

## Ecommerce Europe's suggestion for amendments to the IMCO draft report on UCC Revision

Ecommerce Europe welcomes the opportunity to provide feedback to the European Parliament's Internal Market and Consumer Protection (IMCO) Committee on the European Commission's proposal for a revision of the Union Customs Code (UCC).

Believing that the draft report suggested by MEP Clune is already step forward to strengthening the legislative proposal of the European Commission, with the following amendments Ecommerce Europe would like to suggest fleshing out key clarifications in the Commission proposal.

Article	EC proposal	Proposed amendment
<b>Recital 7</b>	“(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for compliance of the goods, including for financial and non-financial risks, in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding responsibilities. New definitions should also be introduced in relation to the broader scope of the provisions of customs supervision, risk management and customs controls.”	“(7) Certain definitions set out in Regulation (EU) No 952/2013 should be adapted to take account of the broader scope of this Regulation, to align them with those set out in other Union acts, and to clarify terminology having different meanings in different sectors. New definitions should be included in customs legislation to clarify the roles and responsibilities of certain actors in the customs processes. In the case of the importer and the exporter, new definitions should make those persons liable for <del>compliance of the goods</del> <b>financial risks and subject to responsibilities set forth in product compliance laws, including for financial and non-financial risks</b> , in order to strengthen customs supervision. In the case of the new concept of deemed importer, new definitions should ensure that in some cases, in the context of an online sale from outside the Union, an economic operator, as opposed to the consumer, is considered the importer and assumes the corresponding <b>financial</b> responsibilities. New definitions should also be introduced in relation to the broader scope of the provisions of customs supervision, risk management and customs controls.”

**Justification**

There should not be a blank requirement imposed on the (deemed) importer to be liable for compliance of goods. This contradicts with product compliance laws such as the GPSR (Regulation 2023/988) as well as with the MSR (Regulation 2019/1020) which (i) lay down specific obligations for online sales and online platforms in the context of product compliance; (ii) make clear that such obligations should be proportionate to the role the economic operator has in the supply chain<sup>1</sup>; And (iii) impose primary responsibility for compliance with product compliance laws on the manufacturer. The edits make clear that (deemed) importers are subject to PC obligations under existing product compliance laws rather than new PC obligations enacted under the EUCR.

<p><b>Art. 21(1)</b></p>	<p>1. By way of derogation from Article 20(1), point (a), deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union at the latest on the day following the date when the payment was accepted and in any event prior to the release of the goods.</p>	<p>1. By way of derogation from Article 20(1), points (a) <b>and (c)</b>, deemed importers shall provide or make available the information on distance sales of goods to be imported in the customs territory of the Union at the latest on the day following the date when the payment was accepted and in any event prior to the release of the goods.”</p>
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**Justification**

This amendment clarifies that deemed importer obligations are specific to those established by the customs laws, including providing data necessary for the release for free circulation of the sold goods, and calculating and paying customs duties and other applicable charges. This clarification is consistent with the Commission’s acknowledgment that the obligations of deemed importers are different from the obligations applicable to other importers, and ensures that deemed importer obligations are consistent with obligations set forth in Regulation 2019/1020 and/or Regulation 2023/988.

<sup>1</sup> See, for example, the following recitals in the GPSR:

“(32) Economic operators should have **proportionate obligations** concerning the safety of products, **in relation to their respective roles** in the supply chain, so as to ensure a high level of protection of the health and safety of consumers, while also ensuring the efficient functioning of the internal market. [...]”

“(38) **Cooperation** from all economic operators and providers of **online marketplaces** with market surveillance authorities in order to eliminate or mitigate risks for the relevant products made available on the market is essential. **However, the requests made to them by market surveillance authorities should be tailored to the role they play in the supply chain and with regard to their respective legal obligations.**”

“(56) The obligations imposed by this Regulation on providers of **online marketplaces should not amount to a general obligation** to monitor the information which they transmit or store, **nor should they require providers of online marketplaces to actively** seek facts or circumstances indicating illegal activity, such as the sale of dangerous products online. [...]”

“(58) [...] providers of online marketplaces should not allow a specific product offer to be listed on their platforms unless the trader has provided all information related to product safety and traceability as specified in this Regulation. Such information should be displayed together with the product listing so that consumers can benefit from the same information made available online and offline. **However, providers of online marketplaces should not be responsible for verifying the completeness, correctness and the accuracy of the information itself**, as the obligation to ensure the traceability of products lies with the relevant trader.”