

To the attention of:

Frank Janssens
Head of Unit A3
Directorate General for Taxation and Customs Union
B-1049 Brussels BELGIUM

Brussels, 15 February 2016

Subj: Update to the Work Programme for the Union Customs Code

Dear Mr Janssens,

We refer to the letter ref. taxud.a.3(2016) 709305 of 5th February 2016, and thank you for the opportunity to comment on the most recent draft of the Union Customs Code Work Programme (UCCWP).

Referring to a single issue, the Trade Contact Group (TCG) has consistently stated over the past 15 years that economic operators need a period of between 18 and 24 months, from the time they receive stable technical specifications from a National Administration, to develop, test and implement new electronic systems.

We understand and fully appreciate the pressures upon your services and the Member States to meet the deadlines which appear in the UCCWP, but would point out that the deadlines in this document do not take into account the time needed by economic operators to plan, develop, test and implement not only new electronic systems but also any changes to existing ones, which are most often more time consuming and complex than installing new systems.

When raising this issue on various occasions in the past, we have been advised that the Commission could not insist on the notification period as it is at the level of national implementation. Whilst we acknowledge this to be the case, we fail to see how a document such as the UCCWP (aiming at ensuring harmonization and thus transparency and predictability for economic operators throughout the EU) can achieve its goals without a very clear reference to realistic deadlines (i.e. a period of time of between 18 and 24 months) for economic operators to plan, develop, test and implement the required electronic systems that will be obliged by EU Law.

In this respect, we note that on Page 3 of the Annex, in the second paragraph of section 7, the following statement is made, *"Where appropriate, common technical specifications will be defined by the Commission in close cooperation with and subject to review with the Member States, with a view to provide them 24 months prior to the target date of deployment of the electronic system."* While we understand and accept that Member States need assurance that they will have sufficient time to plan, develop and implement the necessary changes, we regret seeing that this is not envisaged for Trade, which will bear the full economic and legal impact.

The text then continues to state that national specifications should be made available to economic operators in a "timely manner", which in practical terms cannot be seen as allowing predictability and transparency. We would respectfully request that the reference to a "timely manner" be amended to state, "in a timely manner, but not less than 18-24 months (depending on the scope/nature of change) before deployment, in order to enable the economic operators to plan and

adjust their systems and interfaces accordingly.” Further, it must also be understood that the technical specifications must be “stable” as defined in Section 3 of the Annex.

In addition to that, we would respectfully request an amendment to the provision of Article 4 ‘Communication and Governance’, paragraph 5 of the Body of the Decision identical to the amendment proposed above to section 7 of the annex. Finally we would also request an amendment to paragraph 2 of the same article in the Decision ensuring that the national planning is shared with the Commission as soon as possible. We consider the reference to the six months as not only too late but also as a contradiction to the time for sharing the technical specifications. The current proposals will cause unnecessary and avoidable economic burdens.

If you require further information on this issue, we are available to meet with you at your convenience.

We thank you for your attention to this issue, and look forward to receiving a positive response.

Yours sincerely,

AEA – Association of European Airlines
AmCham EU – American Chamber of Commerce to the European Union
CECED – European Committee of Domestic Equipment Manufacturers
CLECAT – European Association for forwarding, transport, logistic and customs services
CONFIAD
DIGITALEUROPE
ECASBA – European Community Association of Ship Brokers and Agents
ECG – Association of European Vehicle Logistics
ECSA – European Community Shipowners’ Associations
EEA – European Express Association
ESC – European Shippers’ Council
ESIA – European Semiconductor Industry Association
EUROCHAMBRES – Association of European Chambers of Commerce and Industry
EuroCommerce
Eurometaux – European Association of Metals
EUROPRO
EurTradeNet – ETN
FESI – Federation of the European Sporting Goods Industry
FEPORT – Federation of European Private Port Operators
Foreign Trade Association
FuelsEurope
IATA – International Air Transport Association
OCEAN – European Ship Suppliers Organization
TIACA – International Air Cargo Association
WSC – World Shipping Council

CC:

Philip Kermode

Permanent Representations

