RESOLUTIONS

EUROPEAN PARLIAMENT

Implementing trade policy through efficient import and export rules and procedures

P6_TA(2008)0247

European Parliament resolution of 5 June 2008 on implementing trade policy through efficient import and export rules and procedures (2007/2256(INI))

(2009/C 285 E/01)

The European Parliament,

— having regard to the Treaty establishing the European Community, and in particular to its Articles 23 to 31, 95, 133 and 135,

— having regard to the Lisbon Treaty of 13 December 2007, currently being ratified by the Member States,

— having regard to the Convention establishing a Customs Cooperation Council, which was signed in Brussels on 15 December 1950 and came into force on 4 November 1952,

— having regard to the 1994 General Agreement on Tariffs and Trade (GATT), and in particular to its Articles V, VIII and X,

— having regard to the Ministerial Declaration of the World Trade Organization (WTO) adopted in Singapore on 13 December 1996, and in particular to its paragraph 21,

— having regard to the WTO Ministerial Declaration adopted in Doha on 14 November 2001, and in particular to its paragraph 27,

— having regard to the decision adopted by the WTO General Council on 1 August 2004, and in particular to its Annex D on the Modalities for Negotiations on Trade Facilitation,

— having regard to the WTO Ministerial Declaration adopted in Hong Kong on 18 December 2005, and in particular to its paragraph 33 and Annex E,

— having regard to the reports of the Special Group and the WTO Dispute Settlement Body in Case (WT/DS315), European Communities — Selected Customs Matters,
A. whereas the customs union is one of the historic foundations on which the economic and political integration of the European continent was built,

B. whereas the concepts of customs union and common trade policy are coterminous,

C. whereas the European Union's import and export rules and procedures continue to play a crucial role in the smooth functioning of the internal market,

D. whereas, over the years, the common trade policy has undergone important changes which have required — and continue to require — continual adjustments to import and export rules and procedures,
E. whereas the common trade policy can only function by basing itself on efficient rules and procedures with regard to the import and export of goods,

F. whereas simplifying and updating the import and export rules and procedures in the European Union and at international level are of strategic importance for competitiveness and trade,

G. whereas the specific problems encountered by small and medium-sized enterprises (SMEs) with regard to mastering customs rules and procedures often impede such firms' access to international trade and prevent them from taking full advantage of all the opportunities offered by globalisation,

H. whereas correct assessment of the tariff classification, origin and value of imported goods is essential for the proper application of the common customs tariff, tariff preferences, anti-dumping and anti-subsidy measures and a whole range of other trade policy instruments,

I. whereas excessively burdensome or lengthy customs rules and procedures are obstacles to international trade in goods and are regarded by economic operators, in particular by SMEs, to be amongst the key non-tariff barriers to trade,

J. whereas the role of customs is now moving away from the simple collection of customs duties, an important task which, however, has been considerably scaled down over the last 20 years, towards the application of non-tariff measures, especially in respect of security and safety, combating counterfeiting, money laundering and drugs, and towards the application of measures concerning health, the environment and consumer protection, not to mention the collection of VAT and import/excise duties and exemption from export/excise duties, as well as, of course, compliance with the Union's trade policies,

K. having regard to the efforts made since August 2004 in the context of the WTO and the Doha Round to negotiate a binding multilateral agreement on trade facilitation, and taking note of the difficulties faced by many developing countries in financing the border measures proposed in those negotiations,

L. whereas developing countries experience particular difficulties in setting up effective customs systems, especially with regard to infrastructure, equipment and staff training and integrity,

M. whereas the essential objective of facilitating trade must be reconciled with the equally important objective of effective controls,

N. whereas concerns relating to the security of persons and goods are playing an increasingly large role in the framing and application of customs rules and procedures, particularly for some of the Union's major trading partners,

O. whereas European consumer protection standards, particularly relating to health and safety, should apply to all products circulating freely within the internal market, regardless of their origin,

P. whereas greater use of information technology and other modern technologies when processing customs transactions and checking goods is producing significant improvements in efficiency and speed,

Q. whereas it is necessary to take into account the interoperability requirements imposed by the use of such equipment and the costs incurred through its use by the administrative authorities concerned and economic operators,
The importance of import and export rules and procedures

1. Stresses the importance of effective import and export rules and procedures for the implementation of trade policy;

2. Points out that the effectiveness of any trade policy measure depends largely on the Union’s ability to ensure it is properly enforced; this concerns, in particular, trade defence measures and all kinds of tariff preferences that the Union grants to its various partners; a measure that is unenforceable, or difficult to enforce, from the customs standpoint is a measure that is ineffective from the trade standpoint, since it can lead to serious distortions of competition and huge economic, social and/or environmental collateral damage;

3. Deplores the fact that the ‘customs feasibility’ of certain trade policy initiatives is not always properly assessed and taken into account; draws attention, for example, to the problems encountered in 2005 in implementing the Memorandum of Understanding with China of 10 June 2005 on the import of textile and clothing products;

4. Stresses the need for better cooperation between the Commission departments responsible for trade policy and those responsible for customs policy, in particular by including the latter more systematically in the teams which negotiate trade agreements;

5. Calls on the Commission to pay particular attention to the problems encountered by SMEs, specifically by facilitating the process of adapting their IT systems to those employed by customs administrations, at the lowest possible cost, and by simplifying the procedures for securing ‘authorised economic operator’ status;

6. Welcomes the admission of the European Community to the WCO as a full member with effect from 1 July 2007, a step which formally recognises its international competence in the sphere of customs policy and which can help to strengthen its internal cohesion; calls on the Commission to support the WCO;

Tariff classification, value, origin and economic arrangements

7. Points out the particular importance of the rules concerning the tariff classification, value and origin — preferential and non-preferential — of goods;

8. Encourages the Commission to strive continuously to improve these rules, both at Community level and in the multilateral contexts of the WTO and the WCO, making them more transparent, predictable, simple and effective;
9. Deplores the persistent deadlock in the multilateral harmonisation exercise concerning non-preferential rules of origin, which began as early as 1995 on the basis of the Agreement on Rules of Origin (ARO) concluded in the Uruguay Round; believes that such harmonisation would enable trade defence measures throughout the world to be applied more effectively and fairly and would provide a better framework for origin marking practices; calls on the Commission to take all possible measures with a view to restarting and concluding these negotiations on the basis of the principles laid down in the ARO;

10. Notes the efforts made by the Commission with a view to modernising and simplifying the rules on preferential origin;

11. Deplores the fact that Parliament is not more closely involved, so as to enable it to exercise the right of prior scrutiny it enjoys under the comitology procedure, in considering the draft regulation on the reform of the rules of origin of the Generalised System of Preferences (GSP), currently under consideration by the Member States in the context of the Customs Code Committee, in spite of the importance and great political sensitivity of this reform; notes, however, that the Commission is due to deliver a presentation on the subject to the parliamentary committee responsible;

12. Notes the strong objections from certain Community industrial sectors, such as textiles, clothing and agri-foodstuffs, with regard to the uniform application of the value-added criterion; calls on the Commission and on the Member States to take account of these justified criticisms as far as possible;

13. Notes that it is important in general terms to ensure that the preferences granted to countries benefiting from preferential arrangements in certain sensitive sectors do not, by virtue of excessively flexible rules of origin, lend themselves too easily to being exploited by very competitive third countries;

14. Deplores the fact that European firms are making little use of Community 'customs warehousing' and outward and inward processing procedures owing to their complexity; calls on the Commission to consider simplifying the 'procedures with economic impact', introducing more flexible procedures and a paperless system;

**Trade facilitation**

15. Attaches the utmost importance to the trade facilitation negotiations underway since August 2004 in the WTO; points out the considerable benefits that are expected from an ambitious agreement in terms of reducing transaction costs, improving the competitiveness and international attractiveness of developing countries and promoting trade;

16. Acknowledges the risk that the outcome of the negotiations on trade facilitation could lead to the imposing of obligations on developing countries to undertake expensive programmes that they can ill afford; regards it as essential, therefore, that, as part of the eventual outcome of the negotiations, developed countries give a clear commitment to provide financial and technical assistance to developing countries in order to enable them to meet the compliance, adjustment and implementation costs of any future multilateral framework;

17. Underlines the eminently cooperative nature of these negotiations, which do not lend themselves to any cross-sector bargaining involving other issues in the Doha Round; considers that the issue of trade facilitation could be concluded and implemented separately, without disrupting the Round, and therefore calls for it to be removed from the Single Undertaking;

18. Also supports the Commission's ambitious plans to include a chapter on facilitating trade and customs cooperation in all the new free trade agreements it negotiates, in line with its Communication of 4 October 2006 entitled 'Global Europe: Competing in the World — a contribution to the EU's growth and jobs strategy' (COM(2006)0567);
New customs tasks

19. Reiterates the need to establish at EU level a plan to combat counterfeiting and piracy, and stresses the need for enhanced cooperation on this subject within the Commission, in other words between the departments responsible for intellectual property rules, trade policy and customs policy, with the Member States’ customs authorities and between those authorities;

20. Welcomes the compromise reached by the Member States and the Commission on a negotiating mandate for the Anti-Counterfeiting Trade Agreement (ACTA), which is an important element of the Union’s global trade strategy and will provide a high-level international framework for strengthening the enforcement of intellectual property rights and protecting producers against industrial theft and consumers against the health and safety risks associated with many counterfeit products;

21. Calls on the Commission and the Member States to take all necessary measures to ensure that goods imported with a view to being placed on the EU market comply with European consumer protection standards, particularly as regards health and safety, to prevent the circulation of products or substances which could be dangerous for consumers;

A worrying erosion of freedom in the name of security

22. Acknowledges the legitimacy of concerns relating to the security of people and goods, but stresses the need to strike a fair balance between control and facilitation, in order not to hamper international trade needlessly or excessively; regards, however, the role of customs in the full application of Community measures concerning health, the environment and consumer protection as a priority that must not be compromised by customs facilitation measures;

23. Supports the SAFE Framework of Standards (to Secure and Facilitate Global Trade) adopted by the WCO Council in 2005; fully endorses the opinion expressed by the WCO that ‘it is an unacceptable and an unnecessary burden to inspect every shipment’ and that priority should be given to managing risks effectively by means of efficient automated systems;

24. Deeply deplores the adoption by the US Congress in July 2007 of the so-called HR1 legislation and the unilateral introduction by the United States of a scanning requirement for all shipping containers bound for that country as from 2012; doubts that such a measure will be effective and that it is compatible with WTO rules; fears that once implemented, it will curb the development of transatlantic trade;

25. Notes that secure trade is particularly important in an ever more integrated global economy; urges the Transatlantic Legislators’ Dialogue (TLD) and the Commission to continue their efforts to ensure that the US legislation requiring the scanning of all US-bound cargo is modified in line with a risk-based approach; calls on the Commission to raise the matter in the Transatlantic Economic Council (TEC) and other bodies and persuade the US to change its decision; calls for support to be given to mutual recognition of ‘authorised economic operators’ and of security standards agreed by the WCO (C-TPAT, SAFE framework);

An ongoing lack of harmonisation

26. Points out that the compatibility of the Union’s customs system with WTO rules was essentially confirmed on appeal by the WTO Dispute Settlement Body in the aforementioned Case WT/DS315, and welcomes this result;

27. Notes, nevertheless, that both our trading partners and European economic operators themselves continue to call for greater harmonisation between national administrations in the implementation of Community customs legislation;
28. Notes that pernicious discrepancies are sometimes found between Member States, for example with regard to the levying of VAT on imports, conditions for access to certain simplified procedures, the frequency of physical checks on goods and penalties;

29. Considers that every effort must be made to ensure equal treatment for economic operators throughout the Community customs territory, as it is an essential prerequisite as regards preserving the integrity of the internal market and protecting the Union's financial interests, maintaining its powers in the area of external policy — particularly trade policy — and ensuring compliance with its international commitments;

30. Expresses its support for all measures seeking to increase cohesion between national administrations, encourage synergies, establish new communication and information-sharing systems, develop best practices and exchange staff and experiences with a view to enabling these administrations to function as one in the application of Community legislation;

31. Stresses the crucial importance, in this respect, of instruments such as the Community's integrated tariff (TARIC), European binding tariff information (EBTI), Binding origin information (BOI), and the common risk management framework; calls on the Commission and the Member States to continue to perfect these instruments and ensure they function properly;

32. Stresses the need to standardise the law of evidence or establish common minimum rules and ensure uniform implementation by the 27 Member States of Community customs regulations (and in particular Regulation (EC) No 1383/2003 (1));

33. Calls on the Commission to incorporate in its proposals precise rules on the administrative and penal sanctions for infringing the customs provisions laid down in Articles 135 and 280 of the EC Treaty, as amended by Article 2 points 45 and 276 of the Lisbon Treaty;

34. Criticises the reluctance of the Commission and the Member States to envisage, at this stage, new structures to ensure that Community customs legislation is applied in a uniform manner; calls on the Commission and the Member States to consider seriously the possibility of establishing a unified EU customs service, with a view to moving towards a Community administration in charge of the customs union, to enable customs rules and procedures to be implemented more effectively throughout the European Union's customs territory;

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35. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States, the World Customs Organization, the World Trade Organization and to member countries and candidate countries of both organisations.


Deterioration of the situation in Georgia

P6_TA(2008)0253

European Parliament resolution of 5 June 2008 on the situation in Georgia

(2009/C 285 E/02)

The European Parliament,
— having regard to its previous resolutions on Georgia, in particular those of 26 October 2006 (1) and 29 November 2007 (2),