



# Customs Status and Transit

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## Customs Status

- CCC: art. 4(7) and (8) : definition
- IPC: art. 313-336 : implementation
- Transit Manual Part II : operational



## **Customs status (two categories):**

### **Community goods (art. 4(7) CCC)**

- goods obtained in Community
- goods released for free circulation in Community
- goods obtained in Community from goods under 1st and/or 2nd indents

### **Non-Community goods (art. 4(8) CCC)**

- goods other than “Community goods”
- Community goods having lost status (removal from the customs territory)

## **Community status is presumed to exist for (art. 313 IPC)**

- goods in the Community
- goods carried by **air** between Community airports under cover of a single transport document of a MS
- goods carried by **sea** by a regular shipping service in a MS

## **No presumption of Community status (art. 313 IPC)**

- goods entering the Community
- goods in temporary storage, free zone type I or free warehouse
- goods placed under a suspensive procedure or in a free zone type II

## **If no presumption of Community status then Community status may be proven on condition that (art. 314 IPC)**

- goods move between MS without crossing a third country
- goods move between MS and cross a third country under cover of a single transport document of a MS (this may include a transshipment in the third country)

## **Proof of Community status (art. 314c IPC)**

- T2L/T2LF or equivalent (invoice, transport document)
- T2M or logbook for “maritime” products
- Administrative Accompanying Document
- Postal label
- Free zone certificate of Community status
- Control copy T5
- 'Rules' (for vehicles, railway wagons, packaging, baggage)



## **Practical example:**

Community goods moving from Slovenia to Greece by truck:

- on entry in Greece no presumption of Community status (art. 314 IPC)
- one of the proofs of article 314c IPC must be presented (f.e. a T2L); as well as,
- a single transport document (here 'CMR') issued in a MS



## **Another example:**

Community goods moving by air from Frankfurt airport to Athens airport:

- on entry in Greece the Community status is presumed (art. 313 IPC)
- condition: a single transport document (here 'AWB') issued in a MS and no stop outside the Community (art. 38(5) CCC)
- result: no proof required



## **In transport by sea**

- 1) Proof of Community status is always required, except for
- 2) (Community) goods carried by the regular shipping service (these benefit from the presumption of Community status ex art. 313 IPC)

## Transit

- CCC: art. 54-55, art. 91-97, art. 163-165
- IPC: art. 340a-462a IPC
- International conventions: 'common transit', 'TIR', 'ATA', 'Istanbul', Andorra, San Marino
- Transit Manual
- TIR Handbook
- Compendium (is being phased-out and replaced by the Transit Manual)

## **Scope of External transit**

- Movement of non-Community goods
- Movement of certain Community goods when exported to or via EFTA countries

## Scope of Internal transit

Movement of Community goods:

- within Community via a third country on basis of international agreement (purpose is to maintain Community customs status), or
- when required by Community provisions (e.g. T2F)

## **Transit takes place in accordance in one of the following ways (art. 91 CCC):**

- common/Community transit
- Carnet TIR
- Carnet ATA
- Rhine Manifest
- NATO Form 302
- Post

## **Carnet TIR**

- EU is party to the TIR Convention
- A TIR carnet can cover a series of national transits
- Community is one ("national") territory: implemented in IPC articles 454-457b (exchanges between the MS on discharge, enquiry procedure, recovery, exclusions)





## **Carnet ATA**

- Member States are parties to the ATA Convention (1961) / EU is party to the Istanbul Convention (1990)
- An ATA carnet can cover a series of national transits
- Community is one ("national") territory: implemented in IPC articles 457c-461 (exchanges between the MS on discharge and recovery)

## **Rhine Manifest**

- Community Customs Code accepts the Rhine Manifest as transit declaration (the EU is not a party to the Mannheim Convention)
- Geographical scope: the river Rhine and its tributaries

## **NATO Form 302**

- Community Customs Code accepts the form 302 and the rules governing it (NATO Convention) as transit declaration
- Community is one territory: implemented in article 462 IPC
- Operational rules in Transit Manual, part I, par. 4.2.5

## **Post (incl. parcel post)**

- The EU is not a party to the Universal Postal Convention
- IPC article 462a: a yellow label must be affixed to the package and form CN22

## **Community transit**

- between two points in the customs territory of the EU
- free access
- extended to Andorra & San Marino

## **Common transit**

- between EU, Iceland, Norway, Romania, Switzerland, Liechtenstein
- free access
- some optional elements (as compared to Community transit)
- does not include Andorra & San Marino

## Basic principles

- transit declaration
- responsibilities of the holder = “principal”
- guarantee system
- identification measures (sealing)
- end and discharge/debt and recovery
- regular procedure/simplified procedures

## **Transit declaration**

- declaration by data processing techniques:
  - NCTS (New Computerised Transit System)
- declaration in writing:
  - fallback procedure: SAD or TAD
  - simplified procedure: commercial documents

## Responsibilities of the principal

- presentation of goods intact and documents
  - within the prescribed time limit
  - with observance of identification measures
- observance of other transit provisions

**effect:** liability in case of irregularities



## Guarantee

- when a guarantee is required it must cover the full amount of customs debt (duties and other charges)
- reduction of guarantee possible in case of the comprehensive guarantee (by 30% to 100%)



## **Formalities at departure**

- Presentation, acceptance, registration
- Time limit to arrive at destination
- Control of documents & goods
- Means of identification/seals
- Release of goods

## **Formalities en route**

- Presentation of documents on request
- Office of Transit: presentation and registration
- In case of events the carrier must notify nearest competent customs office immediately

## **Formalities at destination**

- Presentation of documents and goods
- Customs control
- Registration
- Completion of the transit information
- Return of information to departure

## Basic principles of NCTS

- Electronic exchange of information in form of messages
- Different actors use the same information
- Data sent in advance
- Real time system
- Improved risk analysis
- Provision of statistics
- Connection of the traders to the system

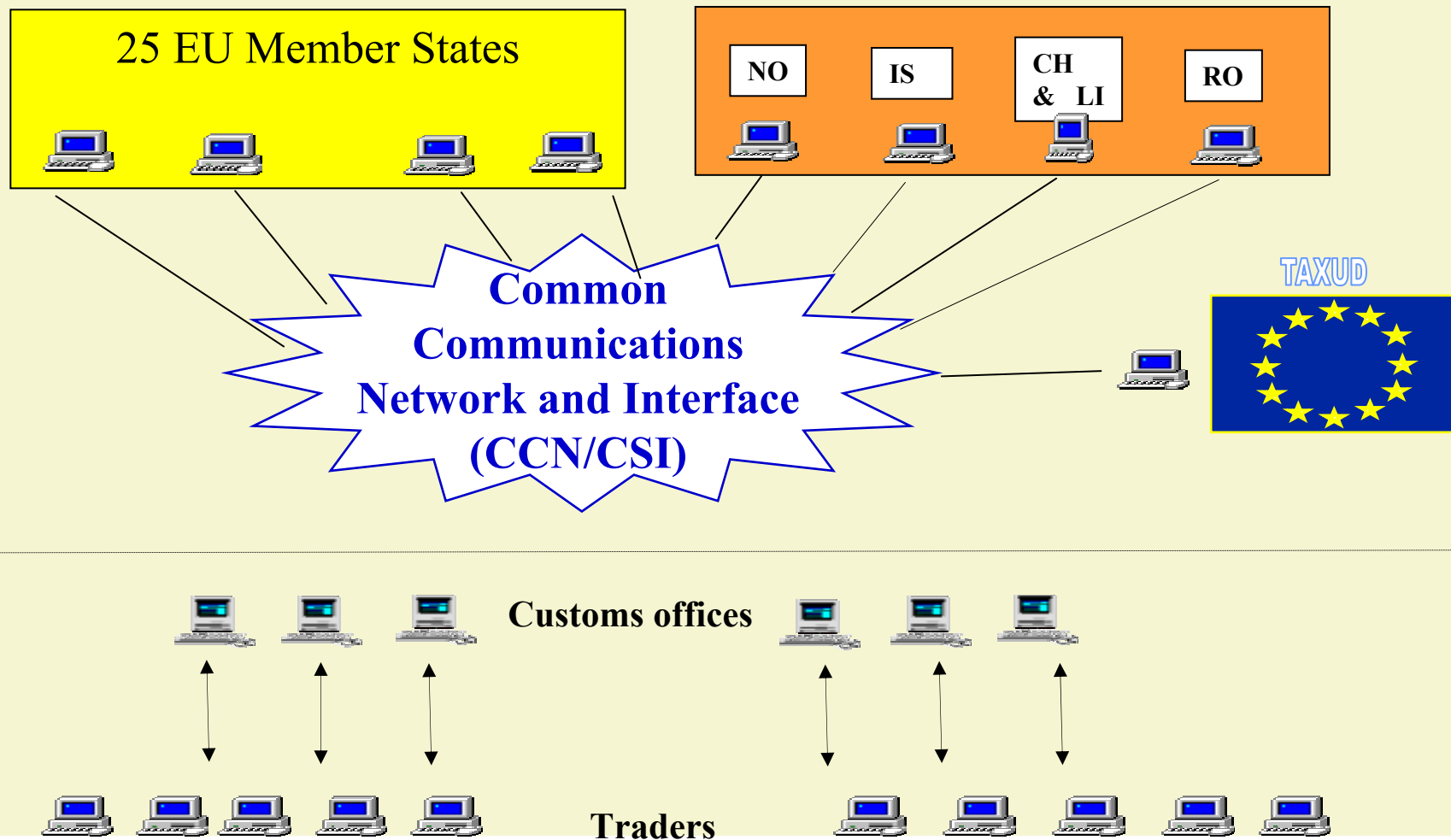
## Obligations of customs

- Set up NCTS infrastructure
- Meet specific needs of NCTS (f.e. link to CCN/CSI)
- Test the system
- Set up an Helpdesk
- Training

# Screening of EU Customs Acquis – Customs Status and Transit

Taxation and Customs Union

## NCTS system architecture



# Screening of EU Customs Acquis – Customs Status and Transit

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Office of  
Departure

**AAR**  
(Anticipated  
Arrival Record)

Office of  
Destination

**Control Goods**  
**Verify Guarantee**  
**Keep Data**

**Receive AAR**  
**and Record it**

**Accompanying Document**



**Retrieve AAR**  
**Control Goods**  
**Keep Data**

**Discharge**

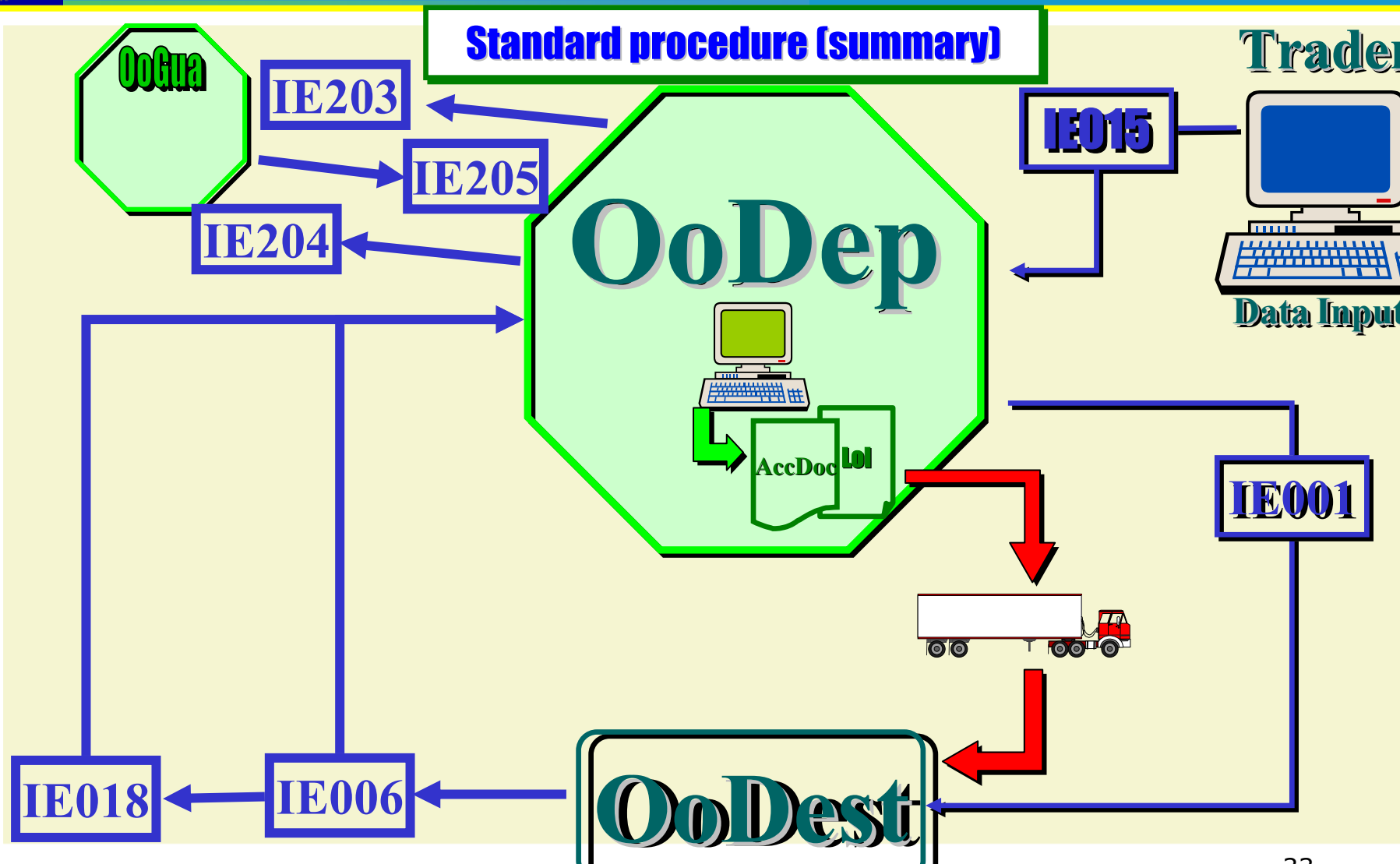
**Investigate**

**Control Results**



# Screening of EU Customs Acquis – Customs Status and Transit

Taxation and Customs Union



## **Simplifications**

- Use of comprehensive guarantee/waiver
- Status of authorised consignor/consignee
- Modes of transport (rail, air, sea, pipeline)
- Use of seals of a special model
- Exemption of prescribed itinerary
- National/bilateral/multilateral

## **Example: Transport by air**

### Level 1 simplified procedure:

- paper air manifest (ICAO) = transit declaration
- use of *separate* manifests for T1/T2/T2F goods
- discharge via monthly list of manifests sent to office of departure

### Level 2 simplified procedure:

- *single* electronic manifest for all goods
- manifest = transit declaration for T1/T2/TF goods
- no discharge but airline company informs customs of irregularities and customs carries out post-audit checks

# Screening of EU Customs Acquis – Customs Status and Transit

Taxation and Customs Union

Web: [http://europa.eu.int/comm/taxation\\_customs/customs/procedural\\_aspects/transit/index\\_en.htm](http://europa.eu.int/comm/taxation_customs/customs/procedural_aspects/transit/index_en.htm)

- Legislation
- Transit Manual
- Brochure

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