



Brussels, **XXX**
[...](2015) **XXX** draft

COMMISSION IMPLEMENTING DECISION (EU) .../...

of **XXX**

**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 Code¹, and in particular Article 281 thereof,

Whereas:

- (1) Article 280 of Regulation (EU) No 952/2013 laying down the Union Customs Code (hereinafter "Code") provides that the Commission is to draw up a work programme relating to the development and deployment of the electronic systems (hereafter "Work Programme"). The first Work Programme was adopted by Commission Implementing Decision 2014/255/EU². It is necessary to update that programme. Given the number of changes that are necessary to Decision 2014/255/EU and for reasons of clarity it is appropriate to replace and repeal that Decision.
- (2) The Work Programme is in particular important for the establishment of the transitional measures related to the electronic systems and the time limit for the deployment of the systems that are not yet operational by the date of application of the Code - 1 May 2016. Therefore, the Work Programme is necessary to establish the transitional periods related to the electronic systems laid down in Commission Delegated Regulation (EU) 2015/2446³, Commission Delegated Regulation (EU) XXX/XXX⁴ [TDA] and the Commission Implementing Regulation (EU) 2015/2447⁵.
- (3) The Code provides that all exchange of information between customs authorities and between economic operators and customs authorities and storage of such information is to be made using electronic data processing techniques and that information and communication systems are to offer the same facilities to economic operators in all Member States. The Work Programme should therefore set out an extensive plan for

¹ OJ L 269, 10.10.2013, p. 1.

² Commission Implementing Decision 2014/255/EU establishing the Work Programme for the Union Customs Code (OJ L 134, 7.5.2014, p. 46).

³ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁴ Commission Delegated Regulation (EU) XXX/XXX supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446, (OJ L ...).

⁵ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, (OJ L 343, 29.12.2015, p. 558).

the implementation of electronic systems in order to ensure the correct application of the Code.

- (4) Accordingly, the Work Programme should contain a list of the electronic systems which should be prepared and developed by the Member States ("national systems") or by the Member States in cooperation with the Commission ("trans-European systems") in order for the Code to become applicable in practice. That list should be based on the existing planning document related to all IT related customs projects, called the multi-annual strategic plan ("MASP"), which is drawn up in accordance with Decision No 70/2008/EC of the European Parliament and of the Council⁶ and in particular Article 4 and Article 8(2) thereof. The electronic systems referred to in the Work Programme should be subject to the same project management approach and prepared and developed as established in the MASP.
- (5) The Work Programme should identify the electronic systems as well as the related legal basis, the key milestones and the envisaged dates for starting operations. The dates referred to as "start dates of deployment" should be the earliest dates as of which Member States are able to start operating the new electronic system. In addition, the Work Programme should define "end dates of deployment" as the latest dates by which all Member States and all economic operators start using the new or upgraded electronic system as required under the Code. These time windows are necessary for the implementation of the deployment of the system at Union level. The duration of the time windows should take into account the deployment needs of each system.
- (6) The time limits for the deployment of trans-European systems should be established either by means of specific dates or, where necessary, by means of time windows. Those time windows should be limited to what is necessary for the migration of the current system used by Member States and economic operators to the new system. The Member States should be allowed to decide within those time windows when to start and end the migration of their own systems and for the economic operators to use and to connect to the new systems. The end date laid down by each Member State should constitute the end date of the validity of the period related to the transitional rules for the relevant electronic systems' laid down in Delegated Regulation 2015/2446, Delegated Regulation XXX/XXX [TDA] and Implementing Regulation 2015/2447.
- (7) The time limits for the deployment and migration of national systems should be set in accordance with the national project and migration plans of Member States given that those systems belong to specific national IT environments and circumstances. The end date laid down by each Member State should constitute the end date of the transitional period related to the relevant electronic systems laid down in Delegated Regulation (EU) 2015/2446, Delegated Regulation (EU) XXX/XXX [TDA] and the Implementing Regulation (EU) 2015/2447. For reasons of transparency, and pursuant to Article 56(2) of Delegated Regulation XXX [TDA], Member States should submit their national planning to the Commission and the Commission should publish that planning on the Europa website. In addition, the Member States should ensure, in a timely manner, the transmission to the economic operators of the technical information necessary to enable the economic operators to update where necessary their own systems and connect to the new or upgraded systems and apply the new rules and data requirements, whilst applying the recommendations provided by Member States in their national guides of good IT practices.

⁶ Decision No 70/2008/EC of the European Parliament and of the Council of 15 January 2008 on a paperless environment for customs and trade (OJ L 23, 26.1.2008, p. 21).

- (8) The electronic systems referred to in the Work Programme should be selected in view of their expected impact in terms of the priorities defined in the Code. One of the main priorities in this regard is to be able to offer economic operators a wide range of electronic customs services throughout the customs territory of the Union. Furthermore, the electronic systems should aim at enhancing the efficiency, effectiveness and harmonisation of customs processes across the Union. The order of and the timetable for the deployment of the systems included in the Work Programme should be based on practical and project management considerations such as the spreading of efforts and resources, the interconnection between the projects, the specific prerequisites of each system and the project maturity. The Work Programme should organise the development of the electronic systems in different stages. In view of the substantial number of systems and interfaces to be developed, deployed and maintained and the high costs involved to fully implement the Work Programme by the year 2020, a close follow up and monitoring should be ensured.
- (9) As the electronic systems referred to in Article 16(1) of the Code are to be developed, deployed and maintained by the Member States, in cooperation with the Commission, the Commission and the Member States should work together to ensure that the preparation and implementation of the electronic systems are managed in line with the Work Programme and that appropriate measures are taken to plan, design, develop and deploy the systems identified in a coordinated and timely manner.
- (10) In order to ensure synchronicity between the Work Programme and the MASP, the Work Programme should be updated at the same time as MASP and should be aligned with MASP. In establishing future updates of the Work Programme it will be necessary to pay particular attention to progress achieved annually in meeting the agreed targets set, given the ambitious and challenging nature of the electronic systems to be finalised in the years 2019 and 2020 as well as the currently planned concentration of work in the years 2019 and 2020.
- (11) 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 the Union Customs Code (hereinafter "Work Programme"), as set out in the Annex, is 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 by the end 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 ("MASP").
4. The Commission shall undertake to search for a common understanding and agreement with the Member States on the project scope, design, requirements and architecture of the electronic systems in order to initiate the projects of the Work Programme. Where relevant, the Commission shall also consult and take into account the views of the economic operators.

Article 3

Updates

1. The Work Programme shall be subject to regular updates in order to ensure its alignment and adjustment with the latest developments in the implementation of Regulation (EU) No 952/2013, and to take into account the actual progress made in the preparation and development of the electronic systems, in particular as regards the availability of commonly agreed specifications and the realisation of the entering into operation of the electronic systems.
2. In order to ensure synchronicity between the Work Programme and the MASP, the Work Programme shall be updated at least every year.

Article 4

Communication and Governance

1. The Commission and the Member States shall share the information on planning and progress on implementation of each of the systems.
2. Six months before the planned date of deployment for a given IT system at the latest Member States shall submit to the Commission national project and migration plans. Those plans shall include the following information:
 - the date of publication of the technical specifications for the external communication on the electronic system;
 - the period of conformance testing with economic operators;
 - the dates of deployment of the electronic system, including the start of the operations, and, where applicable, the period during which the economic operators are allowed to carry out migration.
3. Member States shall inform the Commission of any updates of national project and migration plans.
4. The Commission shall publish national project and migration plans on its website.
5. Member States shall make available to the economic operators the technical information related to the external communication of the national electronic system in a timely manner.

Article 5

Repeal

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

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

Done at Brussels,

For the Commission
The President