where a pre-release approval is required by other legislation applied by the customs authorities and to defer the payment of the customs debt. *As this mode of working should progressively replace the one based on customs declarations, it is appropriate to establish the customs authorities' obligation to reassess the existing authorisations for AEO for customs simplifications until the end of the transition period.*

criteria and conditions to become a Trust and Check trader should build on the AEO criteria but should also ensure that the trader is considered transparent for the customs authorities. It is therefore appropriate to require Trust and Check operators to grant the customs authorities *real time* access to *relevant data in* their electronic systems keeping record of their compliance and the movement of their goods. *For small and medium size economic operators willing to obtain the Trust and Check status but for whom the transmission of real time data might be a disproportionate requirement, the presence of a Digital Product Passport containing all information about a product's compliance can also be used to show transparency.* The transparency should be accompanied by certain benefits, notably the possibility to release the goods on behalf of customs without the necessity for their active intervention, except where a pre-release approval is required by other legislation applied by the customs authorities and to defer the payment of the customs debt.

Or. en

Amendment 152

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The changes in the customs processes also require clarifying the role of customs representatives. Both direct and indirect representation should continue to be possible but it should be clarified that the indirect representative of an importer or an exporter assumes all the obligations of importers or exporters, not only the obligation to pay or guarantee the customs debt but also the respect of other legislation

Amendment

(17) The changes in the customs processes also require clarifying the role of customs representatives. Both direct and indirect representation should continue to be possible but it should be clarified that the indirect representative of an importer or an exporter assumes all the obligations of importers or exporters, not only the obligation to pay or guarantee the customs debt but also the respect of other legislation

applied by the customs authorities. For that reason, customs representatives must be resident in the customs territory of the Union where they represent importers or exporters, to ensure proper accountability for financial and non-financial aspects. The use of an indirect customs representative established in the Union is therefore an available and proportionate alternative for importers and exporters who do not have a commercial presence in the Union. Moreover, customs representatives established in third countries can continue providing their services in the Union where they represent persons who are not required to be established within the customs territory of the Union.

applied by the customs authorities. For that reason, customs representatives must be resident in the customs territory of the Union where they represent importers or exporters, to ensure proper accountability for financial and non-financial aspects. The use of an indirect customs representative established in the Union is therefore an available and proportionate alternative for importers and exporters who do not have a commercial presence in the Union. Moreover, customs representatives established in third countries can continue providing their services in the Union where they represent persons who are not required to be established within the customs territory of the Union. ***Identifying reliable customs representatives is a challenge for economic operators, especially SMEs. To address this issue, it is appropriate for the Commission and the EU Customs Authority to create and maintain a voluntary register of experienced customs representatives having the required qualifications. Such a register would complement existing ones maintained by some Member States;***

Or. en

Amendment 153

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) .../...***

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***

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 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.

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). This data will support the performance of robust risk analysis enabled by the EU Customs Data Hub capabilities as defined in Article 29 (1) (d).

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. en

Amendment 154
Anne-Sophie Pelletier

Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20 a) In order to improve the transparency of EU supply chains, the EU Customs Data Hub should enable parties, such as civil society organisations, trade unions, academics and journalists, subject to appropriate justification and upon a request made on the grounds of public interest, to access non-personal customs data collected from parties trading in products or goods imported into the EU

Or. en

Amendment 155
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Recital 23

(23) The data submitted to the EU Custom Data Hub is to a large extent non-personal data submitted by economic operators of the goods they are trading with. Nevertheless, the data will also include personal data, in particular names of individuals acting for an economic operator or an authority. To ensure that personal data and commercial information are ***equally*** protected, it is appropriate that specific access rules, rules for confidentiality and conditions for the use of the EU Customs Data Hub are established by this Regulation. In particular, it should be established which entities may access or process data stored or otherwise available in the EU Customs Data Hub, in addition to the persons, the Commission, the customs authorities and the EU Customs Authority, balancing the needs of these entities ***with*** the need ensure that the personal and confidential data collected for customs purposes are used for additional purposes ***only to the minimum extent necessary***.

(23) The data submitted to the EU Custom Data Hub is to a large extent non-personal data submitted by economic operators of the goods they are trading with. Nevertheless, the data will also include personal data, in particular names of individuals acting for an economic operator or an authority. To ensure that personal data and ***sensitive*** commercial information are protected, it is appropriate that specific access rules, rules for confidentiality and conditions for the use of the EU Customs Data Hub are established by this Regulation. ***Without prejudice to the protection of confidential business information, those rules should not prevent the disclosure of non-personal data after access to information requests.*** In particular, it should be established which entities may access or process data stored or otherwise available in the EU Customs Data Hub, in addition to the persons, the Commission, the customs authorities and the EU Customs Authority, balancing the needs of these entities, ***the general interest and*** the need ensure that the personal and confidential data collected for customs purposes are used for additional purposes ***in a proportionate manner, and consistently with Regulation (EU) 2016/679 and Directive EU 2016/943***

Or. en

*Justification**Consistency with GDPR for personal data and trade secret directive for non-personal data*

Amendment 156
Vlad-Marius Botoș

Proposal for a regulation
Recital 24

(24) To ensure that the European Anti-Fraud Office ('OLAF') can exercise its investigations powers in relation to fraudulent activities that are affecting the interests of the Union, it is appropriate that it has access to data from the EU Customs Data Hub that is very similar to the access by the Commission. OLAF should therefore be entitled to process the data in accordance with the conditions relating to data protection in the relevant Union legislation, including Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁴⁷ and Council Regulation (EC) No 515/97⁴⁸. To ensure that EPPO can conduct its investigations on customs-related matters, it should be entitled to **request** access to the data in the EU Customs Data Hub. To preserve the functions that are performed in Member States' national IT systems, the tax authorities of the Member States should either obtain the possibility to process data directly within the EU Customs Data Hub or to extract data from the EU Customs Data Hub and process it through different means. As such, authorities responsible for food safety in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council⁴⁹ and the authorities responsible for market surveillance in accordance with Regulation (EU) 2019/1020 should be provided with the right services and tools in the EU Customs Data Hub so that they can use the relevant customs data to contribute to enforcing the relevant Union legislation and for cooperating with customs authorities to minimise the risks that non-compliant products enter the Union. It is appropriate that Europol has access upon request to data in the EU Customs Data Hub to be able to perform its tasks as specified in Regulation (EU) 2016/794 of the European Parliament and of the Council⁵⁰. All other Union and national bodies and authorities, including the European Border and Coast Guard Agency (Frontex), should have access to non-personal data contained in the EU Customs

(24) To ensure that the European Anti-Fraud Office ('OLAF') can exercise its investigations powers in relation to fraudulent activities that are affecting the interests of the Union, it is appropriate that it has access to data from the EU Customs Data Hub that is very similar to the access by the Commission. OLAF should therefore be entitled to process the data in accordance with the conditions relating to data protection in the relevant Union legislation, including Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁴⁷ and Council Regulation (EC) No 515/97⁴⁸. To ensure that EPPO can conduct its investigations on customs-related matters, it should be entitled to **have** access to the data in the EU Customs Data Hub. To preserve the functions that are performed in Member States' national IT systems, the tax authorities of the Member States should either obtain the possibility to process data directly within the EU Customs Data Hub or to extract data from the EU Customs Data Hub and process it through different means. As such, authorities responsible for food safety in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council⁴⁹ and the authorities responsible for market surveillance in accordance with Regulation (EU) 2019/1020 should be provided with the right services and tools in the EU Customs Data Hub so that they can use the relevant customs data to contribute to enforcing the relevant Union legislation and for cooperating with customs authorities to minimise the risks that non-compliant products enter the Union. It is appropriate that Europol has access upon request to data in the EU Customs Data Hub to be able to perform its tasks as specified in Regulation (EU) 2016/794 of the European Parliament and of the Council⁵⁰. All other Union and national bodies and authorities, including the European Border and Coast Guard Agency (Frontex), should have access to non-personal data contained in the EU Customs

⁴⁷ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁴⁸ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

⁴⁹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)(OJ L 95, 7.4.2017, p. 1).

⁵⁰ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation

⁴⁷ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁴⁸ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

⁴⁹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)(OJ L 95, 7.4.2017, p. 1).

⁵⁰ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation

(Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

(Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

Or. en

Amendment 157

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) To ensure that the European Anti-Fraud Office ('OLAF') can exercise its investigations powers in relation to fraudulent activities that are affecting the interests of the Union, it is appropriate that it has access to data from the EU Customs Data Hub that is very similar to the access by the Commission. OLAF should therefore be entitled to process the data in accordance with the conditions relating to data protection in the relevant Union legislation, including Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁴⁷ and Council Regulation (EC) No 515/97⁴⁸. To ensure that EPPO can conduct its investigations *on customs-related matters*, it should be entitled to *request* access *to the* data in the EU Customs Data Hub. To preserve the functions that are performed in Member States' national IT systems, the tax authorities of the Member States should either obtain the possibility to process data directly within the EU Customs Data Hub or to extract data from the EU Customs Data Hub and process it through different means. As such, authorities responsible for food safety in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council⁴⁹ and the authorities responsible for market surveillance in accordance with Regulation

Amendment

(24) To ensure that the European Anti-Fraud Office ('OLAF') can exercise its investigations powers in relation to fraudulent activities that are affecting the interests of the Union, it is appropriate that it has access to data from the EU Customs Data Hub that is very similar to the access by the Commission. OLAF should therefore be entitled to process the data in accordance with the conditions relating to data protection in the relevant Union legislation, including Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁴⁷ and Council Regulation (EC) No 515/97⁴⁸. To ensure that EPPO can conduct its investigations, it should be entitled to access *and process* data in the EU Customs Data Hub. To preserve the functions that are performed in Member States' national IT systems, the tax authorities of the Member States should either obtain the possibility to process data directly within the EU Customs Data Hub or to extract data from the EU Customs Data Hub and process it through different means. As such, authorities responsible for food safety in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council⁴⁹ and the authorities responsible for market surveillance in accordance with Regulation

(EU) 2019/1020 should be provided with the right services and tools in the EU Customs Data Hub so that they can use the relevant customs data to contribute to enforcing the relevant Union legislation and for cooperating with customs authorities to minimise the risks that non-compliant products enter the Union. It is appropriate that Europol has access upon request to data in the EU Customs Data Hub to be able to perform its tasks as specified in Regulation (EU) 2016/794 of the European Parliament and of the Council⁵⁰. All other Union and national bodies and authorities, including the European Border and Coast Guard Agency (Frontex), should have access to non-personal data contained in the EU Customs Data Hub.

⁴⁷ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁴⁸ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

⁴⁹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU)

(EU) 2019/1020 should be provided with the right services and tools in the EU Customs Data Hub so that they can use the relevant customs data to contribute to enforcing the relevant Union legislation and for cooperating with customs authorities to minimise the risks that non-compliant products enter the Union. It is appropriate that Europol has access upon request to data in the EU Customs Data Hub to be able to perform its tasks as specified in Regulation (EU) 2016/794 of the European Parliament and of the Council⁵⁰. All other Union and national bodies and authorities, including the European Border and Coast Guard Agency (Frontex), should have access to non-personal data contained in the EU Customs Data Hub.

⁴⁷ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁴⁸ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

⁴⁹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU)

2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)(OJ L 95, 7.4.2017, p. 1).

⁵⁰ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)(OJ L 95, 7.4.2017, p. 1).

⁵⁰ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

Or. en

Amendment 158

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) The Commission should lay down the modalities for access of all these authorities in implementing rules, after assessing the existing safeguards that each authority or category of authorities has in place for ensuring the correct treatment of personal and commercially sensitive data.

Amendment

(26) The Commission should lay down the modalities for access of all these authorities in implementing rules, after assessing the existing safeguards that each authority or category of authorities has in place for ensuring the correct treatment of personal and commercially sensitive data, ***while taking into account that publishing non-sensitive customs data can be in the general interest.***

Or. en

Justification

Other major jurisdiction, including the US, publish customs data. Publishing a subset of non-personal EU customs data would contribute to value chain transparency , and enable investigative work from non-state actors such as CSOs, trade unions, journalists, academics and human rights defenders.

Amendment 159

Andreas Schwab

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The Commission should lay down the modalities *for* access of all these authorities in implementing rules, after assessing the existing safeguards that each authority or category of authorities has in place for ensuring the correct treatment of personal and commercially sensitive data.

Amendment

(26) The Commission should lay down the modalities *to request and* access of all these authorities in implementing rules, after assessing the existing safeguards that each authority or category of authorities has in place for ensuring the correct treatment of personal and commercially sensitive data.

Or. en

Amendment 160

Vlad-Marius Botoș

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) It is appropriate that the EU Customs Data Hubs stores personal data for a maximum period of 10 years. This period is justified in light of the possibility for customs authorities to notify the customs debt up to 10 years after having received the necessary information about a consignment, as well as to ensure that the Commission, the EU Customs Authority, OLAF, customs and authorities other than customs can cross-check the information in the EU Customs Data Hub against the information stored in and exchanged with

Amendment

(27) It is appropriate that the EU Customs Data Hubs stores personal data for a maximum period of 10 years. This period is justified in light of the possibility for customs authorities to notify the customs debt up to 10 years after having received the necessary information about a consignment, as well as to ensure that the Commission, the EU Customs Authority, OLAF, *EPPO*, customs and authorities other than customs can cross-check the information in the EU Customs Data Hub against the information stored in and

other systems. Moreover, this period of time should be aligned with the storage period required by other legislation applied by the customs authorities, where such legislation is relevant for customs controls. It is also appropriate that whenever personal data is required for the purposes of judicial and administrative proceedings, investigations and during post-clearance controls, the retention period is suspended to avoid that personal data is erased and cannot be used for those purposes.

exchanged with other systems. Moreover, this period of time should be aligned with the storage period required by other legislation applied by the customs authorities, where such legislation is relevant for customs controls. It is also appropriate that whenever personal data is required for the purposes of judicial and administrative proceedings, investigations and during post-clearance controls, the retention period is suspended to avoid that personal data is erased and cannot be used for those purposes.

Or. en

Amendment 161

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) It is appropriate that the EU Customs Data Hubs stores personal data for a maximum period of 10 years. This period is justified in light of the possibility for customs authorities to notify the customs debt up to 10 years after having received the necessary information about a consignment, as well as to ensure that the Commission, the EU Customs Authority, OLAF, customs and authorities other than customs can cross-check the information in the EU Customs Data Hub against the information stored in and exchanged with other systems. Moreover, this period of time should be aligned with the storage period required by other legislation applied by the customs authorities, where such legislation is relevant for customs controls. It is also appropriate that whenever personal data is required for the purposes of judicial and administrative proceedings, investigations and during post-clearance controls, the retention period is suspended to avoid that personal data is erased and

Amendment

(27) It is appropriate that the EU Customs Data Hubs stores personal data for a maximum period of 10 years. This period is justified in light of the possibility for customs authorities to notify the customs debt up to 10 years after having received the necessary information about a consignment, as well as to ensure that the Commission, the EU Customs Authority, OLAF, **EPPO**, customs and authorities other than customs can cross-check the information in the EU Customs Data Hub against the information stored in and exchanged with other systems. Moreover, this period of time should be aligned with the storage period required by other legislation applied by the customs authorities, where such legislation is relevant for customs controls. It is also appropriate that whenever personal data is required for the purposes of judicial and administrative proceedings, investigations and during post-clearance controls, the retention period is suspended to avoid that

cannot be used for those purposes.

personal data is erased and cannot be used for those purposes.

Or. en

Amendment 162

Anne-Sophie Pelletier

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [...].

Amendment

(30) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [...], ***recalling explicitly that the risk criteria to be used to select persons by means of an automated processing, when resulting in individual decisions, should be based on circumstances that are reliable and directly linked to objective factors; not entail a direct or indirect risk of discrimination, such as race, ethnic origin, religion, political orientation, sexual orientation; and not be excessively broad***

Or. en

Amendment 163

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) A Union-level customs risk management layer is fundamental for ensuring a harmonised application of customs controls in Member States. There is currently a common risk management framework comprising the possibility of identifying common priority controls areas

Amendment

(31) A Union-level customs risk management layer is fundamental for ensuring a harmonised application of customs controls in Member States. There is currently a common risk management framework comprising the possibility of identifying common priority controls areas

and common risk criteria and standards in the financial risk arena for carrying out customs controls, but it has significant shortcomings. In order to address the lack of harmonised application of customs controls and of harmonised risk management harming the financial and non-financial interests of the Union and of the Member States, it is appropriate to revise the rules to establish a more solid risk management approach addressing both financial and non-financial risks. This includes tackling the structural challenges on the risk management of financial risks identified by the European Court of Auditors. In particular, it is appropriate to describe which activities are comprised in customs risk management, in a cyclical approach. It is also important to identify the roles and responsibilities of the Commission, the EU Customs Authority and the customs authorities of the Member States. It is also essential to provide that the Commission may establish common priority controls areas and common risk criteria and standards, and may identify specific areas in the domain of other legislation applied by the customs authorities that deserve priority for common risk management and controls, without compromising security.

and common risk criteria and standards in the financial risk arena for carrying out customs controls, but it has significant shortcomings. In order to address the lack of harmonised application of customs controls and of harmonised risk management harming the financial and non-financial interests of the Union and of the Member States, it is appropriate to revise the rules to establish a more solid risk management approach addressing both financial and non-financial risks. This includes tackling the structural challenges on the risk management of financial risks identified by the European Court of Auditors. In particular, it is appropriate to describe which activities are comprised in customs risk management, in a cyclical approach. It is also important to identify the roles and responsibilities of the Commission, the EU Customs Authority and the customs authorities of the Member States. It is also essential to provide that the Commission may establish common priority controls areas and common risk criteria and standards, and may identify specific areas in the domain of other legislation applied by the customs authorities that deserve priority for common risk management and controls, without compromising security. ***This requires close collaboration with competent authorities enforcing other legislation applied by customs, with a specific focus on collaboration with market surveillance authorities.***

Or. en

Amendment 164
Catharina Rinzema

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) It is therefore appropriate to

Amendment

(32) It is therefore appropriate to

introduce Union-level risk management activities and provisions to ensure the collection at Union level of comprehensive data relevant for risk management including results and evaluation of all controls. It provides for common risk analysis and the issue of corresponding Union control recommendations to customs authorities. Those control recommendations should be implemented, or reasons provided as to why they were not applied. The possibility to issue an instruction that goods destined for the Union may not be loaded or transported should also be provided for. The analysis of Union-level risks and threats should be based on constantly updated Union-level data and should identify the measures and controls to be performed at the border crossing points of entry and exit of the Union territory. In the context of cooperation with law enforcement and security authorities in particular, Union-level risk management should, where possible, contribute to and benefit from strategic analyses and threat assessments conducted at Union level, including those carried out by the European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency (Frontex) to contribute to the efficient and effective prevention of, and the fight against, crime.

introduce Union-level risk management activities and provisions to ensure the collection at Union level of comprehensive data relevant for risk management including results and evaluation of all controls. It provides for common risk analysis and the issue of corresponding Union control recommendations to customs authorities. Those control recommendations should be implemented, or reasons provided as to why they were not applied. ***In line with the principle of 'comply or explain', these control recommendations should be implemented, or compelling reasons provided for not applying them. A framework should be established to give certainty on situations where it is permissible to deviate from these recommendations, for instance, when other pressing priorities or specific national circumstances prevail.*** The possibility to issue an instruction that goods destined for the Union may not be loaded or transported should also be provided for. The analysis of Union-level risks and threats should be based on constantly updated Union-level data and should identify the measures and controls to be performed at the border crossing points of entry and exit of the Union territory. In the context of cooperation with law enforcement and security authorities in particular, Union-level risk management should, where possible, contribute to and benefit from strategic analyses and threat assessments conducted at Union level, including those carried out by the European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency (Frontex) to contribute to the efficient and effective prevention of, and the fight against, crime.

Or. en

Amendment 165
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) It is therefore appropriate to introduce Union-level risk management activities and provisions to ensure the collection at Union level of comprehensive data relevant for risk management including results and evaluation of all controls. It provides for common risk analysis and the issue of corresponding Union control recommendations to customs authorities. Those control recommendations should be implemented, or reasons provided as to why they were not applied. The possibility to issue an instruction that goods destined for the Union may not be loaded or transported should also be provided for. The analysis of Union-level risks and threats should be based on constantly updated Union-level data and should identify the measures and controls to be performed at the border crossing points of entry and exit of the Union territory. In the context of cooperation with law enforcement and security authorities in particular, Union-level risk management should, where possible, contribute to and benefit from strategic analyses and threat assessments conducted at Union level, including those carried out by the European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency (Frontex) to contribute to the efficient and effective prevention of, and the fight against, crime.

Amendment

(32) It is therefore appropriate to introduce Union-level risk management activities and provisions to ensure the collection at Union level of comprehensive data relevant for risk management including results and evaluation of all controls. It provides for common risk analysis and the issue of corresponding Union control recommendations to customs authorities. Those control recommendations should be implemented, or reasons provided as to why they were not applied. The possibility to issue an instruction that goods destined for the Union may not be loaded or transported should also be provided for. The analysis of Union-level risks and threats should be based on constantly updated Union-level data and should identify the measures and controls to be performed at the border crossing points of entry and exit of the Union territory. In the context of cooperation with law enforcement and security authorities in particular, Union-level risk management should, where possible, contribute to and benefit from strategic analyses and threat assessments conducted at Union level, including those carried out by the European Union Agency for Law Enforcement Cooperation (Europol) and the European Border and Coast Guard Agency (Frontex) to contribute to the efficient and effective prevention of, and the fight against, crime. ***Serious or repeated infringement of other legislations applied by customs and detected by customs or other competent authorities should have an impact on the risk profile of importers, exporters or deemed importers.***

Or. en

Justification

At the moment this relation between import of non-compliant products and risk profile isn't spelled out anywhere.

Amendment 166

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) The non-Union goods that are brought to the customs territory of the Union should be considered to be in temporary storage from the moment the carrier notifies their arrival until their placement under a customs procedure unless they are already placed in transit. To ensure appropriate customs supervision, this situation should be limited in time. ***It should not last more than 10 days, except in exceptional cases.*** If the importer needs to store the goods for a longer period, the goods should be in a customs warehouse, where the goods can be stored without time limit. The existing authorisations for temporary storage locations should therefore be converted into customs warehouse authorisations if the relevant requirements are met.

Amendment

(36) The non-Union goods that are brought to the customs territory of the Union should be considered to be in temporary storage from the moment the carrier notifies their arrival until their placement under a customs procedure unless they are already placed in transit. To ensure appropriate customs supervision, this situation should be limited in time. If the importer needs to store the goods for a longer period, the goods should be in a customs warehouse, where the goods can be stored without time limit. The existing authorisations for temporary storage locations should therefore be converted into customs warehouse authorisations if the relevant requirements are met.

Or. en

Amendment 167

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 38

Text proposed by the Commission

(38) Once the customs authorities have the information necessary for the relevant procedure, based on risk analysis, they

Amendment

(38) Once the customs authorities have the information necessary for the relevant procedure, based on risk analysis, they

should decide whether to perform further controls on the goods, to release them, to refuse or suspend their release or to let the time pass so the goods are considered released. The customs authorities should do so in cooperation with other authorities, where necessary. Accordingly, the customs authorities should refuse the release of the goods where they have evidence that the goods do not comply with applicable legal requirements. Where the customs authorities need to consult other authorities to determine whether or not the goods comply, they should suspend the release at least until the consultation takes place. In these cases, the customs authorities' subsequent decision on the goods should depend on the other authorities' reply. To avoid blocking both traders and authorities in the cases in which concluding on compliance requires some time, the customs authorities should have the possibility to release the goods on the condition that the trader continues informing about the location of the goods **for a maximum of 15 days**. Finally, in order to provide legal certainty to the traders that have provided the information on time without obliging the customs authorities to react to every consignment, the goods that have not been selected for a control after a reasonable period of time should be considered released. The Commission should be entitled to define this period of time in delegated rules, adapting it, where necessary, to the type of traffic or type of border crossing points.

should decide whether to perform further controls on the goods, to release them, to refuse or suspend their release or to let the time pass so the goods are considered released. The customs authorities should do so in cooperation with other authorities, where necessary. Accordingly, the customs authorities should refuse the release of the goods where they have evidence that the goods do not comply with applicable legal requirements. Where the customs authorities need to consult other authorities to determine whether or not the goods comply, they should suspend the release at least until the consultation takes place. In these cases, the customs authorities' subsequent decision on the goods should depend on the other authorities' reply. To avoid blocking both traders and authorities in the cases in which concluding on compliance requires some time, the customs authorities should have the possibility to release the goods on the condition that the trader continues informing about the location of the goods. Finally, in order to provide legal certainty to the traders that have provided the information on time without obliging the customs authorities to react to every consignment, the goods that have not been selected for a control after a reasonable period of time should be considered released. The Commission should be entitled to define this period of time in delegated rules, adapting it, where necessary, to the type of traffic or type of border crossing points.

Or. en

Amendment 168

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 39

Text proposed by the Commission

Amendment

(39) To the extent that Trust and Check traders provide customs full access to their systems, records and operations and are considered reliable, they should be able to release their goods under the supervision of the customs authorities but without waiting for their intervention. Accordingly, Trust and Check traders should be able to release goods for any entry procedure at receipt at final destination of the goods or for any exit procedure at the place of delivery of the goods. As the Trust and Check traders are considered transparent, the arrival and/or the delivery should be properly recorded in the EU Customs Data Hub. These operators should be obliged to inform the customs authorities where a problem arises so that those authorities can take a final decision on the release. Where the internal controls systems of the Trust and Check traders are robust enough, the customs authorities should be able, in cooperation with other authorities, to authorise the traders to perform certain checks on their own. However, the customs authorities should retain the possibility to control the goods at any time.

(39) To the extent that Trust and Check traders provide customs full access to their systems, records and operations and are considered reliable, they should be able to release their goods under the supervision of the customs authorities but without waiting for their intervention. Accordingly, Trust and Check traders should be able to release goods for any entry procedure at receipt at final destination of the goods or for any exit procedure at the place of delivery of the goods. As the Trust and Check traders are considered transparent, the arrival and/or the delivery should be properly recorded in the EU Customs Data Hub. These operators should be obliged to inform the customs authorities where a problem arises so that those authorities can take a final decision on the release. Where the internal controls systems of the Trust and Check traders are robust enough, the customs authorities should be able, in cooperation with other authorities, to authorise the traders to perform certain checks on their own. However, the customs authorities should retain the possibility to control the goods at any time. ***Repeated or serious infringements to other EU legislation applied by customs by a Trust and Check trader should lead to the loss of the trusted status.***

Or. en

Justification

Without this there is no direct link between the Trust and Check status and the import of non-compliant products.

Amendment 169 Andreas Schwab

Proposal for a regulation Recital 48

Text proposed by the Commission

Amendment

(48) Applying the standard rules for

deleted

duty calculation in e-commerce transactions would, in many cases, result in a disproportionate administrative burden both for the customs 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 2658/87⁵⁴ (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.

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. en

Justification

WTO compliance unsure, esp. Article 7 para. 8(2) of the Trade Facilitation Agreement.

Amendment 170
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 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

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 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

countries in accordance with Council Regulation (EEC) No 2658/87⁵⁴ (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.

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. en

Amendment 171
Anne-Sophie Pelletier

Proposal for a regulation
Recital 55 a (new)

Text proposed by the Commission

Amendment

(55 a) Member States and the EU have the responsibility to ensure that Customs are properly resourced, trained, and equipped to have the capacity to fulfil their mission, including proper investigative powers;

Or. en

Amendment 172
Anne-Sophie Pelletier

Proposal for a regulation
Recital 55 b (new)

Text proposed by the Commission

Amendment

(55 b) Customs are in need of serious investments, especially in view of a sufficient number of properly trained staff in order to guarantee the functioning of EU customs systems which are facing an exponential increase in demands on customs; whereas without the necessary investments into staff, digital solutions cannot achieve the benefits in view of efficiency and harmonisation; therefore, investments into digital systems should guarantee sufficient funding for staff and their training in order to require the necessary skills for state-of-the-art equipment, technology for big data analytics, detection and controls and thus, to guarantee that customs controls are conducted uniformly across the EU;

Or. en

Amendment 173
Catharina Rinzema

Proposal for a regulation
Recital 56

(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.

(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. ***Additionally, it is essential to recognize that the intensity of external border traffic of goods is not equal across the EU. Therefore, the governance structure of the EU Customs Authority should reflect this reality, ensuring that the varying needs and challenges faced by different Member States are adequately represented and addressed.*** 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. en

Amendment 174

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 56

(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.

(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 ***and a consultative body representing consumer organisations, business associations and other relevant non-state actors.***

Or. en

Amendment 175
Maria Grapini

Proposal for a regulation
Recital 56

(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

(56) The Member States, the Commission ***and the European Parliament*** should be represented on a Management Board, in order to ensure the

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.

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. en

Amendment 176

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) To fulfil their mission, customs authorities cooperate closely and regularly with market surveillance authorities, sanitary and phytosanitary control authorities, law-enforcement bodies, border management authorities, environmental protection bodies, experts on cultural goods, and many other authorities in charge of sectoral policies. Considering the evolution of the single market and the evolving role of customs, the increase in prohibitions and restrictions and e-

Amendment

(58) To fulfil their mission, customs authorities cooperate closely and regularly with market surveillance authorities, sanitary and phytosanitary control authorities, law-enforcement bodies, border management authorities, environmental protection bodies, experts on cultural goods, and many other authorities in charge of sectoral policies. Considering the evolution of the single market and the evolving role of customs, the increase in prohibitions and restrictions and e-

commerce, it is necessary to structure and reinforce this cooperation at national, Union and international level. Instead of a cooperation focused on individual consignments or specific events along the supply chain, a structured cooperation framework between customs authorities and other authorities responsible for relevant policy areas should be established. Such cooperation framework should include the following aspects: the development of legislation and of policy needs in a specific area, the exchange and analysis of information, the building of overall cooperation strategy in the form of joint supervision strategies and, finally, cooperation on operational implementation, monitoring and controls. The Commission should also facilitate the application of part of the other legislation applied by the customs authorities by drawing a list of Union legislation imposing requirements on goods subject to customs controls aimed at protecting public interests such as human, animal or plants health and life, the consumers and the environment.

commerce, it is necessary to structure and reinforce this cooperation at national, Union and international level. Instead of a cooperation focused on individual consignments or specific events along the supply chain, a structured cooperation framework between customs authorities and other authorities responsible for relevant policy areas should be established. Such cooperation framework should include the following aspects: the development of legislation and of policy needs in a specific area, the exchange and analysis of information, the building of overall cooperation strategy in the form of joint supervision strategies and, finally, cooperation on operational implementation, monitoring and controls. The Commission should also facilitate the application of part of the other legislation applied by the customs authorities by drawing a list of Union legislation imposing requirements on goods subject to customs controls aimed at protecting public interests such as human, animal or plants health and life, the consumers and the environment, ***and organise information sharing about their enforcement. When applicable, records of serious and repeated infringements to other legislations applied by customs should be made available to customs by the relevant competent authorities, and taken into account in European customs risk management processes.***

Or. en

Amendment 177

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 59

Text proposed by the Commission

(59) In order to increase clarity and make the cooperation framework between

Amendment

(59) In order to increase clarity and make the cooperation framework between

customs and other partner authorities more efficient, a list of services offered by customs authorities should define clearly the possible role of customs in the application of other relevant policies at the borders of the Union. In addition, the application of the cooperation framework should be monitored by the EU Customs Authority. The EU Customs Authority should work closely and cooperate with the Commission, OLAF, other relevant Union agencies and bodies, such as Europol and Frontex as well as specialised agencies and networks in the respective policy fields, such as the EU Product Compliance Network.

customs and other partner authorities more efficient, a list of services offered by customs authorities should define clearly the possible role of customs in the application of other relevant policies at the borders of the Union. In addition, the application of the cooperation framework should be monitored by the EU Customs Authority. The EU Customs Authority should work closely and cooperate with the Commission, OLAF, other relevant Union agencies and bodies, such as ***the European Public Prosecutor Office***, Europol and Frontex as well as specialised agencies and networks in the respective policy fields, such as the EU Product Compliance Network.

Or. en

Amendment 178
Vlad-Marius Botoș

Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) In order to increase clarity and make the cooperation framework between customs and other partner authorities more efficient, a list of services offered by customs authorities should define clearly the possible role of customs in the application of other relevant policies at the borders of the Union. In addition, the application of the cooperation framework should be monitored by the EU Customs Authority. The EU Customs Authority should work closely and cooperate with the Commission, OLAF, other relevant Union agencies and bodies, such as Europol and Frontex as well as specialised agencies and networks in the respective policy fields, such as the EU Product Compliance Network.

Amendment

(59) In order to increase clarity and make the cooperation framework between customs and other partner authorities more efficient, a list of services offered by customs authorities should define clearly the possible role of customs in the application of other relevant policies at the borders of the Union. In addition, the application of the cooperation framework should be monitored by the EU Customs Authority. The EU Customs Authority should work closely and cooperate with the Commission, ***EPPO***, OLAF, other relevant Union agencies and bodies, such as Europol and Frontex as well as specialised agencies and networks in the respective policy fields, such as the EU Product Compliance Network.

Or. en

Amendment 179
Catharina Rinzema

Proposal for a regulation
Recital 60

Text proposed by the Commission

(60) In an increasingly connected world, customs diplomacy and international cooperation are important aspects in the work of customs authorities around the world. International cooperation should envisage the possibility of exchange of customs data, on the basis of international agreements or autonomous legislation of the Union, through appropriate and secure means of communication, subject to the respect of confidential information and the protection of personal data, such as through the EU Customs Data Hub.

Amendment

(60) In an increasingly connected world, customs diplomacy and international cooperation are important aspects in the work of customs authorities around the world. International cooperation should envisage the possibility of exchange of customs data, on the basis of international agreements or autonomous legislation of the Union, through appropriate and secure means of communication, subject to the respect of confidential information and the protection of personal data, such as through the EU Customs Data Hub. ***It is, however, essential to recognize that while fostering international cooperation and data exchange, careful consideration must be given to the competencies of Member States. This approach should not restrict Member States' ability to individually negotiate and decide on matters pertaining to national (non-EU) tasks with third countries. Such flexibility is crucial to uphold the sovereignty of Member States in implementing both EU and national customs legislation. Therefore, while advancing international cooperation and data sharing, the framework must ensure that it does not infringe upon the competence of Member States to manage their customs affairs, particularly when it concerns bilateral or multilateral engagements with third countries on national tasks. This balance is vital to maintain the integrity of Member States' sovereignty while working towards a cohesive and effective Union-wide customs strategy.***

Or. en

Amendment 180

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 61

Text proposed by the Commission

(61) Despite the fact that customs legislation is harmonised through the Code, Regulation (EU) No 952/2013 only included the obligation for Member States to provide for penalties for failure to comply with the customs legislation and required such penalties to be effective, proportionate and dissuasive. Member States have, therefore, the choice of customs penalties, which vary greatly across Member States and are subject to evolution over time. A common framework establishing a minimum core of customs infringements and of non-criminal sanctions should be laid down. Such framework is necessary to address the lack of uniform application and the significant divergences between Member States in the application of sanctions against breaches of customs legislation that can lead to a distortion of competition, loopholes and ‘customs shopping’. The framework should be composed of a common list of acts or omissions that should constitute customs infringements in all Member States. In determining the sanction applicable, customs authorities should define if these acts or omissions are committed intentionally or by obvious negligence.

Amendment

(61) Despite the fact that customs legislation is harmonised through the Code, Regulation (EU) No 952/2013 only included the obligation for Member States to provide for penalties for failure to comply with the customs legislation and required such penalties to be effective, proportionate and dissuasive. Member States have, therefore, the choice of customs penalties, which vary greatly across Member States and are subject to evolution over time. A common framework establishing a minimum core of customs infringements and of non-criminal sanctions should be laid down. Such framework is necessary to address the lack of uniform application and the significant divergences between Member States in the application of sanctions against breaches of customs legislation that can lead to a distortion of competition, loopholes and ‘customs shopping’. The framework should be composed of a common list of acts or omissions that should constitute customs infringements in all Member States. In determining the sanction applicable, customs authorities should define if these acts or omissions are committed intentionally or by obvious negligence. ***The European Commission, Member States and the EU Customs Authority should regularly exchange best practices on audit and sanctions, in order to improve the convergence and coherence of methodologies and application of sanctions. The Commission should regularly assess whether the sanctions applied by Member States are sufficient to reach the objectives of the Union Customs Code, and take appropriate action if***

necessary.

Or. en

Amendment 181

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 61

Text proposed by the Commission

(61) Despite the fact that customs legislation is harmonised through the Code, Regulation (EU) No 952/2013 only included the obligation for Member States to provide for penalties for failure to comply with the customs legislation and required such penalties to be effective, proportionate and dissuasive. Member States have, therefore, the choice of customs penalties, which vary greatly across Member States and are subject to evolution over time. A common framework establishing a minimum core of customs infringements and of non-criminal sanctions should be laid down. Such framework is necessary to address the lack of uniform application and the significant divergences between Member States in the application of sanctions against breaches of customs legislation that can lead to a distortion of competition, loopholes and ‘customs shopping’. The framework should be composed of a common list of acts or omissions that should constitute customs infringements in all Member States. In determining the sanction applicable, customs authorities should define if these acts or omissions are committed intentionally or by obvious negligence.

Amendment

(61) Despite the fact that customs legislation is harmonised through the Code, Regulation (EU) No 952/2013 only included the obligation for Member States to provide for penalties for failure to comply with the customs legislation and required such penalties to be effective, proportionate and dissuasive. Member States have, therefore, the choice of customs penalties, which vary greatly across Member States and are subject to evolution over time. A common framework establishing a minimum core of customs infringements and of non-criminal sanctions should be laid down. Such framework is necessary to address the lack of uniform application and the significant divergences between Member States in the application of sanctions against breaches of customs legislation that can lead to a distortion of competition, loopholes and ‘customs shopping’. The framework should be composed of a common list of acts or omissions that should constitute customs infringements in all Member States. ***Non compliance with importer, exporter and deemed-importer obligations should be included in the list of customs infringements.*** In determining the sanction applicable, customs authorities should define if these acts or omissions are committed intentionally or by obvious negligence.

Or. en

Amendment 182
Catharina Rinzema

Proposal for a regulation
Recital 64

Text proposed by the Commission

Amendment

(64) It is also necessary to establish a common minimum core of non-criminal sanctions providing for minimum amounts of pecuniary charges, the possibility of revocation, suspension or amendment of customs authorisations, including for Authorised Economic Operators and Trust and Check traders, as well as the confiscation of the goods. The minimum amounts of pecuniary charges should depend on whether the customs infringement has been committed intentionally or not and whether or not it has an impact on the amount of customs duties and other charges and on prohibitions or restrictions. This minimum common core of non-criminal sanctions should apply without prejudice to the national legal order of Member States, which can instead provide for criminal sanctions.

deleted

Or. en

Amendment 183
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Recital 64

Text proposed by the Commission

Amendment

(64) It is also necessary to establish a common minimum core of non-criminal sanctions providing for minimum amounts of pecuniary charges, the possibility of revocation, suspension or amendment of customs authorisations, including for

(64) It is also necessary to establish a common minimum core of non-criminal sanctions providing for minimum amounts of pecuniary charges, the possibility of revocation, suspension or amendment of customs authorisations, including for

Authorised Economic Operators and Trust and Check traders, as well as the confiscation of the goods. The minimum amounts of pecuniary charges should depend on whether the customs infringement has been committed intentionally or not and whether or not it has an impact on the amount of customs duties and other charges and on prohibitions or restrictions. This minimum common core of non-criminal sanctions should apply without prejudice to the national legal order of Member States, which can instead provide for criminal sanctions.

Authorised Economic Operators and Trust and Check traders, as well as the confiscation of the goods. The minimum amounts of pecuniary charges should depend on whether the customs infringement has been committed intentionally or not and whether or not it has an impact on the amount of customs duties and other charges and on prohibitions or restrictions. This minimum common core of non-criminal sanctions should apply without prejudice to the national legal order of Member States, which can instead provide for criminal sanctions. ***Member States, the European Commission and the EU customs authority should collaborate to gradually increase the coherence of non-criminal sanctions and their application accross the EU.***

Or. en

Amendment 184

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 65

Text proposed by the Commission

(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 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

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 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.

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. ***This evaluation report should be published.***

Or. en

Amendment 185

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Recital 74

Text proposed by the Commission

(74) ***In 2032***, economic operators may start using, on a voluntary basis, the capabilities of the EU Customs Data Hub. By ***the end of 2037***, the EU Customs Data Hub should be fully developed, and all economic operators shall use it. Trust and Check traders and deemed importers will be supervised by the Member State of their establishment. By derogation and subject to review, operators that are neither Trust and Check traders nor deemed importers will remain under the supervision of the customs authority of the Member State where the goods are physically located. By

Amendment

(74) ***From January 2029***, economic operators may start using, on a voluntary basis, the capabilities of the EU Customs Data Hub. by ***December 2032***, the EU Customs Data Hub should be fully developed, and all economic operators shall use it. Trust and Check traders and deemed importers will be supervised by the Member State of their establishment. By derogation and subject to review, operators that are neither Trust and Check traders nor deemed importers will remain under the supervision of the customs authority of the Member State where the goods are

31 December **2035**, the Commission should evaluate the two supervision models, including as regards their effectiveness for detecting and preventing fraud. The evaluation should also consider indirect taxation aspects. Based on this evaluation, the Commission should be entitled to decide by delegated act whether the two models should continue or whether, in all cases, the customs authority responsible for the place of establishment of the trader should release the goods. The place of incurrence of customs debt should also be regulated in accordance with the determination of the responsible customs authority,

physically located. By 31 December **2031**, the Commission should evaluate the two supervision models, including as regards their effectiveness for detecting and preventing fraud. The evaluation should also consider indirect taxation aspects. Based on this evaluation, the Commission should be entitled to decide by delegated act whether the two models should continue or whether, in all cases, the customs authority responsible for the place of establishment of the trader should release the goods. The place of incurrence of customs debt should also be regulated in accordance with the determination of the responsible customs authority,

Or. en

Amendment 186 **Catharina Rinzema**

Proposal for a regulation **Article 2 – paragraph 2 – point b**

Text proposed by the Commission

(b) ensuring that goods **presenting** a risk for the safety or the security of citizens and residents do not enter the customs territory of the Union, by putting in place the appropriate measures for controls of goods and supply chains;

Amendment

(b) ensuring that goods **that are destined for circulation in the internal market but present** a risk for the safety or the security of citizens and residents do not enter the customs territory of the Union, by putting in place the appropriate measures for controls of goods and supply chains;

Or. en

Justification

Large harbors and airports process half of their goods in transshipment, coming from another continent, destined for another continent. These goods are not put on the EU market. There is no reason that those goods need to comply to EU safety rules, like product safety. A large number of non-fiscal rules only applies for goods that are actually imported in the EU. Once customs would apply these restrictions at entry, EU-(air)ports may lose their transshipment function.

Amendment 187

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. en

Amendment 188

Andreas Schwab

Proposal for a regulation

Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

ensuring the flow of crisis-relevant goods as defined in Article 3 paragraph 1 point 6 of the Regulation establishing a Single Market emergency instrument and repealing Council Regulation No (EC) 2679/98 in times of crisis.

Or. en

Amendment 189

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 5 – paragraph 1 – point 2 – point d

Text proposed by the Commission

Amendment

(d) customs provisions contained in

(d) customs provisions contained in

international agreements, insofar as they are applicable in the Union;

international agreements, insofar as they are applicable in the Union. ***This includes relevant multilateral environmental agreements to which the EU and the Member States are Party, insofar as they regulate the conformity of goods.***

Or. en

Amendment 190

Carlo Fidanza

Proposal for a regulation

Article 5 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘importer’ means ***any*** person who has the power to determine and has determined that goods from a third country are to be brought into the customs territory of the Union ***or***, except otherwise provided, any person who is considered a deemed importer;

Amendment

(12) ***(12)*** ‘importer’ means ***the following:***

a) a private individual carrying goods to be taken into the customs territory of the Union where these goods are contained in the private individual's personal baggage;

b) a person established in the customs territory of the Union, who has the power to determine and has determined that **the** goods from a third country are to be brought into the customs territory of the Union;

c) where (b) does not apply, any person established in the customs territory of the Union who is a party to the contract under which goods are to be brought into the customs territory OR agrees to take on this role;

d) except otherwise provided, any person who is considered a deemed importer.

Or. en

Amendment 191
Adam Bielan

Proposal for a regulation
Article 5 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘importer’ means any person who has the power to determine and has determined that goods from a third country are to be brought into the customs territory of the Union *or, except otherwise provided, any person who is considered a deemed importer;*

Amendment

(12) ‘importer’ means any person who has the power to determine and has determined that goods from a third country are to be brought into the customs territory of the Union;

Or. en

Amendment 192
Adam Bielan

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 who is authorised to use the special scheme laid down in Title XII, Chapter 6, Section 4 of Directive 2006/112/EC *and whose responsibilities are limited to collecting, reporting data, and managing financial obligations such as customs duties, without bearing liabilities for the physical goods;*

Or. en

Amendment 193
Maria Grapini

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

Text proposed by the Commission

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 who is authorised to use the special scheme laid down in Title XII, Chapter 6, Section 4 of Directive 2006/112/EC;

(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. en

Amendment 194

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 5 – paragraph 1 – point 13

Text proposed by the Commission

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 ***who is*** authorised to use the special scheme laid down in Title XII, Chapter 6, Section 4 of Directive 2006/112/EC;

(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 persons*** authorised to use the special scheme laid down in Title XII, Chapter 6, Section 4 of Directive 2006/112/EC;

Or. en

Justification

All persons involved in the distance sales of goods to be imported from third countries into the customs territory of the Union, without exception

Amendment 195

Carlo Fidanza

Proposal for a regulation

Article 5 – paragraph 1 – point 14

Text proposed by the Commission

Amendment

(14) ‘exporter’ means ***any*** person who

(14) ‘exporter’ means ***a private***

has the power to determine and has determined that the goods are to be taken out of the customs territory of the Union;

individual carrying goods to be taken out of the customs territory of the Union where these goods are contained in the private individual's personal baggage, or

(i) a person established in the customs territory of the Union, who has the power to determine and has determined that the goods are to be taken out of that customs territory;

(ii) where (i) does not apply, any person established in the customs territory of the Union who is a party to the contract under which goods are to be taken out of that customs territory OR agrees to take on this role.

Or. en

Amendment 196

Carlo Fidanza

Proposal for a regulation

Article 5 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15 a) (15bis) ‘customs agent’ means a natural person or legal person who acts as a direct or indirect representative.

Or. en

Amendment 197

Carlo Fidanza

Proposal for a regulation

Article 5 – paragraph 1 – point 18 – point b

Text proposed by the Commission

Amendment

(b) pose a threat to the security and safety of *the Union and its* citizens and residents; or

(b) pose a threat to the security and safety of *EU* citizens and residents; or

Or. it

Amendment 198

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Article 5 – paragraph 1 – point 18 – point b

Text proposed by the Commission

(b) pose a threat to the security and **safety of the** Union **and its** citizens and residents; or

Amendment

(b) pose a threat to the security and **public health of** Union citizens and residents; or

Or. en

Amendment 199

Anna Cavazzini, Francisco Guerreiro

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 applies to specific goods under the customs legislation in force;

Or. en

Amendment 200

Anne-Sophie Pelletier

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 applies to specific goods under the customs legislation in force;

Amendment 201

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. en

Amendment 202

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 5 – paragraph 1 – point 57 a (new)

Text proposed by the Commission

Amendment

(57 a) ‘other charges’ means any fees coming on top of custom duties, VAT, customs formalities fees and courier fees.

Or. en

Amendment 203

Andreas Schwab

Proposal for a regulation

Article 5 – paragraph 1 – point 64

Text proposed by the Commission

Amendment

(64) ‘crisis’ ***means an event or a situation that suddenly endangers the safety, the security, the health and life of the citizens, economic operators and personnel of customs authorities and***

(64) ‘crisis’ ***as defined in Article 3 paragraph 1 point 1 of Regulation establishing a Single Market emergency instrument and repealing Council***

requires urgent measures as regards the entry, exit or transit of goods.

Regulation No (EC) 2679/98

Or. en

Justification

Coherence with new crisis legislation.

Amendment 204

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(64 a) ‘end-customer’ means physical or moral person residing or established in the Union, to whom a product has been made available by a seller or a marketplace.

Or. en

Amendment 205

Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(64 a) "not at risk shipment" means a shipment with no customs risk as assessed by the Data Hub, and being attributed the green color code.

Or. en

Amendment 206

Anne-Sophie Pelletier

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(64 a) ‘other charges’ means any fees coming on top of custom duties, VAT, customs formalities fees and courier fees.

Or. en

Amendment 207

Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(64 b) “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;

Or. en

Amendment 208

Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(64 c) “incompliant shipment” means a shipment incompliant with EU rules, to be denied for pick up at origin and/or denied for release in the internal market.

Or. en

Amendment 209

Maria Grapini

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

Text proposed by the Commission

Amendment

(64 d) "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. This 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. en

Amendment 210
Maria Grapini

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 211
Maria Grapini

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 212

Maria Grapini

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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. en

Amendment 213

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. en

Amendment 214

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 4

Text proposed by the Commission

Where the customs authorities fail to take a decision within the time-limits established in the first, second and third subparagraphs, the applicant may consider

Amendment

Where the customs authorities fail to take a decision within the time-limits established in the first, second and third subparagraphs, the applicant may consider

the request to have been denied and may appeal such a negative decision. The applicant may also inform the EU Customs Authority that the customs authorities did not take a decision within the relevant time limits.

the request to have been denied and may appeal such a negative decision. The applicant may also inform the EU Customs Authority that the customs authorities did not take a decision within the relevant time limits.

The Commission, the EU Customs Authority and Member States shall agree on a clear process to handle decisions in case of technical failure of centralised EU electronic systems infrastructure, and especially of the data hub, in order to ensure that trade is not paralysed.

Or. en

Amendment 215

Tom Vandenkendelaere

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 4

Text proposed by the Commission

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

Amendment

Where the customs authorities fail to take a decision within the time-limits established in the first, second and third subparagraphs, the applicant may consider the request to have been denied and may appeal such a negative decision.

Or. en

Justification

It has no added value for the applicant to submit this information to the EU Customs Authority. Not clear what this information will be used for.

Amendment 216

Maria Grapini

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 4

Text proposed by the Commission

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

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 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. en

Amendment 217

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 the European level.

Or. en

Amendment 218

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. en

Amendment 219
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. en

Amendment 220
Catharina Rinzema

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. Economic operators established in the customs territory of the Union shall register with the customs authorities responsible for the place where they are established in order to obtain an Economic Operator Registration and Identification (EORI) number. Where possible, that registration shall also include the electronic identification of the operator in the national electronic identification schemes referred to in Regulation (EU) No 910/2014.

1. Economic operators established in the customs territory of the Union shall register with the customs authorities responsible for the place where they are established in order to obtain an Economic Operator Registration and Identification (EORI) number. Where possible, that registration shall also include the electronic identification of the operator in the national electronic identification schemes referred to in Regulation (EU) No 910/2014.
Economic operators that trade regularly with third countries can opt for a place of establishment for customs purposes.

Or. en

Justification

Economic Operators have multiple (business) considerations to determine their place of establishment, the current definition forces internationally operating businesses into a squeeze to be connected to a customs administration whereas they might have centralized (or even outsourced) their customs activities at another MS. In particular the required combination of both human and technical resources, in times of off premise cloud technology

this definition does not fit.

Amendment 221

Maria Grapini

Proposal for a regulation

Article 19 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 222

Ivan Štefanec

Proposal for a regulation

Article 20 – paragraph 1 – point c

Text proposed by the Commission

(c) ensuring that the ***goods entering or exiting the customs territory of the Union comply*** with the relevant other legislation applied by the customs authorities and providing, keeping and making available appropriate records of such compliance;

Amendment

(c) ensuring that the ***relevant economic operator as determined under Regulation 2023/988 on general product safety and Regulation 2019/1020 has complied*** with the relevant other legislation applied by the customs authorities ***when [the goods enter or exit the customs territory of the Union]*** and providing, keeping and making available appropriate records of such compliance.

Or. en

Justification

This amendment clarifies that importers are not directly responsible for complying with specific product legislation, but instead for submitting relevant data to customs authorities and ensuring that responsible persons, as identified in GPSR and MSR, have complied with their obligations under product legislation.

Amendment 223

Adam Bielan

Proposal for a regulation

Article 20 – paragraph 1 – point c

Text proposed by the Commission

(c) ensuring ***that the goods entering or exiting the customs territory of the Union comply*** with the relevant other legislation applied by the customs authorities and providing, keeping and making available appropriate records of such compliance;

Amendment

(c) ensuring ***the relevant economic operator as determined under Regulation 2023/988 on general product safety and Regulation 2019/1020 has complied*** with the relevant other legislation applied by the customs authorities ***when the goods enter or exit the customs territory of the Union*** and providing, keeping and making available appropriate records of such compliance;

Or. en

Justification

This amendment clarifies that importers are not directly responsible for complying with specific product legislation, but instead for submitting relevant data to customs authorities and ensuring that responsible persons, as identified in GPSR and MSR, have complied with their obligations under product legislation.

Amendment 224

Adam Bielan

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 20(1), ***point (a)***, deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union at the latest on the day following the date when the payment was accepted and in any event prior to the release of the goods.

Amendment

1. By way of derogation from Article 20(1), deemed importers shall ***(a)*** provide or make available the information on distance sales of goods to be imported in the customs territory of the Union at the latest on the day following the date when the payment was accepted and in any event prior to the release of the goods ***and (b) ensure the correct calculation and payment of customs duties and any other charges applicable.***

Or. en

Justification

This amendment specifies that the responsibilities of deemed importers are defined by customs laws, focusing on providing essential data for the release of sold goods and managing the calculation and payment of customs duties and relevant charges. This specification aligns with the Commission's recognition that the duties of deemed importers differ from those of other importers, ensuring consistency with the obligations outlined in Regulation (EU) No 2022/2065, Regulation 2019/1020, and Regulation 2023/988.

Amendment 225

Adam Bielan

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 20(1), point (a), deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union ***at the latest on the day following the date when the payment was accepted and in any event prior to the release of the goods.***

Amendment

1. By way of derogation from Article 20(1), point (a), deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union.

Or. en

Amendment 226

Ivan Štefanec

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 20(1), ***point (a)***, deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union at the latest on the day following the date when the payment was accepted and in any event prior to the release of the goods.

Amendment

1. By way of derogation from Article 20(1), ***points (a) and (c)***, deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union at the latest on the day following the date when the payment was accepted and in any event prior to the release of the goods.

Justification

Deemed importer obligations are specific to those established by the customs laws, including providing data necessary for the release for free circulation of the sold goods, and calculating and paying customs duties and other applicable charges. This clarification is consistent with the Commission's acknowledgment that the obligations of deemed importers are different from the obligations applicable to other importers, and ensures that deemed importer obligations are consistent with obligations set forth in Regulation 2019/1020 and/or Regulation 2023/988.

Amendment 227

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation**Article 24 – paragraph 1 – point a a (new)**

Text proposed by the Commission

Amendment

(a a) the absence of serious and repeated infringements to other legislation applied by customs;

Or. en

Amendment 228

Carlo Fidanza

Proposal for a regulation**Article 25 – paragraph 1**

Text proposed by the Commission

Amendment

1. An importer or exporter, who is resident or registered in the customs territory of the Union, meets the criteria set out in paragraph 3 and has conducted regular customs operations in the course of that person's business for at least 3 years, may apply for the status of Trust and Check trader to the customs authority of the Member State where that person is established.

1. An importer or exporter ***or a customs representative, including a customs agent***, who is resident or registered in the customs territory of the Union, meets the criteria set out in paragraph 3 and has conducted regular customs operations in the course of that person's business for at least 3 years, may apply for the status of Trust and Check trader to the customs authority of the Member State where that person is established.

Amendment 229

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

**Proposal for a regulation
Article 25 – paragraph 1**

Text proposed by the Commission

1. An importer *or* exporter, who is resident or registered in the customs territory of the Union, meets the criteria set out in paragraph 3 and has conducted regular customs operations in the course of that person's business for at least 3 years, may apply for the status of Trust and Check trader to the customs authority of the Member State where that person is established.

Amendment

1. An importer, exporter *or customs representative* who is resident or registered in the customs territory of the Union, meets the criteria set out in paragraph 3 and has conducted regular customs operations in the course of that person's business for at least 3 years, may apply for the status of Trust and Check trader to the customs authority of the Member State where that person is established.

Or. en

Amendment 230

Andreas Schwab

**Proposal for a regulation
Article 25 – paragraph 1**

Text proposed by the Commission

1. An *importer or exporter*, who is resident or registered in the customs territory of the Union, meets the criteria set out in paragraph 3 and has conducted regular customs operations in the course of that person's business for at least 3 years, may apply for the status of Trust and Check trader to the customs authority of the Member State where that person is established.

Amendment

1. An *person*, who is resident or registered in the customs territory of the Union, meets the criteria set out in paragraph 3 and has conducted regular customs operations in the course of that person's business for at least 3 years, may apply for the status of Trust and Check trader to the customs authority of the Member State where that person is established.

Or. en

Justification

Custom trade intermediaries and other relevant operators should be able to apply to TCT, as it is the case with the AEO status. Same language as here.

Amendment 231

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 had ***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.

Or. en

Amendment 232

Catharina Rinzema

Proposal for a regulation

Article 25 – paragraph 3 – point a

Text proposed by the Commission

(a) the absence of any serious infringement or repeated infringements of customs legislation and taxation rules and no record of serious criminal offences; the infringements and offences to be considered are those relating to economic or business activities;

Amendment

deleted

Or. en

Justification

We prefer to retain the AEO status, so we suggest to delete article 26 and amend article 25(3) as suggested.

Amendment 233
Catharina Rinzema

Proposal for a regulation
Article 25 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

- (a a) a) the criteria for the granting of the status of authorised economic operator*
- b) in addition to article 24 - paragraph 1*
- (c) - 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;*
- c) in addition to article 24 - paragraph 1*
- (d), including that relevant employees are instructed on how to interact with customs authorities through the EU Customs Data Hub;*

Or. en

Justification

We prefer to retain the AEO status, so we suggest to delete article 26 and amend article 25(3) as suggested.

Amendment 234
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 25 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

- (a a) the absence of serious and repeated infringements to other legislation applied by customs*

Justification

A repeated record of non compliance with product legislation should bring consequences.

Amendment 235

Catharina Rinzema

Proposal for a regulation**Article 25 – paragraph 3 – point b**

Text proposed by the Commission

Amendment

(b) the demonstration by the applicant of a high level of control of his or her operations and of the flow of goods, by means of a system of managing commercial and transport records, which allows appropriate customs controls and evidence that non-compliance has been effectively remedied; the applicant shall ensure that relevant employees inform the customs authorities whenever compliance difficulties are discovered and establishes procedures for informing the customs authorities of such difficulties; *deleted*

Or. en

Justification

We prefer to retain the AEO status, so we suggest to delete article 26 and amend article 25(3) as suggested.

Amendment 236

Catharina Rinzema

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

Text proposed by the Commission

Amendment

(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 *deleted*

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;

Or. en

Justification

We prefer to retain the AEO status, so we suggest to delete article 26 and amend article 25(3) as suggested.

Amendment 237

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;

Or. en

Amendment 238
Catharina Rinzema

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

Text proposed by the Commission

Amendment

(d) practical standards of competence or professional qualifications directly related to the type and size of activity carried out, including that relevant employees are instructed on how to interact with customs authorities through the EU Customs Data Hub; **deleted**

Or. en

Justification

We prefer to retain the AEO status, so we suggest to delete article 26 and amend article 25(3) as suggested.

Amendment 239
Catharina Rinzema

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

Text proposed by the Commission

Amendment

(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; **deleted**

Or. en

Justification

We prefer to retain the AEO status, so we suggest to delete article 26 and amend article 25(3) as suggested.

Amendment 240

Anne-Sophie Pelletier

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 will be required to participate in a 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. en

Amendment 241

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

Amendment

(e) appropriate security, safety and compliance standards, ***including product safety*** adapted to the type and size of the activity carried out. ***The applicant will be required to participate in a mandatory training provided by the competent***

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;

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. en

Amendment 242

Tom Vandenkendelaere

Proposal for a regulation

Article 25 – paragraph 3 – point f – introductory part

Text proposed by the Commission

(f) having an electronic system ***providing or making*** available to the customs authorities real-time ***all*** data on the movement of the goods and the compliance of the person referred to in paragraph 1 with all requirements applicable on those goods, including relating to safety and security and including where relevant sharing in the EU Customs Data Hub:

Amendment

(f) having an electronic system, ***including systems managed by a third-party provider, that provides or makes*** available to the customs authorities ***the appropriate*** real-time data on the movement of the goods and the compliance of the person referred to in paragraph 1 with all requirements applicable on those goods, including relating to safety and security and including where relevant sharing in the EU Customs Data Hub:

Or. en

Justification

Many operators use platforms managed by third parties, such as the Port Community Systems, to deliver (and collect) the necessary info to customs. These systems should be considered adequate electronic systems under this legislation.

Amendment 243

Andreas Schwab

Proposal for a regulation

Article 25 – paragraph 3 – point f – introductory part

Text proposed by the Commission

(f) having an electronic system providing or making available to the customs authorities real-time **all** data on the movement of the goods and the compliance of the person referred to in paragraph 1 with all requirements applicable on those goods, including relating to safety and security and including where relevant sharing in the EU Customs Data Hub:

Amendment

(f) having an electronic system providing or making available to the customs authorities **data, and where reasonably justified and appropriate** real-time data, on the movement of the goods and the compliance of the person referred to in paragraph 1 with all requirements applicable on those goods, including relating to safety and security and including where relevant sharing in the EU Customs Data Hub:

Or. en

Justification

Not clear how company data should be accessed in real time without disclosing sensitive information. More restricted approach seems proportional.

Amendment 244

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 25 – paragraph 3 – point f – introductory part

Text proposed by the Commission

(f) having an electronic system providing or making available to the customs authorities real-time **all** data on the movement of the goods and the compliance of the person referred to in paragraph 1 with all requirements applicable on those goods, including relating to safety and security and including where relevant sharing in the EU Customs Data Hub:

Amendment

(f) having an electronic system providing or making available to the customs authorities real-time **relevant** data on the movement of the goods and the compliance of the person referred to in paragraph 1 with all requirements applicable on those goods, including relating to safety and security and including where relevant sharing in the EU Customs Data Hub:

Or. en

Amendment 245

Catharina Rinzema

Proposal for a regulation

Article 25 – paragraph 3 – point f – introductory part

Text proposed by the Commission

(f) having an electronic system providing or making available to the customs authorities ***real-time*** all data on the movement of the goods and the compliance of the person referred to in paragraph 1 with all requirements applicable on those goods, including relating to safety and security and including where relevant sharing in the EU Customs Data Hub:

Amendment

(f) having an electronic system providing or making available to the customs authorities all data on the movement of the goods and the compliance of the person referred to in paragraph 1 with all requirements applicable on those goods, including relating to safety and security and including where relevant sharing in the EU Customs Data Hub:

Or. en

Justification

The requirement that customs have real time access to businesses' IT systems will not be accepted by traders for obvious security reasons. Furthermore, it seems unnecessary for customs to act properly, T&C is a recognition that businesses meet a certain compliance level, meaning that customs can lean on that business' internal checks. A periodical based approach in control should be sufficient.

Amendment 246

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 25 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(f a) by way of exception to paragraph f and notwithstanding obligations linked to the importer or deemed importer status, Small and Medium Size enterprises may make compliance data available to customs authorities via a Digital Product Passport,

Or. en

Amendment 247

Proposal for a regulation

Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The customs authorities at least every **3** years shall perform and in-depth monitoring of the Trust and Check trader's activities and internal records. The Trust and Check trader shall inform the customs authorities of any changes in its corporate structure, ownership, solvency situation, trading models or any other significant changes in its situation and activities. The customs authorities shall re-assess the status of the Trust and Check trader if any of these changes have a significant impact on the Trust and Check status. The customs authorities may suspend this authorisation until a decision on the reassessment is taken.

Amendment

The customs authorities at least every **2** years shall perform and in-depth monitoring of the Trust and Check trader's activities and internal records. The Trust and Check trader shall inform the customs authorities of any changes in its corporate structure, ownership, solvency situation, trading models or any other significant changes in its situation and activities. The customs authorities shall re-assess the status of the Trust and Check trader if any of these changes have a significant impact on the Trust and Check status. The customs authorities may suspend this authorisation until a decision on the reassessment is taken.

Or. en

Amendment 248

Anne-Sophie Pelletier

Proposal for a regulation

Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The customs authorities at least every **3 years** shall perform and in-depth monitoring of the Trust and Check trader's activities and internal records. The Trust and Check trader shall inform the customs authorities of any changes in its corporate structure, ownership, solvency situation, trading models or any other significant changes in its situation and activities. The customs authorities shall re-assess the status of the Trust and Check trader if any of these changes have a significant impact on the Trust and Check status. The customs authorities may suspend this authorisation

Amendment

The customs authorities at least every **year** shall perform and in-depth monitoring of the Trust and Check trader's activities and internal records. The Trust and Check trader shall inform the customs authorities of any changes in its corporate structure, ownership, solvency situation, trading models or any other significant changes in its situation and activities. The customs authorities shall re-assess the status of the Trust and Check trader if any of these changes have a significant impact on the Trust and Check status. The customs authorities may suspend this authorisation

until a decision on the reassessment is taken.

until a decision on the reassessment is taken.

Or. en

Amendment 249

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 25 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Where a Trust and Check trader changes its Member State of establishment, the customs authorities of the receiving Member State may reassess the Trust and Check authorisation, after consultation with the Member State that initially granted the status and having received the previous records on the operators. ***During the reassessment, the customs authority of the Member State that granted the initial authorisation may suspend it.***

Amendment

Where a Trust and Check trader changes its Member State of establishment, the customs authorities of the receiving Member State may reassess the Trust and Check authorisation, after consultation with the Member State that initially granted the status and having received the previous records on the operators.

Or. en

Amendment 250

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.

Or. en

Amendment 251

Anna Cavazzini, Francisco Guerreiro

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 suspected of:

a. involvement in fraudulent activity in relation to its economic or business activity,

b. repeated or serious infringement to other legislation applied by customs;

its status shall be suspended.

Or. en

Amendment 252

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 ***or releasing non-compliant goods in the internal market*** its status shall be suspended. ***This suspension shall be notified in the Customs Data Hub.***

Or. en

Amendment 253

Anne-Sophie Pelletier

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 suspected of involvement in fraudulent activity in relation to its economic or business activity, ***or suspected of releasing non-compliant goods in the customs territory*** its status shall be suspended

Or. en

Amendment 254

Andreas Schwab

Proposal for a regulation

Article 25 – paragraph 7 – introductory part

Text proposed by the Commission

7. Customs authorities ***may*** authorise Trust and Check traders:

Amendment

7. Customs authorities ***shall*** authorise Trust and Check traders:

Or. en

Amendment 255

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Article 25 – paragraph 7 – introductory part

Text proposed by the Commission

7. Customs authorities ***may*** authorise Trust and Check traders:

Amendment

7. Customs authorities ***shall*** authorise Trust and Check traders:

Or. en

Amendment 256

Carlo Fidanza

Proposal for a regulation
Article 25 – paragraph 7 – point e a (new)

Text proposed by the Commission

Amendment

(e a) (f) to perform centralised clearance in accordance with Article 72.

Or. en

Amendment 257
Carlo Fidanza

Proposal for a regulation
Article 25 – paragraph 7 – point e b (new)

Text proposed by the Commission

Amendment

(e b) (g) to make entry in the declarant's records in accordance with Article 73.

Or. en

Amendment 258
Tom Vandenkendelaere

Proposal for a regulation
Article 25 – paragraph 9

Text proposed by the Commission

Amendment

9. By way of derogation from Article 110, where the importer or the exporter of the goods entering or exiting the customs territory has the status of Trust and Check trader, the goods shall be considered under a duty suspensive regime and remain under customs supervision until their final destination without the obligation to place them in transit. The Trust and Check trader shall be liable for the payment of customs duties, other taxes and other charges in the Member State of establishment and where the authorisation was granted.

9. By way of derogation from Article 110, where the importer or the exporter of the goods entering or exiting the customs territory has the status of Trust and Check trader, the goods shall be considered under a duty suspensive regime and remain under customs supervision until their final destination ***within the customs territory of the Union*** without the obligation to place them in transit. The Trust and Check trader shall be liable for the payment of customs duties, other taxes and other charges in the Member State of establishment and where the authorisation was granted.

Justification

To clarify that EU customs services have no competences outside the EU customs territory.

Amendment 259

Maria Grapini

Proposal for a regulation

Article 25 – paragraph 11 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

Or. en

Amendment 260

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 25 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

*11 a. The Commission and Member
States shall set up a capacity building and
best practice sharing support system for
SMEs willing to obtain the Trust and
Check status;*

Or. en

Amendment 261

Catharina Rinzema

Proposal for a regulation

Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

Transitional provisions for authorised economic operators for customs simplifications

1. Until the date established in Article 265(4), the customs authorities may grant persons meeting the criteria the status of authorised economic operator for customs simplifications and authorise them to benefit from certain simplifications and facilitations in accordance with the customs legislation.

2. By the date established in Article 265(3), the customs authorities shall assess the valid authorised economic operators' authorisations for customs simplifications to check whether their holders may be granted the status of Trust and Check traders. If they may not, the status of authorised economic operators for customs simplifications and the simplifications referred to in Article 23(5) shall be revoked.

3. Until the authorisation is reassessed or until the date established in Article 265(3), whichever is the earlier, the recognition of status of authorized economic operator for customs simplifications shall remain valid, unless Articles 9 and 10 on annulment, revocation or amendment of decisions apply.

Or. en

Justification

We prefer to retain the AEO status, so we suggest to delete article 26 and amend article 25(3) as suggested.

Amendment 262
Andreas Schwab

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. *Until the date established in Article 265(4), the customs authorities may grant persons meeting the criteria the status of authorised economic operator for customs simplifications and authorise them to benefit from certain simplifications and facilitations in accordance with the customs legislation.*

deleted

Or. en

Justification

AOE and TCT status shall co-exist as alternatives, as the current AOE systems works very well.

Amendment 263
Andreas Schwab

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

2. By the date established in Article 265(3), the customs authorities shall assess the valid authorised economic operators' authorisations for customs simplifications to check whether their holders may be granted the status of Trust and Check traders. *If they may not, the status of authorised economic operators for customs simplifications and the simplifications referred to in Article 23(5) shall be revoked.*

Amendment

2. By the date established in Article 265(3), the customs authorities shall assess the valid authorised economic operators' authorisations for customs simplifications to check whether their holders may be granted the status of Trust and Check traders.

Or. en

Amendment 264
Andreas Schwab

Proposal for a regulation
Article 26 – paragraph 3

Text proposed by the Commission

Amendment

3. *Until the authorisation is reassessed or until the date established in Article 265(3), whichever is the earlier, the recognition of status of authorized economic operator for customs simplifications shall remain valid, unless Articles 9 and 10 on annulment, revocation or amendment of decisions apply.* *deleted*

Or. en

Amendment 265
Andreas Schwab

Proposal for a regulation
Article 27 – paragraph 1 – subparagraph 3

Text proposed by the Commission

An indirect customs representative acting in its own name but on behalf of an importer or an exporter shall be considered the importer or the exporter for the purposes of Articles 20 and 22, respectively.

Amendment

An indirect customs representative acting in its own name but on behalf of an importer or an exporter shall be considered the importer or the exporter for the purposes of Articles 20 and 22, respectively, *with the exception of the obligations in Article 20(1) and Article 22 (1)c.*

Or. en

Justification

Customs representatives should not be liable for non-fiscal compliance obligations such as CBAM, Deforestation or Forced Labour Regulation, since they do not have the capacities or even possibilities of verifying the compliance of the importer/ exporter. That is beyond their control. Therefore, joint liability seems an unproportioned burden.

Amendment 266
Carlo Fidanza

Proposal for a regulation
Article 27 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

An indirect customs representative acting in its own name but on behalf of an importer or an exporter shall be considered the importer or the exporter for the purposes of Articles 20 and 22, respectively.

An indirect customs representative acting in its own name but on behalf of an importer or an exporter shall be considered the importer or the exporter for the purposes of Articles 20 and 22, respectively, ***without the obligations referred to in paragraphs 1 of those articles.***

Or. it

Amendment 267
Carlo Fidanza

Proposal for a regulation
Article 27 – paragraph 1 – subparagraph 3

Text proposed by the Commission

An indirect customs representative acting in its own name but on behalf of an importer or an exporter ***shall be considered*** the importer or ***the*** exporter for ***the purposes of Articles 20 and 22, respectively.***

Amendment

An indirect customs representative acting in its own name but on behalf of an importer or an exporter ***must be held jointly and liable with*** the importer or exporter for ***customs procedures.***

Or. en

Amendment 268
Carlo Fidanza

Proposal for a regulation
Article 27 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Except where otherwise provided, that requirement shall be waived where the customs representative acts on behalf of persons who are not required to be established within the customs territory of the Union.

Amendment

Except where otherwise provided, that requirement shall be waived where the customs representative acts on behalf of persons who are not required to be established within the customs territory of the Union. ***Persons established in the custom territory of the Union that decide to take on the role of importers or exporters can act in their own name and on their own behalf, or appoint a direct or***

indirect customs representative.

Or. en

Amendment 269

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. A customs representative having the status of Trust and Check trader shall only be recognised as such when acting as indirect representative. When acting as a direct representative, the customs representative may be recognised as Trust and Check trader if the person in whose name and on whose behalf that representative is acting has been granted such status.

Amendment

3. A customs representative having the status of Trust and Check trader shall only be recognised as such when acting as indirect representative. When acting as a direct representative, the customs representative may be recognised as Trust and Check trader if the person in whose name and on whose behalf that representative is acting has been granted such status ***or is a small and micro enterprise pursuant to Recommendation 2003/361/EC or is an authorised economic operator pursuant to the present Regulation.***

Or. en

Amendment 270

Carlo Fidanza

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. A customs representative having the status of Trust and Check trader shall ***only*** be recognised as ***such when acting as*** indirect representative. ***When acting as a direct representative, the customs representative may be recognised as Trust and Check trader if*** the person in whose name and on whose behalf that

Amendment

3. A customs representative having the status of Trust and Check trader shall be recognised as ***direct or*** indirect representative, ***regardless of whether*** the person in whose name and on whose behalf that representative is acting has ***Trust and Check trader*** status.

representative is acting has *been granted such* status.

Or. it

Amendment 271

Carlo Fidanza

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. A customs **representative** having the status of Trust and Check trader **shall only be recognised as such when** acting as indirect representative. **When acting as a direct representative**, the customs **representative may be recognised as Trust and Check trader if the person in whose name and on whose behalf that representative is acting has been granted such status.**

Amendment

3. Customs **representatives** having the status of Trust and Check trader, **regardless whether** acting as **direct or** indirect representative, **shall be able to offer customs services also in other Member States of the Union, and their customers will benefit from their simplifications granted by the customs authorities.**

Or. en

Amendment 272

Carlo Fidanza

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

4. The Commission shall determine, in accordance with Union law, the conditions under which a customs representative may provide services in the customs territory of the Union.

Amendment

4. The Commission shall determine, in accordance with Union law, the conditions under which a customs representative may provide services in the customs territory of the Union **and individual Member States shall determine, in accordance with EU law, the conditions and requirements under which customs representatives may provide services in the Member State of establishment.**

Or. it

Justification

Customs operators should be able to provide their services in EU Member States, but in any case it should be national laws of individual States that establish, in accordance with EU law, the conditions under which customs representatives may provide their services in the Member State of establishment.

Amendment 273

Carlo Fidanza

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

4. ***The Commission shall*** determine, in accordance with Union law, the conditions under which ***a*** customs ***representative*** may provide services in the ***customs territory of the Union.***

Amendment

4. ***Member States may*** determine, in accordance with Union law, the conditions under which customs ***representatives, without the status of Trust and Check trader,*** may provide services in the ***Member State where they are established.***

Or. en

Amendment 274

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 27 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. [18 months after the entry into force] the Commission shall set up a voluntary system of accreditation for direct and indirect representatives having the expertise necessary to reliably act as direct or indirect representatives;

Or. en

Justification

Identifying intermediaries reliable enough to take over legal obligations is a hurdle for SMEs in their dealings with customs. Some member states have a voluntary national register, but the EU does not.

Amendment 275

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Article 27 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. For the purposes of paragraph 3 of this Article, the Commission shall adopt and publish guidelines setting out common principles and practices for the implementation of obligations pursuant to Articles 20 and 22 respectively.

Or. en

Amendment 276

Maria Grapini

Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 277

Andreas Schwab

Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

amendment of such data;

amendment of such data;

Or. en

Amendment 278

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 29 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) ensure compliance with the provisions of Regulation (EU) XXXX/XXX of the European Parliament and of the Council laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union;

Or. en

Amendment 279

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 29 – paragraph 1 – point h

Text proposed by the Commission

Amendment

(h) enable the customs surveillance of goods.

(h) enable the customs surveillance of goods *and contribute to the enforcement of other legislations applied by customs.*

Or. en

Amendment 280

Anne-Sophie Pelletier

Proposal for a regulation

Article 29 – paragraph 1 – point h – point i (new)

Text proposed by the Commission

Amendment

i) enable parties having a public interest stake to access, subject to appropriate justification and upon a request made on the grounds of public interest, non-personal customs data collected from parties trading in products or goods imported into the EU

Or. en

Amendment 281

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Enable interoperability with the EU Maritime Single Window Environment for the provision and fulfilment of the customs formalities indicated in the Reporting Obligations Annex of Regulation 2019/1239.

Or. en

Amendment 282

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 29 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(h a) enable the exchange of customs information with non-state actors with a general interest purpose;

Or. en

Amendment 283

Andreas Schwab

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The Commission shall develop, implement and maintain the EU Customs Data Hub, including making publicly available the technical specifications to process data within it, **and** shall establish a data quality framework.

Amendment

3. The Commission shall develop, implement and maintain the EU Customs Data Hub, including making publicly available the technical specifications to process data within it, shall establish a data quality framework **and shall establish a public contact point for urgent requests or security threats concerning the EU Customs Data Hub.**

Or. en

Amendment 284
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 31 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) for research purposes

Or. en

Amendment 285
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 **from the EU territory** may receive and process the data resulting from a customs control where non-compliant goods have been detected.

Or. en

Amendment 286

Maria Grapini

Proposal for a regulation

Article 31 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(c a) to perform robust real-time risk analysis to minimise the responsibilities and liability of legitimate operators;

Or. en

Amendment 287

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 31 – paragraph 4 – point h a (new)

Text proposed by the Commission

Amendment

(h a) to support the enforcement of other union legislations concerning products entering the internal market

Or. en

Amendment 288

Anna Cavazzini, Francisco Guerreiro

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***

6. The European Public Prosecutor's Office ('EPPO') may 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

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).

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 289

Vlad-Marius Botoș

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.*

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).

Amendment

6. The European Public Prosecutor's Office ('EPPO') *shall have* access *directly and shall otherwise 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 Council Regulation (EU) 2017/1939.

Or. en

Amendment 290

Andreas Schwab

Proposal for a regulation
Article 31 – paragraph 7

Text proposed by the Commission

7. The tax authorities of the Member States may process data, including personal and commercially sensitive data, stored or otherwise available in the EU Customs Data Hub, exclusively and to the extent necessary to determine the liability of any person for duty, fees and taxes that may be due in the Union in connection with the relevant goods and under the conditions determined in an implementing act adopted pursuant to paragraph 14 of this Article.

Amendment

7. The tax authorities of the Member States may process data, ***upon approval of a justified request***, including personal and commercially sensitive data, stored or otherwise available in the EU Customs Data Hub, exclusively and to the extent necessary to determine the liability of any person for duty, fees and taxes that may be due in the Union in connection with the relevant goods and under the conditions determined in an implementing act adopted pursuant to paragraph 14 of this Article.

Or. en

Amendment 291
Andreas Schwab

Proposal for a regulation
Article 31 – paragraph 8

Text proposed by the Commission

8. The competent authorities as defined in Article 3, point (3), of Regulation (EU) 2017/625 of the European Parliament and of the Council⁶⁷ may access data, including personal and commercially sensitive data, store or otherwise available in the EU Customs Data Hub exclusively and to the extent necessary for enforcing Union legislation governing the placing on the market or the safety of food, feed and plants and for cooperating with customs authorities to minimise the risks that non-compliant products enter the Union and under the conditions determined in an implementing act adopted pursuant to paragraph 14 of this Article.

Amendment

8. The competent authorities as defined in Article 3, point (3), of Regulation (EU) 2017/625 of the European Parliament and of the Council⁶⁷ may access data, ***upon approval of a justified request***, including personal and commercially sensitive data, store or otherwise available in the EU Customs Data Hub exclusively and to the extent necessary for enforcing Union legislation governing the placing on the market or the safety of food, feed and plants and for cooperating with customs authorities to minimise the risks that non-compliant products enter the Union and under the conditions determined in an implementing act adopted pursuant to paragraph 14 of this Article.

⁶⁷ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)(OJ L 95, 7.4.2017, p. 1).

⁶⁷ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)(OJ L 95, 7.4.2017, p. 1).

Or. en

Amendment 292

Andreas Schwab

Proposal for a regulation

Article 31 – paragraph 9

Text proposed by the Commission

9. The market surveillance authorities designated by Member States in accordance with Article 10 of Regulation (EU) 2019/1020 may process data, including personal and commercially sensitive data, stored or otherwise available in the EU Customs Data Hub, exclusively and to the extent necessary for enforcing Union legislation governing the placing on the market or the safety of products and for

Amendment

9. The market surveillance authorities designated by Member States in accordance with Article 10 of Regulation (EU) 2019/1020 may process data, ***upon approval of a justified request***, including personal and commercially sensitive data, stored or otherwise available in the EU Customs Data Hub, exclusively and to the extent necessary for enforcing Union legislation governing the placing on the

cooperating with customs authorities to minimise the risks that non-compliant goods enter the Union, and under the conditions determined in an implementing act adopted pursuant to paragraph 14 of this Article.

market or the safety of products and for cooperating with customs authorities to minimise the risks that non-compliant goods enter the Union, and under the conditions determined in an implementing act adopted pursuant to paragraph 14 of this Article.

Or. en

Amendment 293

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 31 – paragraph 12

Text proposed by the Commission

12. Until the date set out in Article 265(3), the Commission, OLAF and the EU Customs Authority once it is established shall, exclusively for the purposes stated in paragraphs 4, 5 and 6, be able to process data, including personal data, from the existing electronic systems for the exchange of information developed by the Commission pursuant to Regulation (EU) No 952/2013.

Amendment

12. Until the date set out in Article 265(3), the Commission, OLAF, **EPPO** and the EU Customs Authority once it is established shall, exclusively for the purposes stated in paragraphs 4, 5 and 6, be able to process data, including personal data, from the existing electronic systems for the exchange of information developed by the Commission pursuant to Regulation (EU) No 952/2013.

Or. en

Amendment 294

Vlad-Marius Botoș

Proposal for a regulation

Article 31 – paragraph 12

Text proposed by the Commission

12. Until the date set out in Article 265(3), the Commission, OLAF and the EU Customs Authority once it is established shall, exclusively for the purposes stated in paragraphs 4, 5 and 6, be able to process data, including personal data, from the existing electronic systems

Amendment

12. Until the date set out in Article 265(3), the Commission, OLAF, **EPPO** and the EU Customs Authority once it is established shall, exclusively for the purposes stated in paragraphs 4, 5 and 6, be able to process data, including personal data, from the existing electronic systems

for the exchange of information developed by the Commission pursuant to Regulation (EU) No 952/2013.

for the exchange of information developed by the Commission pursuant to Regulation (EU) No 952/2013.

Or. en

Amendment 295

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 31 – paragraph 12 a (new)

Text proposed by the Commission

Amendment

12 a. Until the date set out in Article 265(3), non-personal trade data collected via existing electronic systems shall be accessible to non-state actors, especially researchers, via freedom of information requests.

Or. en

Justification

Confidential business information should remain protected, but other non-personal data should be accessible

Amendment 296

Andreas Schwab

Proposal for a regulation

Article 31 – paragraph 14 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) determine the conditions and modalities for requests for access to data, including personal or commercially sensitive data and which of the joint controllers will grant the access to the EU Customs Data Hub.

(f) determine the conditions and modalities for requests for access to data **in a particular case**, including personal or commercially sensitive data and which of the joint controllers will grant the access to the EU Customs Data Hub.

Or. en

Justification

Clarification: authorities need to request data access for each individual case and not as a one-time general data access request.

Amendment 297

Maria Grapini

Proposal for a regulation

Article 31 – paragraph 14 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

When processing personal data by the authorities mentioned in this article, the General Data Protection Regulation shall be respected.

Or. en

Amendment 298

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 31 a (new)

Text proposed by the Commission

Amendment

Article 31a

Publication of customs data

Without prejudice to Directive (EU) 2016/943, Member State customs authorities, or the EU Customs Authority after the date included in Article 265.4, shall publish monthly updates containing non-personal customs data.

The information published should include a record of each consignment and when applicable, the related importer, deemed-importer, exporter, consignor, seller, consignee, buyer, declarant, representative, producer/manufacturer, country of destination, region of destination, country of dispatch/export, country of origin, country of preferential

origin, description of goods, commodity (Harmonised System/HS) code, volume, value, and declaration date.

Or. en

Amendment 299

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 32 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 300

Anna Cavazzini, Francisco Guerreiro

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. en

Amendment 301

Anna Cavazzini, Francisco Guerreiro

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. en

Amendment 302
Andreas Schwab

Proposal for a regulation
Article 33 – paragraph 3

Text proposed by the Commission

3. The Commission shall lay down, by means of implementing acts, the rules for anonymising the personal data after the expiry of the retention period.

deleted

Amendment

Or. en

Justification

No need for an implementing act only for the task of anonymisation.

Amendment 303
Deirdre Clune

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

1. The Commission, the EU Customs Authority and the customs authorities shall use the EU Customs Data Hub when exchanging with the authorities and Union bodies referred to in Article 31(6) to (11) in accordance with this Regulation.

Amendment

1. The Commission, the EU Customs Authority and the customs authorities shall use the EU Customs Data Hub when exchanging with the authorities and Union bodies referred to in Article 31(6) to ***(9) and*** (11) in accordance with this Regulation. ***The Commission, the EU***

Customs Authority and the customs authorities shall use SIENA when exchanging information with Europol.

Or. en

Amendment 304

Anna Cavazzini, Francisco Guerreiro

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

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

Or. en

Amendment 305

Anna Cavazzini, Francisco Guerreiro

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 **or 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. en

Amendment 306

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 to determine their customs status.

Or. en

Amendment 307

Adam Bielan

Proposal for a regulation

Article 42 – paragraph 4 – introductory part

Text proposed by the Commission

4. The customs office responsible for the place of establishment of the Trust and Check trader ***or the deemed importer*** shall:

Amendment

4. The customs office responsible for the place of establishment of the Trust and Check trader shall:

Or. en

Amendment 308

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 ***when there are good reasons*** require goods to be unloaded and unpacked for the purpose of examining them, taking samples or examining the means of transport carrying them.

Amendment 309

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 50 – paragraph 3 – point a

Text proposed by the Commission

(a) collecting, processing, exchanging and analysing relevant data available in the EU Customs Data Hub and from other sources, including relevant data from authorities other than customs authorities;

Amendment

(a) collecting, processing, exchanging and analysing relevant data available in the EU Customs Data Hub and from other sources, including relevant data from ***competent*** authorities other than customs authorities;

Or. en

Amendment 310

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 50 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Infringement to other legislation applied by customs and notified by competent authorities to customs authorities shall negatively impact the risk profile of the relevant importers, exporters or deemed importers;

Or. en

Amendment 311

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 51 – paragraph 1

Text proposed by the Commission

1. The Commission ***may*** establish

Amendment

1. The Commission ***shall*** establish

common priority control areas and common risk criteria and standards for any type of risk, including but not limited to risks relating to financial interests.

common priority control areas and common risk criteria and standards for any type of risk, including but not limited to risks relating to financial interests.

Or. en

Amendment 312

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation Article 51 – paragraph 2

Text proposed by the Commission

2. Without prejudice to paragraph 6, point (f), of this Article and to Article 43, the Commission **may** identify specific areas in the domain of other legislation applied by the customs authorities that warrant priority treatment for customs risk management and controls.

Amendment

2. Without prejudice to paragraph 6, point (f), of this Article and to Article 43, the Commission **shall** identify specific areas in the domain of other legislation applied by the customs authorities that warrant priority treatment for customs risk management and controls.

Or. en

Amendment 313

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation Article 51 – paragraph 3 – introductory part

Text proposed by the Commission

3. The Commission **may**:

Amendment

3. The Commission **shall**:

Or. en

Amendment 314

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation Article 51 – paragraph 4

Text proposed by the Commission

4. For the purposes referred to in paragraphs 1 to 3, the Commission may collect, process and analyse data available in the EU Customs Data Hub and from other sources, including from authorities other than customs authorities.

Amendment

4. For the purposes referred to in paragraphs 1 to 3, the Commission may collect, process and analyse data available in the EU Customs Data Hub and from other sources, including from authorities other than customs authorities, ***including from third countries, from the secretariats under relevant Multilateral Environmental Agreements and the customs Advisory Board.***

Or. en

Amendment 315
Deirdre Clune

Proposal for a regulation
Article 51 – paragraph 5 – point e

Text proposed by the Commission

(e) develop and implement common risk analysis to generate risk signals, risk analysis results and where appropriate, issue control recommendations and other appropriate mitigation measures to the customs authorities, including for the application of the common priority control areas and the common risk criteria and standards established by the Commission and for dealing with crisis situations;

Amendment

(e) develop and implement common risk analysis to generate risk signals, risk analysis results and where appropriate, issue control recommendations and other appropriate mitigation measures to the customs authorities, including for the application of the common priority control areas and the common risk criteria and standards established by the Commission and for dealing with crisis situations. ***The EU Customs Agency may invite Europol to contribute to the risks analysis to establish common priority control areas and common risk criteria and standards, within the limits of Europol's mandate;***

Or. en

Amendment 316
Deirdre Clune

Proposal for a regulation
Article 51 – paragraph 5 – point f

Text proposed by the Commission

Amendment

(f) inform OLAF where it identifies or suspects cases of fraud and provide it with all the necessary information related to these cases.

(f) inform OLAF where it identifies or suspects cases of fraud and provide it with all the necessary information related to these cases. ***Europol shall also be informed within the limits of Europol's mandate.***

Or. en

Amendment 317
Catharina Rinzema

Proposal for a regulation
Article 51 – paragraph 6 – point h

Text proposed by the Commission

Amendment

(h) provide a justification to the EU Customs Authority in the event that a control recommendation was not executed.

(h) provide a justification to the EU Customs Authority in the event that a control recommendation was not executed. ***The criteria that need to be met for this paragraph will be set out in a delegated act.***

Or. en

Justification

This provision holds the principle “comply or explain” and applies when risk analyses by the EU Customs Agency leads to control recommendations for the customs authorities to handle. If the customs authority fails to follow a control recommendation, an explanation is required as to why the control was not carried out. A framework should be drafted to provide certainty about situations when it is possible to deviate, for example when other priorities prevail.

Amendment 318
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 53 – paragraph 1

Text proposed by the Commission

Amendment

1. All risk information, signals, risk analysis results, control recommendations,

1. All risk information, signals, risk analysis results, control recommendations,

control decisions and control results, shall be recorded in the operational process to which they relate and in the EU Customs Data Hub, irrespective of whether they were based on national or common risk analysis, or whether they were based on random selection. Customs authorities shall share risk information with each other, with the EU Customs Authority and with the Commission.

control decisions and control results, shall be recorded in the operational process to which they relate and in the EU Customs Data Hub, irrespective of whether they were based on national or common risk analysis, or whether they were based on random selection. Customs authorities shall share risk information with each other, with the EU Customs Authority and with the Commission *and where applicable, with the secretariats of Multilateral Environmental Agreements, provided that personal data is adequately protected.*

Or. en

Amendment 319
Deirdre Clune

Proposal for a regulation
Article 53 – paragraph 1

Text proposed by the Commission

1. All risk information, signals, risk analysis results, control recommendations, control decisions and control results, shall be recorded in the operational process to which they relate and in the EU Customs Data Hub, irrespective of whether they were based on national or common risk analysis, or whether they were based on random selection. Customs authorities shall share risk information with each other, with the EU Customs Authority and with the Commission.

Amendment

1. All risk information, signals, risk analysis results, control recommendations, control decisions and control results, shall be recorded in the operational process to which they relate and in the EU Customs Data Hub, irrespective of whether they were based on national or common risk analysis, or whether they were based on random selection. Customs authorities shall share risk information with each other, with the EU Customs Authority and with the Commission *and with Europol, within the limits of Europol's mandate.*

Or. en

Amendment 320
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. en

Amendment 321

Anna Cavazzini, Francisco Guerreiro

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 **years**; ***the evaluation shall be publicly accessible***; the Commission may in addition arrange evaluation activities to be carried out where it considers necessary, and on an ongoing basis.

Or. en

Amendment 322

Adam Bielan

Proposal for a regulation

Article 59 – paragraph 2

Text proposed by the Commission

2. Deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union ***at the latest on the day following the date when the payment was accepted and in any event prior to the release of the goods.***

Amendment

2. Deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union.

Or. en

Amendment 323

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, ***a responsible person*** or exporter is responsible for the goods;

Or. en

Amendment 324

Anna Cavazzini, Francisco Guerreiro

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. en

Amendment 325

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. en

Amendment 326
Anna Cavazzini, Francisco Guerreiro

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

Text proposed by the Commission

Amendment

(b a) where other legislation applied by customs require consultation with other competent authorities;

Or. en

Amendment 327
Maria Grapini

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

Text proposed by the Commission

Amendment

(b a) Where other legislation requires to consult authorities, this should be provided for;

Or. en

Amendment 328
Anna Cavazzini, Francisco Guerreiro

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. en

Amendment 329
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. en

Amendment 330
Anne-Sophie Pelletier

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. en

Amendment 331
Maria Grapini

Proposal for a regulation

Article 60 – paragraph 5 – point b – point iii

Text proposed by the Commission

(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.

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 **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 or the **responsible person or the** exporter, whichever comes first. The customs authorities shall make the traceability available to the other authorities.

Or. en

Amendment 332

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 60 – paragraph 5 – point b – point iii

Text proposed by the Commission

(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

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 until the other authorities have assessed and communicated the outcome of their controls to the importer or the exporter, whichever comes first. The customs

controls to the importer or the exporter, whichever comes first. The customs authorities shall make the traceability available to the other authorities.

authorities shall make the traceability available to the other authorities.

Or. en

Amendment 333
Anne-Sophie Pelletier

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

Text proposed by the Commission

(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.

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 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.

Or. en

Amendment 334
Catharina Rinzema

Proposal for a regulation
Article 60 – paragraph 6 – introductory part

Text proposed by the Commission

6. Without prejudice to the relevant other legislation applied by the customs authorities, the customs authorities shall be

Amendment

6. Without prejudice to the relevant other legislation applied by the customs authorities, the customs authorities shall be

deemed to have released the goods where they have not selected them for any control *within a reasonable period of time* after:

deemed to have released the goods where they have not selected them for any control *as soon as possible* after:

Or. en

Justification

In practice it would be best to release the goods within hours, unless customs have selected them for control.

Amendment 335

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 interests 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. en

Amendment 336

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 80 – paragraph 2

Text proposed by the Commission

Amendment

2. The advance cargo information shall include at least the importer responsible for the goods, the unique reference for the consignment, the consignor, the consignee, a description of the goods, the tariff classification, the value, the data on the route and the nature and identification of the means of transport

2. The advance cargo information shall include at least the importer responsible for the goods, the unique reference for the consignment, the consignor, the consignee, a description of the goods, the tariff classification, the value, *the country of final destination of the goods*, the data on the route and the

bringing the goods and the transportation cost. The advance cargo information shall be provided before the goods arrive to the customs territory of the Union.

nature and identification of the means of transport bringing the goods and the transportation cost. The advance cargo information shall be provided before the goods arrive to the customs territory of the Union.

Or. en

Amendment 337

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation Article 80 – paragraph 9

Text proposed by the Commission

9. Until the date in Article 265(3), the entry summary declaration shall be considered the advance cargo information.

Amendment

9. Until the date in Article 265(3), the entry summary declaration ***submitted in accordance with the rules and data requirements set down in Regulation 952/2013, its Implementing and Delegated Acts*** shall be considered the advance cargo information.

Or. en

Amendment 338

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation Article 83 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Until the date in Article 265(3), the Arrival Notification shall be submitted in accordance with the rules and data requirements set down in Regulation 952/2013, its Implementing and Delegated acts.

Or. en

Amendment 339

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Article 83 – paragraph 4

Text proposed by the Commission

4. ***Where the arrival of the means of transport and of the consignments therein is not covered by the notification referred to in paragraph 1, the carrier shall notify the arrival of the*** goods brought into the customs territory of the Union by sea or air at the port or airport where they are unloaded or transhipped.

Amendment

4. Goods ***which are*** brought into the customs territory of the Union by sea or air ***and which remain on board the same means of transport for carriage, shall only be notified as ‘arrived’ in the customs territory*** at the port or airport where they are unloaded or transhipped.

Or. en

Amendment 340

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 83 – paragraph 6

Text proposed by the Commission

6. The carrier shall not unload, in the customs territory of the Union, the goods for which a minimum advance cargo information has not been provided or made available to customs, unless the customs authorities have requested the carrier to present them in accordance with Article 85.

Amendment

6. ***From the date set out in article 265 (3) and only under exceptional cases,*** the carrier shall not unload, in the customs territory of the Union, the goods for which a minimum advance cargo information has not been provided or made available to customs, unless the customs authorities have requested the carrier to present them in accordance with Article 85. ***(9) The Commission is empowered to adopt delegated acts in accordance with Article 261, to supplement this Regulation by determining the minimum advance cargo data referred to in paragraph 6 and the specific circumstances when the carrier can be prevented from unloading the cargo.***

Amendment 341

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

**Proposal for a regulation
Article 85 – paragraph 2**

Text proposed by the Commission

2. The customs authorities shall require the carrier to present the goods and provide the advance cargo information referred to in Article 80, where this information has not been provided at an earlier stage.

Amendment

2. The customs authorities shall require the carrier, ***without prejudice to article 80(5)***, to present the goods and provide the advance cargo information referred to in Article 80, where this information has not been provided at an earlier stage.

Amendment 342

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

**Proposal for a regulation
Article 85 – paragraph 5 – subparagraph 1 (new)**

Text proposed by the Commission

Amendment

Until the date in Article 265(3), the Presentation Notification shall be submitted in accordance with the rules and data requirements set down in Regulation 952/2013, its Implementing and Delegated acts.

Amendment 343

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation

Article 86 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Until the date in Article 265(3), the Temporary Storage Declaration shall be submitted in accordance with the rules and data requirements set down in Regulation 952/2013, its Implementing and Delegated acts.

Or. en

Amendment 344

Marco Campomenosi, Alessandra Basso, Antonio Maria Rinaldi, Markus Buchheit, Isabella Tovaglieri

Proposal for a regulation Article 86 – paragraph 5

Text proposed by the Commission

Amendment

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.***

5. Non-Union goods in temporary storage shall be placed under a customs procedure no later than **30** days after the notification of their arrival unless the customs authorities ***do not*** require the goods to be presented.

Or. en

Amendment 345 Carlo Fidanza

Proposal for a regulation Article 86 – paragraph 5

Text proposed by the Commission

Amendment

5. Non-Union goods in temporary storage shall be placed under a customs

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.

procedure no later than **90** days after the notification of their arrival unless the customs authorities require the goods to be presented. In exceptional cases, that time limit may be extended.

Or. en

Amendment 346

Adam Bielan

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 no later than **60** days after the notification of their arrival unless the customs authorities require the goods to be presented. In exceptional cases, that time limit may be extended.

Or. en

Justification

Reducing the temporary storage time limit to just 3-6 days effectively transforms terminal operators into customs warehouse operators. This shift brings significant administrative and IT costs due to the extensive data and documentation demands inherent in the customs warehouse role. Additionally, terminal operators face potential liability issues, as they may not be able to verify the accuracy of the data required under Article 119(1) of the proposal. Furthermore, this reduction in storage time could disrupt the smooth flow of cargo.

Amendment 347

Catharina Rinzema

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 no later than **90** days after the notification of their arrival, unless the customs authorities require the goods to be presented. In exceptional cases, that time limit may be extended.

Or. en

Justification

In order to prevent congestion in our ports and airports, we strongly prefer to retain the current timeframe with regard to goods in temporary storage.

Amendment 348
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. en

Amendment 349

Adam Bielan

Proposal for a regulation

Article 99 – paragraph 3

Text proposed by the Commission

Amendment

3. Goods to be taken out of the customs territory of the Union shall be subject, as appropriate, to the following: **deleted**

(a) the repayment or remission of import duty;

(b) the payment of export refunds;

(c) the formalities required under provisions in force with regard to other charges.

Or. en

Justification

VAT tax should be regulated under Directive 2006/112/WE

Amendment 350

Adam Bielan

Proposal for a regulation

Article 99 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall specify by means of implementing acts, the procedure for refunding the VAT to natural persons not established in the Union as referred to in paragraph 3, point (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 262(4). **deleted**

Or. en

Amendment 351

Carlo Fidanza

Proposal for a regulation
Article 119 – paragraph 1

Text proposed by the Commission

1. The operator of a customs warehouse or a free zone shall provide or make available to the customs authorities the minimum data necessary for the application of the provisions governing the storage of the goods located therein, in particular the data referred to in Article 118(2), point (a), the customs status of the goods placed under the storage procedure and the subsequent movements of those goods.

Amendment

1. ***Once the functionalities of the EU Customs Data Hub laid down in Article 29 are fully operational***, the operator of a customs warehouse or a free zone shall ***be required to*** provide or make available to the customs authorities the minimum data necessary for the application of the provisions governing the storage of the goods located therein, in particular the data referred to in Article 118(2), point (a), the customs status of the goods placed under the storage procedure and the subsequent movements of those goods.

Or. en

Justification

Requiring terminal operators to provide the data stipulated in article 119(1) could lead to a huge increase in administrative and IT costs as well as disruptions and congestion in ports in the event other parties in the logistics chain do not provide the required data on time. It should therefore be considered to align the entry into application of the new rules on temporary storage and customs warehousing with the entry into operation of the Data Hub, as this would reduce the administrative costs for terminal operators.

Amendment 352

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation
Article 147 – title

Text proposed by the Commission

Amendment

Non-preferential origin

Indication of origin

Or. fr

Amendment 353

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation
Article 147 – paragraph 1

Text proposed by the Commission

Amendment

The rules for the determination of the non-preferential origin of goods in Articles 148 and 149 shall be used for applying the following:

deleted

(a) the Common Customs Tariff, except for the measures referred to in Article 145(2), points (d) and (e);

(b) measures, other than tariff measures, established by Union provisions governing specific fields relating to trade in goods; and

(c) other Union measures relating to the origin of goods.

Or. fr

Amendment 354
Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation
Article 147 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Manufacturers and importers shall ensure that products imported into or marketed in the Union bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

Or. fr

Amendment 355
Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

Article 147 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

For the purpose of determination of the country of origin within the meaning of paragraph 1 of this Article, non-preferential origin rules set out in Articles 147a to 149 of this Regulation, including delegated acts to be adopted pursuant to Article 148 of this Regulation, shall apply.

Or. fr

Amendment 356

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

Article 147 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Where the country of origin determined is a Member State of the Union, manufacturers and importers shall make reference to the Member State.

Or. fr

Amendment 357

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

Article 147 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

Country of origin indications may, at the choice of the manufacturer, be mentioned only in English using the formula ‘Made in [country]’.

Or. fr

Amendment 358

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

Article 147 a (new)

Text proposed by the Commission

Amendment

Article 147a

Non-preferential origin

The rules for the determination of the non-preferential origin of goods in Articles 148 and 149 shall be used for applying the following:

(a) the Common Customs Tariff with the exception of the measures referred to in Article 145(2)(d) and (e);

(b) measures, other than tariff measures, established by Union provisions governing specific fields relating to trade in goods; and

(c) other Union measures relating to the origin of goods.

Or. fr

Amendment 359

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

Article 149 – paragraph 1

Text proposed by the Commission

Amendment

1. Where the importer has indicated an origin of the goods pursuant to the customs legislation, the customs authorities may require a proof of origin of the goods.

1. The customs authorities may require a proof of origin of the goods and may, in cases of reasonable doubt, require any additional evidence necessary to ensure that the indication of origin complies with the rules laid down by the applicable Union legislation.

Or. fr

Amendment 360

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

Article 149 – paragraph 2

Text proposed by the Commission

Amendment

2. *Where a proof of origin of goods is provided pursuant to the customs legislation or other Union legislation governing specific fields, the customs authorities may, in the event of reasonable doubt, require any additional evidence needed in order to ensure that the indication of origin complies with the rules laid down by the relevant Union legislation.* *deleted*

Or. fr

Amendment 361

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

Article 149 – paragraph 3

Text proposed by the Commission

Amendment

3. *Where the exigencies of trade so require, a document proving origin may be issued in the Union in accordance with the rules of origin in force in the country or territory of destination or any other method identifying the country where the goods were wholly obtained or underwent their last substantial transformation.* *deleted*

Or. fr

Amendment 362

Maria Grapini

Proposal for a regulation

Article 150 – paragraph 10

Text proposed by the Commission

10. **Where** 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.

Amendment

10. **Even if** the importer has opted to apply the simplified tariff treatment for distance sales the measures referred to in Article 145(2), points (d) and (e), or from non-tariff preferential measures ***apply***.

Or. en

Amendment 363

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 150 – paragraph 10

Text proposed by the Commission

10. **Where** 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.

Amendment

10. **Even if** the importer has opted to apply the simplified tariff treatment for distance sales, the measures referred to in Article 145(2), points (d) and (e), or from non-tariff preferential measures ***apply***.

Or. en

Amendment 364

Anna Cavazzini, Francisco Guerreiro

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 including***

Amendment 365

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.***

Amendment 366

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 charges applicable.***

Amendment 367

Anna Cavazzini, Francisco Guerreiro

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 charges applicable.***

Or. en

Amendment 368

Vlad-Marius Botoș

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, ***even if that investigation takes place in a different Member State. If requested to do so by an authority that is competent for criminal investigations and prosecutions, including the EPPO, the customs authorities shall defer the notification.***

Or. en

Amendment 369
Vlad-Marius Botoș

Proposal for a regulation
Article 184 – paragraph 9

Text proposed by the Commission

9. The entry in the accounts may be deferred in the case referred to in Article 181(3), second subparagraph, until such time as the notification of the customs debt no longer prejudices a criminal investigation.

Amendment

9. The entry in the accounts may be deferred in the case referred to in Article 181(3), second subparagraph, until such time as the notification of the customs debt no longer prejudices a criminal investigation, ***even if that investigation takes place in a different Member State.***

Or. en

Amendment 370
Adam Bielan

Proposal for a regulation
Article 200 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Sanctions and liabilities imposed on economic entities shall be proportionate to their role in the transaction process, ensuring fairness and clarity in their application.

Or. en

Amendment 371
Andreas Schwab

Proposal for a regulation
Article 203 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Protocols and procedures ***may*** cover in particular:

2. Protocols and procedures ***shall include risk management, collaborative and trade facilitation measures, ensuring the safe and efficient flow of crisis-***

relevant goods as defined in Article 3 paragraph 1 point 6 of the Regulation establishing a Single Market emergency instrument and repealing Council Regulation No (EC) 2679/98 across borders to, from and across the Customs territory for the duration of such crisis , with a consistent and harmonised approach that shall cover in particular:

Or. en

Amendment 372
Andreas Schwab

Proposal for a regulation
Article 203 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. the implementation of custom's digital fast lanes at borders to minimize delays and backups in freight flows, allowing digital copies and signatures.

Or. en

Amendment 373
Andreas Schwab

Proposal for a regulation
Article 203 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. the avoidance of trade restrictions concerning crisis-relevant goods as defined in Article 3 paragraph 1 point 6 of the Regulation establishing a Single Market emergency instrument and repealing Council Regulation No (EC) 2679/98

Or. en

Amendment 374
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 204 – paragraph 2

Text proposed by the Commission

2. The EU Customs Authority shall coordinate and supervise the application and implementation of the appropriate measures and arrangements by the customs authorities and shall report back on the results of this implementation to the Commission.

Amendment

2. The EU Customs Authority shall coordinate and supervise the application and implementation of the appropriate measures and arrangements by the customs authorities and shall report back on the results of this implementation to the Commission, ***the European Parliament and the Council.***

Or. en

Amendment 375
Catharina Rinzema

Proposal for a regulation
Article 206 – paragraph 1

Text proposed by the Commission

The seat of the EU Customs Authority shall ***be*** [...].

Amendment

The Member State hosting the seat of the EU Customs Authority shall ***meet the following criteria:***

- a. Excellent quality of IT facilities in terms of both maturity and continuity;***
- b. Availability in proximity of high quality staff, expertise and education;***
- c. Available facilities in the surroundings for adequate consulting.***

Or. en

Justification

In order to make the agency function as smooth as possible, the Member State that will host it should have adequate facilities in place, in terms of expertise as well as surrounding facilities that will be needed.

Amendment 376

Maria Grapini

Proposal for a regulation

Article 207 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) 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 categorized with a color code, 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 (64 b new);

- Red for “incompliant shipment” to be denied for pick up at origin as defined in Article 5 (64 c new).

The color codes provision shall be detailed by way of 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. en

Amendment 377

Maria Grapini

Proposal for a regulation

Article 207 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(d b) The EU Customs Authority shall introduce a mandatory special scheme for customs duty collection on distance sales of goods imported 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. en

Amendment 378

Deirdre Clune

Proposal for a regulation

Article 208 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The EU Customs Authority shall support the Commisison and the Member States to supervise more efficiently the implementation of the restrictive measures on the flow of goods that can be adopted by the Council in accordance with Article 215 TFEU, to ensure that those measures are not circumvented.

Or. en

Amendment 379

Anne-Sophie Pelletier

Proposal for a regulation

Article 208 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) prepare the minimum common

(c) prepare the minimum common

training content for customs officers in the Union and monitor its use by customs authorities;

training content for customs officers in the Union and monitor its use by customs authorities ***in order for staff to require necessary skills for state-of-the-art equipment, technology for big data analytics and detection and controls***

Or. en

Amendment 380

Deirdre Clune

Proposal for a regulation

Article 208 – paragraph 3 – point c

Text proposed by the Commission

(c) prepare ***the minimum*** common training content for customs officers in the Union and monitor its use by customs authorities;

Amendment

(c) prepare common training content for customs officers in the Union and monitor its use by customs authorities ***including the content for the training referred to in article 25 paragraph 3 (e) which should be harmonised;***

Or. en

Amendment 381

Deirdre Clune

Proposal for a regulation

Article 208 – paragraph 3 – point f

Text proposed by the Commission

(f) facilitate and coordinate research and innovation activities in the customs field;

Amendment

(f) facilitate and coordinate research and innovation activities in the customs field, ***and regularly inform the EU Innovation Hub for Internal Security about its activities;***

Or. en

Amendment 382

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 208 – paragraph 3 – point j a (new)

Text proposed by the Commission

Amendment

(j a) cooperate with the secretariats of relevant Multilateral Environmental Agreements to which the EU is party;

Or. en

Amendment 383
Andreas Schwab

Proposal for a regulation
Article 208 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. m. consult with relevant stakeholders and operators.

Or. en

Justification

Legitimate operators such as customs intermediaries should be consulted within the Authority to share practical experience and knowledge.

Amendment 384
Adam Bielan

Proposal for a regulation
Article 210

Text proposed by the Commission

Amendment

Article 210

deleted

Further tasks

The EU Customs Authority may be assigned further tasks in the area of free movement, import and export of third country goods, if so provided by relevant Union legal acts. Where such tasks are assigned or entrusted to the EU Customs

Authority, appropriate financial and human resources shall be ensured for their implementation.

Or. en

Justification

This provision is unnecessary as it overlaps with the responsibilities of the budgetary authorities (the European Parliament and the Council), which evaluate the EU bodies' financial proposals, including preliminary revenue and expenditure, as part of their annual budgetary process, based on submissions from the Commission.

Amendment 385
Maria Grapini

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

Text proposed by the Commission

Amendment

(d a) an advisory body who shall exercise the functions set out in Article 212 (a -new)

Or. en

Amendment 386
Catharina Rinzema

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 and two representatives of the Commission, all with voting rights.
The voting weight of each representative from a Member State shall be based on relative trading volumes of that Member State.

Or. en

Justification

We consider it important to recognize that the intensity of external border traffic of goods is not equal across the EU. For an agency to operate effectively, it is important that its governance structure reflects this reality.

Amendment 387

Maria Grapini

Proposal for a regulation

Article 212 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 388

Maria Grapini

Proposal for a regulation

Article 212 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 389

Maria Grapini

Proposal for a regulation

Article 212 a (new)

Article 212a

Functions of the advisory board

The Management Board shall appoint four of the members of the advisory board 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. en

Amendment 390

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, paragraph 1, point v a (new).***

Or. en

Amendment 391

Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(v a) 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. en

Amendment 392

Andreas Schwab

Proposal for a regulation

Article 215 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Management Board shall establish and adopt rules of procedure for an advisory body representing the full range of stakeholders affected by the work of the EU Customs Authority, which it shall regularly consult prior to making decisions.

Or. en

Amendment 393

Tom Vandenkendelaere

Proposal for a regulation

Article 216 – paragraph 2

Text proposed by the Commission

Amendment

2. The decision referred to in Article 215(1), points (b), (c), (e), (f), (j), (m), (n), (o) and (s) may only be taken if the representatives of the Commission cast a positive vote. For the purposes of taking the decision referred to in Article 215(1), point (s), the consent of the representatives of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual work programme of the EU Customs Authority.

deleted

Or. en

Justification

The decisions of the EU Customs Authority should be taken through the Member States. The European Commission should have no right to veto this decision. The EU Customs Authority must be an entity supported by the Member States:

Amendment 394 **Vlad-Marius Botoș**

Proposal for a regulation **Article 217 – paragraph 2 – point b**

Text proposed by the Commission

(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;

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, ***as well as implement adequate procedures of reporting suspicions of criminal conduct to the latter;***

Or. en

Amendment 395 **Vlad-Marius Botoș**

Proposal for a regulation **Article 219 – paragraph 5 – point f**

Text proposed by the Commission

(f) prepare an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as on investigations by OLAF and by the EPPO, and report on progress twice a year to the Commission and regularly to the Executive Board and the Management Board;

Amendment

(f) prepare an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as on investigations by OLAF and by the EPPO, and report on progress twice a year to the Commission and regularly to the Executive Board and the Management Board, ***as well as ensuring reporting of suspicions of criminal conduct to EPPO, where applicable;***

Or. en

Amendment 396
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 221 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Section 4 Customs Advisory Board

221a Customs Advisory Board

1. The EU Customs Authority shall establish a Customs Advisory Board to assist the Executive Board

2. The Customs Advisory Board is tasked to:

a) give input on the customs dimensions of other legislation applied by customs;

b) communicate recommendations for priority areas of control

3. The Customs Advisory Board (CAB) shall be composed of representatives of civil society organisations, including consumer organisations, employers federation and other relevant stakeholders;

3. The Customs Advisory Board shall hold at least one ordinary meeting every six months. In addition, it shall meet at the request of the EU Customs Authority or Executive Board.

Or. en

Amendment 397
Vlad-Marius Botoş

Proposal for a regulation
Article 228 – paragraph 6

Text proposed by the Commission

Amendment

6. In accordance with Regulation (EU) 2017/1939, EPPO ***may*** investigate

6. In accordance with Regulation (EU) 2017/1939, EPPO ***is responsible to***

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 .

investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in **that Regulation. 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. en

Amendment 398 **Anna Cavazzini, Francisco Guerreiro**

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 Council⁷⁷ .

⁷⁷ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the

Amendment

6. In accordance with Regulation (EU) 2017/1939, EPPO **is responsible for investigating, prosecuting and bringing to judgment the perpetrators of and accomplices to, criminal offences** affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁷⁷ **,including offences regarding participation in a criminal organisation and inextricably linked offences, as provided for in Article 22 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).

Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

Or. en

Justification

Art 4 of the EPPO Regulation: The EPPO shall be responsible for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the Union which are provided for in Directive (EU) 2017/1371 and determined by this Regulation.

Amendment 399
Maria Grapini

Proposal for a regulation
Article 240 – paragraph 1

Text proposed by the Commission

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 the EU Customs Authority.

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. ***Customs authorities shall immediately alert all relevant authorities when they suspect infringement of other relevant EU legislations and send a notification 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 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. en

Amendment 400
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 240 – paragraph 1

Text proposed by the Commission

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 the EU Customs Authority.

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. ***Customs authorities shall alert relevant competent authorities of suspected infringement to other EU legislations and add the information 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 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. en

Amendment 401
Maria Grapini

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

Text proposed by the Commission

Amendment

(d a) the exchange of skills and best practices through joint trainings 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. en

Amendment 402
Vlad-Marius Botoș

Proposal for a regulation
Article 240 – paragraph 8

Text proposed by the Commission

8. The EU Customs Authority shall closely cooperate with OLAF where fraud or suspicion of fraud occurs in any of its cooperation activities.

Amendment

8. The EU Customs Authority shall closely cooperate with OLAF ***and EPPO*** where fraud or suspicion of fraud occurs in any of its cooperation activities.

Or. en

Amendment 403
Deirdre Clune

Proposal for a regulation
Article 241 – paragraph 1

Text proposed by the Commission

1. The EU Customs Authority shall plan, organise and coordinate joint controls that are carried out by customs authorities, where relevant in cooperation with other authorities, bodies and agencies in accordance with Article 240(9).

Amendment

1. The EU Customs Authority shall plan, organise and coordinate joint controls that are carried out by customs authorities, where relevant in cooperation with other authorities, bodies and agencies ***including Europol*** in accordance with Article 240(9).

Or. en

Amendment 404
Vlad-Marius Botoș

Proposal for a regulation
Article 241 – paragraph 2

Text proposed by the Commission

2. For this purpose, the EU Customs Authority shall follow the customs policy priorities and ensure the necessary links and coordination with anti-fraud activities **by OLAF and EPPO** and national customs investigations.

Amendment

2. For this purpose, the EU Customs Authority shall follow the customs policy priorities and ensure the necessary links and coordination with **the** anti-fraud activities **of OLAF** and national customs investigations, **as well as the investigations by competent national EPPO or other competent national authorities.**

Or. en

Amendment 405

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 241 – paragraph 2

Text proposed by the Commission

2. For this purpose, the EU Customs Authority shall follow the customs policy priorities and ensure the necessary links and coordination with anti-fraud activities **by OLAF and EPPO** and national customs investigations.

Amendment

2. For this purpose, the EU Customs Authority shall follow the customs policy priorities and ensure the necessary links and coordination with **the** anti-fraud activities **of OLAF** and national customs investigations, **as well as the criminal investigations of EPPO or other competent national authorities.**

Or. en

Amendment 406

Deirdre Clune

Proposal for a regulation

Article 241 – paragraph 2

Text proposed by the Commission

2. For this purpose, the EU Customs Authority shall follow the customs policy priorities and ensure the necessary links and coordination with anti-fraud activities by OLAF and EPPO and national customs investigations.

Amendment

2. For this purpose, the EU Customs Authority shall follow the customs policy priorities and ensure the necessary links and coordination with anti-fraud activities by OLAF and EPPO and **EUROPOL and** national customs investigations.

Amendment 407

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 242 – paragraph 1 – point h

Text proposed by the Commission

(h) alerting other authorities about risks relevant for their work;

Amendment

(h) alerting other authorities about risks relevant for their work, ***as well as reporting suspicions of fraud and criminality ;***

Or. en

Amendment 408

Maria Grapini

Proposal for a regulation

Article 243 – paragraph 1

Text proposed by the Commission

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.

Amendment

The EU Customs Authority ***shall*** 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 third countries authorities, as well as best practices and conduct joint activities.***

Or. en

Amendment 409

Catharina Rinzema

Proposal for a regulation

Article 244 – paragraph 5

Text proposed by the Commission

Amendment

5. A Member State may be empowered in accordance with the procedures and conditions laid down in a delegated act adopted in accordance with paragraph 6 to enter into negotiations with a third country with a view to concluding a bilateral agreement on the exchange referred to in paragraph 1 or to maintain an existing agreement. Such a bilateral agreement will cease to apply upon the entry into force of an agreement providing for exchange of customs information between the Union and the third country concerned. *deleted*

Or. en

Justification

From an implementation perspective this is undesirable if it restricts the possibility for Member States to individually decide with third countries on national (non-EU) tasks. That would infringe upon the competence of MS to implement EU and national customs legislation.

Amendment 410
Catharina Rinzema

Proposal for a regulation
Article 244 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission is empowered to adopt a delegated act in accordance with Article 261, to supplement this Regulation by determining the conditions and procedures according to which a Member State can be empowered to enter into negotiations referred to in paragraph 5. These shall include a notification by the Member State concerned to the Commission and all other Member States of the possible content of the bilateral agreement and an assessment by the Commission of its impact on Union law *deleted*

and future negotiations at Union level, including whether its content is limited to implementation of Union or international law obligations. The delegated act shall also provide for the monitoring of the implementation of those agreements.

Or. en

Justification

From an implementation perspective this is undesirable if it restricts the possibility for Member States to individually decide with third countries on national (non-EU) tasks. That would infringe upon the competence of MS to implement EU and national customs legislation.

Amendment 411
Catharina Rinzema

Proposal for a regulation
Article 244 – paragraph 7

Text proposed by the Commission

Amendment

7. The Commission shall decide *deleted* within 90 days from receipt of the notification, by means of an implementing act, whether to authorise the Member State to enter into the bilateral agreement. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 262(2).

On imperative grounds of urgency relating to such authorisation, duly justified by the need to rapidly allow for the requested exchange of information, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 262(5).

Or. en

Justification

From an implementation perspective this is undesirable if it restricts the possibility for Member States to individually decide with third countries on national (non-EU) tasks. That would infringe upon the competence of MS to implement EU and national customs legislation.

Amendment 412

Virginie Joron, Jean-Lin Lacapelle, Thierry Mariani

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) affixing of an indication of origin where such indication does not comply with the rules for determining non-preferential origin;

Or. fr

Amendment 413

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(f a) failure to comply with importer and deemed importer obligations in accordance to article 20 and 21.

Or. en

Amendment 414

Maria Grapini

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(g a) failure to comply with importer and deemed importer obligations in accordance to article 20 and 21.

Or. en

Amendment 415
Anne-Sophie Pelletier

Proposal for a regulation
Article 252 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) failure to comply with importer and deemed importer obligations in accordance to article 20 and 21.

Or. en

Amendment 416
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 253 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to the sanctions laid down in Article 254, Member States may provide for additional sanctions for customs infringements referred to in Article 252 and for all measures necessary to ensure that such sanctions are implemented. Such sanctions shall be effective, proportionate and dissuasive.

1. Without prejudice to the sanctions laid down in Article 254, Member States may provide for additional sanctions for customs infringements referred to in Article 252 and for all measures necessary to ensure that such sanctions are implemented. Such sanctions shall be effective, proportionate and dissuasive. ***The European Commission, Member States and the EU Customs Authority shall regularly exchange best practices and applicable methodologies on audit and sanctions calculation, in order to improve the convergence and coherence of sanctions accross the EU. The Commission shall regularly assess whether the sanctions applied by Member States are sufficient to reach the objectives of the described in Article 2, and take appropriate action if necessary.***

Or. en

Amendment 417

Catharina Rinzema

Proposal for a regulation

Article 254 – paragraph 1 – introductory part

Text proposed by the Commission

Where sanctions to customs infringements referred to in Article 252 are applied, **they shall *take at least one or several of the following forms, while ensuring that*** sanctions are effective, proportionate and dissuasive and taking into account extenuating and mitigating circumstances referred to in Article 247 and aggravating circumstances referred to in Article 248:

Amendment

Where sanctions to customs infringements referred to in Article 252 are applied, **each Member State shall *provide for*** sanctions ***that*** are effective, proportionate and dissuasive and taking into account extenuating and mitigating circumstances referred to in Article 247 and aggravating circumstances referred to in Article 248:

Or. en

Justification

We do not support the proposal for EU sanction provisions with minimum sentences, as it is up to the Member States to determine the level of punishing of behavior and the final punishment belongs to the courts.

Amendment 418

Catharina Rinzema

Proposal for a regulation

Article 254 – paragraph 1 – point a

Text proposed by the Commission

(a) a pecuniary charge by the customs authorities, including, where appropriate, a settlement applied in place of a criminal penalty and calculated on the following minimum amounts or percentages:

(i) where the customs infringement has an impact on customs duties and other charges, the pecuniary charge shall be calculated based on the amount of customs duties and other charges eluded, as follows:

(1) where the customs infringement has been committed intentionally, the pecuniary charge shall comprise an amount equal to between 100% and 200%

Amendment

deleted

of the amount of customs duties and other charges eluded;

(2) in other cases, the pecuniary charge shall comprise an amount equal to between 30% and 100% of the amount of customs duties and other charges eluded;

(ii) where it is not possible to calculate the pecuniary charge in accordance with point (i), the pecuniary charge shall be calculated based on the customs value of the goods, as follows:

(1) where the customs infringement has been committed intentionally, the pecuniary charge shall comprise an amount equal to between 100% and 200% of the amount of the customs value of the goods;

(2) in other cases, the pecuniary charge shall comprise an amount equal to between 30% and 100% of the amount of the customs value of the goods;

(iii) where the customs infringement is not related to specific goods, the pecuniary charge shall comprise an amount equal to between EUR 150 and EUR 150 000;

Or. en

Justification

We do not support the proposal for EU sanction provisions with minimum sentences, as it is up to the Member States to determine the level of punishing of behavior and the final punishment belongs to the courts.

Amendment 419

Anne-Sophie Pelletier

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(iii a) where the customs infringement is related to the deemed importer obligations, the pecuniary charge shall

comprise an amount up to 10% of the importer's total turnover in the preceding financial year.

Or. en

Amendment 420
Maria Grapini

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

Text proposed by the Commission

Amendment

(iii a) 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. en

Amendment 421
Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation
Article 256 – paragraph 4

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 422
Andreas Schwab

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 **European Parliament and Council** for information.

Or. en

Amendment 423
Andreas Schwab

Proposal for a regulation
Article 258 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By ... [OP please insert the date = **5** years after the entry into force] and every 5 years thereafter, the Commission shall carry out an evaluation of this Regulation in light of the objectives that it pursues and shall present a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.

Amendment

By ... [OP please insert the date = **3** years after the entry into force] and every 5 years thereafter, the Commission shall carry out an evaluation of this Regulation in light of the objectives that it pursues and shall present a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.

Or. en

Amendment 424
Anne-Sophie Pelletier

Proposal for a regulation
Article 265 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 425

Maria Grapini

Proposal for a regulation

Article 265 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 426

Anna Cavazzini, Francisco Guerreiro

Proposal for a regulation

Article 265 – paragraph 3

Text proposed by the Commission

3. The functionalities of the EU Customs Data Hub laid down in Article 29 shall be fully operational by 31 December **2037**.

Amendment

3. The functionalities of the EU Customs Data Hub laid down in Article 29 shall be fully operational by 31 December **2032**.

Or. en

Justification

Following rapporteur

Amendment 427

Andreas Schwab

Proposal for a regulation

Article 265 – paragraph 3

Text proposed by the Commission

3. The functionalities of the EU Customs Data Hub laid down in Article 29 shall be fully operational by 31 December **2037**.

Amendment

3. The functionalities of the EU Customs Data Hub laid down in Article 29 shall be fully operational by 31 December **2032**.

Or. en

Amendment 428
Andreas Schwab

Proposal for a regulation
Article 265 – paragraph 4

Text proposed by the Commission

4. Economic operators may start fulfilling their reporting obligations under this Regulation by using the EU Customs Data Hub from 1 March **2032**.

Amendment

4. Economic operators may start fulfilling their reporting obligations under this Regulation by using the EU Customs Data Hub from 1 March **2029**.

Or. en

Amendment 429
Anne-Sophie Pelletier

Proposal for a regulation
Article 265 – paragraph 6

Text proposed by the Commission

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.

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. ***This report shall be available to the public.***

Or. en

Amendment 430
Maria Grapini

Proposal for a regulation
Article 265 – paragraph 6

Text proposed by the Commission

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.

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.
This report shall be publicly available.

Or. en

Amendment 431
Anne-Sophie Pelletier

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 present a report to the European Parliament and to the Council ***and publish it to the public*** to assess, in particular:

Or. en

Amendment 432
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 present a report to the European Parliament and to the Council ***and publish it*** to assess, in particular:

Amendment 433

Anna Cavazzini, Francisco Guerreiro

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 **2031**, the Commission shall ***publish and*** present a report to the European Parliament and to the Council to assess, in particular:

Or. en

Amendment 434

Andreas Schwab

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 **2029**, the Commission shall present a report to the European Parliament and to the Council to assess, in particular:

Or. en