Customs Action Plan: Council approves conclusions

On 18 December 2020, the Council approved conclusions on the Commission's communication 'Taking the Customs Union to the Next Level: a Plan for Action'. The action plan sets out a number of initiatives to make EU customs smarter, more innovative and more efficient against the background of a range of challenges, including the rise of digitalisation and e-commerce and the UK's exit from the EU's single market and Customs Union.

In its conclusions, the Council welcomes the Commission's action plan and stresses that complex challenges in the customs area are best tackled by cooperating while fully respecting the competences and the responsibilities of the EU institutions and the member states. The EU Customs Union is, in general, functioning well. Measures to improve its functioning should therefore build on the existing resources, structures and procedures, while taking into account innovation and the changing circumstances in which customs operates. The Council High Level Working Party of the Directors General of Customs will examine the implementation of the customs actions of strategic relevance and their coherence with the conclusions.

As regards specific initiatives put forward by the Commission, the Council:

- invites the Commission to elaborate, in close cooperation with the member states, on the detailed tasks and role of the EU Joint Analytics Capabilities, a new analytics hub for collecting, analysing and sharing key customs data;
- regarding e-commerce, encourages the Commission to further examine the use of VAT collected data for customs purposes and looks forward to its assessment as regards the feasibility of the establishment of customs reporting obligations for e-commerce actors, in particular online sales platforms, to facilitate more effective controls and tackle customs duty and tax fraud;
- looks forward to the envisaged establishment of an EU 'Single Window for customs' allowing businesses to complete customs formalities in one single portal and underlines that a sufficient harmonisation of declaration requirements in non–customs policy areas is a precondition for its successful implementation;
- stresses the importance of modern and reliable customs equipment;
- takes the view that cooperation between customs authorities, police and other law enforcement services needs to be enhanced;
- welcomes the launch of a reflection group of member states and stakeholders to consider how to further modernise the Customs Union and calls for a clear mandate for the group to be agreed together with the member states.

New report explores open sale of low-THC cannabis products and regulatory responses in Europe

An increase in the open sale of cannabis products in Europe has raised questions around the possible legal and commercial status of these products. In a new report released today, Low-THC cannabis products in Europe, the EU drugs agency (EMCDDA) presents an initial overview of the current situation in this increasingly dynamic area.

Cannabis contains many different chemicals, the best-known being Δ9-tetrahydrocannabinol (THC) – largely responsible for the intoxicating effects of the plant when it is ingested. But it also includes many other cannabinoids, including cannabidiol (CBD). There is now a growing commercial interest in developing products that contain cannabidiol or other extracts of the cannabis plant, but without THC, or with only very low levels of THC present. For the purposes of this report, these are referred to as low-THC products.

The study found that low-THC cannabis products are being offered for sale in the majority of EU countries. A wide variety of retailers are active in the low-THC market in Europe. While cannabis-themed products can now be found in everyday retail outlets (e.g. health food chain stores, chemists and cafes), there are also dedicated shops selling low-THC cannabis products. Some of these focus on health and well-being, while others appear to be focusing more closely on products that look more similar to those that exist on the illicit recreational cannabis market, but with only low levels of THC present. This means that products containing extracts of the cannabis plant are appearing in a number of different commercial areas where differing regulatory frameworks exist. In some cases, this is also creating tension with drug control regulations.

In addition to products, such as balms, creams and pastes, the wide variety of products available include cannabis-infused edible products (e.g. ready-to-eat products, beverages), and some that mirror established illicit cannabis products (e.g. herb, resin, oil, e-liquids, crystals). As the sale of low-THC products gains visibility, so the regulatory environment has started to change to both acknowledge and, in some cases, restrict their availability. At EU level, there have been some recent important developments in this area.

As well as describing the current situation, the report highlights the need for ongoing monitoring of this diverse and dynamic phenomenon in order to ensure that the most appropriate consumer safety, health protection and drug control frameworks are applied.

ESMA updates EMIR Q&As

The European Securities and Markets Authority (ESMA), the EU’s securities markets regulator, has today updated its Questions and Answers on OTC requirements and reporting issues under the European Markets Infrastructure Regulation (EMIR).

The Q&A document clarifies the status after the post-Brexit transition period of legacy derivative transactions executed on UK markets and is relevant for EU counterparties in order to determine applicable EMIR requirements, and for position calculations against clearing thresholds.

In addition, Parts IV and V were amended to clarify the reporting technique for derivatives executed on a third country venue and cleared on the same day.

The purpose of the Q&A document is to promote common supervisory approaches and practices in the application of EMIR. It provides responses to questions posed by the general public, market participants and competent authorities in relation to the practical application of the Regulation. This document aims to ensure that the supervisory activities of the competent authorities under the Regulation are converging along the lines of the responses adopted by ESMA. It should also help investors and other market participants by providing clarity on EMIR requirements.

ESMA will periodically review these Q&A and update them where required.

ESMA updates EMIR Q&As

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17 December 2020

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EURATOM research and training

programme: Council reaches political agreement

Member states’ ambassadors today reached a political agreement on the proposed regulation establishing the research and training programme of the European Atomic Energy Community for the period 1 January 2021 to 31 December 2025 (hereafter “the regulation”). The aim of the regulation is to pursue nuclear research and training activities with an emphasis on the continuous improvement of nuclear safety, security and radiation protection, as well as to complement the achievement of Horizon Europe’s objectives.

The total financial envelope for the implementation of the new Euratom programme for the period from 1 January 2021 to 31 December 2025 shall be €1.38 billion in current prices. The indicative break down of that envelope by field of activity shall be as follows:

(a) €583 million for indirect actions in fusion research and development;

(b) €266 million for indirect actions in nuclear fission, safety and radiation protection;

(c) €532 million for direct actions undertaken by the Joint Research Centre.

The new programme will pursue the current programme’s key research activities (nuclear safety, security, radioactive waste and spent fuel management, radiation protection and fusion energy), expand research into non-power applications of ionising radiation and make improvements in the areas of education, training and access to research infrastructures. Furthermore, it will support the mobility of researchers in the nuclear field in the framework of Horizon Europe’s Marie Skłodowska-Curie Actions (MSCA).

The new Euratom programme will complement Horizon Europe using the same instruments and rules for participation. It will be limited to 5 years, to be extended in 2025 by 2 years in order to be aligned with the MFF 2021-2027.

Next steps

On the basis of today’s political agreement, the agreed text (following legal linguistic scrutiny) will be submitted to the Council for adoption in the first months of 2021.