



ECASBA

2012

# BRUSSELS SEMINAR

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## CUSTOMS ISSUES UPDATE

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# Customs Developments

- ICS/ECS
- Modernised Customs Code Implementation Procedures
- Authorised Economic Operators
- Customs Valuations and...
- Actions on Misdeclared Cargo

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# Customs Developments

## Modernised Customs Code Implementation Procedures

- Now recast as Union Customs Code, allegedly to allow realignment with Lisbon Treaty provisions
- Extreme concern amongst Trade Contract Group (TCG) members regarding changes to fundamental principals of MCC
- Joint open letter from 24 members of TCG to Council of Ministers and Parliament – May 2012
- ECASBA fully endorsed the letter

# Customs Developments

## TCG Letter to Council and Parliament – main points

- MCC/UCC has not kept pace with threats and opportunities since inception
- MCC is being driven more by political deadlines than a genuine desire to advance, enhance and harmonise the European customs environment
- UCC is more than just a recast of the MCC to take into account the Lisbon Treaty changes – which are minimal
- Indeed, some of the changes proposed will significantly alter the UCC to the detriment of the original objectives, for example...

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# Customs Developments

## TCG Letter to Council and Parliament – main points/2

- MS can apply for an opt – out from the need to provide electronic systems in place for communication between all parties – *the objective of introducing electronic data exchange is one of the foundations of the entire project*
- Centralised Clearance will be decentralised – *what?*
- Roll out of the relevant national and European IT systems can be effected up to 2020 – *for years trade has been working flat out to introduce systems to meet the deadline of June 2013, it is the national authorities that have been dragging their feet*
- Other amendments that are not consistent with the Commission’s stated aim of “*limiting changes to those absolutely necessary to ensure coherence in the processes*”
- “*Some changes will inevitably lead to a reduction in the simplifications and facilitations that are essential to EU business as a whole*”

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# Customs Fines

## TAXUD Consultation amongst users of Customs

### services May 2012 – ECASBA views:

- Pan-European harmonisation of the level, scope and coverage of customs penalties is vital
- Harmonisation should be based exclusively on best practice examples, not the highest revenue earner
- Customs authorities must become more focussed on trade facilitation, not revenue collection
- The carrier or agent **MUST NOT** be held liable for misdeclared cargo or variations in outturn quantities. The authorities **MUST** recognise the legal and operational constraints on the carrier/agent's ability to independently verify the type and quantity of cargo being imported
- ECASBA supports the introduction of a binding regulation to ensure penalties are harmonisation across the entire EU, with no opportunity for national authorities to make changes



THE END  
THANK YOU

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