Commission Implementing Decision (EU) 2019/2151 of 13 December 2019 establishing the work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code

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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 Code[(1)], and in particular to Article 281 thereof,

Whereas:

(1) Article 6 of Regulation (EU) No 952/2013 laying down the Union Customs Code provides that all exchanges of information between customs authorities and between economic operators and customs authorities and storage of such information are to be made using electronic data processing techniques. Article 280 of the Regulation provides that the Commission is to draw up a work programme relating to the development and deployment of the electronic systems ('the work programme').

(2) The Commission adopted the first work programme by means of Commission Implementing Decision 2014/255/EU[(2)] and updated it for the first time in 2016 by means of Commission Implementing Decision (EU) 2016/578[(3)]. The 2016 work programme needs to be updated to take account of new resource- and priority-based planning for the electronic systems. It is also necessary to take account of the amendment to Article 278 of Regulation (EU) No 952/2013 made by Regulation (EU) 2019/632 of the European Parliament and of the Council[(4)] to prolong the transitional use of means other than the electronic data-processing techniques provided for in Regulation (EU) No 952/2013. To ensure stable and reliable planning for deployment of electronic systems provided for in Regulation (EU) No 952/2013, future updates of the work programme should take place only if there are new developments. The provision requiring an update of the work programme every year should therefore be deleted.

(3) It is also necessary to further specify certain elements of the reporting obligation, which was imposed on the Member States and on the Commission by the new Article 278a of Regulation (EU) No 952/2013 in order to monitor the progress in developing the electronic systems. In accordance with paragraph 4 of this Article, Member States are to provide the Commission, twice per year, with an updated table on their own progress in developing and deploying the electronic systems. The table should contain the dates for completion of certain milestones and, in the event of delays or risks of delays, the

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/2151. (See end of Document for details)*

mitigating actions as referred to in Article 278a(3). It is also necessary to specify the dates by which the Member States should send the information. This will allow the Commission to draft and submit its report on progress in developing the electronic systems to the European Parliament and to the Council at the end of each year. The Member States should also inform the Commission immediately of substantial changes in their IT planning. However, given the reporting obligation provided in Article 278a(4), it is no longer necessary to require the Member States to send information 6 months before the deployment of a new electronic system.

(4) The work programme should list the electronic systems provided for in Regulation (EU) No 952/2013, the relevant Articles providing for those systems and the dates on which they are expected to become operational. The work programme should distinguish between the electronic systems that the Member States are to develop themselves ('national systems') and those that they are to develop in cooperation with the Commission ('trans-European systems'). All these electronic systems are needed for Regulation (EU) No 952/2013 to be fully effective. The list should be based on the existing planning document covering all IT-related customs projects (the multi-annual strategic plan for customs, 'MASP-C'[(5)]), which is being drawn up in accordance with Decision No 70/2008/EC of the European Parliament and of the Council[(6)], and in particular Article 4 and Article 8(2) thereof. The electronic systems referred to in the work programme should be managed, prepared and developed as established in the MASP-C.

(5) As the transitional period for the full application of Regulation (EU) No 952/2013 should be finished at the latest by the dates referred to in Article 278 provided for in this Regulation, the work programme defines in more detail the actual dates of deployment of each of the electronic systems and as such sets the end period of the application of the specific transitional measures as provided by Commission Delegated Regulation (EU) 2016/341[(7)].

(6) Where the work programme allows the Member States to choose to deploy a trans-European or national electronic system within a given period (i.e. deployment window), the Annex should make it clear that the 'start date of deployment' is the earliest date on which Member States may start operating the new electronic system and the 'end date of deployment' is the last date by which all Member States and all economic operators are to start using the new or upgraded electronic system. The end date of deployment should also be the end of the period of the transitional measures related to that electronic system. Those dates should therefore be set on the basis of the deadlines provided in paragraphs 1, 2 and 3 of Article 278 of Regulation (EU) No 952/2013. These deployment windows are necessary to implement the systems at Union level, taking into account the needs of each system. Different rules concerning deployment windows should apply to the customs project on pre-arrival security and safety (ICS2). In this case, all Member States should be ready to deploy each release of the project at the start date for the release, while economic operators should be given, with the agreement of the Member States, a possibility to connect within the deployment window.

(7) The deployment windows for the migration of national electronic systems should be adapted to the national project and migration plans of Member States and should take into account their specific national IT environments and circumstances. The end dates of deployment of national electronic systems should also bring to an end the periods of the transitional measures related to those electronic systems. Those dates should therefore be set on the basis of the deadlines provided in paragraphs 1, 2 and 3 of Article 278 of Regulation (EU) No 952/2013.

(8) The Member States and the Commission should also ensure that the economic operators have received in a timely manner the technical information needed for them to update their own electronic systems and to connect to the new or upgraded electronic systems provided for in Regulation (EU) No 952/2013. Communication on the changes needed is to be provided between 12 and 24 months before deployment of a particular system, if necessary due to the scope and nature of that system. For minor changes, that period may be shorter.

(9) The dates of deployment of certain projects need to be modified to ensure synchronicity between the work programme and the MASP-C, and to take into account the new deadlines provided in Article 278 of Regulation (EU) No 952/2013.

(10) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

The work programme

The work programme relating to the development and deployment of the electronic systems provided for in Regulation (EU) No 952/2013 laying down the Union Customs Code (‘the work programme’), as set out in the Annex, is hereby adopted.

Article 2

Implementation

1 The Commission and the Member States shall cooperate in the implementation of the work programme.

2 The Member States shall develop and deploy the relevant electronic systems within the dates of the relevant deployment windows laid down in the work programme.

3 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 multi-annual strategic plan for customs.

4 The Commission shall undertake to seek common understanding and agreement with the Member States on the project scope, design, requirements and architecture of the electronic systems when initiating the projects of the work programme. Where relevant, the Commission shall also consult with and take into account the views of economic operators.

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Article 3

Updates

The work programme shall be updated regularly to ensure its alignment with and adjustment to developments in the implementation of Regulation (EU) No 952/2013, and to take account of actual progress in preparing and developing the electronic systems. This applies particularly to the availability of commonly agreed specifications and the practical operational launch of the electronic systems.

Article 4

Communication and reporting

1 The Commission and the Member States shall share information on planning and on progress in implementing each of the systems.

2 The Member States shall submit to the Commission national project and migration plans and the table on their progress in developing and deploying the electronic systems referred to in Article 278a(4) of Regulation (EU) No 952/2013 by 31 January and by 30 June each year. The plans and the table shall include the relevant information necessary for the annual report to be submitted by the Commission under Article 278a of Regulation (EU) No 952/2013.

3 Member States shall inform the Commission immediately of any important updates in their national project and migration plans.

4 Member States shall make the technical specifications related to the external communication of the national electronic system available to economic operators in a timely manner.

Article 5

Repeal

1 Implementing Decision (EU) 2016/578 is repealed.

2 References to the repealed Decision and to Implementing Decision 2014/255/EU shall be construed as references to this Decision.

Article 6

Entry into force

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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/2151. (See end of Document for details)*

Done at Brussels, 13 December 2019.

For the Commission

The President

Ursula VON DER LEYEN