



European Economic and Social Committee

INT/322
Action programme for
customs

Brussels, 26 October 2006

OPINION

of the

European Economic and Social Committee

on the

Proposal for a Decision of the European Parliament and of the Council
establishing an action programme for customs in the Community (Customs 2013)

COM(2006) 201 final – 2006/0075 (COD)

On 22 June 2006 the Council of the European Union decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the

Proposal for a Decision of the European Parliament and of the Council establishing an action programme for customs in the Community (Customs 2013)
COM(2006) 201 final – 2006/0075 (COD).

The Committee Bureau instructed the Section for the Single Market, Production and Consumption to prepare the Committee's work on the subject.

Given the urgent nature of the work, the European Economic and Social Committee appointed Ms Batut as rapporteur-general at its 430th plenary session, held on 26 October 2006, and adopted the following opinion by 108 votes in favour, with four abstentions.

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1. **Introduction**

- 1.1 In all countries, the customs administrations protect national economic interests and traditionally make on-the-spot seizures of goods in transit using procedures based on the principle of immediate intervention. Following the establishment of the Common External Customs Tariff in the 1960s, the creation of the internal market in 1993 abolished border controls between the EU Member States, making the free movement of goods and services possible. Intra-Community trade in goods, the volume of which has practically doubled since the removal of the internal borders, makes up the largest share of Member State trade.
- 1.2 The national customs administrations operating within the European Community remained virtually unchanged for many years. The structure of the customs authorities and their staff were organised on a national level in each Member State.
- 1.3 The activity of the customs authorities has, however, become less clearly defined in the wake of the creation of the European Union, the digital revolution and the development of networks, where borders do not apply. The Commission's "Customs 2013" proposal advocates the more active integration of customs practices, in line with the objectives of the Lisbon Strategy, without integrating the customs administrations themselves, whose national role remains fundamental. Nonetheless, the interests to be protected are those of the Union and the citizens and consumers who live there.

2. Background of the proposal

2.1 Customs 2000

2.1.1 **As early as 1995**, the European Commission put forward a five-year programme called *Customs 2000* which was subsequently followed by *Customs 2002*. Over time, the national customs authorities were to start working as a "single administration" with regard to the procedures used. "*The trading area without internal customs frontiers within the 15 Member States requires uniform customs clearance for equivalent transactions in all places in the customs area.*" The methods advocated were cooperation, the uniform application of customs law within the EU and at its perimeters, the creation of a communications network accessible to all economic stakeholders, the improvement of customs administrations and their staff, and the development of IT systems and electronic customs clearance systems¹.

2.2 Customs 2002

2.2.1 *Customs 2002* set up a Customs Policy Group and Customs Committee in 2002, bringing together the various approaches of the representatives of the Commission and of the Member States with regard to methods, measures, assessments, investments, IT platforms, the modernisation of procedures, monitoring standards, cooperation against counterfeiting, support for candidate countries and the exchange of customs officials.

2.2.2 At the time, the EESC endorsed the creation of an IT customs communications system at EU level with "*the active involvement of business and professional circles - firms, associations, Consultative Customs Committee, ESC - in the official decision-making process*" which "*encourages mutual understanding and prevents unnecessary difficulties in implementation*". It highlighted the potential simplification that this would introduce. At that time, the Committee recommended examining the possibility of the Commission pooling information at central level, and establishing a European Community customs investigation service (EUROCUSTOMS, similar to EUROPOL) over the medium term, taking account of the "*undeniable need for 'a common core of training' in customs law and procedure for customs officials in the Member States*" which, "*besides respecting the subsidiarity principle, should take account of the different careers open to customs officials*"². The decision-making institutions did not act on the Committee's recommendations.

¹ OJ L 33 of 4 February 1997 and OJ L 13 of 19 January 2000.

² OJ C 174/14 of 17 June 1996.

2.3 Customs 2007

- 2.3.1 A new five-year programme, entitled **Customs 2007**³, was subsequently adopted, which revised and expanded the previous programme. Its objective was not limited solely to trade and customs activity but also focused on the need to protect the EU's financial interests and on the creation of a secure, risk-free environment for its citizens. The globalisation of the world's economy proceeds apace, along with the upheavals that this entails. Customs has an important role to play in the regulation of the commercial environment. Rapid advances in technology have made the ambition of integrated customs procedures achievable. The objective of Customs 2007 is to ensure that all EU Member States implement Community legislation in the field of customs policy in a consistent and professional manner. Accordingly, best practices, exchanges of personnel, seminars and follow-up activities occupy an important place in this process, alongside increased use of IT.
- 2.3.2 For its part, the Committee recommended that "*the Commission should play a more proactive role in monitoring standards of control in Member States*" and that "*this could be achieved, in part, by the appointment of a system of Community-wide customs inspectors*"⁴.
- 2.3.3 In its opinion, the EESC acknowledged that one of the objectives of enhanced customs services could be to improve the competitive environment for business and foster employment, whilst supporting legitimate commercial and trading activity. It believed there was a need for a means of monitoring progress in the early stages and taking corrective action if necessary. Its recommendations were taken on board⁵.
- 2.3.4 **The intermediary report** showed that, as a rule, operators and stakeholders were generally satisfied with the Customs 2007 programme, but that it would be necessary to reconcile the Community's ambition to foster commerce with existing security requirements, and that there was some concern regarding the computerisation of customs. The programme significantly contributed to the aim of the national customs authorities to work as a single administration.

2.4 2006

- 2.4.1 **Three major European texts** on customs were published in 2006:
- the proposal for a Regulation on *Modernised Customs Code*⁶;

³ COM (2002) 26 final – 2002/0029 (COD).

⁴ OJ C 241/8 of 7 October 2002.

⁵ Idem footnote 4.

⁶ CESE 953/2006 of 5 July 2006.

- the proposal for a Regulation on Paperless environment for customs and trade⁷;
- the document presently being examined in this opinion.

2.4.2 **The Community Customs Code**, which is to be modernised by a Regulation of the European Parliament and of the Council and on which the EESC issued an opinion on 5 July 2006, is also a key reference document for understanding the Customs 2013 programme, which aims to help keep legislation in step with evolving markets and technologies, and successive EU enlargements. IT use is becoming increasingly widespread; administration *will have to be* on line; computerised procedures that were previously optional are now *compulsory* under the new code, making the task easier for large operators, possibly at the expense of smaller businesses. Moreover, non-tariff related measures have come to the fore, covering issues such as combating counterfeiting, security, controlling illegal immigration, money laundering and drug trafficking, hygiene, health, the environment and consumer protection, as well as measures relating to VAT and excise collection. The Member States continue to be the driving force behind the plan; they bear the costs of the scheme – particularly as regards IT interoperability – and their customs authorities are empowered to carry out all manner of controls; nonetheless, the Commission is gradually increasing its own regulatory powers (Art. 196 of the proposed regulation) particularly with regard to the customs systems, the Member States and international agreements. The modernised code will redefine the roles and the status of all stakeholders involved in customs procedures.

2.4.3 The requirement to be online will, naturally, lead to the **introduction of a paperless environment**.

2.4.3.1 The proposal for a decision on electronic customs administration provided for a series of measures and timelines for making the electronic customs systems of the various Member States compatible with one another, thereby creating a single shared IT portal. Communication would thus become more efficient between operators and the customs authorities, and help speed up the exchange of information between these authorities. Paper versions of documents would only be drawn up in exceptional circumstances. The Commission also plans to set up a *single interface* that would allow *reliable operators* (intervening parties and "recognised operators" – Articles 2, 4, 13 and 16 of the proposal for a regulation on the modernised Customs Code) to have dealings with only one institution and not, as is currently the case, a variety of border control authorities. Information, particularly customs related information, would thus only be transmitted once. This would mean the inspection of goods by customs authorities and others (police, border police, veterinary and environmental services) at the same time and in the same place, in accordance with the "one-stop" principle.

2.4.4 In its opinion of 13 September 2006, the EESC stated that Community customs management should be one of the long-term objectives of the European Union: *"this has advantages in*

⁷ CESE 1151/2006 of 13 September 2006.

terms of simplicity, reliability and cost, as well as the possibility of interconnecting with other EU and third country systems".

3. **Customs 2013 Programme**

3.1 Interoperability, cost reduction, best practices: the Customs 2013 Programme currently being examined represents the continuation of the previous programmes outlined above and is the successor to Customs 2007. Its aim is to contribute to further progress in this area which is characterised both by fragmented yet closely interlinked procedures and by modern procedures that aim to speed up the trade in goods and to facilitate trade and the freedom to trade, whilst maintaining controls. The European Commission⁸ believes that customs is the only means of providing an overall and cross-sectoral snapshot of the economy. The situation is much more complex than previously due to the interaction between flows of goods and persons. According to its representatives, managing this complex situation will necessitate a flexible approach and means in order to ensure the competitiveness of the EU's businesses both on the internal and the global markets.

3.1.1 The new programme's period of application runs from 1 January 2008 to 31 December 2013, a six year period, bringing its duration in line with the multi-annual financial framework.

3.1.2 The objectives of the programme outlined in Article 4(1) of the proposal, aim, through assistance to its addressees, to:

- a) guarantee that the customs activities match the needs of the internal market, including supply chain security;
- b) ensure interaction and performance of the duties of the customs administrations as efficiently as though they were one administration;
- c) provide necessary protection for the financial interests of the Community;
- d) strengthen the security and safety of citizens;
- e) prepare for enlargement, including the sharing of experience and knowledge with the customs administrations of the countries concerned.

3.1.3 Joint actions and IT actions

The actions to be undertaken to implement the programme (Art. 2) reflect and build on those put in place by Customs 2007 and adopt a twin-track approach based on: material resources (hardware and software) and human resources (joint action and training):

- a) communication and information-exchange systems;
- b) benchmarking;
- c) seminars and workshops;

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Hearing of 18 September 2006 of TAXUD – A/2 – Directorate General for Taxation and the Customs Union.

- d) project groups and steering groups;
- e) working visits;
- f) training activities;
- g) monitoring actions;
- h) any other activities required for the realisation of the objectives of the programme.

Accordingly, they aim to create a computerised, pan-European customs system.

3.1.4 **The addressees** of the actions (Article 3 – participants) are primarily the Member States, and then, given the role of customs in the international economy, to varying degrees the candidate countries, potential candidates, countries linked to the European Union through the European Neighbourhood Policy, and third countries.

3.1.5 The various **stakeholders** are defined in several articles in the proposal.

3.1.5.1 Recital 6⁹ states that there is a need to "*strengthen relations between the customs administrations of the Community, as well as with business, legal and scientific circles, or other operators engaged in foreign trade*". The 2013 programme should allow people representing these groups or entities to participate, if necessary, in activities covered by the programme.

3.1.5.2 The following should be considered to be stakeholders: firstly, national administrations, as defined in Article 2(2), namely "*the public authorities and other bodies in the participating countries which are responsible for administering customs and customs related activities*"; next, at Community level, **the Commission, assisted by the "Customs 2013 Committee" (Art. 19), the Customs Policy Group** made up of the various national institutions, then, in accordance with Article 14, "*representatives of international organisations, administrations of third countries, economic operators and their organisations who may take part in activities organised under the programme whenever this is essential*" to carry out the objectives mentioned in Articles 4 and 5. Lastly, "*the Commission may make the communication and information exchange systems available to other public service for customs or non-customs purposes provided that a financial contribution is paid to the programme*" (Art. 7(6)). Taken as a whole, and considering the regulatory role that customs plays in international commerce, there is a substantial number of stakeholders.

3.1.5.3 Finally, the Commission suggests that the "implementation of this Community programme should rest on recourse to service suppliers by means of technical and administrative assistance contracts"¹⁰ and, in the future, "reserves itself the possibility of examining whether

⁹ COM(2006) 201 final, p. 11.

¹⁰ In: Explanatory memorandum, 4) Budgetary implication.

certain tasks of implementation of this programme could be entrusted to an executive agency".

3.1.6 The budget

3.1.6.1 Interoperability will facilitate the exchange of information between different countries' authorities; through interfaces with commercial operators, Customs 2013 contributes to the implementation of the decisions on the *Modernised Customs Code* and *Paperless customs*. Once it is fully operational, the new computerised system will complete the single internal market, whose only borders will be the external ones. The 2013 programme takes into account the global dimension of markets and the relationship with third countries which may become "participating countries" and be eligible for aid.

3.1.6.2 Implementing the programme is primarily the responsibility of the participating countries (11th recital). The total funding from the EU budget amounts to EUR 323.8 million (explanatory memorandum, point 4, and Article 16(1)), but this will not cover the full cost, which will largely be borne by the Member States. In theory, the aid provided by the Customs 2013 programme would represent EUR 2 million per Member State per year over six years, but the "participating countries" will be greater in number than the 27 Member States.

3.1.6.3 The costs will be shared between the EU and the participating countries in the following way (Article 17):

- *"2. The Community shall bear the following expenditure:*
 - a) *the cost of the acquisition, development, installation, maintenance and the cost of the day-to-day operation of the Community components of the communication and information exchange systems set out in Article 7(3);"*

and the costs of organising meetings required for the purposes of joint actions;

- *"6. Participating countries shall bear the following expenditure:*
 - a) *the cost of the acquisition, development, installation, maintenance and the cost of the day-to-day operation of the non-Community components of the communication and information exchange systems set out in Article 7(4);*
 - b) *the costs relating to the initial and continuing training, including the linguistic training, of their officials."*

3.1.7 Staff

3.1.7.1 The draft emphasises the **need for robust training** and skills to make the whole thing work. The needs of national customs staff in this area are taken into account by Article 12 of the draft. The idea is that "structured" cooperation between national training bodies responsible for training in customs administrations will set off a chain reaction: programmes and

"training standards" will be drawn up at Community level "to provide a common core of training for officials relating to the full range of customs rules and procedures so as to enable them to acquire the necessary professional skills and knowledge" (Article 12(a)). The training courses provided may be opened up to officials from other countries (Article 12(b)), and the core tools will have to be fully integrated within their national training programmes by national customs authorities (Article 12(2)), who of course are also to ensure that "their officials receive the initial and continuous training necessary to acquire the common professional skills and knowledge" and linguistic training, at their own expense (Article 12(2)).

3.1.7.2 Thus, the training itself will not be provided by the EU, but the content will be. The Commission opts for a tree structure, but does not rule out, *"where appropriate", "the development of the necessary infrastructure and tools for common customs training and customs training management"* (Article 12(1)(c)).

3.1.7.3 In addition, in order to achieve the complementarity already advocated by the EESC, the draft mentions *"the consideration of the opportunities to develop training activities with other public services"* (Article 12(d)). Thus, the cost of the acquisition, development, installation, and maintenance of training systems and modules could, to the extent that they are common to all participating countries, be financed by the programme (Article 17(d)).

3.1.8 The Commission's role

3.1.8.1 This is at the heart of the tree structure. There is no Community structure, but the Commission is the central stakeholder. It will itself determine who are the approved operators for whom the criteria are not yet defined (Article 196 of the Modernised Community Customs Code, MCCC), which public services other than customs could have access for non-customs purposes (explanatory statement to Article 7) to secure data, training, what new private operators (legal and scientific areas) could get involved.

4. **General comments by the Committee**

4.1 The Committee regrets that, despite the obviously interconnected nature of the above-mentioned dossiers and their importance both for authorities and for the women and men who serve them, they were presented by the Commission over the course of 2006 in no particular order, even though they deal with issues that are neither urgent nor entirely new, but are all interlinked.

4.2 It thus regrets even more deeply that it had to rush to draft this opinion for reasons linked to the current budget preparation agenda when, as has already been said, this proposal has to be seen in a very wide context, the impact of which in relation to this procedure was entirely predictable.

- 4.3 The EESC believes that it would inevitably be damaging if customs union, which has been the spearhead of European economic integration, were now to fall behind the world of international trade that it is supposed to regulate and which is in a state of constant change. IT is of course part of its armoury and the infinite possibilities it offers must serve both operators and supervisory authorities. Consequently, the Committee supports the Customs 2013 programme and the budget increase enabling aid to participating countries to continue, inter alia to modernise their tools, make stakeholders accountable and train their officials.
- 4.4 Sharing knowledge, joint actions, follow-up actions: these are good things both for the proper functioning of interoperability and for helping stakeholders to get to know one another, but which will be reserved for a small number of customs officers.
- 4.5 The EESC notes that, as it requested in the past in respect of previous programmes, an evaluation process is to be put in place. It supports this, but regrets that, for the time being, there is no indication as to what indicators will be used.
- 4.6 However, the Committee has some reservations:
- 4.6.1 *"There is a need for customs action to give priority to improve controls and anti-fraud activities" but, at the same time, "minimise the cost of compliance with customs legislation for economic operators", "ensure an efficient management of the control of goods at the external borders and protect the citizens of the Community as regards safety and security of the international supply chain" (3rd recital).*
- 4.7 However, the EESC believes:
- 4.7.1 That proposing the objective of *"provid[ing] an equivalent level of protection to the citizens and economic operators of the Community at any point in the Community customs territory"* (see 2nd recital) is a laudable objective, but an insufficient one for the taxpayer, the operator and, above all, the citizen, if "equivalence" is not synonymous with "excellence" of the highest level. Safety, for example, is a teddy bear that has been inspected in accordance with EU standards and has thus been authorised to enter the EU because the customs officers have established that its eyes cannot be torn out and will thus not choke a child. The text of the proposal posits the principle of control and safety without going into detail; it should be equivalent at any point in the territory, and also be as good as possible.
- 4.7.2 The objective of reducing administrative costs and automating tasks by means of expensive computer systems, when coupled with the obligation on Member States' budget authorities to comply with the maximum levels of public deficit and debt permitted by the Treaties, may lead managers of national authorities to reduce staffing levels independently of one another, thus making cooperation difficult, and/or to externalise their costs by means of a degree of privatisation, which may cause legal uncertainty for operators and citizens vis-à-vis services with significant powers.

- 4.7.3 That the freeing up of trade that is being sought may lead to an increase in fraud (legal commercial goods) and trafficking (illegal goods), against which there would be fewer physical checks; it would have been useful to demonstrate if the fight against fraud by means of electronic checks can work effectively and in an equivalent way in all the participating countries with few officials. The Committee believes that the number of checks always depends on political decisions and the desired relationship between free trade and public safety, but is aware that their implementation depends on officials and the resources available to them. Moreover, the balance between freedom and security is lost if the desire to free up trade by a de facto reduction in the number of checks and the staff who carry them out overrides security imperatives, which the EESC notes are not mentioned in detail in the draft. The Union defines customs policy, but national authorities are responsible for running their structures; they could advantageously reorganise these without destroying them.
- 4.7.3.1 The Committee stresses that, on two earlier occasions in relation to the above-mentioned previous texts on customs, it advocated a certain degree of centralisation of action and of structures. However, since 2005¹¹, the European Commission has gone down the road of a network based on greater cooperation between national customs computer systems, believing that this should lead to increased checks at the same time as simplifying procedures. Interoperable, paperless procedures in practice mean significant restructuring of customs services at national level, with the closure of offices open to those making declarations and a commensurate reduction in the intervention force available to customs in the event of a public health (mad cow disease) or security (terrorism) emergency, and upheaval for staff.
- 4.7.3.2 The Committee also repeats a criticism made when the previous texts were published¹²: *"there is no proper awareness of the interdependence between different public administrations in the fight against crime"*, though this may be mitigated here by the fact that provision is made for a possible opening to other public services (Article 7(6)).
- 4.7.3.3 In general terms, recognising the pivotal role in worldwide trade of the Customs Union and the national administrations that enforce it ought perhaps to have led the Commission to state that this role can only be devolved to the public authorities.
- 4.7.3.4 The interim evaluation report for Customs 2007 has highlighted the severity of the language problem that hinders customs officers in their trans-national activity; the EESC believes that this is not sufficiently taken into account in the 2013 programme, which leaves it up to participating countries. This issue should be a European concern.

11 Communication from the Commission on Fiscalis 2013 and Customs 2013. COM(2005) 111 final, 6.4.2005.

12 COM(2005) 608 final.
CESE 953/2006 of 5.7.2006.
CESE 1151/2006 of 13.9.2006.

4.7.3.5 Against the backdrop of a globalised economy, the Commission could have included a reference to an action with respect to educating third countries and emphasised prevention and training for national authorities of certain countries that are known for harbouring fraudulent channels (in particular counterfeit goods) so that they are able to see the extent to which this harms their own economies and to teach them techniques for carrying out internal checks on this phenomenon.

5. **Specific comments**

5.1 Article 3 of the proposal: Participation in the programme

5.1.1 The Commission proposal sets out the actions to be carried out on both the old and the new borders of the Union and with the ENP countries and to increase cooperation with non-EU countries. They could be involved in certain activities under certain conditions. The Committee believes that this is very important to ensure the fastest possible compliance with the principle of equivalent treatment if and when these countries join the EU. However, the conditions that must be met in order for them to receive aid under Customs 2013 are not specified in the text.

5.2 Article 5(1)(i): Improving cooperation

5.2.1 The Commission rightly wants "to improve cooperation between customs administrations of the Community and third countries". It might perhaps have mentioned the World Customs Organisation as one of the international organisations that might take part in the programme (Article 14).

5.3 Articles 3, 10, 14, 19, 6th recital

5.3.1 These set out the stakeholders who, alongside the Commission, the Customs 2013 Committee (Article 19) and national authorities will make the programme work by continuing actions already undertaken. The type of contribution they will make and the relationships they will have to one another is not precisely set out in the text. Whilst providing expertise, some of them remain "indebted" users; participating countries are not all on the same level. Representatives of international organisations, of third country authorities, of economic operators and their organisations (Article 14) can participate in the programme, but only Member States will be part of "project groups... and steering groups which shall perform activities of a coordinating nature" (Article 10).

5.3.2 Where the texts are not specific, the Commission decides. In accordance with the Modernised Customs Code, it will determine the conditions for becoming an approved operator; in accordance with Article 194 thereof, it can decide alone to change the standards for interoperability of customs systems, and determine itself the instances in which it wishes to

request Member States to alter their decisions. It will decide on which public and private services will participate in Customs 2013 and will thus, free of charge or on a fee-paying basis, benefit from its databases, and on what the conditions are for eligibility for aid under the programme (participating countries).

5.3.3 Whilst it is aware that such an undertaking needs to have an efficient driver, the Committee wonders to what extent the integrated system will be publicly accountable, and would like everything possible to be done to avoid ending up with a network in the hands of super-technicians that would turn the tree structure into a nebulous one over which citizens and their representatives would cease to have any control. It believes that dismantling customs organisations and handing their tasks to independent or private organisations such as agencies or to sub-contractors would constitute an additional risk.

5.4 Article 17 The budget

5.4.1 Implementing the programme is primarily the responsibility of the participating countries (11th recital). The total funding from the EU budget amounts to EUR 323.8 million (explanatory memorandum, point 4, and Article 16(1) and, as stated above, this will in theory represent only EUR 2 million per Member State per year over six years. The biggest contribution to finally achieving an integrated European customs service will come from the Member States who manage the staff and the infrastructure, both from the public and private sectors.

5.4.2 The Committee notes that the draft text does not specify the technical distribution of sums allocated that the *Impact Assessment*¹³ study put at EUR 259.6 million for IT and only EUR 57.4 million for activities aimed at people.

5.5 Article 8 and Article 12(d) Training activities

5.5.1 The EESC believes that, in the Member States, the people who work in business and for operators, as well as in the customs authorities, will be faced with an acceleration of the reforms that have already been started and that, despite the training that they will be offered, some of them, including officials, should have the option of benefiting from some kind of social package if they are unable to cope with the changes. This should be offered for a transition period that takes account of the period in history during which this programme is being implemented (the baby boomer generation leaving the labour market).

5.5.2 In addition, in order to achieve the complementarity already advocated by the EESC, the draft mentions "*the consideration of the opportunities to develop training activities with other public services*" (Article 12(d)). It would have been helpful if the Commission had specified which services, and which participants in the programme were to provide the training.

¹³ Commission staff working document *Customs 2013 – Impact Assessment*, p.30 – document Commission SEC(2006) 570.

5.6 Article 13: Monitoring actions

5.6.1 As knowing one's interlocutor leads to greater trust and greater efficiency in cross-border relations, the Committee believes that these joint visits should be for the most part be made by rank and file officers, and not just by the customs services, as was the case in the old Matheus programme.

6. **The Committee's recommendations**

6.1 In 2005, the Commission Communication announcing the Customs 2013 programme said that the future programme should "allow for co-financing from first and third pillar programmes" on the grounds that it was impossible to confine customs actions to a specific pillar. However, this is not the case for Customs 2013. This seems to be at odds with the task that falls in part to customs to fight large-scale trafficking and to human and territorial safety, a mission that comes under the JHA pillar. The Committee would like this possibility of financing based also on the third pillar to be looked at in order to facilitate complementarity between anti-fraud services and to avoid duplication of costs.

6.2 The EESC believes that it is necessary to look at how customs law – where common law is inadequate – can be developed to reflect the way customs now operate, in particular in the areas of computer fraud, piracy, and of penalties: the Union will have a single market, an interoperable customs network, authorities working in unison, common definitions of offences, but customs penalties that remain different, which would only lead to diversion of traffic and thus different treatment according to the point of entry to the customs territory, which would defeat the object of the whole programme.

6.3 Replacing the Matheus programme with working visits demonstrates the abandonment of the notion of interchangeability of officials within the territory of Europe that motivated the said former programme. Mobility is now across the network, but the Committee believes that working visits should not be any shorter than the exchanges that took place in the past and should be carried out by as many officials as possible so that they can get to know their counterparts and their methods.

6.4 The EESC believes that research should be done into how the programme might contribute to the provision of assistance, during the 2008-2013 transition period, to staff affected by the restructuring brought about by the introduction of permanently computerised customs services in Member States; if necessary, through some form of social package.

6.5 The Committee would like the following to be clarified for the public in the Customs 2013 programme:

- a) the position of actions by customs, with details of the public services that may be given access to their commercial or other data, whether free of charge or otherwise;
- b) the position of European customs vis-à-vis other customs systems in the world (in relation to security issues);
- c) the (qualitative and quantitative) degree of cooperation expected from potential candidate countries, neighbouring countries and third countries, and the part of the budget that will be devoted to this;
- d) the nature and the expected role of international organisations that may take part in activities organised under the programme.

Brussels, 26 October 2006

The President
of the
European Economic and Social Committee

The Secretary-General
of the
European Economic and Social Committee

Dimitris DIMITRIADIS

Patrick Venturini
