



Procedure file

Basic information	
CNS - Consultation procedure Regulation	1992/0450(CNS) Procedure completed
Mutual assistance between the Member States for application of the law on customs and agricultural matters	
Amended by 2006/0290(COD) Amended by 2013/0410(COD)	
Subject 2.10.01 Customs union, tax and duty-free, Community transit 2.80 Cooperation between administrations 3.10.03 Marketing and trade of agricultural products and livestock 8.70.04 Protecting financial interests of the EU against fraud	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	CONT Budgetary Control		05/02/1996
		PPE THEATO Diemut R.	
Council of the European Union	Council configuration	Meeting	Date
	Competitiveness (Internal Market, Industry, Research and Space) 1993		13/03/1997
	Competitiveness (Internal Market, Industry, Research and Space) 1769		16/06/1994

Key events			
21/12/1992	Legislative proposal published	COM(1992)0544	Summary
12/02/1993	Committee referral announced in Parliament		
01/12/1993	Vote in committee		Summary
01/12/1993	Committee report tabled for plenary, 1st reading/single reading	A3-0393/1993	
13/12/1993	Debate in Parliament		Summary
15/12/1993	Decision by Parliament	T3-0705/1993	Summary
17/02/1994	Modified legislative proposal published	COM(1994)0034	Summary
16/06/1994	Debate in Council	1769	
07/02/1995	Amended legislative proposal for reconsultation published	04324/1995	
12/06/1995	Formal reconsultation of Parliament		
07/10/1996	Vote in committee		
07/10/1996	Committee report tabled for plenary, reconsultation	A4-0303/1996	
16/01/1997	Debate in Parliament		Summary

17/01/1997	Decision by Parliament	T4-0022/1997	Summary
13/03/1997	Act adopted by Council after consultation of Parliament		
13/03/1997	End of procedure in Parliament		
22/03/1997	Final act published in Official Journal		

Technical information

Procedure reference	1992/0450(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2006/0290(COD) Amended by 2013/0410(COD)
Legal basis	EC before Amsterdam E 043; EC before Amsterdam E 235; Rules of Procedure EP 163
Stage reached in procedure	Procedure completed
Committee dossier	CONT/3/04418; CONT/4/06743

Documentation gateway

Legislative proposal		COM(1992)0544 OJ C 056 26.02.1993, p. 0001	21/12/1992	EC	Summary
Economic and Social Committee: opinion, report		CES0470/1993 OJ C 161 14.06.1993, p. 0015	28/04/1993	ESC	Summary
Committee opinion	AGRI	PE203.816/DEF	06/05/1993	EP	
Committee opinion	JURI	PE204.511/DEF	21/06/1993	EP	
Supplementary legislative basic document		COM(1993)0350 OJ C 262 28.09.1993, p. 0008	01/09/1993	EC	Summary
Committee draft report		PE204.517	13/10/1993	EP	
Reconsultation		COM(1993)0570	10/11/1993	EC	
Committee opinion	ECON	PE206.996/DEF	30/11/1993	EP	
Committee report tabled for plenary, 1st reading/single reading		A3-0393/1993 OJ C 020 24.01.1994, p. 0004	01/12/1993	EP	
Text adopted by Parliament, 1st reading/single reading		T3-0705/1993 OJ C 020 24.01.1994, p. 0035-0085	15/12/1993	EP	Summary
Modified legislative proposal		COM(1994)0034 OJ C 080 17.03.1994, p. 0012	17/02/1994	EC	Summary
Amended legislative proposal for reconsultation		04324/1995	07/02/1995	CSL	
Committee opinion	JURI	PE217.345/DEF	25/07/1996	EP	
Committee draft report		PE214.979/REV	30/09/1996	EP	
Committee final report tabled for plenary,		A4-0303/1996	07/10/1996	EP	

reconsultation		OJ C 347 18.11.1996, p. 0005			
Text adopted by Parliament after reconsultation		T4-0022/1997 OJ C 033 03.02.1997, p. 0113-0133	17/01/1997	EP	Summary
For information		SWD(2018)0385	03/09/2018	EC	

Final act

[Regulation 1997/515](#)
[OJ L 082 22.03.1997, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

Delegated acts

[2016/2567\(DEA\)](#)

Examination of delegated act

Mutual assistance between the Member States for application of the law on customs and agricultural matters

1) OBJECTIVE To set up a computer system centralizing customs information in order to prosecute and investigate breaches of customs and agricultural legislation more effectively. 2) CONTENTS 1. Among other things, this proposal sets up a customs information system (CIS), i.e. a common computer network set up and maintained by the Member States' customs administrations and the Commission in the form of a central database accessible via terminals in each Member State and at the Commission. 2. The system makes it possible to prevent, investigate and prosecute breaches of customs or agricultural legislation (EAGGF-financed operations are not covered) by speeding up the flow of data and information thereby reinforcing the effectiveness of customs cooperation and checks. 3. The CIS contains data only, including that of a personal character, necessary to achieve the objective specified in point 2. 4. Personal details may only be introduced into the CIS if there are real indications that the person concerned has breached or is breaching customs or agricultural legislation. 5. Some data (goods, means of transport, firms and persons) is introduced into the CIS to ensure the proper application of customs and agricultural legislation and for the purposes of checks on or discreet surveillance of suspect activities. 6. Direct access to CIS data is restricted to the Member States' designated national authorities and the Commission. 7. International or regional organizations may nevertheless consult the database in certain circumstances. Data may also, exceptionally, be transmitted to other national authorities or non-member countries. 8. Each Member State sends the Commission a list of the authorities authorized to consult the system directly, specifying the information to which each may have access and to what purpose. 9. The data in the CIS is confidential and may not be copied, unless the copy is necessary to the information search. 10. Data may, of course, subsequently be used in legal proceedings brought for contravening customs or agricultural legislation. 11. Any person may have inaccurate personal data concerning them corrected or deleted. 12. The Commission and the Member States shall take all measures necessary to prevent the unauthorized reading, copying, modification or deletion of data during the transmission of data and the transport of data media. 13. Interrogation of the CIS is also checked to ensure that searches were authorized and conducted by authorized users. Source : Commission Européenne - Info92 - 12/95?

Mutual assistance between the Member States for application of the law on customs and agricultural matters

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Mutual assistance between the Member States for application of the law on customs and agricultural matters

The parliamentary committee adopted the draft report by Mrs Theato.?

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Mutual assistance between the Member States for application of the law on customs and agricultural matters

Parliament adopted the report by Mrs Theato. It tabled numerous amendments to the Commission proposal which sought inter alia to eliminate the need for the agreement of the person involved in an investigation to allow the transfer of information to third countries, to eliminate the absolute need to link the Commission's missions to third countries to cooperation with the competent authorities of the Member States, to introduce a right of the European Parliament to conduct missions in third countries, to grant access to non-personal CIS data not only to the competent authorities of the Member States and of the Commission, but also to the European Parliament, which held the power of investigation, to made express provision for direct access to CIS data by the judicial authority, and to require that the possibility of relying on serious reasons as against the application of the regulation be limited only to cases where public policy was affected. Furthermore, it reserved the right to call for the conciliation procedure to be opened should the Council intend to depart from the text approved by Parliament. ?

Mutual assistance between the Member States for application of the law on customs and agricultural matters

As stated in plenary, the Commission has not incorporated three of the amendments proposed by the European Parliament in its amended proposal, namely access to the CIS by the judicial authorities, direct access by the European Parliament to the operational system used within the framework of administrative cooperation and, lastly, the new comitology procedure proposed by the European Parliament. The rest of the amendments proposed by the European Parliament are included in or underlie the Commission's amendments to this proposal, while respecting the principal idea of the partnership between the Commission and the Member States on the basis of the planned administrative cooperation.?

Mutual assistance between the Member States for application of the law on customs and agricultural matters

The rapporteur, Mrs Theato (EPP, DE), questioned the Council's unilateral choice of the legal basis (Articles 235 and 43) as this resulted in less democracy and transparency in the EU's decision-making system and could compromise the institutional balance between Parliament and Council. She also felt that this approach would prevent the proper functioning of the single market. Commissioner Bonino stated that the Commission shared Parliament's opinion that the Council had infringed Parliament's powers by removing the proposal from the codecision procedure. As a result, the Commission reserved the right to bring the question of the legal basis before the Court of Justice.

Mutual assistance between the Member States for application of the law on customs and agricultural matters

In adopting the report by Mrs Diemut THEATO (EPP, D), Parliament challenged the relevance of the legal basis proposed by the Council (Article 235 of the EC Treaty) and took the view that the proposal for a Council Regulation should be based on Articles 43 and 100 of the EC Treaty. The Commission supported Parliament's stance and considered the possibility of recourse to the Court of Justice. ?

Mutual assistance between the Member States for application of the law on customs and agricultural matters

OBJECTIVE: to strengthen the provisions of Regulation 1468/81/EEC which currently governs 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 or agricultural matters.

COMMUNITY MEASURE: Council Regulation 515/97/EC.

SUBSTANCE: the regulation lays down the conditions under which the administrative authorities responsible for implementation of the legislation on customs and agricultural matters in the Member States are to cooperate with each other and with the Commission in order to ensure compliance with that legislation within the framework of a Community system. To this end the regulation establishes an automated information system, known as the 'Customs Information System' (CIS) the aim of which is to assist in preventing, investigating and prosecuting operations which are in breach of customs or agricultural legislation through more rapid dissemination of information. The CIS consists of a central data base facility and is accessible via terminals in each Member State and at the Commission. It comprises data necessary to fulfil its aim, including personal data, in the following categories: commodities; means of transport; businesses; persons; fraud trends; availability of expertise. Each CIS partner intending to receive personal data from, or include them in, the CIS shall, no later than the date of application of this Regulation, adopt national legislation, or internal rules with a view to guaranteeing the protection of personal data.

ENTRY INTO FORCE: 16/03/1997. The regulation will be applicable from 13/03/1998. The provisions on the protection of data during the non-automatic exchange of data will not apply to Denmark, Ireland the United Kingdom and Sweden until Community rules exist applicable to all the data covered by the regulation.