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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013 - Title XI - Presidency compromise text

Delegations will find enclosed the Presidency compromise text for Title XI of the UCC reform proposal. Changes to the previous Presidency compromise text (doc: WK 2545/2025) are marked in **bold underline** and ~~strikethrough~~.

(51) It is appropriate to enhance the mechanism aimed at more effectively supervising the implementation of the restrictive measures on the flow of goods that can be adopted by the Council in accordance with Article 215 TFEU. In such a case, the EU Customs Authority should provide support to the Commission and Member States to ensure that those measures are not circumvented, by promoting consistent customs practices in their implementation and identifying any discrepancies in their application. In this context, the EU Customs Authority's reporting activities aim to support the consistency of customs practices and ensure the effective monitoring of the implementation of restrictive measures. Customs authorities should ensure that they take all the necessary steps to comply with the measures and should inform the Commission and the EU Customs Authority accordingly."

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Title XI
RESTRICTIVE MEASURES AND CRISIS MANAGEMENT MECHANISM

Chapter 1
Restrictive measures

Article 201

Role of the EU Customs Authority and of the customs authorities

1. The EU Customs Authority shall contribute to the correct application of restrictive measures adopted in accordance with Article 215 TFEU by monitoring their implementation in the areas falling under its competence. It shall provide ~~non-binding~~ guidance to customs authorities, contribute to the consistency and effectiveness of the application of these measures. This guidance will be subject to review and authorization by the Commission, while ~~fully~~ respecting the implementation responsibilities of Member States.

2. Customs authorities shall take all necessary measures to ~~fully~~ implement ~~the adopted~~ restrictive measures**, taking into account** ~~applying the operational methods they consider most appropriate and~~ the guidance provided by the EU Customs Authority.

Article 202

Reporting

1. The EU Customs Authority shall **coordinate the implementation of the restrictive measures and** collect and analyse information to assess **[the effectiveness of]** the implementation by the customs authorities of the restrictive measures and their impact on trade flows and customs compliance. It shall provide periodic [and ad hoc] reports **to the Council and** to the Commission **and Member States**. ~~With a view to promote consistent customs practices in the implementation of restrictive measures,~~ **In** such reports**, the EU Customs Authority shall** also identify ~~implementation~~ **possible** discrepancies ~~where they arise~~ **in the implementation of restrictive measures**.

2. The customs authorities shall inform the EU Customs Authority and the Commission, as well as the national authorities of the Member States competent for sanctions implementation, of any detected or well-founded indications of circumvention of restrictive measures and of the mitigation measures taken. The exchange of information shall be, whenever possible, be carried out through the EU Customs Data Hub.

Chapter 2
Crisis management mechanism

Article 203

Preparation of protocols and procedures

1. The EU Customs Authority shall prepare procedures and protocols, in close cooperation with Member States and the Commission, with a view to ensuring **[adequate]** ~~a rapid, effective, and proportionate~~ response to crisis situations. These procedures and protocols can be activated in accordance with Article 204(1) in case of:

   (a) a crisis **in** ~~at the border of~~ one or more Member States that has a significant ~~and lasting~~ impact on the customs processes and ~~seriously~~ disrupts the ~~normal~~ flow of goods, customs controls or related procedures;

(b) a crisis in another sector that requires customs authorities to take coordinated action with relevant authorities.

(c) deleted

2. Protocols and procedures may cover in particular:

(a) the application of common risk criteria, common priority control areas, and risk profiles, as well as appropriate mitigation measures**, customs formalities** and customs controls;

(b) a collaboration framework enabling the temporary deployment of customs officials and customs control equipment between Member States, subject to the **request and** agreement of the concerned Member States and with due regard to the national and Union legislation defining the tasks and competences of deployed customs personnel.

Article 204

Activation of the crisis management mechanism

1. The Commission upon its own initiative or on the request of one or more Member States or the EU Customs Authority, may adopt an implementing act**s laying down** ~~determining~~ the ~~appropriate and~~ necessary provisions to be applied in case of crisis**, including its activation, prolongation, and deactivation**. This shall be done in accordance with the examination procedure referred to in Articles 262 (4) and (5) of this Regulation**.** ~~,~~ **Those provisions should** tak**e**~~ing~~ into account the protocols and procedures referred to in Article 203, and **should** defin**e**~~ing~~ the specific measures and arrangements required to address a crisis situation or to mitigate its negative effects.

2. The EU Customs Authority shall coordinate and monitor the application and implementation of the measures referred to in paragraph 1 by the customs authorities~~,~~ **and** report~~ing~~ the results to the Commission **and to the Member States**.

3. The EU Customs Authority shall set up a crisis response cell that is permanently available throughout the crisis. The competencies, areas of expertise, and composition of the crisis response cell shall be determined at the time of its establishment, taking into account the protocols and procedures referred to in Article 203 as well as the nature and scope of the crisis.

4. Customs authorities shall implement and apply the measures and arrangements adopted pursuant to this Article and shall report to the EU Customs Authority on their implementation and application. The scope, format, and frequency of reporting shall be determined by the EU Customs Authority in consultation with the Member States, taking into account the nature of the crisis and the measures applied.

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