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Non-objection to a delegated act: detailed rules concerning certain provisions of the Union Customs Code

European Parliament decision to raise no objections to the Commission delegated regulation of 5 April 2016 correcting Delegated Regulation (EU) 2015/2446 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (C(2016)01934 — 2016/2639(DEA))

(2018/C 058/39)

The European Parliament,

- having regard to the Commission delegated regulation (C(2016)01934),
 - having regard to the Commission's letter of 11 March 2016 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter from the Committee on the Internal Market and Consumer Protection to the Chair of the Conference of Committee Chairs of 7 April 2016,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 160 and Article 284(5) thereof,
 - having regard to the recommendation for a decision of the Committee on the Internal Market and Consumer Protection,
 - having regard to Rule 105(6) of its Rules of Procedure,
 - having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 105(6) of its Rules of Procedure, which expired on 13 April 2016,
- A. whereas, following the publication of Commission Delegated Regulation (EU) 2015/2446 ⁽²⁾, two errors were detected;
- B. whereas the first error concerns the presumption of a customs declaration laid down in Article 139 of Delegated Regulation (EU) 2015/2446 for some of the types of goods referred to in Article 136(1) of that delegated regulation; whereas the order of the goods listed in Article 136 of Delegated Regulation (EU) 2015/2446 was changed during the final review of that delegated regulation before its adoption, but, by mistake, the references to those goods in Article 139 of that delegated regulation were not updated; whereas the references in question should therefore be corrected;
- C. whereas the second error concerns Article 141(1) of Delegated Regulation (EU) 2015/2446; whereas the currently applicable point (b) of Article 233(1) of Commission Regulation (EEC) No 2454/93 ⁽³⁾, which provides for the possibility, in a number of limited and very specific cases, to deem the crossing of the border to be a declaration for temporary importation, export or re-export, was by mistake not included in Delegated Regulation (EU) 2015/2446, and whereas, as a result, there is no possibility of declaring certain goods by the sole act of crossing the frontier of the Union customs territory; whereas Article 141(1) of Delegated Regulation (EU) 2015/2446 should therefore be corrected;

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁽³⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

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- D. whereas these two mistakes will affect trade flows and have a very negative impact on customs authorities and traders if they are not corrected before 1 May 2016, when the relevant provisions of Regulation (EU) No 952/2013 will become applicable;
- E. whereas the delegated regulation may only enter into force at the end of the period set for scrutiny by Parliament and the Council if no objection has been raised either by Parliament or by the Council or if, before the expiry of that period, both Parliament and the Council have informed the Commission that they will not object; whereas the scrutiny period is set under Article 284(5) of Regulation (EU) No 952/2013 as two months from the date of notification, that is to say, it runs until 5 June 2016, and may be extended by a further period of two months;
- F. whereas, however, on grounds of urgency, the Commission asked on 11 March 2016 for an early confirmation of the delegated regulation before 1 May 2016 by Parliament;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.
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