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We refer to your request of October 31, 2003 for an update on discussions between the European Commission and the US on the CSI, and in particular on the 24-hour rule.

We understand from a DGTAXUD contact directly involved in the matter that the Commission and the US customs authorities are very close to an agreement on the expansion of customs cooperation. On Wednesday evening (November 5), the Commission and the US Customs authorities will try to agree on the final wording of a draft Decision of the EU-US Joint Customs Cooperation Committee. This decision will lay down the principles of information exchanges but the details remain to be worked out by a technical working group which will be set up by the Decision. The Decision is expected to be adopted in late December or in January 2004 after the internal procedures in both EU and US have been completed. The Commission expects the technical details to be finalized during 2004.

As regards the 24-hour rule, the Commission agrees on the need for pre-arrival information, as is evidenced by the inclusion of a 24-hour rule in the Commission's recent proposal for an amendment to the Customs Code (COM(2003)452), but it does not like the fact that economic operators have to supply information directly to the US customs administration and not through the Member States' customs administrations. On the other hand, the Commission knows that it cannot, at this stage, require information for the US to be shipped through the Member States because exchanges of information between the Member States' customs administration are still a problem due to the lack of common interfaces and incompatible IT systems. We will speak to more contacts in DG TAXUD later this week and will send a further update on this matter.

後半

As promised, we discussed the 24-hour rule further with Commission contacts and we also wish to clarify how the Commission has responded to the concerns of industry in Europe.

As we reported earlier, the Commission is not opposed to the principle that certain information has to be provided by economic operators to customs authorities before a shipment arrives for security reasons (after September 11), but it clearly does not want to copy the US rule.

The main difference between the US rule and the proposed EU rule (in COM(2003) 452) is that the US requires information to be submitted 24 hours before a shipment is loaded in the country of export. The EU proposal would require a summary declaration 24-hours before a shipment arrives (with the possibility of even shorter timeframes applying for special categories of economic operators). In other words, companies under the EU proposed rule would have to submit information much later than they do under the US regime.

As regards concerns expressed by industry about the US 24-hour rule, our contact said that initially, the Commission (like business) was very worried that the rule would seriously disrupt the existing logistic processes of EU businesses. However, it now feels that EU businesses have adapted themselves very well to the requirements of the US regime, for example by ensuring that cargo arrives at the port of loading earlier and that information is prepared longer in advance than in the past. We

were told that, because EU companies appear to be coping well, the Commission has no intention of "climbing back on the barricades" to seek changes to the US 24-hour rule.

The Commission's efforts and discussions with the US are focusing on achieving a system in which there is a "customs-to-customs" exchange for security reasons, and on the replacement of bilateral cooperation agreements and initiatives with EU-US cooperation.

As regards a customs-to-customs regime, the final goal of the Commission is for EU companies to submit security information for export destinations to the local customs authorities of the Member States from which they export, who would then submit this information to the third country that requires the information (e.g. the US customs administration). We know that this has caused concern with certain business sectors, e.g. the express delivery sector, who fear that the involvement of an additional administration will only increase the burden on them to produce data even earlier. Their fear is fed by the fact that every Member State uses different IT systems and procedures. We understand from the Commission that not all Member States believe in a customs-to-customs approach either. Our contact in the Commission acknowledged that the difficulty at present is indeed the lack of a single EU system under which information can be exchanged and that a balance has to be achieved between security and trade facilitation. All 15 (and soon 25) Member States use their own national computer systems.

Although there are ongoing efforts to produce a real EU system, a number of years will be required for this to be fully operational. At present, there is a network linking all customs offices (CCN/CSI) and this is used for transit procedures (the "NCTS" or New Computerized Transit System") but even this network is not yet fully in place. The Commission would find it logical that this network should be used for other exchanges of information as well (e.g. exchanges with third country administrations) and a pilot project is ongoing for using the CCN/CSI network for automated export procedures. However, the CCN/CSI has not replaced national systems, which continue to be linked to it, and this makes the system very complex for operators. This is a highly technical question on which experts are working.

As regards inspections in ports, the Commission wants to set up a system under which cooperation occurs under the EU-US umbrella. The first phase in this exercise will be the decision expanding the EU-US customs cooperation agreement (on which we reported earlier this week). But the actual details ("the real work") will still have to be worked out by the technical working group that will start work after the adoption and entry into force of the decision extending customs cooperation.

We understand that apart from the US and the EU, Canada and Australia are also working on regimes requiring pre-arrival declarations. The Canadian "ACI" system (Advanced Commercial Information) could be operational as from April 1, 2004, and uses the WCO data model for security information.