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**NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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Subject: Common Understanding on the process for selecting the seat of the EU  
Customs Authority (EUCA)

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Delegations will find attached the Common Understanding on the process for selecting the seat of the EU Customs Authority (EUCA).

## **Common Understanding on the process for selecting the seat of the EU Customs Authority (EUCA)**

### **I – Background**

1. In its judgments of 14 July 2022 concerning the seat of EMA and ELA, the Court of Justice held that “the competence to determine the location of the seat of [those agencies] lies with the EU legislature, which must act to that end in accordance with the procedures laid down by the substantively relevant provisions of the Treaties, in this case Article 114 and Article 168(4) TFEU [and Articles 46 and 48 TFEU respectively], which provide for recourse to the ordinary legislative procedure”.
2. On 17 May 2023, the Commission made a proposal for the customs reform package which included inter alia the establishment of an EU agency for customs, called the ‘EU Customs Authority’ (EUCA). The Commission’s proposal contained no reference to a specific location of the seat of the EUCA.

### **II – Objective**

3. The European Parliament, the Council and the Commission (“the three institutions”) agree that the location of the seat of the EUCA should be selected swiftly, in order for this agency to be set up directly in the location of its seat.
4. The three institutions confirm their wish to ensure a selection process that is efficient, transparent, fair and equitable to all candidates and which respects the decision-making autonomy of each institution, ensuring that the co-legislators are exercising their powers on an equal footing.
5. The three institutions agree on the process as set out below.

### **III – State of play of the EUCA file as regards seat selection**

6. The EUCA will be the second agency to be set up after the judgments of 14 July 2022, following the selection of the seat of the Anti-Money Laundering Authority (AMLA) on February 22, 2024.
7. Several rounds of discussions on the procedure to agree on the selection of the EUCA seat have already taken place between the co-legislators.
8. In October 2025, the co-legislators agreed on joint criteria for the selection of the seat of the EUCA.

9. On 15 October 2025, the co-legislators invited the Commission to launch the call for applications and agreed on the respective application form. The Commission was also asked for an assessment of the applications. On 16 October, the Commission launched the call for applications, with a deadline for Member States to send applications by 27 November. The co-legislators have agreed that the applications would not be further formally processed until an agreement is reached on the entire selection process for the seat of EUCA.
10. The Commission has assessed the Member States' applications and submitted its assessment to the European Parliament and the Council on 20 January 2026.

#### **IV - Proposal for practical arrangements for the seat selection within the ordinary legislative procedure:**

##### **Phase I: arrangements to ensure a transparent, fair and equitable decision**

11. Separate hearings may be organised to allow candidates to present their applications.
12. The European Parliament organised a Q&A session in this respect on 28 January 2026.
13. The co-legislators will assess each application according to the selection criteria included in the call for applications, the information provided by candidates in the application form, the Commission's assessment as well as to the outcome of the hearings.
14. The final decision on the location to host the EUCA's seat should be made by the co-legislators in a trilogue meeting at political level.

##### **Phase II: Voting Procedure**

15. The European Parliament and the Council shall each determine, in accordance with its own respective internal arrangements and in full respect of each institution's decision-making autonomy, its preferred two candidates to host the seat of the EUCA only from among those applications whose eligibility has been confirmed by the Commission's assessment referred to above.
16. The internal meetings of the European Parliament and the Council to each determine the preferred two candidates shall take place at the same time on 25 March 2026. The result of these internal procedures in the European Parliament and the Council will constitute the respective positions of both co-legislators.

17. Immediately following the internal procedure referred to above, the European Parliament and the Council will meet in an ‘informal interinstitutional meeting at political level’ (for the European Parliament, ‘trilogue’) in the Council premises and will announce their preferred candidates. If one candidate is one of the preferred candidates of both the European Parliament and the Council, that candidate shall immediately be deemed ‘selected’. If none of the preferred candidates of one institution is also the preferred candidate of the other or if both of the preferred candidates are identical, then a joint vote will take place in the same meeting immediately after the announcement of the preferred candidates.

First Voting Round (representational threshold):

18. Representatives of the co-legislators taking part in the vote may only cast their vote on the basis of the two (in case of more than one common preferred candidate) or four (in case of no common preferred candidate) preferred candidates (hereinafter ‘the pre-selected candidates’) announced by the Council and the European Parliament at the start of the meeting.
19. Each co-legislator’s internal discussions in preparation for this joint vote should be conducted in accordance with their respective internal arrangements and in full respect of each institution’s decision-making autonomy. In order to ensure a level playing field between the European Parliament and the Council, each co-legislator will be attributed 27 votes (and 27 ballots). Each co-legislator will be free to allocate the 27 votes to its representatives within its own delegation, in accordance with their internal arrangements and in full respect of each institution’s decision-making autonomy.
20. Each co-legislator will designate a single co-Chair whose role will be to supervise the organisation and conduct of the joint vote.
21. The joint vote will be organised in secret-ballot procedure per institution. Each co-legislator should cast their attributed 27 voting ballots for their preferred candidates among the pre-selected candidates. A voting ballot may only be cast in favour of one of the two or four pre-selected candidates, as the case may be. A ballot that contains a vote for more than one candidate will be considered to be a vote not cast.
22. Each voting representative may decide to abstain, that is, to not cast his or her vote. An abstention is considered a vote not cast. Once votes have been cast, the co-Chairs will reveal the results by announcing the votes one by one.
23. The pre-selected candidate that receives at least fourteen votes of the European Parliament and fourteen votes of the Council (the ‘representational threshold’), is the ‘selected’ candidate.

24. In case there are two pre-selected candidates in the first voting round and none of these pre-selected candidates reaches the representational threshold referred to above, these candidates both move to the second voting round.
25. In case there are four pre-selected candidates in the first voting round and none of these pre-selected candidates reaches the representational threshold referred to above, the two candidates that receive the aggregate lowest number of votes from both institutions in the first voting round are eliminated. The two remaining candidates move to the second voting round. In the case of a tie between the second and third ranked candidates, all three pre-selected candidates will move on to the second voting round.

Second Voting Round (joint threshold):

26. In the second voting round, each co-legislator will be attributed 27 votes (and ballots). A voting ballot may only be cast by secret ballot in favour of one of the two or three, as the case may be, pre-selected candidates. A ballot that contains a vote for more than one candidate will be considered to be a vote not cast.
27. Each voting representative may decide to abstain and not to cast his or her vote for any of the applications. An abstention is considered a vote not cast. Once votes have been cast, the Co-Chairs will reveal the results by announcing the votes one by one.
28. An application will be deemed 'selected' when receiving at least a three-fourth majority of the total votes cast (i.e. at least 41 votes if 54 are validly cast).
29. In case there are two pre-selected candidates in the second voting round and none of these pre-selected candidates reaches the joint threshold referred to above, these candidates both move to the third voting round.
30. In case there are three pre-selected candidates in the second voting round and none of these pre-selected candidates reaches the joint threshold referred to above, the candidate that receives the lowest number of votes in the second voting round is eliminated. The two remaining candidates move to the third voting round. In the case of a tie between the second and third ranked candidates, all three pre-selected candidates will move on to the third voting round.

### Third Voting Round

31. In the third voting round, each co-legislator will be attributed 27 votes (and ballots). A voting ballot may only be cast by secret ballot in favour of one of the two or three, as the case may be, (remaining) pre-selected candidates. A ballot that contains a vote for more than one candidate will be considered to be a vote not cast.
32. Each voting representative may decide to abstain and not to cast his or her vote for any of the applications. An abstention is considered a vote not cast. Once votes have been cast, the Co-Chairs will reveal the results by announcing the votes one by one.
33. An application will be deemed 'selected' when receiving at least a two-third majority of the total votes cast (i.e. at least 36 votes if 54 are validly cast).
34. As the case may be, several rounds of voting may be organised until such a majority is reached.
35. If the third voting round has been repeated three times without the two-third majority having been reached, the result of that third repeated third round will be counted. The application that receives a simple majority of the votes validly cast will be deemed 'selected' to host EUCA's seat.

### Final Trilogue:

36. A final trilogue will be organised immediately after the location of the seat resulting from the political choice made pursuant to the above process has been made. The location of the seat will be reflected in the legislative text to be formally adopted as part of the said text in accordance with the ordinary legislative procedure.

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