

CONCRETE WORDING SUGGESTIONS OF INTA ON THE EU'S PROPOSAL FOR A REGULATION ESTABLISHING THE UNION CUSTOMS CODE AND THE EUROPEAN UNION CUSTOMS AUTHORITY

The International Trademark Association (INTA) is pleased to provide the following comments and suggestions for amendments to the European Commission's Proposal for a "Regulation Establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013" - "**Revision of the Union Customs Code**", hereafter.

Our input builds upon the comments provided to the European Commission in November 2023, during the Public Consultation which you can find [here](#). In that occasion, INTA commended the initiative of the Commission to revise the Union Customs Code (UCC) to strengthen the legal framework for customs and make it suitable to address the challenges that have emerged in recent years for various stakeholders.

However, some areas of uncertainty remain for the Association members in relation to two particular Articles of the proposal. In this regard, we would like to propose the below suggestions for amendments for your consideration.

[Proposal for a Regulation Establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation \(EU\) No 952/2013 - "Revision of the Union Customs Code"](#).

European Commission's Proposal	INTA Suggestion for Amendment
Article 76 - Destruction of goods 1. The costs of destruction shall be borne by the importer or the exporter.	We recommend amending as follows: 1. The costs of destruction shall be borne by the importer <i>and/or</i> the exporter <i>and/or the holder of the goods.</i>
Justification: To ensure that Article 76(1) is consistent with Regulation 608/2013, we would recommend that the term "holder of the goods" be added to the list of possible entities that will bear the cost of destruction under the UCC.	

European Commission's Proposal	INTA Suggestion for Amendment
Article 252 - Union customs infringements 1. The following acts or omissions shall constitute customs infringements: (a) failure of the holder of a decision relating to the application of customs legislation to comply with the obligations resulting from that decision and to inform the customs authorities without delay of any factor arising after the taking of a decision by those authorities which influences its continuation or content, in accordance with Titles I and II; (b) failure to comply with the obligation to provide information to customs in accordance with this Regulation, including the failure to lodge a customs declaration; (c) provision of incomplete, inaccurate, invalid, inauthentic, false or falsified information or documents to customs; (d) failure of the person responsible to keep the documents and information related to the accomplishment of customs formalities; (e) removal of goods from customs supervision; (f) failure of the person responsible to comply with the obligations related to customs procedures; (g) non-payment of import or export duties by the person liable to pay within the period prescribed in accordance with Title X, Chapter 3.	We recommend amending as follows: 1. The following acts or omissions shall constitute customs infringements: (a) failure of the holder of a decision relating to the application of customs legislation to comply with the obligations resulting from that decision and to inform the customs authorities without delay of any factor arising after the taking of a decision by those authorities which influences its continuation or content, in accordance with Titles I and II; (b) failure to comply with the obligation to provide information to customs in accordance with this Regulation, including the failure to lodge a customs declaration; (c) provision of incomplete, inaccurate, invalid, inauthentic, false or falsified information or documents to customs; (d) failure of the person responsible to keep the documents and information related to the accomplishment of customs formalities; (e) removal of goods from customs supervision; (f) failure of the person responsible to comply with the obligations related to customs procedures; (g) non-payment of import or export duties by the person liable to pay within the period prescribed in accordance with Title X, Chapter 3. <i>(h) failure of the goods to comply with the relevant other legislation applied by the customs authorities.</i>
Justification: In order to create additional deterrents against counterfeits, IPR-infringing and non-compliant goods products, INTA would welcome the inclusion of a failure to comply with the conditions for placing goods on the market in the EU as per Article 88(3)(d) <i>“the goods comply with the relevant other legislation applied by the customs authorities”</i> in the list of Union customs infringements in Article 252.	

About INTA

The International Trademark Association (INTA) is a global association of brand owners and professionals dedicated to supporting trademarks and complementary intellectual property (IP) to foster consumer trust, economic growth, and innovation, and committed to building a better society through brands. Members include nearly 6,500 organizations, representing more than 34,350 individuals (trademark owners, professionals, and academics) from 185 countries, who benefit from the Association's global trademark resources, policy development, education and training, and international network. Founded in 1878, INTA is headquartered in New York City, with offices in Beijing, Brussels, Santiago, Singapore, and the Washington, D.C., Metro Area, and representatives in Amman, Lagos, and New Delhi. For more information, visit inta.org.

INTA would be pleased to answer any questions that the Commission may have and is available to discuss our recommendations in more detail. Please contact INTA Director, Anti-Counterfeiting, External Relations, Alastair Gray at agray@inta.org or INTA Chief Representative Officer Europe and Intergovernmental Organizations, Tat-Tienne Louembe at tlouembe@inta.org