

Union Customs Code. Recast

2012/0027(COD) - 09/10/2013 - Final act

PURPOSE: to update the Union Customs Code.

LEGISLATIVE ACT: Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code.

CONTENT: the recast of the Union Customs Code aims to update the Customs Code laid down under Regulation (EC) No 450/2008.

The amendments to the current Customs Code were made to ensure that provisions are consistent with the Treaty on the Functioning of the European Union (TFEU), which entered into force on 1 December 2009 and to the evolution of relevant EU and international legislation.

The new Regulation establishes the Customs Code which contains general rules and procedures which ensure the implementation of tariff and other common policy measures introduced at Union level in connection with trade in goods between the Union and countries or territories outside the customs territory of the Union. It aims to:

- provide more legal certainty to businesses and national customs administrations;
- promote the use of electronic procedures and a more uniform application of legislation during customs control at the EU's external borders;
- contribute to efficient and simple clearance procedures that will facilitate trade and reduce costs for businesses.

The new Regulation provides that 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 specific cases, economic operators that are not established in the customs territory of the Union shall register with the customs authorities responsible for the place where they first lodge a declaration or apply for a decision.

Persons other than economic operators will not be required to register with the customs authorities unless otherwise provided.

As a general rule, a customs representative should be established in the customs territory of the Union. That obligation should 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 or in other justified cases.

Compliant and trustworthy economic operators will enjoy the status of 'authorised economic operator' subject to the granting of an authorisation for customs simplifications or an authorisation for security and safety, or both.

Depending on the type of authorisation granted, authorised economic operators will be able to:

- take maximum advantage of widespread use of customs simplifications or benefit from facilitations relating to security and safety;
- receive more favourable treatment in respect of customs controls, such as fewer physical and document-based controls.

Compliant and trustworthy economic operators will benefit from international mutual recognition of the status of 'authorised economic operator'.

In addition to the right of appeal against any decision taken by the customs authorities, the Regulation provides for the right of every person to be heard before any decision is taken which would adversely affect him or her. However, restrictions to that right may be justified in particular where the nature or the level of the threat to the security and safety of the Union and its residents, to human, animal or plant health, to the environment or to consumers so requires.

The new Code lays down at Union level the rules governing the destruction or disposal otherwise of goods by the customs authorities, since these are matters which previously required national legislation.

Lastly, the Regulation authorises, under certain conditions, a comprehensive guarantee with a reduced amount, including for customs debts and other charges which have been incurred, or a comprehensive guarantee with a guarantee waiver.

ENTRY INTO FORCE: 20/10/2013.

APPLICATION: from 30/10/2013 or from 01/06/2016, depending on the provisions.

DELEGATED ACTS: the Commission may adopt delegated acts, inter alia, in order to: i) ensure a paperless environment for customs and trade; (ii) supplement the factors on the basis of which import or export duty and other measures are applied; (iii) ensure a consistent and equal treatment of persons concerned by customs formalities and controls; (iv) ensure free movement of Union goods in the customs territory of the Union and customs treatment of non-Union goods brought into that territory.

The power to adopt delegated acts is conferred on the Commission for a period of five years from 30 October 2013. The European Parliament or Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If either Parliament or council express objections, the delegated act will not enter into force.

In order to ensure uniform conditions for the implementation of the Regulation, implementing powers are conferred on the Commission in a large number of areas.