

Brussels, November 24th 2005

ACCREDITATION OF CUSTOMS REPRESENTATIVES

CLECAT advocates the accreditation of E.U. based customs representatives. For this purpose "customs representative" should be defined as *"any natural or legal person¹ established in the European Union who hold themselves out as providers of customs services² to third parties³".*

Accreditation should be a legal requirement for all customs representatives established in the European Union.

The accreditation should be granted by the national authority on the basis of common E.U. criteria, as outlined below, and should be valid in all the Member States.

A customs representative can become accredited if it can evidence:

- (a) Good financial standing
- (b) Professional integrity⁴
- (c) Competence

These requirements apply to both the natural and legal person, the latter satisfies requirement (c) upon the employment of at least one appropriately qualified individual with responsibility for customs compliance.⁵

Competence can be demonstrated in one of three ways:

- (a) Qualification through experience: a minimum of 5 years experience in customs compliance administration (management)^{6/7/8}, or
- (b) Qualification through relevant prior educational attainment or vocational training⁹, or
- (c) By passing an examination¹⁰

There should be continuous professional development (CPD) for all accredited representatives.¹¹

There should be a period of transition¹² for customs representatives extant at the time the legal requirement is implemented. Without prejudice to reasonable objections¹³ from the national authority the accreditation should be granted automatically. Within the period of transition the customs representative should make the necessary arrangements to comply with the requirements outlined above.

¹ Customs representatives are either legal persons (companies, whatever their size) or individuals (natural persons). The regime should be applicable to both.

² The regime should apply indiscriminately to any customs representative, irrespective of whether it acts in direct or indirect representation.

³ The proposed regime is only applicable to legal persons and natural persons in their capacity as providers of customs related services *to third parties*.

⁴ i.e., must have a good business record.

⁵ The accreditation attaches to the organization and the qualification to an individual. Where the customs representative is a natural person, both attach to that particular type of economic entity.

⁶ The expression “customs compliance administration (management)” is intended to exclude purely mechanical, repetitive tasks. The individual concerned will normally be an operational manager supervising customs compliance, albeit that his actual hierarchical position in the company is not relevant as such.

⁷ A *council (committee of experts)* including customs professionals, recognized business organization representatives and Customs Administration representatives will assess the application and where necessary check particular knowledge in customs matters, international transport and international trade.

⁸ In the private or the public sector

⁹ Reference is made to relevant academic education, relevant vocational education, or relevant vocational training as currently provided, for instance in Germany (“Speditionskaufmann”), in the United Kingdom (BIFA Customs Management Diploma) etc.

¹⁰ Exams should be organized annually by the recognized business organizations and/or the administration and/or any course provider with an approved training course in customs. Exams and preparation modules should be developed in partnership with the recognized business organizations, the administration and the course providers. The courses and the examination may be complemented by a stage period if necessary.

¹¹ CPD could be provided in the company or could be outsourced.

¹² For instance 3 or 5 years

¹³ The applicant should be a genuine and active customs service provider with a good business record.