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ANNEX

ANNEX

to the

Recommendation for a COUNCIL DECISION

**to authorise the European Commission to open negotiations for a Customs Cooperation
and Mutual Administrative Assistance Agreement (CCMAA) with the Republic of
Belarus**

ANNEX

RECOMMENDATION FOR A COUNCIL DECISION TO AUTHORISE THE EUROPEAN COMMISSION TO OPEN NEGOTIATIONS FOR A CUSTOMS COOPERATION AND MUTUAL ADMINISTRATIVE ASSISTANCE AGREEMENT (CCMAA) WITH THE REPUBLIC OF BELARUS

1. NATURE OF THE ENVISAGED AGREEMENT

The scope of the envisaged Agreement will be limited to matters of Union competence. The general objective of the envisaged Agreement will be to develop and intensify cooperation and mutual administrative assistance in customs matters with the Republic of Belarus; in particular, to establish the legal basis for a customs cooperation framework which aims at securing the supply chain and facilitating legitimate trade, while ensuring effective customs controls, as well as protecting the financial interests of the European Union by enabling information exchange to ensure the proper application of customs legislation. The envisaged Agreement will be concluded for an unlimited period of time.

2. CONTENT OF THE ENVISAGED AGREEMENT

The envisaged Agreement will cover all provisions adopted by the European Union, and the Republic of Belarus, also referred to as the Contracting Parties, in their respective customs legislations governing the import, export and transit of goods and their placing under any other customs procedure. No field that is subject to Union jurisdiction and in which customs cooperation or mutual administrative assistance would be appropriate is excluded in principle.

The envisaged Agreement should therefore cover elements such as:

- (1) Cooperation on improvement of customs legislation, harmonisation and simplification of customs procedures;
- (2) Establishment of modern customs systems, including modern customs clearance technologies, provisions for authorised economic operators, automated risk-based analysis and controls, simplified procedures for the release of goods, post-release audit, provisions for customs-to-business partnerships;
- (3) Facilitation and effective control of transshipment operations and transit movements through the respective territories; cooperation and coordination between all concerned authorities and agencies in their respective territories to facilitate traffic in transit; pursue, where relevant and appropriate, possibilities for compatibility of the respective customs transit systems;
- (4) Professional ethics;
- (5) Exchange, where appropriate and under modalities to be defined, relevant information and data whilst respecting the rules on the confidentiality of sensitive data and on personal data protection of the Contracting Parties;
- (6) Coordination of customs actions between the customs authorities of the Contracting Parties.

- (7) Mutual recognition of authorised economic operators programmes and customs controls including equivalent trade facilitation measures, where relevant and appropriate and under modalities to be defined.
- (8) Customs valuation
- (9) Mutual administrative assistance.

3. OTHER PROVISIONS

The applicable rules for confidentiality, data protection and use of information will be defined in accordance with the relevant EU legislation.

The envisaged Agreement will contain the usual clauses concerning territorial application, entry into force, duration and the notice required for denouncement.

4. JOINT CUSTOMS CO-OPERATION COMMITTEE

The envisaged Agreement will provide for a Joint Customs Co-operation Committee, which will see to the proper functioning of the envisaged Agreement; it may take decisions and other measures necessary to implement the objectives of the Agreement.

In accordance with Article 17 TUE, the Union will be represented within the Joint Customs Cooperation Committee by the Commission, assisted by representatives of the Member States.

A Working Party may be set up to examine and to make recommendations to the Joint Customs Co-operation Committee on technical issues related to the implementation of the envisaged Agreement.

The Working Party will consist of experts from both Contracting Parties.

It will report to the Joint Customs Co-operation Committee, which will take the appropriate decisions by mutual consent.

5. NEGOTIATION

The Commission should report to the Council on the outcome of negotiations and, where appropriate, on any problem that may arise during the negotiations.