



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.5.2003  
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**OPINION OF THE COMMISSION**

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding the  
proposal for a**

**DECISION OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**on computerising the movement and surveillance of excisable products**

**AMENDING THE PROPOSAL OF THE COMMISSION  
pursuant to Article 250 (2) of the EC Treaty**

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#### **1. BACKGROUND**

The Commission presented the proposal for a decision, based on Article 95 of the EC Treaty, to Parliament and the Council on 19 November 2001.

The European Economic and Social Committee delivered its opinion on 29 May 2002.

The European Parliament gave its opinion on first reading on 24 September 2002.

The Commission accepted the majority of the amendments proposed by the European Parliament and presented an amended proposal to the Council on 20 December 2002.

The Council adopted its common position unanimously on 21 January 2003.

On 8 April 2003 Parliament adopted, on second reading, six amendments to the Council's common position.

This opinion sets out the Commission's position on Parliament's amendments pursuant to Article 251(2)(c) of the EC Treaty.

#### **2. OBJECTIVES OF THE COMMISSION'S PROPOSAL**

The aim of the Commission's proposal is to introduce an integrated computerised system for the surveillance and monitoring of intra-Community movements of excisable products (alcohol, tobacco and mineral oils). This integrated system will enable the accompanying administrative paper document which has to accompany excisable products moving between Member States under the suspension arrangements to be replaced by computerised messages between economic operators routed through the national administrations concerned.

The Commission's proposal sets out the Member States' and Commission's obligations in implementing this system and includes a specific budget for the development of the Community components of the system.

### **3. COMMISSION OPINION ON PARLIAMENT'S AMENDMENTS.**

#### **3.1. Summary of the Commission's position.**

The Commission is able to accept all six amendments proposed by Parliament as it considers they will expand and improve the wording of the common position.

#### **3.2. Amendments proposed by Parliament on second reading.**

##### *3.2.1. Amendments accepted.*

##### **3.2.1.1. Amendment 1 (new recital 4a and amendment 4 (Article 3, paragraph 1(a) new)) (merger of the computerised system for the intra-Community movement and monitoring of excisable goods with the transit system).**

These two amendments are intended to introduce a new recital 4a and a new paragraph 1(a) to Article 3 to ensure compatibility between, and even the merger, where technically feasible, of the system forming the subject of the decision of Parliament and Council (EMCS) and the computerised transit system (NCTS).

The Commission accepts these two amendments as they will clarify the wording and will incorporate a statement which the Council decided to attach to the minutes on first reading.

##### **3.2.1.2. Amendment 2 (new recital 6a (treatment of economic operators by Member States)).**

This amendment introduces a new recital 6a to ensure that when the national components of the system are developed Member States treat economic operators in the same way as they would under their national computerised systems. They will be required to enable traders, and in particular small and medium-sized enterprises, to use national components at the lowest possible cost and they should promote all measures aimed at preserving their competitiveness.

The Commission accepts this amendment as it is intended to ensure that traders, and in particular small and medium-sized enterprises, can use national components at the lowest possible cost.

##### **3.2.1.3. Amendment 3 (new recital 10a) (development of interim applications with the Member States taking account of the views of the economic sectors concerned).**

This amendment is intended to introduce a new recital 10a so that, pending the complete development of the system, interim solutions can be identified to improve the current system with Member States and in conjunction with the economic sectors concerned.

The Commission accepts this amendment as it has already initiated a number of similar measures.

3.2.1.4. Amendment 5 (Article 4, paragraph 1, subparagraph (aa) (development of a security policy of the highest standard possible).

The purpose of this amendment is to add a new subparagraph (aa) to Article 4(1) expressly stating that there is a need for a security policy of the highest possible standard.

This concern is shared by the Commission and it therefore accepts this amendment.

3.2.1.5. Amendment 6 (addition to Article 9) (participation by the candidate countries in tests if they wish)).

This amendment specifies in Article 9 that candidate countries can participate in the tests to be carried out if they wish.

The Commission accepts this amendment as it leaves candidate countries free to decide whether they wish to participate in the tests without requiring them to do so.

**4. CONCLUSION.**

The Commission makes the above amendments to its proposals pursuant to Article 250(2) of the EC Treaty.