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From: General Secretariat of the Council
To: Permanent Representatives Committee

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Subject: Proposal for a Regulation of the European parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters
- Endorsement of a Presidency compromise text and request for a mandate in view of initiating trilogue meetings with the European Parliament

Proposal for a

Regulation of the European parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on 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 and agricultural matters

COMMISSION PROPOSAL	EP IMCO REPORT	COUNCIL COMPROMISE TEXT	COMMENTS
2013/0410 (COD) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 515/97 of 13 March 1997 on 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 and agricultural matters		As COM	

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		As COM	
Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 33 and 325 thereof,		As COM	
Having regard to the proposal from the European Commission,		As COM	
After transmission of the draft legislative act to the national Parliaments,		As COM	
After having consulted the European Data Protection Supervisor,		deleted	
After having consulted the Court of Auditors,		deleted	
Acting in accordance with the ordinary legislative procedure,		As COM	
Whereas:		As COM	
(1) In order to ensure that Regulation (EC) No 515/97 covers all possible movements of goods in relation to the customs territory of the Union, it is appropriate to clarify the definition of customs legislation with regard to the concepts of entry and exit of goods.		As COM	

<p>(2) With a view to further enhancing administrative and criminal procedures for dealing with irregularities, it is necessary to ensure that evidence obtained through mutual assistance can be considered as admissible in proceedings before the administrative and judicial authorities of the Member State of the applicant authority.</p>		As COM	
<p>(3) The Commission Communication on Customs Risk Management and Supply Chain Security COM(2012) 793 recognises an urgent need to improve the quality and availability of data for use in pre-arrival risk analysis, in particular for the effective identification and mitigation of safety and security risks at national and EU levels, within the Common Risk Management Framework established under Article 13(2) of Council Regulation (EEC) No 2913/92. The integration of data on container movements in pre-arrival risk management will greatly improve supply chain visibility and will significantly enhance the capacity of the EU</p>		deleted	

<p>and the Member States to target higher-risk consignments for controls, while facilitating the flow of legitimate trade.</p>			
<p>(4) With a view to increasing clarity, consistency and transparency, it is necessary to define in more concrete terms the authorities which should have access to the directories established on the basis of this Regulation; for that purpose a uniform reference to competent authorities will be established.</p>	<p>AM 1(4) With a view to increasing clarity, consistency, effectiveness, coherence and transparency, it is necessary to define in more concrete terms the authorities which should have access to the directories established on the basis of this Regulation; for that purpose a uniform reference to competent authorities will be established</p>	<p>(3) With a view to increasing clarity, consistency and transparency, it is necessary to define in more concrete terms the authorities which should have access to the directories established on the basis of this Regulation; for that purpose a uniform reference to competent authorities will be established. Direct access for these authorities is considered to be an important condition for the effective implementation of the 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 and agricultural matters</p>	
<p>(5) Data concerning container movements make it possible to identify fraud and risk trends with regard to goods that are moved in and out of the customs territory of the Union. Such data serve to assist in preventing, investigating</p>	<p><i>AM 2(5a NEW) The information obtained from the Commission's impact assessment of 25 November 2013 on the amendment of Regulation (EC) No 515/97 in relation to the scale of the problem shows that fraud resulting from</i></p>	<p>(4) Data concerning container movements make it possible to identify fraud with regard to goods that are moved in and out of the customs territory of the Union. Such data serve to assist in preventing, investigating and</p>	

<p>and prosecuting operations which are or appear to constitute breaches of customs legislation, and to assist the competent authorities in managing customs risks defined in Article 4 point 25 of Regulation (EEC) No 2913/92. In order to collect and use a set of data as complete as possible, while avoiding potential negative impacts on small and medium sized enterprises in freight forwarding sector, it is necessary that public or private sector providers active in the international supply chain submit to the Commission data concerning container movements in so far as they collect such data in electronic formats via their equipment tracking systems or have access to such data.</p>	<p><i>false declaration of origin alone may amount to a yearly loss of as much as EUR 100 million for the EU27. In 2011, Member States reported 1 905 cases of detected fraud and other irregularities relating to misdescription of goods amounting to damage of EUR 107,7 million. That figure covers only damage detected by the Member States and the Commission. The actual scale of the problem is substantially higher, since no information is available on an estimated 30 000 cases of potential fraud</i></p>	<p>prosecuting operations which are or appear to constitute breaches of customs legislation. In order to collect and use a set of data as complete as possible, while avoiding potential negative impacts on small and medium sized enterprises in freight forwarding sector, it is necessary that carriers submit to the Member States data concerning container movements in so far as they collect such data in electronic formats via their equipment tracking systems or have such data stored on their behalf. It is necessary that Member States allow carriers to transmit such data directly to a single directory established by the Commission for that purpose.</p>	
	<p><i>AM 3(5b NEW) In order to ensure a high level of consumer protection, the Union has a duty to combat customs fraud and thus contribute to the internal market's objective of having safe products with genuine certificates of origin.</i></p>		

<p>(6) The detection of fraud, identification of risk trends and the implementation of effective risk management procedures depend significantly on the identification and cross-analysis of relevant operational data sets. It is necessary therefore to establish, at European Union level, a directory containing data on import, export and transit of goods including transit of goods within the Member States and direct export. For that purpose, Member States should allow systematic replication of data on import, export and transit of goods from the systems operated by the Commission and should supply to the Commission data relating to transit of goods within a Member State and direct export.</p>	<p>AM 4(6) Given the increase in the scale of customs fraud, it is crucial to increase detection and prevention simultaneously at national and Union level. The detection of fraud, identification of risk trends and the implementation of effective risk management procedures depend significantly on the identification and cross-analysis of relevant operational data sets. It is necessary therefore to establish, at Union level, a directory containing data on import and transit of goods including transit of goods within the Member States and direct export. For that purpose, Member States should allow systematic replication of data on import and transit of goods from the systems operated by the Commission and should supply to the Commission data relating to transit of goods within a Member State at the earliest possible date. Each year, the Commission should submit the results obtained from that directory to the European Parliament and to the Council. By ...*, the Commission should carry</p>	<p>(5) The detection of fraud depends significantly on the identification and cross-analysis of relevant operational data sets. It is necessary therefore to establish, at European Union level, a directory containing data on import, export and transit of goods. For that purpose, Member States should allow systematic replication of data on import, export and transit of goods from the systems operated by the Commission and may supply to the Commission data relating to transit of goods within a Member State and direct export, depending on the availability of data and Member States IT infrastructure.</p>	
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	<p><i>out assessments in order to appraise the feasibility of extending the data contained in the directory by including data on import and transit of goods by land and air and the necessity of extending the data contained in the directory by including data on export.</i></p> <p><i>* OJ: please enter the date: two years after the entry into force of this Regulation.</i></p>		
<p>(7) For the implementation of Article 18b, the Commission has created a number of technical systems enabling the provision of technical assistance, training or communication activity and other operational activity to the Member States. These technical systems need to be explicitly referred to in this Regulation and covered by data protection requirements.</p>		<p>deleted</p>	

<p>(8) The introduction of the e-Customs in 2011, by which documents supporting imports and exports are no longer kept by the customs administrations but by the economic operators, has led to delays in the conduct of European Anti-fraud Office (OLAF) investigations in the customs area, as OLAF needs the intermediation of these administrations to obtain such documents. Moreover, the 3-year limitation period applicable to customs documents held by the administration, puts additional constraints to the successful conduct of investigations. In order to accelerate the conduct of investigations in the area of customs the Commission should therefore have the right to request documents supporting import and export declarations directly from the economic operators concerned. These economic operators should be obliged to provide the Commission with the requested documents.</p>	<p>AM 5(8) The introduction of the e-Customs in 2011, by which documents supporting imports and exports are no longer kept by the customs administrations but by the economic operators, has led to delays in the conduct of European Anti-fraud Office (OLAF) investigations in the customs area, as OLAF needs the intermediation of these administrations to obtain such documents. Moreover, the 3-year limitation period applicable to customs documents held by the administration, puts additional constraints to the successful conduct of investigations. In order to accelerate the conduct of investigations in the area of customs the Commission should therefore, <i>in certain circumstances and following prior notification to the Member States</i>, have the right to request documents supporting import and export declarations directly from the economic operators concerned. <i>The economic operators concerned should be informed which type of procedure applies.</i> These economic operators should be obliged to provide the Commission with the requested</p>	<p>(6) The introduction of the e-Customs in 2011, by which documents supporting imports and exports are no longer kept by the customs administrations but by the economic operators, has led to delays in the conduct of European Anti-fraud Office (OLAF) investigations in the customs area, as OLAF needs the intermediation of these administrations to obtain such documents. Moreover, the 3-year limitation period applicable to customs documents held by the administration, puts additional constraints to the successful conduct of investigations. In order to accelerate the conduct of investigations in the area of customs, in addition to the other possibilities for the Commission to obtain information concerning declarations, the procedure according to which the Commission may request from Member States documents supporting import and export declarations should be specified.</p>	
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<p>(9) In order to ensure confidentiality of the inserted data, provision should be made for limiting access to inserted data to specific users only.</p>	<p>documents <i>in good time, following advance notification by the Commission to the Member States</i></p> <p>AM 6(9) In order to ensure confidentiality <i>and greater security</i> of the inserted data, provision should be made for limiting access to inserted data to specific users <i>and for defined purposes only</i>.</p>		
		<p>(7) Regulation (EC) No 515/1997, as amended by this Regulation, provides for the processing of data. Such processing may also cover personal data and should be carried out in accordance with Union law. In particular, the processing of personal data should be carried out in a manner compatible with the purpose of that Regulation and in accordance with Directive 95/46/EC of the European Parliament and of the Council and Regulation (EC) No 45/2001 of the European Parliament and of the Council and, in particular, with Union requirements relating to data quality, proportionality, purpose limitation, and rights to information, access, rectification of data, erasure and blocking,</p>	

		<p>organisational and technical measures and international transfers of personal data. Specific provision should be made for limiting access to inserted data to specific users only, in order also to ensure confidentiality of the inserted data.</p> <p>(8) The Commission and Member States should respect confidential business information and they should ensure the confidential treatment of information exchanged by means of the data directory.</p>	
<p>(10) In order to ensure up-to-date information and to secure transparency and information right of data subjects as enshrined in Regulation (EC) No 45/2001 and Directive 95/46/EC, the possibility of publishing on the internet updates of the lists of competent authorities designated by the Member States and the Commission departments to have access to the Customs Information System (CIS) should be introduced.</p>		<p>(9) In order to ensure up-to-date information and to secure transparency and information right of data subjects as enshrined in Regulation (EC) No 45/2001 and Directive 95/46/EC, the possibility of publishing on the internet updates of the lists of competent authorities designated by the Member States and the Commission departments to have access to the Customs Information System (CIS) should be introduced.</p>	

		<p>(10) The processing of personal data for the purposes of Regulation (EC) No 515/1997, as amended by this Regulation, and any delegated and implementing acts adopted pursuant thereto should respect the fundamental right to respect for private and family life recognised by Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms as well as the rights to respect for private and family life, and the right to the protection of personal data recognised, respectively, by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union. The delegated and implementing acts should also ensure that any processing of personal data takes place in accordance with Directive 95/46/EC and Regulation (EC) No 45/2001.</p>	
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<p>(11) Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data applies to the processing of personal data by Union institutions, bodies, offices and agencies.</p>			
<p>(12) In order to improve consistency of data protection supervision, the European Data Protection Supervisor needs to cooperate closely with the Joint Supervisory Authority established under Council Decision 2009/917 JHA, with a view to achieving coordination of the audits of the CIS.</p>		<p>(11) In order to improve consistency of data protection supervision, the European Data Protection Supervisor needs to cooperate closely with the Joint Supervisory Authority established under Council Decision 2009/917 JHA, with a view to achieving coordination of the audits of the CIS.</p>	
<p>(13) The provisions governing the storage of data in the CIS frequently result in unjustifiable loss of information; this is because Member States do not systematically carry out the yearly reviews due to the administrative burden involved. It is therefore necessary to simplify the procedure governing the <i>storage</i> of data in the CIS by removing the obligation to review data annually</p>	<p>AM 7(13) The provisions governing the storage of data in the CIS frequently result in unjustifiable loss of information; this is because Member States do not systematically carry out the yearly reviews due to the administrative burden involved <i>and the lack of appropriate resources, particularly human resources</i>. It is therefore necessary to simplify the procedure governing the <i>retention</i></p>	<p>(12) The provisions governing the storage of data in the CIS frequently result in unjustifiable loss of information; this is because Member States do not systematically carry out the yearly reviews due to the administrative burden involved. It is therefore necessary to simplify the procedure governing the storage of data in the CIS by removing the obligation to review data annually</p>	

<p>and by setting maximum retention period of ten years, corresponding to periods provided for the directories established on the basis of this Regulation. This period is necessary due to the long procedures for processing irregularities and because these data are needed for the conduct of joint customs operations and of investigations. Furthermore, to safeguard the rules governing data protection, the European Data Protection Supervisor should be informed about cases where personal data are stored in CIS for a period exceeding five years.</p>	<p>of data in the CIS by removing the obligation to review data annually and by setting maximum retention period of ten years, corresponding to periods provided for the directories established on the basis of this Regulation. However, this should not apply to the limitation period, as laid down in Article 221(3) of Regulation (EEC) No 2913/92. The retention period is necessary due to the long procedures for processing irregularities and because these data are needed for the conduct of joint customs operations and of investigations. Furthermore, to safeguard the rules governing data protection, the European Data Protection Supervisor should be informed about cases where personal data are stored in CIS for a period exceeding five years</p>	<p>and by setting maximum retention period of five years, corresponding to periods provided for the directories established on the basis of this Regulation. This period is necessary due to the long procedures for processing irregularities and because these data are needed for the conduct of joint customs operations and of investigations.</p>	
<p>(14) In order to further enhance the possibilities for analysis of fraud and facilitate the conduct of investigations, data concerning current investigation files stored in the Files Identification Database (FIDE) should be rendered anonymous, after one year since the last observation,</p>		<p>(13) In order to further enhance the possibilities for analysis of fraud and facilitate the conduct of investigations, data concerning current investigation files stored in the Files Identification Database (FIDE) should be rendered anonymous, after one year since the last observation,</p>	

<p>and retained in a form in which identification of the data subject is no longer possible.</p>	<p>(15) Since the objectives of enhancing customs risk management as defined in Article 4 points 25 and 26, and Article 13(2) of Regulation (EEC) No 2913/92 laying down the Community Customs Code, and of improving detection, investigation and prevention of customs-related fraud in the Union cannot be sufficiently achieved by the Member States themselves, the Union may act in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve the stated objectives.</p>	<p>and retained in a form in which identification of the data subject is no longer possible.</p>	<p>(14) Since the objective of improving detection, investigation and prevention of customs-related fraud in the Union cannot be sufficiently achieved by the Member States themselves, the Union may act in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve the stated objective.</p>	
		<p>(15) Carriers who, at the time of the entry into force of this Regulation, are bound by private contract obligations as regards the supply of data on container movements, should be entitled to benefit from a deferred application of Article 18a (4) in</p>		

		<p>order to renegotiate their contracts and ensure that future contracts are compatible with the obligation to provide data to the Member States.</p>	
<p>(16) Public or private service providers active in the international supply chain who, at the time of the entry into force of this Regulation, are bound by private contract obligations as regards the supply of data on container movements, should be entitled to benefit from a deferred application of Article 18c in order to renegotiate their contracts and ensure that future contracts are compatible with the obligation to provide data to the Commission.</p>			
<p>(17) Regulation (EC) No 515/97 confers powers on the Commission to implement some of the provisions of that Regulation; as a consequence of the entry into force of the Lisbon Treaty, the powers conferred on the Commission under this Regulation need to be aligned to Articles 290 and 291 of the Treaty.</p>		<p>(16) Regulation (EC) No 515/97 confers powers on the Commission to implement some of the provisions of that Regulation; as a consequence of the entry into force of the Lisbon Treaty, the powers conferred on the Commission under this Regulation need to be aligned to Articles 290 and 291 of the Treaty.</p>	

<p>(18) In order to supplement certain non-essential elements of Regulation (EC) No 515/97 and in particular to create a streamlined and structured directory of CSMs, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the events for which CSMs should be reported, the minimum data elements to be reported in CSMs and the frequency of reporting.</p>		<p>(17) In order to supplement certain non-essential elements of Regulation (EC) No 515/97 and in particular to specify the information to be inserted into the CIS, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of determining the operations concerning the application of agricultural legislation for which information has to be introduced into the central database of the CIS.</p>	
<p>(19) In order to supplement certain non-essential elements of Regulation (EC) No 515/97 and in particular to specify the information to be inserted into the CIS, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of determining the operations concerning the application of agricultural legislation for which information has to be introduced into the central database of the CIS.</p>			

<p>(20) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.</p>		<p>(18) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.</p>	
<p>(21) In order to ensure uniform conditions for implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the format of the data and method of transmission of CSMs. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers . The examination procedure should be used for the adoption of implementing acts.</p>		<p>(19) In order to ensure uniform conditions for implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the frequency of reporting CSMs, the format of the CSM data and method of transmission of CSMs, the direct access of Member States to the data of the directory of CSMs and 'import, export and transit Directory'. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the</p>	

		<p>Commission's exercise of implementing powers . The examination procedure should be used for the adoption of implementing acts.</p>	
<p>(22) In order to ensure uniform conditions for implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the specific elements to be included in the CIS under each of the categories referred to under items (a) to (h) in Article 24. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanism for control by Member States of the Commission's exercise of implementing powers . The examination procedure should be used for the adoption of implementing acts. The specific elements to be included in the CIS will be based on those listed in the Annex to the Commission Regulation (EC) No 696/98,</p>		<p>(20) In order to ensure uniform conditions for implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the specific elements to be included in the CIS under each of the categories referred to under items (a) to (h) in Article 24. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanism for control by Member States of the Commission's exercise of implementing powers . The examination procedure should be used for the adoption of implementing acts. The specific elements to be included in the CIS will be based on those listed in the Annex to the Commission Regulation (EC) No 696/98.</p>	

<p>investigations for the purposes of establishing their Union status,'</p>	<p>(b) The following indent is added: '—'service providers active in the international supply chain' means owners, shippers, consignees, freight forwarders, carriers and other intermediaries or persons involved in the international supply chain.'</p>	<p>AM 8 – 'public or private service providers active in the international supply chain' means owners, shippers, consignees, freight forwarders, carriers, producers and other involved intermediaries or persons involved in the international supply chain.</p>	<p>(b) The following indents are added: - 'customs territory of the Union' means the custom territory of the Union as defined in article 4 of Regulation (EU) 952/2013 – 'carriers' means the persons within the meaning of Article 5 (40) of Regulation 952/2013.'</p>	
<p>2. Article 12 is replaced by the following: 'Documents, certified true copies of documents, attestations, all instruments or decisions which emanate from the administrative authorities, reports, and any other intelligence obtained by the staff of the requested authority and communicated to the applicant authority in the course of the assistance provided for in Articles 4 to 11 may constitute admissible evidence in administrative and judicial proceedings of the applicant Member State in the same way as if they had been obtained in the Member State where the proceedings take place.'</p>	<p>AM 9 Documents, certified true copies of documents, attestations, all official acts or decisions which emanate from the administrative authorities, reports, and any other intelligence obtained by the staff of the requested authority and communicated to the applicant authority in the course of the assistance provided for in Articles 4 to 11 may constitute admissible evidence in administrative and judicial proceedings of the applicant Member State in the same way as if they had been obtained in the Member State where the proceedings take place.</p>	<p>2. Article 12 is replaced by the following: 'Without prejudice to Article 51, documents, certified true copies of documents, attestations, all instruments or decisions which emanate from the administrative authorities, reports and any other intelligence obtained by the staff of the requested authority and communicated to the applicant authority in the course of the assistance provided for in Articles 4 to 11 may constitute admissible evidence in the same way as if they had been obtained in the Member State where the proceedings take place:</p>		

			a) in administrative proceedings of the Member State of the applicant authority, including subsequent appeal procedures;	
			b) in judicial proceedings of the Member State of the applicant authority, unless otherwise explicitly stated by the requested authority at the time of communication of the documents	
			3. Article 16 is replaced by the following: Without prejudice to Article 51, documents, certified true copies of documents, attestations, all instruments or decisions which emanate from the administrative authorities, reports and any other intelligence obtained by the staff of the communicating authority and communicated to the receiving authority in the course of the assistance provided for in Articles 13 to 15 may constitute admissible evidence in the same way as if they had been obtained in the Member State where the proceedings take place: (a) in administrative proceedings of the Member State's authority receiving the	

		<p>information, including subsequent appeal procedures; (b) in judicial proceedings of the Member State's authority receiving the information, unless otherwise explicitly stated by the communicating authority at the time of communication of the documents.</p>	
	<p>AM 10(2a) The following Article is inserted: 'Article 16a Documents, attestations, all instruments or decisions which emanate from the administrative authorities, reports, and any other intelligence obtained by staff of one Member State and communicated to another Member State in the course of the assistance provided for in Articles 13 to 15 may constitute admissible evidence in administrative and judicial proceedings of the Member State receiving the information in the same way as if they had been obtained in the Member State where the proceedings take place.'</p>		

	<p>AM 11 2b. In the first subparagraph of Article 18(1), the following indent is added: '- breaches of customs legislation above a threshold set by the Commission.'</p>		
	<p>AM 12(c). The concluding phrase of the first subparagraph of Article 18(1) is replaced by the following: 'they shall communicate to the Commission as soon as possible, but in any event not later than three weeks, either on their own initiative or in response to a reasoned request from the Commission, any relevant information, be it in the form of documents or copies or extracts thereof, needed to determine the facts so that the Commission may coordinate the steps taken by the Member States.'</p>		
	<p>AM 13(2d). The first subparagraph of Article 18(4) is replaced by the following: 4. Where the Commission considers that irregularities have taken place in one or more Member States, it shall inform the Member State or States concerned thereof</p>		

	<p>and that State or those States shall at the earliest opportunity but in any event not later than three weeks after the information was received carry out an enquiry, at which Commission officials may be present under the conditions laid down in Articles 9 (2) and 11 of this Regulation.</p>		
<p>3. Article 18a is amended as follows:</p> <p>(a) Paragraph 1 is replaced by the following:</p> <p>‘1. Without prejudice to the competences of the Member States, for the purpose of risk management as set out in Article 4, points 25 and 26, and Article 13(2) of Regulation (EEC) No 2913/92, and with a view to assisting the authorities referred to in Article 29 to detect movements of goods that are the object of operations in potential breach of customs and agricultural legislation and means of transport, including containers, the Commission shall establish and manage a directory of data received from public or private service providers active in the international supply chain. That directory shall be directly accessible to those authorities. They shall ensure that the information regarding the interests of Member States’ service providers contained in that directory shall be used only for the</p>	<p>AM 14(1). Without prejudice to the competences of the Member States, and with a view to assisting the authorities referred to in Article 29 to detect movements of goods that are the object of operations in potential breach of customs and agricultural legislation and means of transport, including containers, used for that purpose, the Commission shall establish and manage a directory of data received from public or private service providers active in the international supply chain. That directory shall be directly accessible to those authorities. They shall ensure that the information regarding the interests of Member States’ service providers contained in that directory shall be used only for the</p>	<p>4) Article 18a is amended as follows:</p> <p>Paragraph 1 is replaced by the following:</p> <p>a) ‘Without prejudice to the competences of the Member States with a view to assisting the authorities referred to in Article 29 to detect movements of goods that are the object of operations in potential breach of customs and agricultural legislation and means of transport, including containers, used for that purpose, the Commission shall establish and manage a directory of data reported by carriers. That directory shall be directly accessible to those authorities. The authorities referred to in Article 29 may use the directory to analyse data and exchange information on the results, for the</p>	

<p>That directory shall be directly accessible to those authorities.'</p>	<p><i>purposes of this Regulation.</i></p>	<p>purposes of this Regulation only.'</p>	
<p>(b) Paragraph 2 is replaced by the following: '2. In managing that directory, the Commission shall be empowered: (a) to access or extract and store the contents of the data, by any means or in any form, and to use data for the purposes of an administrative or judicial procedure in compliance with legislation applicable to intellectual property rights. Data for the purposes of an administrative or judicial procedure in compliance with legislation applicable to intellectual property rights. <i>The Commission shall put in place adequate safeguards against arbitrary interference by public authorities including technical and organisational measures and transparency requirements towards the data subjects. Data subjects shall be provided with the right of access and correction in relation to data processed for this purpose;</i> (b) to compare and contrast data that are accessible in or extracted from the directory, to index them, to enrich them from other data sources and to analyse them in compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with</p>	<p>AM 15 (2a) (a) to access or extract and store the contents of the data, by any means or in any form, and to use data for the purposes of an administrative or judicial procedure in compliance with legislation applicable to intellectual property rights. Data subjects shall be provided with the right of access and correction in relation to data processed for this purpose</p>	<p>b) Paragraph 2 is replaced by the following: 'In managing that directory, the Commission shall be empowered: (a) to access or extract and store the contents of the data, by any means or in any form, and to use data in compliance with legislation applicable to intellectual property rights. The Commission shall put in place adequate safeguards including technical and organisational measures and transparency requirements towards the data subjects. Data subjects shall be provided with the right of access and correction in relation to data processed for this purpose; (b) to compare and contrast data that are accessible in or extracted from the directory, to index them and to enrich them from other data sources and to analyse them in compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with</p>	

<p>Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ; (c) to make the data in this directory available to the authorities referred to in Article 29, using electronic data-processing techniques.'</p>		<p>regard to the processing of personal data by the Union institutions and bodies and on the free movement of such data; (c) to make the data in this directory available to the authorities referred to in Article 29, using electronic data-processing techniques.</p>	
		<p>4c: Paragraph 4 is replaced by the following: '4. For the movement of containers referred to in Article 18a(3), the Commission shall establish and manage a subdirectory of reported Container Status Messages ('CSMs'), the 'CSM directory'. The carriers referred to in Article 18a(1) that store data on the movement and status of containers or have such data stored on their behalf shall report to the customs authorities of Member States 'CSMs' in either of the following situations: (a) containers destined to be brought by maritime vessel into the customs territory of the Union from a third country;</p>	

		<p>(b) for specific shipments or categories of shipments, containers leaving the customs territory of the Union to a third country by maritime vessel; The Member States shall allow direct transmission of the data from the carriers to the CSM directory.</p> <p>CSMs shall be reported:</p> <p>(i) from the moment when the container was reported empty before being brought into or before leaving the customs territory of the Union until the container is again reported empty;</p> <p>or</p> <p>(ii) for at least three months prior to physical arrival to the customs territory of the Union until one month after the entry into the customs territory of the Union, in cases where specific CSMs needed to identify the relevant empty container events are not available in the carrier's electronic records; or</p> <p>(iii) for at least three months after exit from the customs territory of the Union, in case where specific CSMs needed to identify the relevant empty</p>	
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		<p>container events are not available in the carriers' electronic records. The carriers shall report CSMs for the following or equivalent events, insofar as these are known to the reporting carrier and for which the data have been generated, collected or maintained in their electronic records:</p> <ul style="list-style-type: none"> - confirmation of booking, - arrival at a loading or unloading facility, - departure from a loading or unloading facility, - loading on or unloading from a conveyance, - instruction of stuffing or stripping, - confirmation of stuffing or stripping, - intra-terminal movements, - terminal gate inspection - sending for heavy repair. <p>Each Member State shall provide for penalties for failure to comply with the obligation to provide data or for providing incomplete or false data. Such penalties shall be effective, proportionate and dissuasive.</p>	
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<p>(c) The following <i>paragraphs 5 and 6</i> are added:</p>	<p>AM 16 (5c): The following <i>paragraph</i> is added:</p>		
<p>‘5. The European Data Protection Supervisor shall supervise compliance of this directory with Regulation (EC) No 45/2001. The Commission shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration and access or any other unauthorised form of processing.</p>			
<p>6. Without prejudice to Regulation 45/2001, the Commission may transfer, subject to the agreement of the <i>public or private service providers active in the international supply chain, data referred to in Article 18a(3)</i> to international organisations <i>including the World Customs Organisation, the International Maritime Organisation, the International Civil Aviation Organisation and the International Air Transport Association, as well as Europol,</i></p>	<p>AM 17 (6): 6. The Commission may transfer, subject to the agreement of the <i>public or private service providers active in the international supply chain, data referred to in Article 18a(3)</i> to international organisations <i>including the World Customs Organisation, the International Maritime Organisation, the International Civil Aviation Organisation and the International Air Transport Association, as well as Europol,</i></p>		

<p>relevant arrangement or memorandum of understanding.</p>	<p>which contribute to the protection of the financial interests of the Union and correct application of customs legislation with which the Commission concluded a relevant arrangement or memorandum of understanding.</p>		
<p>Data shall be transferred under this paragraph only for the general purposes of this Regulation <i>also</i> including the protection of the financial interests of the Union, and/or for the purpose of risk management as set out in Article 4 points 25 and 26 and Article 13(2) of Regulation (EEC) No 2913/92.</p>	<p>AM 18(6) Data shall be transferred under this paragraph only for the general purposes of this Regulation including the protection of the financial interests of the Union, and/or for the purpose of risk management as set out in Article 4 points 25 and 26 and Article 13(2) of Regulation (EEC) No 2913/92.</p>		
<p>The <i>arrangement or memorandum of understanding based on which the</i> transfer of data <i>may take place</i> under this paragraph shall <i>include, inter alia</i>, data protection principles <i>such as</i> the possibility for data subjects to exercise their rights of access and correction and to seek administrative and judicial redress, as well as an independent oversight mechanism to ensure compliance with the data protection safeguards.</p>	<p>AM 19(6) The transfer of data under this paragraph shall <i>respect</i> data protection principles, the possibility for data subjects to exercise their rights of access and correction and to seek administrative and judicial redress, as well as an independent oversight mechanism to ensure compliance with the data protection safeguards</p>		

<p>Data received from public or private service providers active in the international supply chain shall be kept only for the time necessary to achieve the purpose for which they were introduced and may not be stored for more than ten years. If personal data are stored for a period exceeding five years, the European Data Protection Supervisor shall be informed accordingly.'</p>			
<p>Art.18a, 6, subpara 4a new</p>	<p>AM 20(6) NEW: The Commission shall be empowered to adopt delegated acts in accordance with Article 43 in order to amend the list of international organisations and/or Union institutions/agencies which contribute to the protection of the financial interests of the Union and the correct application of customs legislation.</p>		
<p>Art.18a, 6, subpara 4b new</p>	<p>AM 21(6) NEW: The Commission shall consult business representatives regarding the development of delegated acts referred to in Article 18a(6).</p>		

	<p>(d) The following paragraphs 5, 6 and 7 are added:</p> <p>‘5. Within the Commission, only designated analysts shall be empowered to process personal data to which paragraphs 2(b) and 2 (c) apply.</p> <p>Personal data which are not necessary for the purpose of achieving the aim in question shall be deleted immediately or have any identifying factors removed. In any event, they may be stored for no more than three years.</p> <p>The Commission shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration and access or any other unauthorised form of processing.</p> <p>6. Data received from carriers shall be kept only for the time necessary to achieve the purpose for which they were introduced and may not be stored for more than five years.</p> <p>7. The Commission and Members States shall respect confidential business information</p>	
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		<p>received from carriers. The Commission and each Member State shall apply the highest technical, organisational and personnel security rules of professional secrecy or other equivalent duties of confidentiality to their designated experts in accordance with national or Union legislation. The Commission and Member States shall ensure that requests of other Member States for confidential treatment of information exchanged by means of the data directory referred to in this Article are respected.'</p>	
<p>4. Article 18b is amended as follows: (a) Paragraph 2 is replaced by the following: '2. The Commission <i>may make</i> expertise, technical or logistical assistance, training or communication activity or any other operational support available to the Member States both for the achievement of the objectives of this Regulation and in the performance of Member States' duties in the framework of the implementation of the customs</p>	<p>AM 22(18b, &2): 2. The Commission <i>shall ensure that</i> expertise, technical or logistical assistance, training or communication activity or any other operational support <i>is</i> available to the Member States both for the achievement of the objectives of this Regulation and in the performance of Member States' duties in the framework of the implementation of the customs cooperation provided for by Article</p>		

<p>cooperation provided for by Article 87 of the Treaty on the Functioning of the European Union. For that purpose, the Commission shall establish appropriate technical systems.'</p>	<p>87 of the Treaty on the Functioning of the European Union. For that purpose, the Commission shall establish appropriate technical systems.</p>		
<p>(b) The following paragraph 3 is added: '3. The European Data Protection Supervisor shall supervise compliance of all the technical systems provided under this Article with Regulation (EC) No 45/2001.'</p>	<p>AM 23: deleted</p>		
<p>5. The following Articles are inserted:</p>		<p>5. The following Articles are inserted:</p>	
<p>'Article 18c 1. <i>The public or private service providers active in the international supply chain referred to in Article 18a(1)</i> that store data on the movement and status of containers or have access to such data shall report to the Commission Container Status Messages ('CSMs').</p>	<p>AM 24(1): Maritime carriers that store data on the movement and status of containers or have access to such data shall report to the Commission Container Status Messages (<i>CSMs</i>).</p>	<p>Article 18c The Commission shall adopt, by means of implementing acts, provisions regarding: a) the frequency of reporting, the format of the data in the CSMS and the method of transmission of the CSMS, as well as the procedure for defining the shipments or categories of shipments for which information contained in CSMS is necessary, and b) the direct access of Member States to the data of the</p>	

			subdirectory referred to in Article 18 (a) paragraph 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43a(2).	
2. The required CSMs shall be reported <i>in either</i> of the <i>following situations</i> :	AM 25(2): 2. The required CSMs shall be reported <i>for containers destined to be brought by vessel into the customs territory of the Union from a third country</i> ;			
(a) containers destined to be brought by vessel into the customs territory of the Union from a third country;				
(b) containers leaving the customs territory of the Union to a third country by vessel.	AM 26(2b): <i>deleted</i>			
3. The required CSMs shall report the events referred to in Article 18f insofar as they are known to the reporting public or private service provider active in the international supply chain.	AM 27(3): 3. The required CSMs shall report the events referred to in Article 18f insofar as they are known to the reporting public or private service provider active in the international supply chain <i>and for which the data has been generated or collected in the electronic container tracking equipment</i>			

<p>4. The Commission shall establish and manage a directory of reported CSMs, the 'CSM directory'.</p>	<p>AM 28(4): 4. The Commission shall establish and manage a directory of reported CSMs (the 'CSM directory'). <i>The CSM directory shall form part of the directory referred to in Article 18a and shall not contain personal data.</i></p>		
<p>Article 18d 1. Where a container, including containers which will not be discharged in the Union, is destined to be brought by vessel into the customs territory of the Union from a third country, the public or private service providers that are subject to the obligation in Article 18c(1) shall report CSMs for all events taking place from the moment when the container was reported empty before being brought into the customs territory of the Union until the container is again reported empty.</p>		<p>Article 18d 1. The Commission shall establish and manage a directory containing data on import, export and transit of goods, as detailed in Annexes 37 and 38 of Commission Regulation (EEC) No 2454/93, the "Import, export, transit directory". The Commission shall systematically replicate data relating to import, export and transit from the sources operated by the Commission on the basis of Regulation (EEC) No 2913/92 establishing the Community Customs Code. The Member States may supply to the Commission data concerning the transit of goods within a Member State and direct export, depending on the availability of data and Member States' IT infrastructure. The departments designated by</p>	

		<p>the Commission and the national authorities referred to in Article 29 may use the directory to analyse data and compare data in the “Import, export, transit directory” with CSMs reported under the directory referred to in Article 18a (4), and may exchange information on the results, for the purposes of this Regulation.</p>	
<p>2. In cases where the specific CSMs needed to identify the relevant empty container events are not available in the provider’s electronic records in any given case, the provider shall report CSMs for events taking place at least three months prior to physical arrival at the customs territory of the Union until one month after the entry into the customs territory of the Union or, if occurring first, until arrival at a destination outside the customs territory of the Union.</p>		<p>2. The directory shall be accessible to the authorities referred to in Article 29. Within the Commission only designated analysts shall be empowered to process data contained in this directory.</p> <p>Member States shall have direct access to:</p> <ul style="list-style-type: none"> (i) data of all declarations established and lodged in the Member State concerned; (ii) data pertaining to economic operators with an EORI number assigned by the authorities of that Member State; (iii) transit data; (iv) all other data except personal data referred to in Article 41b(2). <p>The competent authorities having entered data in CIS or an</p>	

		<p>investigation file in FIDE in accordance with Article 41b shall have access to all data in the directory pertaining to this entry or this investigation file.</p>	
		<p>3. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the Commission in the context of data included in this directory. The Commission shall be considered as data controller within the meaning of Article 2(d) of Regulation (EC) No 45/2001. The import, export, transit directory shall be subject to prior checking by the European Data Protection Supervisor in accordance with Article 27 of Regulation (EC) No 45/2001. Data contained in the import, export, transit directory shall be kept only for the time necessary to achieve the purpose for which they were introduced and may not be stored for more than five years.</p>	

		<p>4. The import, export, transit directory shall not include the special categories of data within the meaning of Article 10(5) of Regulation (EC) No 45/2001. The Commission shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration and access or any other unauthorised form of processing.</p>	
		<p>5. The Commission and Member States shall respect confidential business information. The Commission and each Member State shall apply the highest technical, organizational and personnel security rules of professional secrecy or other equivalent duties of confidentiality to their designated experts in accordance with national or Union legislation. The Commission and Member States shall ensure that requests of other Member States for confidential treatment of information exchanged by means of the data directory referred to in this Article are respected.</p>	

<p>Article 18e</p> <p>1. Where a container is leaving the customs territory of the Union to a third country by vessel, the public or private service providers that are subject to the obligation in Article 18c(1) shall report CSMs for all events taking place from the moment when the container was reported empty in the customs territory of the Union until the container is reported to be empty outside the customs territory of the Union.</p> <p>2. In cases where the specific CSMs needed to identify the relevant empty container events are not available in the provider's electronic records in any given case, the provider may report CSMs for events taking place during at least three months after exit from the customs territory of the Union.</p>	<p>Article 18e</p> <p>The Commission shall adopt by means of implementing acts the modalities regarding the access of Member States to the directory referred to in Article 18(g)(3). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43a(2).</p>	
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<p>Article 18f</p> <p>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 laying down the container status events for which CSMs are to be reported in accordance with Article 18c, the minimum data elements to be reported in the CSMs and the frequency of reporting.</p>		<p>Article 18f</p> <p>1. The Commission may request Member States to provide documents supporting import and export declarations and for which supporting documents have been generated or collected by the economic operators, with respect to investigations related to the implementation of customs legislation as defined in Article 2 (1). The request shall be addressed to the competent authorities appointed for applying this Regulation referred to in Article 2(2). When more than one competent authority is designated by a Member State, the latter will have to specify the administrative department responsible for answering the request by the Commission.</p>	
<p>2. The Commission shall adopt, by means of implementing acts, provisions regarding the format of the data in the CSMs and the method of transmission of the CSMs. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43a(2).</p>	<p>AM 29(18f, 2): 2. The Commission shall adopt, by means of implementing acts, provisions regarding the format of the data in the CSMs and the method of transmission of the CSMs, <i>and regarding obligations that may pertain to containers that are brought into the Union due to</i></p>	<p>2. The Member State, within a period of eight weeks starting from the receipt of the request by the Commission either:</p> <ul style="list-style-type: none"> - provides the requested documentation, if necessary within an additional extended period of four weeks; or - notifies the Commission 	

	<p><i>diversions</i>. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43a(2).</p>	<p>that the request was impossible to satisfy due to the failure of the economic operator to provide the requested information; or</p> <ul style="list-style-type: none"> - declines the request as a consequence of a decision taken by a Member State's administrative or judicial authority according to Article 3 of this regulation.' 	
<p>Art. 18f, para 2a new</p>	<p>AM 30(18f, 2a), NEW: 2a. <i>Pursuant to Article 18a(1), the Commission shall establish by means of an implementing act the service providers shall be obtained prior to the transferral of their filed CSMS to other organisations or bodies.</i></p>		
<p>Art. 18f, para 2b new</p>	<p>AM 31(18f, 2b), NEW: 2b. <i>The Commission is urged to consult closely with business representatives of the container liner shipping industry concerning the preparation of the delegated and implementing acts referred to in this Article. They may be invited to participate in the relevant committee meetings and expert groups that shall be used to develop such acts</i></p>		

<p>Article 18g</p> <p>1. The Commission shall establish and manage a directory containing data on import, <i>export</i> and transit of goods, including transit within a Member State, as detailed in Annexes 37 and 38 of Commission Regulation (EEC) No 2454/93, the "Import, export, transit directory". The Member States shall authorise the Commission to systematically replicate data relating to import, <i>export</i> and transit from the sources operated by the Commission on the basis of Regulation (EEC) No 2913/92 establishing the Community Customs Code. The Member States shall supply to the Commission data concerning the transit of goods within a Member State <i>and direct export</i>.</p>	<p>AM 32(18g,1): 1. The Commission shall establish and manage a directory containing data on import and transit of goods, including transit within a Member State, as detailed in Annexes 37 and 38 of Commission Regulation (EEC) No 2454/93 (the 'Import, export, transit directory'). The Member States shall authorise the Commission to systematically replicate data relating to import and transit from the sources operated by the Commission on the basis of Regulation (EEC) No 2913/92 establishing the Community Customs Code. The Member States shall, <i>at the earliest possible date</i>, supply to the Commission data concerning the transit of goods within a Member State. <i>Information provided on natural and legal persons shall be used for the purposes of this Regulation only.</i></p>		
<p>2. The directory shall be used to assist in preventing, investigating and prosecuting operations which are, or appear to constitute, breaches of customs legislation and for the purpose of risk management including risk-based</p>			

<p>customs controls as defined in Article 4, points 25 and 26, and Article 13(2) of Regulation (EEC) No 2913/92 establishing the Community Customs Code.</p>			
<p>3. The directory shall be accessible exclusively to the Commission departments and to the national authorities referred to in Article 29. Within the Commission and national authorities, only designated analysts shall be empowered to process personal data contained in this directory.</p>			
<p>Without prejudice to Regulation (EC) No 45/2001, the Commission may transfer, subject to the agreement of the supplying Member State, selected data obtained in accordance with the procedure specified in paragraph 1 to international organisations and/or EU institutions/agencies which contribute to the protection of the financial interests of the Union and correct application of customs legislation with which the Commission concluded a relevant arrangement or memorandum of understanding.</p>	<p>AM 33(18g,3): The Commission may transfer, subject to the agreement of the supplying Member State, selected data obtained in accordance with the procedure specified in paragraph 1 to international organisations including the World Customs Organisation, the International Maritime Organisation, the International Civil Aviation Organisation and the International Air Transport Association, as well as Europol, which contribute to the protection of the financial interests of the Union and correct application of customs legislation</p>		

	with which the Commission concluded a relevant arrangement or memorandum of understanding		
<p>Data shall be transferred under this paragraph only for the general purposes of this Regulation also including the protection of the financial interests of the Union, and/or for the purpose of risk management as set out in Article 4 points 25 and 26 and Article 13(2) of Regulation (EEC) No 2913/92.</p> <p>The arrangement or memorandum of understanding based on which the transfer of data may take place under this paragraph shall include, inter alia, data protection principles such as the possibility for data subjects to exercise their rights of access and correction and to seek administrative and judicial redress, as well as an independent oversight mechanism to ensure compliance with the data protection safeguards.</p>			

<p>(a) new:</p>	<p>AM 34(18g, 3a) NEW: 3a. The Commission shall present, on an annual basis, the results provided by that directory to the European Parliament and the Council, pursuant to Article 51a.</p>		
<p>4. Regulation (EC) No 45/2001 shall apply to the processing of personal data by the Commission in the context of data included in this directory.</p>	<p>AM 35(18g, 4, sub.1): deleted</p>		
<p>The Commission shall be considered as data controller within the meaning of Article 2(d) of Regulation (EC) No 45/2001.</p>			
<p>The import, export, transit directory shall be subject to prior checking by the European Data Protection Supervisor in accordance with Article 27 of Regulation (EC) No 45/2001.</p>	<p>AM 36(18g, 4, sub.3): deleted</p>		
<p>Data contained in the import, export, transit directory shall be kept only for the time necessary to achieve the purpose for which they were introduced and may not be stored for more than ten years. If personal data are stored for a period exceeding five years, the European Data Protection Supervisor shall be informed accordingly.</p>			

<p>5. The import, export, transit directory shall not include the special categories of data within the meaning of Article 10(5) of Regulation (EC) No 45/2001. The Commission shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration and access or any other unauthorised form of processing.</p> <p>Article 18h</p> <p>1. The Commission may obtain directly from the economic operators documents supporting import and export declarations, with respect to investigations related to the implementation of customs legislation as defined in Article 2(1).</p>	<p>AM 37(18g, 5): deleted</p>		
<p>Article 18h</p> <p>1. The Commission may obtain directly from the economic operators documents supporting import and export declarations, with respect to investigations related to the implementation of customs legislation as defined in Article 2(1).</p>	<p>AM 38(18h, 1): 1. The Commission may, following a request to a Member State as referred to in paragraph 1a and in accordance with Article 14 of Regulation 2913/92, obtain directly from economic operators documents supporting import and transit declarations and for which supporting documents have been generated or collected by the economic operators, with respect to investigations related to the implementation of customs legislation as defined in Article 2(1) with either the explicit authorisation of a Member State</p>		

	<p><i>or with the tacit authorisation specified in 18h(1b). The Commission shall notify all Member States likely to be involved in a subsequent enquiry of the request in parallel with the request being made. The Commission shall provide the Member State where the economic operator is established with a copy of the request in parallel with the request being made. The Commission shall provide copies of the response and of the supporting documents from the economic operator to the Member State where the economic operator is established within one week of receipt of a response.</i></p>		
<p><i>(a) new:</i></p>	<p>AM 39 (18h, 1a) NEW: 1a. <i>Following a request from the Commission to a Member State for documents supporting an import or transit declaration, the Member State shall, in accordance with Article 14 of Regulation 2913/92, have three weeks within which to either:</i></p> <ul style="list-style-type: none"> <i>- answer the request and provide the requested documentation;</i> <i>- notify the Commission that the Member State has requested the</i> 		

	<p><i>documentation from the economic operator;</i></p> <ul style="list-style-type: none"> - <i>request, for operational reasons, a further two weeks to fulfil the request; or</i> - <i>decline the request and notify the Commission that the request was impossible to fulfil by means of due diligence, for instance due to the failure of the economic operator to provide the requested information or by a refusal decision taken by a Member State judicial authority in accordance with Article 3 of this Regulation.</i> 		
<p><i>(b) new:</i></p>	<p>AM 40 (18, 1b) NEW: 1b. If the Member State does not:</p> <ul style="list-style-type: none"> - <i>respond with the requested documents;</i> - <i>notify the Commission that the Member State has requested the documents from the economic operator;</i> - <i>request, for operational reasons, a further two weeks to fulfil the request; or</i> - <i>decline the request within the initial three-week period, it shall be considered to have given its tacit authorisation for the Commission to request documents</i> 		

<p>2. Within the time limits obliging economic operators to maintain the relevant documentation, economic operators shall provide the Commission upon request with the information mentioned in paragraph 1.'</p>	<p><i>supporting an import or transit declaration directly from the economic operator.</i></p> <p>AM 41 (18h, 2): 2. Within the time limits obliging economic operators to maintain the relevant documentation, economic operators shall provide the Commission upon request with the information mentioned in paragraph 1 <i>within three weeks.</i></p>		
<p>(a) new: 1. The findings and information obtained in the course of the Community missions referred to in Article 20 of this Regulation, and in particular documents passed on by the competent authorities of the third countries concerned, shall be handled in accordance with Article 45 of this Regulation.</p>	<p>AM 42 (Art 1, 5a) NEW: 5a. <i>Article 21(1) is replaced by the following:</i></p> <p>'1. The findings and information obtained in the course of the Community missions referred to in Article 20 of this Regulation, and in particular documents passed on by the competent authorities of the third countries concerned, <i>as well as the information obtained during the course of an administrative enquiry, including by the Commission's services</i>, shall be handled in accordance with Article 45 of this Regulation.'</p>		

<p>6. Article 23(4) is amended as follows: ‘The Commission shall be empowered to adopt delegated acts in accordance with Article 43 determining those operations in connection with the application of agricultural regulations which require the introduction of information into the CIS.’</p>		<p>6. Article 23(4) is amended as follows: ‘The Commission shall be empowered to adopt delegated acts in accordance with Article 43 determining those operations in connection with the application of agricultural regulations which require the introduction of information into the CIS.’</p>	
<p>7. Article 25(1) is amended as follows: ‘The Commission shall adopt by means of implementing acts, provisions regarding the items to be included in the CIS relating to each of the categories referred to in Article 24(a) to (h) to the extent that this is necessary to achieve the aim of the System. Personal data may not appear in the category referred to in Article 24(e). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43a(2).’</p>		<p>7. Article 25(1) is amended as follows: ‘The Commission shall adopt by means of implementing acts, provisions regarding the items to be included in the CIS relating to each of the categories referred to in Article 24(a) to (h) to the extent that this is necessary to achieve the aim of the System. Personal data may not appear in the category referred to in Article 24(e). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 43a(2).’</p>	

<p>8. Article 29 is amended as follows:</p> <p>(a) Paragraph 1 is replaced by the following:</p> <p>‘Access to data included in the CIS shall be reserved exclusively for the national authorities designated by each Member State and the departments designated by the Commission. These national authorities shall be customs administrations but may also include other authorities competent, according to the laws, regulations and procedures of the Member State in question, to act in order to achieve the aim stated in Article 23(2).</p> <p>The supplying CIS partner shall have the right to determine which among those national authorities mentioned above may have access to data that it has included in the CIS.’</p>	<p>AM 43 (Art.1, 8, &1): Access to data included in the CIS shall be reserved for the national authorities designated by each Member State and the departments designated by the Commission. These national authorities shall be customs administrations but may also include other authorities competent, according to the laws, regulations and procedures of the Member State in question, to act in order to achieve the aim stated in Article 23(2).</p>	<p>8. Article 29 is amended as follows:</p> <p>(a) Paragraph 1 is replaced by the following:</p> <p>‘Access to data included in the CIS shall be reserved exclusively for the national authorities designated by each Member State and the departments designated by the Commission. These national authorities shall be customs administrations but may also include other authorities competent, according to the laws, regulations and procedures of the Member State in question, to act in order to achieve the aim stated in Article 23(2).</p> <p>The supplying CIS partner shall have the right to determine which among those national authorities mentioned above may have access to data that it has included in the CIS.’</p>	
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(b) Paragraph 2 is replaced by the following:
 'Each Member State shall send the Commission a list of its designated competent national authorities which have access to the CIS stating, for each authority, to which data it may have access and for what purposes.
 The Commission shall inform the other Member States accordingly. It shall also verify the list of the designated national authorities against disproportionate designations and inform all the Member States of the corresponding details concerning the Commission departments authorised to have access to the CIS.
 The list of national authorities and Commission departments thus designated shall be published for information by the Commission in the Official Journal of the European Union and subsequent updates to the list shall be made public by the Commission on the internet.'

(b) Paragraph 2 is replaced by the following:
 'Each Member State shall send the Commission a list of its designated competent national authorities which have access to the CIS stating, for each authority, to which data it may have access and for what purposes.
 The Commission shall verify with the Member States concerned the list of the designated national authorities against disproportionate designations. After this verification, the Member States concerned shall confirm or amend the list of the designated national authorities. The Commission shall inform the other Member States accordingly. It shall also inform all the Member States of the corresponding details concerning the Commission departments authorised to have access to the CIS.
 The list of national authorities and Commission departments thus designated shall be published for information by the Commission in the Official Journal of the European Union and subsequent

<p>9. In Article 30(3), the third subparagraph is replaced by the following: 'The list of the authorities or departments thus designated shall be made public by the Commission on the internet.'</p>		<p>updates to the list shall be made public by the Commission on the internet.'</p> <p>9. In Article 30(3), the third subparagraph is replaced by the following: 'The list of national authorities or departments thus designated shall be published for information by the Commission in the Official Journal of the European Union and subsequent updates to the list shall be made public by the Commission on the internet.'</p>	
<p>(a) new: Article 30(4)</p> <p>4. Data obtained from the CIS may, with the prior authorization of, and subject to any conditions imposed by, the Member State which which included them in the System, be communicated for use by national authorities other than those referred to in paragraph 2, third countries and international or regional organizations wishing to make use of them. Each Member State shall take special measures to ensure the security of such data when they are being transmitted or supplied to</p>	<p>AM 44 (Art. 1, 9a) NEW: 9a. Article 30(4) is replaced by the following:</p> <p>4. Data obtained from the CIS may, with the prior authorization of, and subject to any conditions imposed by, the Member State which included them in the System, be communicated for use by national authorities other than those referred to in paragraph 2, third countries and international or regional organizations and/or Union agencies which contribute to the protection of the financial interests of the Union and correct application of customs legislation. Each Member State shall take</p>		

<p>departments located outside its territory.</p> <p>The provisions referred to in the first subparagraph shall apply mutatis mutandis to the Commission where it has entered the data in the System</p>	<p>special measures to ensure the security of such data when they are being transmitted or supplied to departments located outside its territory.</p> <p>The provisions referred to in the first subparagraph shall apply mutatis mutandis to the Commission where it has entered the data in the System</p>		
<p>10. The title of Chapter 4 is replaced by the following:</p> <p>‘Chapter 4 Storage of data’</p>		<p>10. The title of Chapter 4 is replaced by the following:</p> <p>‘Chapter 4 Storage of data’</p>	
<p>11. Article 33 is amended as follows:</p> <p>‘Data included in the CIS shall be kept only for the time necessary to achieve the purpose for which they were introduced and may not be stored for more than ten years. <i>If personal data are stored for a period exceeding five years, the European Data Protection Supervisor shall be informed accordingly.</i>’</p>	<p>AM 45 (Art.1, 11): Data included in the CIS shall be kept only for the time necessary to achieve the purpose for which they were introduced and may not be stored for more than ten years.</p>	<p>11. Article 33 is amended as follows:</p> <p>‘Data included in the CIS shall be kept only for the time necessary to achieve the purpose for which they were introduced and may not be stored for more than five years.’</p>	

<p>12. Article 37 is amended as follows:</p> <p>(a) Paragraph 3a is replaced by the following: ‘3a. This Regulation particularises and complements Regulation (EC) No 45/2001. The European Data Protection Supervisor shall supervise compliance of the CIS with Regulation (EC) No 45/2001.’</p> <p>(b) The following paragraph 5 is added: ‘5. The European Data Protection Supervisor shall co-ordinate with the Joint Supervisory Authority, established under Council Decision 2009/917/JHA, each acting within the scope of their respective competence, with a view to ensuring coordinated supervision and audits of the CIS.’</p>		<p>12. Article 37 is amended as follows:</p> <p>(a) Paragraph 3a is replaced by the following: ‘3a. This Regulation particularises and complements Regulation (EC) No 45/2001. The European Data Protection Supervisor shall supervise compliance of the CIS with Regulation (EC) No 45/2001.’</p> <p>(b) The following paragraph 5 is added: ‘5. The European Data Protection Supervisor shall co-ordinate with the Joint Supervisory Authority, established under Council Decision 2009/917/JHA, each acting within the scope of their respective competence, with a view to ensuring coordinated supervision and audits of the CIS.’</p>	
<p>13. Article 38 is amended as follows:</p> <p>(a) In paragraph 1, point b is deleted.</p>		<p>13. Article 38 is amended as follows:</p> <p>(a) In paragraph 1, point b is deleted.</p>	

<p>(b) Paragraph 2 is replaced by the following:</p> <p>‘2. In particular, both the Member States and the Commission shall take measures:</p> <p>(a) to prevent any unauthorised person from having access to installations used for the processing of data;</p> <p>(b) to prevent data and data media from being read, copied, modified or deleted by unauthorised persons;</p> <p>(c) to prevent the unauthorised entry of data and any unauthorised consultation, modification or deletion of data;</p> <p>(d) to prevent data in the CIS from being accessed by unauthorised persons by means of data-transmission equipment;</p> <p>(e) to guarantee that, with respect to the use of the CIS, authorised persons have right of access only to data for which they have competence;</p> <p>(f) to guarantee that it is possible to check and establish to which authorities data may be transmitted by data-transmission equipment;</p> <p>(g) to guarantee that it is possible</p>	<p>(b) Paragraph 2 is replaced by the following:</p> <p>‘2. In particular, both the Member States and the Commission shall take measures:</p> <p>(a) to prevent any unauthorised person from having access to installations used for the processing of data;</p> <p>(b) to prevent data and data media from being read, copied, modified or deleted by unauthorised persons;</p> <p>(c) to prevent the unauthorised entry of data and any unauthorised consultation, modification or deletion of data;</p> <p>(d) to prevent data in the CIS from being accessed by unauthorised persons by means of data-transmission equipment;</p> <p>(e) to guarantee that, with respect to the use of the CIS, authorised persons have right of access only to data for which they have competence;</p> <p>(f) to guarantee that it is possible to check and establish to which authorities data may be transmitted by data-transmission equipment;</p> <p>(g) to guarantee that it is</p>	
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<p>to check and establish ex post facto what data have been introduced into the CIS, when and by whom, and to monitor interrogation;</p> <p>(h) to prevent the unauthorised reading, copying, modification or deletion of data during the transmission of data and the transport of data media.'</p>		<p>possible to check and establish ex post facto what data have been introduced into the CIS, when and by whom, and to monitor interrogation;</p> <p>(h) to prevent the unauthorised reading, copying, modification or deletion of data during the transmission of data and the transport of data media.'</p>	
<p>(c) Paragraph 3 is replaced by the following:</p> <p>'3. The Commission shall verify that the searches carried out were authorized and were carried out by authorized users. At least 1% of all searches made shall be verified. A record of such searches and verifications shall be entered into the system and shall be used only for the said verifications. It shall be deleted after six months.'</p>	<p>AM 46 (Art.1, 13c): 3. The Commission shall verify that the searches carried out were authorized and were carried out by authorized users. The level of verification shall depend on the extent of the area to be verified, the severity of the infringement and expected amount of revenue affected, but shall always be equal to 1 % or more of searches made.</p> <p>A record of such searches and verifications shall be entered into the system and shall be used only for the said verifications. It shall be deleted after six months.</p>	<p>(c) Paragraph 3 is replaced by the following:</p> <p>'3. The Commission shall verify that the searches carried out were authorized and were carried out by authorized users. At least 1% of all searches made shall be verified. A record of such searches and verifications shall be entered into the system and shall be used only for the said verifications. It shall be deleted after six months.'</p>	

<p>14. Article 41d is amended as follows:</p> <p>(a) Paragraph 1 is replaced by the following:</p> <p>‘1. The period for which data may be stored shall depend on the laws, regulations and procedures of the Member State supplying them. The maximum and non-cumulative periods, calculated from the date of entry of the data in the investigation file, which may not be exceeded are as follows:</p> <p>(a) data concerning current investigation files may not be stored for more than three years without any operation in breach of customs and agricultural legislation being observed; data must be anonymised before that time limit if one year has elapsed since the last observation;</p> <p>(b) data concerning administrative enquiries or criminal investigations in which an operation in breach of customs and agricultural legislation has been established but which have not given rise to an administrative decision, a conviction or an order to pay a criminal fine or an</p>	<p>AM 47 (Art.1, 14a): ‘1. The period for which data may be stored shall depend on the laws, regulations and procedures of the Member State supplying them. <i>The need for the retention of data shall be reviewed by the supplying Member State.</i> The maximum and non-cumulative periods, calculated from the date of entry of the data in the investigation file, which may not be exceeded are as follows:</p>	<p>14. Article 41d is amended as follows:</p> <p>(a) Paragraph 1 is replaced by the following:</p> <p>‘1. The period for which data may be stored shall depend on the laws, regulations and procedures of the Member State supplying them. The maximum and non-cumulative periods, calculated from the date of entry of the data in the investigation file, which shall not be exceeded are as follows:</p> <p>(a) data concerning current investigation files may not be stored for more than three years without any operation in breach of customs and agricultural legislation being observed; data must be anonymised before that time limit if one year has elapsed since the last observation;</p> <p>(b) data concerning administrative enquiries or criminal investigations in which an operation in breach of customs and agricultural legislation has been established but which have not given rise to an administrative decision, a conviction or an order to pay a criminal fine or an</p>	
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<p>administrative penalty may not be stored for more than six years; (c) data concerning administrative enquiries or criminal investigations which have given rise to an administrative decision, a conviction or an order to pay a criminal fine or an administrative penalty may not be stored for more than ten years.'</p>		<p>administrative penalty may not be stored for more than six years; (c) data concerning administrative enquiries or criminal investigations which have given rise to an administrative decision, a conviction or an order to pay a criminal fine or an administrative penalty may not be stored for more than ten years.'</p>	
<p>(b) Paragraph 3 is replaced by the following: '3. The Commission shall anonymise the data as soon as the maximum storage period provided for in paragraph 1 has elapsed.'</p>	<p>AM 48 (Art.1, 14b): '3. The Commission shall <i>make anonymous or delete</i> the data as soon as the maximum storage period provided for in paragraph 1 has elapsed.'</p>	<p>(b) Paragraph 3 is replaced by the following: '3. The Commission shall anonymise the data as soon as the maximum storage period provided for in paragraph 1 has elapsed.'</p>	
<p>15. Article 43 is replaced by the following: '1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>		<p>15. Article 43 is replaced by the following: '1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. It is of particular importance that the Commission carry out consultations with experts, including Member States' experts, before adopting those delegated act.</p>	

<p>2. The power to adopt delegated acts referred to in Articles 18f(1) and 23(4) shall be conferred on the Commission for an indeterminate period of time from [dd/mm/yyyy] [insert date of entry into force of this Regulation].</p>	<p>AM 49 (Art.1,15, 2): 2. The power to adopt delegated acts referred to in Article 18a(6), Article 18f(1), Article 18g(3) and Article 23(4) shall be conferred on the Commission for an indeterminate period of time from ...*</p> <p><i>* OJ: please insert the date of entry into force of this Regulation</i></p>	<p>2. The power to adopt delegated acts referred to in Article 23(4) shall be conferred on the Commission for a period of five years from [dd/mm/yyyy] [insert date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p>	
<p>3. The power to adopt delegated acts referred to in Articles 18f(1) and 23(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	<p>AM 50 (Art.1, 15, 3): 3. The power to adopt delegated acts referred to in Article 18a(6), Article 18f(1), Article 18g(3) and Article 23(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not</p>	<p>3. The power to adopt delegated acts referred to in Article 23(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts</p>	

<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council</p>	<p>affect the validity of any delegated acts already in force.</p>	<p>already in force.</p>	
<p>5. A delegated act adopted pursuant to Articles 18f(1) and 23(4) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'</p>	<p>AM 51 (Art.1, 15,5): 5. A delegated act adopted pursuant to Article 18a(6), Article 18f(1), Article 18g(3) and Article 23(4) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council</p>	<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>5. A delegated act adopted pursuant to Article 23(4) shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'</p>	

<p>16. The following article is inserted after Article 43:</p> <p>‘Article 43a</p> <p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>		<p>16. The following article is inserted after Article 43</p> <p>‘Article 43a</p> <p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’</p>	
<p>Article 1a (new)</p>	<p>Article 1a (new)</p> <p>AM 52 By ...*, the Commission shall carry out an assessment of:</p> <p>- the necessity of extending the data contained in the directory referred in Article 18a of Regulation (EC) No 515/97 by including data on export, and</p> <p>- the feasibility of extending the data contained in the directory referred in Article 18a of Regulation (EC) No 515/97 by including data on import and transit of goods by land and air.</p> <p>* OJ: please insert the date: two years after the date of entry into force of this Regulation.</p>	<p>Article 1a (new)</p>	<p>Article 1a (new)</p>

<p><i>Article 2</i></p> <p>This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.</p>	<p><i>Article 2</i></p>	<p><i>Article 2</i></p> <p>This Regulation shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i>.</p>	<p><i>Article 2</i></p>
		<p>This Regulation shall apply six months after the adoption of delegated and implementing acts provided for in this Regulation and in any case not later than one year after the Regulation has entered into force.</p>	
		<p>For carriers who, at the time of the entry into force of this Regulation, are bound by private contracts that prevent them from fulfilling their obligation stipulated in Article 18a(4), this shall take effect one year after the Regulation has entered into force.</p>	

<p>For public or private service providers who, at the time of the entry into force of this Regulation, are bound by private contracts that prevent them from fulfilling their obligation stipulated in Article 18c(1), this shall take effect one entered into force.</p>	<p>AM 53 (Art.2, &2): For public or private service providers who, at the time of the entry into force of this Regulation, are bound by private contracts that prevent them from fulfilling their obligation stipulated in Article 18c(1), this shall take effect no earlier than one year after the required delegated and implementing acts referred to in Articles 18f(1) and 18f(2) enter into force.</p>		
<p>This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels, For the European Parliament For the Council The President The President</p>		<p>This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels, For the European Parliament For the Council The President The President</p>	