

ROADMAP			
TITLE OF THE INITIATIVE	Agreement between the European Union and New Zealand on Cooperation and Mutual Administrative Assistance in Customs Matters		
LEAD DG – RESPONSIBLE UNIT	TAXUD	DATE OF ROADMAP	07 / 2015
<p>This indicative roadmap is provided for information purposes only and is subject to change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content and structure.</p>			

A. Context and problem definition	
<p>(1) What is the political context of the initiative?</p> <p>(2) How does it relate to past and possible future initiatives, and to other EU policies?</p> <p>(3) What ex-post analysis of existing policy has been carried out? What results are relevant for this initiative?</p>	
<p>(1) The EU and New Zealand have a longstanding cooperative relationship, developed under the 1999 Joint Declaration on Relations between New Zealand and the European Union, which was followed in 2007 by a Joint Declaration on relations and further cooperation. New Zealand has also been recognised by the EU as an important partner by agreeing to launch the negotiations of a bilateral Framework Agreement which is now ready for initialling (text agreed in December 2014).</p> <p>New Zealand is a "like-minded" country for EU, active and influential in international trade and customs forums. New Zealand has established intensive trade relations in the Asia-Pacific region (including with the USA and Canada), and has concluded customs agreements and mutual recognition arrangements with most of its major trading partners.</p> <p>In 2009 New Zealand signalled its interest to enter into a legally-binding relationship with the EU and approached the Commission with a request of their government to develop customs cooperation with the EU focusing on supply chain security and trade facilitation.</p> <p>The EU has already concluded similar customs cooperation agreements with the USA, China, Japan, Korea, India, Canada and Hong Kong.</p> <p>Member States have actively supported the development of enhanced customs cooperation (including the possibility to develop mutual recognition of trade partnership programmes) with New Zealand.</p> <p>The issues to be addressed by the envisaged Agreement fall within the scope of the common commercial policy.</p> <p>(2) This initiative directly follows the completion of the negotiations for the agreement in question, which have been conducted by the Commission. The negotiations were authorised by the Council Decision adopted on 22 July 2013 together with the negotiation directives.</p> <p>The negotiations, which started in September 2013 in Brussels, were conducted in a smooth and resource-efficient way (with the New Zealand Mission in Brussels) as well as in a relatively short time.</p> <p>(3) There is no existing policy in this domain with New Zealand.</p>	
<p>What are the main problems which this initiative will address?</p>	
<p>The absence of a bilateral legal framework to allow direct and structured cooperation -including mutual administrative assistance against fraud – in customs matters, with a trade partner being influential on the international customs scene (namely in the World Customs Organization) and in the Pacific region.</p>	
<p>Who will be affected by it?</p>	
<p>This agreement aims at customs cooperation; therefore the authorities dealing with customs-related issues in the EU and in New Zealand will be affected. At the Union level these authorities are OLAF and TAXUD and in the Member States they are primarily the customs authorities. Traders will also be indirectly affected by the enhanced facilitation and protection of legitimate trade that is expected to result from that cooperation.</p>	
<p>Is EU action justified on grounds of subsidiarity? Why can Member States not achieve the objectives of the proposed action sufficiently by themselves? Can the EU achieve the objectives better?</p>	
<p>Customs cooperation with third countries in matters pertaining to the application of the EU customs legislation is part of the common commercial policy, being an exclusive competence of the Union, which means that the EU has the exclusivity when it comes to signing customs cooperation and mutual administrative assistance agreements with third countries. Member States are not authorised to sign customs cooperation agreements</p>	

with third countries, thus an EU approach is needed. A subsidiarity test is therefore not required.

B. Objectives of the initiative

What are the main policy objectives?

The general objective of the Agreement is to develop and intensify cooperation and mutual administrative assistance in customs matters with New Zealand; in particular, to establish the legal basis for a cooperation framework which aims at securing the supply chain and facilitating legitimate trade, as well as enabling information exchange to ensure the proper application of customs legislation and the prevention, investigation and combating of breaches of customs legislation.

The Agreement provides a basis to further develop customs cooperation in future if warranted, for example through the establishment of Mutual Recognition of respective trade partnership programmes (Authorised Economic Operators in the EU).

Do the objectives imply developing EU policy in new areas?

No.

C. Options

- (1) What are the policy options (including exemptions/adapted regimes e.g. for SMEs) being considered?
- (2) What legislative or 'soft law' instruments could be considered?
- (3) How do the options respect the proportionality principle?

(1) Two options: a) concluding the Customs cooperation and mutual administrative assistance agreement (CCMAAA) with New Zealand, for which negotiations have practically been concluded in line with negotiation directives issued in 2013, and thus formalising our bilateral customs cooperation; or b) not concluding the CCMAAA and leaving the cooperation at an informal level through ad hoc contacts not resulting in any mutual, legally binding, commitments.

(2) No possibility for autonomous EU legislation or soft law to achieve the objectives.

(3) Concluding the CCMAAA with New Zealand is a necessary step towards formalising our bilateral relationship in customs matters. The conclusion of this agreement does not go beyond what is necessary or appropriate to achieve the expected objectives.

D. Initial assessment of impacts

What are the benefits and costs of each of the policy options?

Concluding the CCMAA with New Zealand: this option would provide us with a legal basis for a cooperation framework which aims at securing the supply chain and facilitating legitimate trade, as well as enabling information exchange to ensure the proper application of customs legislation and the prevention, investigation and combating of breaches of customs legislation. This agreement would ultimately benefit economic operators who trade with New Zealand. Seeing New Zealand as a potential ally, a bilateral agreement would boost cooperation and strengthen our position in multilateral fora (WCO, WTO).

It also gives us a possibility of organizing joint actions where appropriate, while the resources to service the agreement would be kept to a minimum.

Not concluding the CCMAA with New Zealand: That would deprive the Union of a powerful instrument to support smooth trade relations with New-Zealand. This move would also be seen negatively by our counterpart New Zealand, given that the negotiations have practically been concluded in line with negotiation directives. It would bring our relationship back to an informal level, thereby rendering void the work carried out so far in the negotiation phase. Moreover, as a result, some Member States may be inclined to conclude specific bilateral arrangements on mutual administrative assistance with a risk being in breach on Union competence.

Could any or all of the options have significant impacts on (i) simplification, (ii) administrative burden and (iii) on relations with other countries, (iv) implementation arrangements? And (v) could any be difficult to transpose for certain Member States?

Concluding the CCMAA with New Zealand will contribute to simplifying and harmonising customs procedures; it will also reduce the administrative burden for economic operators exporting/importing to/from New Zealand and may have an impact on the public administration (customs authorities) in the form of requests for mutual administrative assistance.

(1) Will an IA be carried out for this initiative and/or possible follow-up initiatives?

<p>(2) When will the IA work start?</p> <p>(3) When will you set up the IA Steering Group and how often will it meet?</p> <p>(4) What DGs will be invited?</p>
<p>No impact assessment is foreseen. The agreement will require action only by customs authorities. Concerned Commission services and Member States customs experts have been involved throughout the negotiation process (see below)</p>
<p>(1) Is any option likely to have impacts on the EU budget above €5m?</p> <p>(2) If so, will this IA serve also as an ex-ante evaluation, as required by the Financial Regulation? If not, provide information about the timing of the ex-ante evaluation.</p>
<p>No</p>

<p>E. Evidence base, planning of further work and consultation</p>
<p>(1) What information and data are already available? Will existing IA and evaluation work be used?</p> <p>(2) What further information needs to be gathered, how will this be done (e.g. internally or by an external contractor), and by when?</p> <p>(3) What is the timing for the procurement process & the contract for any external contracts that you are planning (e.g. for analytical studies, information gathering, etc.)?</p> <p>(4) Is any particular communication or information activity foreseen? If so, what, and by when?</p>
<p>(1) Trade data.</p> <p>(2) Not applicable.</p> <p>(3) Not applicable.</p> <p>(4) Press release at the moment of signature and conclusion of the Agreement.</p>
<p>Which stakeholders & experts have been or will be consulted, how, and at what stage?</p>
<p>Member States support and actively promote the development of customs cooperation with New Zealand. They have been consulted in the Customs Union Working Party of the Council before and during the negotiations.</p> <p>OLAF has participated in the negotiations for the mutual assistance part. Services consulted in the process include EEAS, TRADE, SJ, SG, ECFIN, ENTR, MOVE, HOME, JUST and EDPS.</p>