

II

(Preparatory Acts)

COMMISSION

Amended proposal for a European Parliament and Council Regulation (EC) amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

(2000/C 248 E/01)

COM(1999) 236 final — 98/0134(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 2 June 1999)

INITIAL PROPOSAL

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Unchanged

HAVE ADOPTED THIS REGULATION:

Article 1(4): Article 62(3)

‘3. Exceptions to the requirement established in paragraph 2 may be laid down in accordance with the committee procedure, in particular where the declaration is made electronically.

Deleted

However, the right of access without prior warning of the national authorities or, where appropriate, of Community authorities, together with the obligation on the part of the operator to keep the proof for a minimum period shall be guaranteed. Implementing measures shall also be defined in accordance with the committee procedure.’

Article 1(4a)(new): Article 77(2)

4(a) In Article 77, the present text becomes paragraph 1 and the following paragraph 2 is added:

‘2. Where the customs declaration is made electronically, exceptions to the requirement laid down in Article 62(2) may be made in accordance with the Committee procedure.

However, the right of access without prior warning of the national authorities or, where appropriate, of Community authorities, together with the obligation on the part of the operator to keep the proof for a minimum period shall be guaranteed. Implementing measures shall also be defined in accordance with the Committee procedure.’

Article 1(5): Article 115(4)

‘4. paragraph 1 may be adopted in accordance with the Committee procedure.’

‘4. Measures aimed at prohibiting, imposing conditions for or facilitating recourse to paragraph 1 may be adopted in accordance with the Committee procedure.’

INITIAL PROPOSAL

AMENDED PROPOSAL

Article 1(7): Article 118(4)

'4. Specific time limits may be laid down in accordance with the committee procedure.'

Deleted

Article 1(21a)(new): Article 220(2)(b)

The following is added to Article 220(2)(b):

'where the preferential status of the goods is established on the basis of a system of administrative cooperation involving the authorities of a third country, the issuance of a certificate by those authorities, should it prove to be incorrect, shall constitute an error within the meaning of the previous paragraph which could not reasonably have been detected, unless the exporter gave an incorrect account of the facts to the authorities in question; such an error shall be established, in particular, if the person liable provides proof that the exporter gave a correct account of the facts to the authorities issuing the certificate; the person liable may not, however, plead good faith if the Commission has published a notice in the *Official Journal of the European Communities* stating that there are grounds for doubt concerning the proper application of the preferential arrangements by the beneficiary country, unless that person has shown due care in obtaining other proof of the origin of the goods which gives grounds for preferential treatment; it falls to the Member States to take all appropriate steps to establish any liability on the part of the person liable for duty;'