



Brussels, **XXX**
[...] (2014) **XXX** draft

COMMISSION IMPLEMENTING DECISION

of **XXX**

establishing the Work Programme for the Union Customs Code

**Draft proposal (version 2.0 of 30 October 2015)
with changes to the version 1.0 of 12 October highlighted in yellow**

for the amendment to the

COMMISSION IMPLEMENTING DECISION

of XXX

establishing the Work Programme for the Union Customs Code

THE EUROPEAN COMMISSION,

Having regard to 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 Code¹, and in particular Article 281 thereof,

Whereas:

- (1) Article 280 of Regulation (EU) No 952/2013 laying down the Union Customs Code (hereinafter referred to as 'the Code') provides that the Commission is to draw up a work programme relating to the development and deployment of the electronic systems. The work programme is in particular important for the establishment of the transitional measures related to the electronic systems and the timing for the cases where systems are not yet operational by the date of application of the Code, i.e. 1 May 2016. The work programme is used to establish the periods for the transitional measures laid down in the Commission Delegated Regulation of XXX and XXX and in Commission Implementing Regulation XXX pursuant to article 279 of the Code.
- (2) The Code provides that all exchange of information between customs authorities and between economic operators and customs authorities and storage of such information is to be made using electronic data processing techniques and that information and communication systems are to offer the same facilities to economic operators in all Member States. The work programme should therefore set out an extensive plan for the implementation of electronic systems in order to ensure the correct application of the Code.
- (3) Accordingly, the work programme should contain a list of the electronic systems which should be developed by the Member States ("national systems") or by the Member States in cooperation with the Commission ("trans-European systems") in order for the Code to become applicable in practice. That list is based on the existing planning document related to all IT related customs projects, called the multi-annual strategic plan ("MASP"), which is drawn up in accordance with Decision No 70/2008/EC of the European Parliament and of the Council² and in particular Article 4 and Article 8(2) thereof. The electronic systems referred to in the work programme

¹ OJ L 269, 10.10.2013, p. 1.

² Decision No 70/2008/EC of the European Parliament and of the Council of 15 January 2008 on a paperless environment for customs and trade (OJ L 23, 26.1.2008, p. 21).

should be subject to the same project management approach and prepared and developed as established in the MASP.

The work programme should define and describe the electronic systems as well as the related legal basis, the key milestones and the envisaged dates for starting operations. The **dates referred** to as “start dates of deployment”, **are** the earliest dates as of which Member States may start operating the new electronic system. In addition, the work programme should define "end dates of deployment" by which all Member States and all traders should be migrated to the full use of the new or upgraded electronic system as required under the Code. These time-windows are necessary for the implementation of the deployment of the system at EU level. The duration of the time-windows are in line with the deployment needs of each system.

The dates envisaged for the deployment of the national systems, as belonging to specific national IT environments and circumstances, are to be set in accordance with the Member States' national project and migration plans. The deployment dates and windows envisaged for the trans-European systems are limited to the period necessary for the migration of all Member States and traders from the current to the new system. The end date of this migration, being the end date of the deployment window of the electronic systems as laid down in the annex to this Decision, will constitute the final end date of the transitional period related to the transitional measures constituted in Commission Delegated Regulation XXX and XXX and in Commission Implementing Regulation XXX.

- (4) The electronic systems referred to in the work programme should be selected in view of their expected impact in terms of the priorities defined in the Code. One of the main priorities in this regard is to be able to offer economic operators a wide range of electronic customs services throughout the customs territory of the Union. Furthermore, the electronic systems should aim at enhancing the efficiency, effectiveness and harmonisation of customs processes across the Union. The order of and the timetable for the deployment of the systems included in the work programme should be based on practical and project management considerations such as the spreading of efforts and resources, the interconnection between the projects, the specific prerequisites of each system and the project maturity. As such, the work programme aims to plan and manage the development of the electronic systems in a proper and staged manner. In view of the substantial number of systems and interfaces to be developed, deployed and maintained and the high costs involved to implement the full work programme by 2020, a close follow up and monitoring should be ensured by the Electronic Customs Coordination Group. For transparency reasons, Member States will be requested to submit their national planning to the Commission who will ensure their publication on the Europa website. An assessment of overall progress on a yearly basis is envisaged for the update of the MASP and the work programme.
- (5) As the electronic systems referred to in Article 16(1) of the Code are to be developed, deployed and maintained by the Member States, in cooperation with the Commission, the Commission and the Member States should work together to ensure that the preparation and implementation of the electronic systems are managed in line with the work programme and that appropriate measures are taken to plan, design, develop and deploy the systems identified in a coordinated and timely manner.
- (6) In order to ensure synchronicity between the work programme and the MASP the work programme should be updated at the same time as and based upon the MASP.

- (7) The measures provided for in this decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision lays down the work programme as provided for in Article 280(1) of Regulation (EU) No 952/2013 laying down the Union Customs Code ('the Code').

The work programme is annexed to this Decision.

Article 2

Implementation

1. The Commission and the Member States shall take all necessary actions to cooperate and implement the work programme and to end the transitional periods according to the end dates stipulated in the work programme for the different electronic systems, being at the very latest 31 December 2020.
2. The projects specified in the work programme and the preparation and implementation of the related electronic systems shall be managed in a manner consistent with the work programme and the MASP.
3. The Commission shall undertake to search for a common understanding and agreement with the Member States on the project scope, design, requirements and architecture of the electronic systems in order to initiate the projects of the work programme. Where relevant, the Commission shall also consult and take the views of the economic operators into account.

Article 3

Updates

1. The work programme shall be subject to regular updates in order to ensure alignment and adjustments with the latest developments in the implementation of the Code and to take into account the actual progress made in the preparation and development of the electronic systems, and in particular as regards the availability of commonly agreed specifications and the realisation of the entering into operation of the electronic systems.
2. In order to ensure synchronicity between the work programme and the multi-annual strategic plan ('MASP') the work programme shall be updated at least every year.

Article 4

Governance

1. The Commission and the Member States shall communicate the progress and status of each system concerned by the implementation of the work programme on a regular basis to the Electronic Customs Coordination Group. The communication

shall concern the progress in the development of the electronic systems (status against the milestones), the availability of technical specifications (including for the national electronic systems and interfaces impacting traders) and the envisaged timing for the migration of the Member States and their traders to the new or updated system. The Electronic Customs Coordination Group shall be responsible for monitoring the progress and for ensuring a coordinated follow-up in relation to the implementation of the work programme in accordance with the governance process outlined in the MASP.

2. The Commission and the Member States shall ensure the relevant planning and contact information is made publicly known on their websites in order to carry out the necessary coordination and ensure transparency towards the traders.

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Commission
The President*