

**Proposal for a Decision of the European Parliament and of the Council adopting an action programme for customs in the Community (Customs 2007)**

(2002/C 126 E/04)

COM(2002) 26 *final* — 2002/0029(COD)

*(Submitted by the Commission on 23 January 2002)*

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) The experience gained from previous programmes in the customs field, in particular Customs 2002, set out in Decision No 210/97/EC of the European Parliament and the Council of 19 December 1996 adopting an action programme for customs in the Community <sup>(1)</sup>, indicates that there would be a strong Community interest to continue, and even to enlarge this programme. The new programme should be built on the achievements of the previous programmes. The need for more focused and measurable objectives has been established as a result of the previous programmes. Decision No 210/97/EC should accordingly be repealed.
- (2) Customs administrations have a vital role to protect the Community's interests, particularly its financial interests, to provide an equivalent level of protection to the Community's citizens and economic operators, at any point in the Community customs territory where customs clearance formalities are carried out, and to ensure that business can compete in the global marketplace. In this context, the strategic policy defined by the Customs Policy Group, made up of heads of Customs Administrations from the Commission and the Member States, or their representatives, should ensure that national customs administrations may operate as efficiently and effectively as would one single administration.
- (3) This Decision establishes the principles by which the customs policy will be guided over the next five years

and supports and complements actions undertaken by Member States in the customs field. The implementation of this programme is coordinated and organised in partnership between the Commission and the Member States within the strategic policy defined by the Customs Policy Group.

- (4) The Community commitment to the process of accession by applicant countries, requires the provision of practical means whereby the customs administrations of these countries are able to undertake the full range of tasks required under Community legislation from the date of their accession, including the management of the future external border. In order to achieve this, the programme should be opened to the applicant countries.
- (5) A range of instruments can be used in order to achieve the objectives of this programme, including communication and information exchange systems, management groups, project groups, benchmarking, exchanges of officials, seminars, workshops, training activities, monitoring, and external actions.
- (6) There is a need for customs action to give priority to improving anti-fraud controls, minimising the cost of compliance with customs legislation for economic operators and preparing for enlargement. The Community must therefore be able, within the framework of its own powers, to support the action of Member States' customs administrations and full advantage should be taken of every possibility for administrative cooperation that Community rules provide.
- (7) Increasing globalisation of trade, the development of new markets, and changes in the methods and speed of the movement of goods, require customs administrations to strengthen relations between the Community's customs administrations, business, legal and scientific circles, and operators engaged in foreign trade.
- (8) The desirability of an efficient system of evaluation of the programme necessitates the establishment of a set of indicators in order to measure the effective and efficient management of the programme.
- (9) This decision lays down, for the entire duration of the programme, a financial framework constituting the principal point of reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure.

<sup>(1)</sup> OJ L 33, 4.2.1997, p. 24, as amended by Decision 105/2000/EC (OJ L 13, 19.1.2000, p. 1).

(10) Since the measures necessary for the implementation of this Decision are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>, they should be adopted by use of the management procedure provided for in Article 4 of that Decision,

HAVE ADOPTED THIS DECISION:

## CHAPTER I

### SCOPE AND OBJECTIVES

#### Article 1

#### Establishment of the programme

A multiannual Community action programme (Customs 2007) hereinafter referred to as 'the programme', is hereby established for the period 1 January 2003 to 31 December 2007 to support and complement the action undertaken by Member States in the customs field.

#### Article 2

#### Participation of candidate countries

1. The Programme shall be open to the participation of:
  - (a) the candidate countries of central and eastern Europe, in accordance with the conditions laid down in the Europe Agreements, in the additional protocols thereto and in the decisions of the respective Association Councils.
  - (b) Cyprus, Malta and Turkey, on the basis of bilateral agreements on this matter concluded with these countries.
  - (c) other countries when agreements and procedures so allow.
2. For the purposes of this Decision 'participating countries' means the Member States and the countries referred to in paragraph 1.

#### Article 3

#### Overall objectives

1. In the framework of the management of the customs union, the overall objectives of the programme shall be to ensure that Member States' customs administrations:
  - (a) interact and perform their duties as efficiently as though they were one administration and achieve equivalent results at every point of the Community customs territory;

- (b) are making the necessary preparations for enlargement, including the sharing of experience and knowledge with the customs administrations of the applicant countries.

2. A Customs Policy Group, composed of the heads of the customs administrations of the Commission and the Member States or their representatives shall be established which shall develop a strategic common policy on which the overall objectives of this programme should be based. The Commission shall keep the Customs Policy Group regularly informed of measures relating to the implementation of the programme.

#### Article 4

#### Specific objectives

1. The programme establishes the following specific objectives:
  - (a) to reduce the cost of compliance with customs legislation on economic operators through improved standardisation, particularly for data input and risk management;
  - (b) to identify, develop and apply best working practices, especially in the areas of post-clearance audit control, risk analysis and simplified procedures;
  - (c) to establish a system of the measurement of Member States' performance in customs administrations and setting standards for different types of control;
  - (d) to support actions to prevent irregularities by providing control information rapidly to front line customs posts and to improve the standardisation and simplification of customs systems and controls;
  - (e) to support the creation of e-customs via the development of communication systems coupled with the necessary legislative and administrative changes;
  - (f) to maintain existing communication and information systems and, where appropriate, to develop new systems;
  - (g) to undertake actions which will provide support to the customs services of the applicant countries in their preparation for accession;
  - (h) to contribute to the establishment of high quality customs services in third countries;
  - (i) to develop and reinforce common training;
  - (j) to seek to develop a managed training infrastructure to coordinate the provision of training to the Community's customs officials.
2. Further specific objectives may be fixed in accordance with the procedure referred to in Article 17(2).

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

*Article 5***Fixing objectives and indicators**

All actions proposed in order to achieve the objectives outlined in this programme shall have defined objectives, measurable indicators to ensure suitable evaluation, a clear indication of the anticipated costs and should be constructed so that the results achieved the expected impact of the action.

## CHAPTER II

**PROGRAMME ACTIONS***Article 6***Communication and Information exchange systems**

1. The Commission and the participating countries shall ensure that the following communication and information exchange systems, together with manuals and guides, are operational, in so far as their operation is necessary under Community legislation:

- (a) the Common Communications Network/Common Systems Interface (CCN/CSI) to the extent necessary to support the functioning of the systems set out in this paragraph;
- (b) the Data Dissemination System (DDS);
- (c) the New Computerised Transit System (NCTS/NSTI);
- (d) the Information system on the Integrated Tariff of the Community (TARIC);
- (e) the information system for Transfer of Origin Stamps and the transmission of Transit Stamps (TCO/TCT);
- (f) the European Customs Inventory of Chemical Substances (ECICS);
- (g) the European Binding Tariff Information System (EBTI/RTCE);
- (h) the Tariff Quota Surveillance management system (TQS);
- (i) the Inward Processing Relief system (IPR);
- (k) the UNIT VALUES system;
- (l) the SUSPENSIONS information system.

2. New communication and information-exchange systems may be established in accordance with the procedure referred to in Article 17(2).

3. The Community components of the communication and information-exchange systems shall be the hardware, software and network connections, which must be common to all participating countries so as to ensure the inter-connection and interoperability of the systems, whether they be installed at the premises of the Commission or a designated sub-contractor or at premises of participating countries or a

designated sub-contractor. The Commission shall conclude the necessary contracts to assure the operational nature of these components in the name of the Community.

4. The non-Community components of the communication and information-exchange systems shall comprise the national databases forming part of these systems, the network connections between the Community and non-Community components and such software and hardware as each participating country shall deem appropriate for the full operation of those systems throughout its administration. The participating countries will ensure that the non-Community components are kept operational and will assure the interoperability of these components with the Community components.

5. The Commission shall coordinate, in cooperation with the participating countries, those aspects of the establishment and functioning of the Community and non-Community elements of the systems and infrastructure referred to in the first paragraph.

*Article 7***Benchmarking**

Benchmarking activities may be organised involving one or more participating countries or other third countries, particularly the Community's main trading partners, in order to improve the performance of their customs administration.

For the purposes of this Decision, 'benchmarking' means the use of agreed, common indicators to measure performance which are used to identify differences in performance and the processes involved in order share experiences and learn from good practice in order to improve efficiency and effectiveness.

*Article 8***Exchanges of officials**

1. The Commission and the participating countries shall organise exchanges of officials from customs administrations in support of the programme's specific objectives. Each exchange shall focus on a specific aspect of customs work and shall be thoroughly prepared and subsequently evaluated by the officials and authorities concerned. Exchanges may be operational or targeted on specific priority activities.

2. Where appropriate, participating countries shall take the necessary steps to enable exchange officials to be operational in the host service. To this end, exchange officials shall be authorised to carry out the formalities relating to the duties entrusted to them. If circumstances so require, and, in particular, in order to take account of the specific requirements of the legal system of each participating country, the competent authorities in the participating countries may limit the said authorisation.

3. For the duration of the exchange, the official shall, in the exercise of his duties, bear the same civil liability as national officials of the host authorities. Officials taking part in an exchange shall be subject to the same rules on professional confidentiality as the national officials of the host country.

4. The Commission and the participating countries may also organise exchanges with other third countries in support of the objectives of this programme.

5. Participating countries shall provide periodic evaluations of the exchanges, including the impact on their administration, as required by the Commission.

#### Article 9

##### **Seminars, workshops and project groups**

The Commission and the participating countries shall organise seminars, workshops and conferences to be attended by participating country and Commission officials and, where appropriate, other experts in the field. Seminars, workshops and conferences may also be attended by officials from other administrations where this is appropriate to the objectives of the activity.

Project Groups may be established to carry out specific tasks to be completed within a specified time-scale.

#### Article 10

##### **Training activities**

1. In order to encourage structured cooperation between national training bodies and officials responsible for customs training in administrations, participating countries shall, in cooperation with the Commission:

- (a) set training standards, develop existing training programmes and, where necessary, devise new programmes to provide a common core of training for officials relating to the full range of customs rules and procedures so as to enable them to acquire the necessary common professional skills and knowledge;
- (b) where appropriate, open customs training courses provided by each participating country for its own officials to officials from all participating countries;
- (c) develop the necessary infrastructure and common tools for customs training and customs training management.

2. Participating countries shall also ensure that their officials receive the initial and continuous training necessary to acquire the common professional skills and knowledge in accordance with the common training programmes and the linguistic

training necessary for those officials to attain a sufficient standard of linguistic competence.

#### Article 11

##### **Monitoring actions**

1. The Commission shall decide, in accordance with the procedure referred to in Article 17(2), which specific sectors of Community customs legislation will be subject to monitoring.

2. Such monitoring shall be carried out by joint teams made up of customs officials from the Member States and the Commission. These teams shall, on the basis of a theme-by-theme or regional approach, visit different points in Community customs territory where customs administrations carry out their duties. At the end of these visits, they shall draw up a report identifying and analysing the best working methods as well as any difficulties in implementing the rules observed and, where appropriate, including suggestions for the adaptation of both Community rules and working methods in order to improve the efficiency of customs actions as a whole. These experts' reports shall be communicated to the Member States and the Commission.

#### Article 12

##### **External actions in the form of technical assistance and training**

1. The Commission shall ensure the coordination of the training and technical assistance and cooperation actions carried out by the Community and the Member States with third countries' administrations, to ensure the consistency of Community actions, both external and internal.

2. The Commission shall also ensure the implementation of training and technical assistance and cooperation actions for the benefit of:

- (a) the applicant countries to enable them to comply with Community customs legislation. Particular attention should be paid to the inter-connectivity of customs information and technology systems;
- (b) third-country administrations to support them in the modernisation of their administrations.

#### Article 13

##### **Other actions**

The Commission may, in accordance with the procedure referred to in Article 17(2) develop and use any other tools necessary to meet the objectives of the programme.

## CHAPTER III

**FINANCIAL PROVISIONS***Article 14***Financial framework**

1. The financial framework for the implementation of the programme for the period 1 January 2003 to 31 December 2007 is hereby set at EUR 133 million.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

*Article 15***Expenditure**

1. The expenditure necessary for the implementation of the programme shall be divided between the Community and the participating countries in accordance with the following paragraphs.
2. The Community shall bear expenditure as follows:
  - (a) the cost of the development, purchase, installation and maintenance of the Community components of the information exchange and communication systems described in Article 6 and the cost of the day-to-day operation of the Community components installed at the premises of the Commission or those of a designated sub-contractor;
  - (b) the travel and subsistence expenses incurred by participating countries relating to benchmarking activities, exchanges of officials, seminars, workshops and project groups, training and monitoring actions referred to in Articles 7 to 11;
  - (c) the organisational costs of seminars and workshops;
  - (d) the costs relating to the actions referred to in Articles 12 and 13.

The Commission shall, in accordance with the Financial Regulation applicable to the general budget of the European Communities, determine the rules relating to the payment of expense and shall communicate them to participating countries.

3. Participating countries shall bear expenditure as follows:
  - (a) the difference between the expenditure paid by the Community in accordance with paragraph 2 above, and the actual cost of the activity;
  - (b) the costs relating to the initial and continuing training, including the linguistic training, of their officials;
  - (c) the costs relating to the establishment and functioning of the non-Community components of the communication and information-exchange systems provided for in Article 4 and the cost of the day-to-day operation of the Community components of those systems installed at their premises or those of a designated sub-contractor.

*Article 16***Financial control**

Financing decisions and any agreements or contracts resulting from this Decision shall be subject to financial control, and if necessary, on-the-spot audits by the Commission, including the European Anti-fraud Office (OLAF) and by the European Court of Auditors. Any grants made pursuant to this Decision will be subject to agreement in writing in advance by the beneficiaries. This agreement shall contain the acceptance by the beneficiaries to an audit by the European Court of Auditors into the use made of the financing granted.

## CHAPTER IV

**OTHER PROVISIONS***Article 17***Committee**

1. The Commission shall be assisted by a committee, called the 'Customs 2007 Committee', composed of the representatives of the Member States and chaired by the representatives of the Commission.
2. Where reference is made to this paragraph, the management procedure laid down in Article 4 of Decision 1999/468/EC shall apply, in compliance of Articles 7 and 8 thereof.
3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be three months.

*Article 18***Evaluation and reports**

1. This programme shall be subject to continuous evaluation, carried out in partnership between the Commission and the participating countries. The evaluation shall be pursued by means of the reports referred to in paragraph 2 and by means of specific activities.
2. Participating countries shall forward to the Commission:
  - (a) by 31 December 2004 at the latest, an interim report on the effectiveness and efficiency of the programme, and
  - (b) by 31 December 2007 at the latest, a final report on the effectiveness and efficiency of the programme.
3. The Commission shall submit:
  - (a) to the Customs 2007 Committee, by 30 June 2005 at the latest, an interim report evaluating the efficiency and effectiveness of the programme;
  - (b) to the European Parliament and to the Council, by 30 June 2008 at the latest, a final report establishing the impact achieved by the programme. The final report shall also be forwarded to the Economic and Social Committee for information.

4. The final report referred to in paragraph 3 shall analyse all the progress achieved in the case of each measure in the programme and shall include an analysis of the strengths and weaknesses of any kind of customs computerisation systems involved in the implementation of the internal market. The report shall set out any useful proposals for ensuring that identical treatment is reserved for operators throughout the Community customs territory and that the gathering of information serves the proper protection of the Community's financial interests.

*Article 19*

**Repeal**

Decision No 210/97/EC is hereby repealed.

*Article 20*

**Entry into force**

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 2003.

*Article 21*

**Addressees**

This Decision is addressed to Member States.

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