

TITLE III
CUSTOMS DEBT AND GUARANTEES

CHAPTER 1

Incurrence of a customs debt

SECTION 1

CUSTOMS DEBT ON IMPORT

Disclaimer: NO IA foreseen.

SECTION 2

CUSTOMS DEBT ON EXPORT

Disclaimer: NO IA foreseen.

SECTION 3

PROVISIONS COMMON TO CUSTOMS DEBTS INCURRED ON IMPORT AND EXPORT

SUBSECTION 1

RULES FOR CALCULATION OF THE AMOUNT OF IMPORT OR EXPORT DUTY

Disclaimer: NO IA foreseen.

SUBSECTION 2

PLACE WHERE THE CUSTOMS DEBT IS INCURRED

Disclaimer: NO IA foreseen.

CHAPTER 2

Guarantee for a potential or existing customs debt

SECTION 1

GENERAL PROVISIONS

Article IA-III-2-00 (321-01)

Guarantee coverage

For the purposes of this Chapter, when reference is made to import or export duty, this shall be considered, as far as Article 89(1) the first subparagraph of the Code applies, as covering other charges due in connection with the import or export of goods as well.

Article IA-III-2-00a

Electronic systems relating to guarantees

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 16	Article 17	none	-	IA

With reference to Article 16(1) of the Code, an electronic information and communication system as defined by the Commission and Member States in agreement with each other, shall be used for the exchange and storage of information pertaining to guarantees which may be used in more than one Member State. Information shall be made available through this system by the competent customs authority of the Member State without delay.

Article IA-III-2-01 (321-02-IA)

Individual guarantee for a potential customs debt

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 90(1), subpara 2	Article 100(1)(a)	none	-	IA

1. Where it is compulsory for a guarantee to be provided, the individual guarantee for a potential customs debt shall cover the amount of import or export duty corresponding to the customs debt which may be incurred, calculated on the basis of the highest rates of duty applicable to goods of the same type.

2. Insofar as other charges are concerned the calculation shall be based on the highest rates applicable in the Member State where the goods are placed under the customs procedure or are in temporary storage.

Article IA-III-2-02 (321-04-IA)

Optional guarantee

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 91	Article 100(1)(a) & (b)	None	-	IA

Where the guarantee is optional and the customs authorities decide to require a guarantee, Articles IA-III-2-03 to IA-III-2-10 (321-05 to 322-06) shall apply.

Article IA-III-2-03 (321-05-IA)

Cash deposit

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 92(1)(a)	Article 100(1)(b)	Article 345(2)	-	IA

Where the individual guarantee in the form of a cash deposit for special procedures or temporary storage has been lodged, it shall be repaid by the customs authorities of the Member State where it was provided, when the procedure has been discharged or the temporary storage has ended.

Article IA-III-2-04 (321-06-IA)

Guarantee in the form of an undertaking by a guarantor

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 94	Article 100(1)(b)	Articles 348, 384	-	IA

1. The customs office of guarantee shall approve the undertaking by a guarantor. The customs office of guarantee shall notify the approval to the person required to provide the guarantee.

2. The customs office of guarantee may revoke the approval of the undertaking by a guarantor at any time. The customs office of guarantee shall notify the revocation to the guarantor and the person required to provide the guarantee.

3. A guarantor may cancel his undertaking at any time.

The guarantor shall notify the cancellation to the customs office of guarantee.

4. The cancellation of the undertaking of the guarantor shall not affect goods which, at the moment where the cancellation takes effect, have already been placed and still are under a customs procedure or in temporary storage by virtue of the cancelled undertaking.

Article IA-III-2-05 (321-07-IA)

Mutual Assistance

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 92(1) (c)	Article 107	Article 857	-	IA

Where a customs debt is incurred in a Member State other than the Member State where the guarantee in one of the forms referred to in DA-III-2-03(1) (Article 321-07-DA(1)) was accepted, the Member State which accepted the guarantee shall transfer to the Member State where the customs debt is incurred, on the request of the latter, the amount of duty corresponding to the customs debt within the limits of the accepted guarantee.

That transfer shall be made within one month of reception of the request.

IA-III-2-06 (Article 321-08-IA)

Guarantee reference number and access code

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 89(2)	Article 100(1)(b)	Articles 342, 380a for Community transit	-	IA

1. Where the individual guarantee is valid throughout the customs territory of the Union, the customs office of guarantee shall communicate the following to the person who has provided the guarantee or, in case of the guarantee in the form of vouchers, to the guarantor:

- (a) a ‘guarantee reference number’;
- (b) an access code associated with the ‘guarantee reference number’.

2. Where the comprehensive guarantee is valid throughout the customs territory of the Union, the customs office of guarantee shall communicate the following to the person who has provided the guarantee:

- (a) a ‘guarantee reference number’ for each part of the reference amount to be monitored in accordance with Article IA-III-2-09 (322-05-IA);
- (b) an initial access code associated with the ‘guarantee reference number’.

The person who has provided the guarantee may assign one or more access codes to this guarantee to be used by himself or his representatives.

3. Where reference is made to a guarantee reference number, the customs authority shall verify the existence and the validity of the guarantee.

SECTION 2

COMPREHENSIVE GUARANTEE

Article IA-III-2-07 (322-03-IA)

Reference amount

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 95	Article 100(1)(a)&(b)	Article 379, for Community transit	-	IA

1. The comprehensive guarantee may be used up to a reference amount.
2. A part of the reference amount that is to cover customs debts which have been incurred, shall correspond to the amount of import or export duty which is payable.
3. A part of the reference amount that is to cover customs debts which may be incurred, shall correspond to the amount of import or export duty which may become payable in the period between the placing of the goods under the relevant customs procedure and the moment where the procedure is discharged or between the start and the end date of a temporary storage.

In establishing that part of the reference amount, account shall be taken of the highest rates of duty applicable to the goods in the Member State of the customs office of guarantee.

A calculation shall be made of the amount of import and export duty which may become payable for each customs declaration or temporary storage declaration. When the necessary data is not available the amount shall be presumed to be EUR 7 000 unless other information known to the customs authorities leads to a different figure.

4. The customs office of guarantee shall establish the reference amount in collaboration with the person required to provide the guarantee on the basis of the information on goods placed under the procedure or were in temporary storage in the preceding 12 months and an estimate of the volume of intended operations as shown, *inter alia*, by his commercial documentation and accounts.

The customs office of guarantee shall review the reference amount on their own initiative or on the basis of a request from the person required to provide the guarantee and shall adjust it if necessary.

Article IA-III-2-08 (322-04-IA)

Monitoring of the reference amount by the person required to provide a guarantee

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 89	Article 100(1)(b)	Article 379(4) for	-	IA

		Community transit		
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The person required to provide a guarantee shall ensure that the amount of import or export duty which is payable or may become payable does not exceed the reference amount.

That person shall inform the customs office of guarantee when the reference amount falls below a level sufficient to cover his operations.

Article IA-III-2-09 (322-05-IA)

Monitoring of the reference amount by the customs authorities

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 89(6)	Article 100(1)(b)	Article 379(4) for Community transit	-	IA

1. The monitoring of a part of the reference amount that covers debts which have been incurred with respect to goods placed under release for free circulation, shall be ensured by means of the computerised systems of the customs authorities for each customs declaration at the time of placing of goods under the procedure.

Where customs declarations for release to free circulation are lodged in accordance with an authorisation referred to in Articles 166(2), 182 or 185 of the Code, that monitoring of the relevant part of the reference amount shall be ensured on the basis of the supplementary declarations or, where applicable, in an appropriate information of the particulars needed for the entry in the accounts.

2. The monitoring of a part of the reference amount that covers debts which may be incurred with respect to goods placed under the Union transit procedure, shall be ensured by means of the computerised systems of the customs authorities for each customs declaration at the time of placing of goods under the procedure, except for goods carried by rail using the simplification referred to in point (e) of Article 233(4) of the Code where the customs declaration is not processed by the computerised system as referred to in Article IA-VII-2-22a(1).

3. The monitoring of a part of the reference amount that covers debts which have been incurred or may be incurred in cases other than referred to in paragraphs 1 and 2, shall be ensured by regular and appropriate audit.

Article IA-III-2-10 (322-06-IA)

Level of the comprehensive guarantee

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 95(2) & (3)	Article 100(1)(a)	Article 380	-	IA

1. The amount to be covered by the comprehensive guarantee shall be the same as the reference amount referred to in Article IA-III-2-07 (322-03-IA).

2. For the purposes of Article 95(2) of the Code, the amount to be covered by the comprehensive guarantee shall be reduced to:

- 50% of the relevant part of the reference amount where the conditions of paragraph 1(a) of Article DA-III-2-04 (322-07-DA) are satisfied;
- 30% of the relevant part of the reference amount where the conditions of paragraph 1(b) of Article DA-III-2-04 (322-07-DA) are satisfied; or
- 0% of the relevant part of the reference amount where the conditions of paragraph 2 of Article DA-III-2-04 are satisfied (guarantee waiver).

3. For the purposes of Article 95(3) of the Code, the amount to be covered by the comprehensive guarantee shall be reduced to 30% of the relevant part of the reference amount.

SECTION 3

PROVISIONS FOR GOODS PLACED UNDER THE UNION TRANSIT AND THE ATA, CPD AND TIR PROCEDURES

SUBSECTION 1

UNION TRANSIT

Article IA-III-2-11 (323-1-02-IA)

Calculation for the purpose of common transit

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 89(2)	Article 100(1)(a)	Article 345 (1)	-	IA

For the purpose of the calculation referred to in Article IA-III-2-01 (321-02-IA) and in the second subparagraph of Article IA-III-2-07(3) (322-03(3)-IA), Union goods carried in accordance with the Convention on a common transit procedure shall be treated as non-Union goods.

Article IA-III-2-12 (323-1-03-IA)

Individual guarantee provided in the form of un undertaking by a guarantor

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 89 & 92(1)(b)	Article 100(1)(b)	Articles 345(4) & 346	32-01 (ex Annex 49)	IA

1. Where the individual guarantee is provided in the form of an undertaking given by a guarantor, it shall correspond to the specimen in Annex 32-01 (ex-Annex 49).

The guarantee instrument shall be retained at the customs office of guarantee.

2. Where the individual guarantee is provided in the form of an undertaking by a guarantor, the access code associated with the "Guarantee Reference Number" cannot be modified by the holder of the procedure.

Article IA-III-2-13 (323-1-04-IA)

Individual guarantee in the form of vouchers

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 92(1)(b) Article 6(2)	Article 100(1)(b) Article 8(1)(a)	Article 345 & 347	32-02 (ex Annex 50)	IA

1. Where the individual guarantee is provided in the form of an undertaking by a guarantor, it may be in the form of individual guarantee vouchers for an amount of EUR 7 000, issued by the guarantor to persons who intend to act as holder of the procedure.

The last date on which the voucher may be used cannot be later than one year from the date of issue.

2. The guarantor shall be liable for up to EUR 7 000 per voucher.

The individual guarantee in the form of vouchers shall correspond to the specimen in Annex 32-02 (ex-Annex 50). Article IA-III-2-12(2) (323-1-03(2)-IA) shall apply.

The guarantor shall provide the customs office of guarantee with any required details about the individual guarantee vouchers that he has issued, in the manner decided by the customs authorities.

3. For each individual guarantee voucher, the guarantor shall communicate the following to the holder of the procedure:

- (a) a 'Guarantee Reference Number';
- (b) an access code.

The holder of the procedure shall not modify the access code.

4. The holder of the procedure shall lodge at the office of departure the number of individual guarantee vouchers corresponding to the multiple of EUR 7 000 required to cover the total amount referred to in Article IA-III-2-01 (321-02-IA).

Article IA-III-2-14 (323-1-05-IA)

Revocation and cancellation of individual guarantee in the form of vouchers

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure

Article 92(1)(b) & 94	Article 100(1)(b)	Article 348	-	IA
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The customs authorities of the Member State responsible for the relevant customs office of guarantee shall introduce into the computerised system the information of any such revocation or cancellation and the date when either becomes effective.

Article IA-III-2-15 (323-1-06-IA)

Comprehensive guarantee

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 89(5) & 95	Article 100(1)(b)	Article 382	Annex 32-03 (ex Annex 48)	IA

1. The comprehensive guarantee shall be furnished in the form of an undertaking by a guarantor.
2. The guarantee instrument shall conform to the specimen in Annex 32-03 (ex-Annex 48). Article IA-III-2-12(2) (323-1-03(2)-IA) shall apply.
3. The guarantee instrument shall be retained at the customs office of guarantee.

Article IA-III-2-15a

Different forms of guarantor's undertaking

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 92(1)(b)	Article 100(1)(b)	Article 346(2), 347(1) & 382(3)		IA

Where required by national law, regulation or administrative provision, or by common practice, each Member State may allow the undertaking referred to in IA-III-2-12, IA-III-2-13 or IA-III-2-15 to take a different form provided it has the same legal effect as the undertaking shown in the relevant specimens.

SUBSECTION 2

TIR AND ATA

Article IA-III-2-16 (323-2-01-IA)

TIR Carnet

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 226(3)(b)	Articles 100(1)(b) & 232	Article 457(1)	-	IA

For the purposes of Article 8(4) of the TIR Convention, when a TIR operation is carried out on the customs territory of the Union, any guaranteeing association established in the customs territory of the Union may become liable for the payment of the secured amount relating to the goods concerned in the TIR operation up to a limit per TIR carnet of EUR 60000 or the national currency equivalent thereof.

Article IA-III-2-17 (323-2-02-IA)

Liability of guaranteeing associations for TIR and ATA operations

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 226(3)(b) and (c)	Articles 100(1)(b) & 232	Articles 457(3)-460(2)	-	IA

A valid notification of non-discharge of a procedure in accordance with the TIR Convention or with the ATA Convention/Istanbul Convention made by the customs authorities of one Member State to a guaranteeing association shall constitute a notification to any other guaranteeing association of another Member State identified as liable for payment of an amount of import or export duty or other charges.

CHAPTER 3

Recovery, payment, repayment and remission of the amount of import or export duty

SECTION 1

DETERMINATION OF THE AMOUNT OF IMPORT OR EXPORT DUTY, NOTIFICATION OF THE CUSTOMS DEBT AND ENTRY IN THE ACCOUNTS

SUBSECTION 1

GENERAL PROVISIONS

Article IA-III-3-01 (331-02-IA)

Mutual assistance

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Articles 101(1), 102(1)	Article 107	Articles 450d, 456(2)	-	IA

1. Where a customs debt is incurred, the customs authorities competent for the recovery of the amount of import or export duty resulting from the customs debt shall inform the other customs authorities involved of the following:

- (a) the cases in which a customs debt was incurred;
- (b) the action taken against the debtor to recover the sums concerned, including the collection of import or export duty.

2. The Member States shall assist each other in recovery of the amount of import or export duty resulting from the customs debt.

3. Without prejudice to Article IA-VII-2-47 (722-24-IA), when the customs authority of the Member State where it has been established that the customs debt has been incurred ('the requesting authority'), before the customs debt is notified and, where applicable, before the time limit referred to in Article 87(2) of the Code expires, obtains evidence by whatever means regarding the place where the events from which the customs debt arises occur, and that place is in another Member State, the requesting customs authority shall immediately, and where the time limit as referred to in Article 87(2) of the Code is applicable, never after its expiry, send all the information available to the customs authority responsible for that place ('the requested authority'). The requested customs authority shall acknowledge receipt of the communication and indicate whether it is responsible for the recovery. If no response is received within 28 days, the requesting customs authority shall immediately proceed with the recovery.

SUBSECTION 2

SPECIFIC PROVISIONS

Article IA-III-3-02 (331-04-IA)

ATA – customs office of coordination

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 226(3)(c)	Article 232	Article 458	-	IA

1. The customs authorities shall designate a customs office of coordination responsible for any action concerning customs debts which are incurred through non-compliance with obligations or conditions relating to ATA or eATA carnets.
2. Each Member State shall communicate to the Commission the customs office of coordination together with its reference number. The Commission shall make this information available on the Internet Site of the European Commission.

Articles IA-III-3-03 (331-05-IA)

Union transit procedure and TIR – recovery of other charges

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 226(3)(a) and (b)	Articles 107 & 232	Articles 450b-456(2)	-	IA

1. Where the customs authorities who notified the customs debt and the obligation to pay other charges or an irregularity ('the requesting authorities') for goods placed under the Union transit procedure or under the transit procedure in accordance with the TIR Convention, obtain evidence by whatever means regarding the place where the events giving rise to the customs debt and the obligation to pay other charges or the irregularity occurred, they shall immediately send all the necessary documents, including an authenticated copy of the evidence, to the authorities competent for that place ('the requested authorities'). The requesting authorities shall simultaneously request confirmation of the responsibility of the requested authorities for recovery of the other charges.
2. The requested authorities shall acknowledge receipt of the communication and indicate whether they are responsible for recovery.
If no response is received within 90 days, the requesting authorities shall immediately resume the recovery proceedings they initiated.
3. Where the requested authorities are competent, they shall initiate new proceedings for recovery of other charges, where appropriate after the period referred to in paragraph 2, and on condition that the requesting authorities are immediately informed.

4. Any uncompleted proceedings for recovery of other charges initiated by the requesting authorities shall be suspended as soon as the requested authorities inform them that they have decided to take action for recovery.

As soon as the requested authorities provide proof that they have recovered the sums in question, the requesting authorities shall repay any other charges already collected or cancel the recovery proceedings.

Articles IA-III-3-03a (331-05-IA)

Union transit procedure and TIR – discharge of procedure

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 226(3)(a) and (b)	Articles 107 & 232	Articles 450(d)	-	IA

The authorities competent for recovery shall inform the office of departure of the collection of duties and other charges, in order to enable the office to discharge the operation under the Union transit procedure or under the transit procedure in accordance with the TIR Convention.

Articles IA-III-3-04 (331-06-IA)

Transit under the ATA Convention/Istanbul Convention – recovery of other charges

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 226(3)(c)	Articles 107 & 232	Articles 457c, 461	33-05 (ex Annex 61)	IA

1. Where the customs authorities who notified the customs debt and the obligation to pay other charges ('the requesting authorities') for goods placed under transit in accordance with the ATA Convention/Istanbul Convention, obtain evidence by whatever means regarding the place where the events giving rise to the customs debt and the obligation to pay other charges occurred, they shall immediately send all the necessary documents, including an authenticated copy of the evidence, to the authorities competent for that place ('the requested authorities'). The requesting authorities shall simultaneously request confirmation of the responsibility of the requested authorities for recovery of the other charges.

2. The requested authorities shall acknowledge receipt of the communication and indicate whether they are responsible for recovery. This acknowledgement and indication shall be drawn up in accordance with the model of discharge in Annex 33-05 (ex-Annex 61) indicating that claim proceedings have been initiated with respect to the guaranteeing association in the requested Member State.

If no response is received within 90 days, the requesting authorities shall immediately resume the recovery proceedings they initiated.

3. Where the requested authorities are competent, they shall initiate new proceedings for recovery of other charges, where appropriate after the period referred to in paragraph 2, and on condition that the requesting authorities are immediately informed.

The requested authorities shall where necessary collect from the guaranteeing association with which they are connected the amount of duties and other charges due at the rates in force in the Member State where these authorities are situated.

4. As soon as the requested authorities indicate that they are competent for recovery, the requesting authorities shall refund to the guaranteeing association with which they are connected any sums which that association may have deposited or provisionally paid.

5. The proceedings shall be transferred within a period of one year from the date of expiry of the validity of the carnet on condition that payment has not become definitive pursuant to Article 7 (2) or (3) of the ATA Convention or Article 9(1)(b) and (c) of Annex A to the Istanbul Convention.

SUBSECTION 3

**NOTIFICATION OF THE CUSTOMS DEBT AND CLAIM FOR PAYMENT FROM
GUARANTEEING ASSOCIATION**

Article IA-III-3-05 (331-11-IA)

ATA/CPD - Claim for payment from the guaranteeing association

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 98	Articles 100(1)(b)	Articles 459-460	33-02 (ex Annex 59) & 33-03 (ex-Annex 60)	DA/IA

1. Where the customs authorities establish that the customs debt has been incurred for good covered by an ATA or eATA carnet, they shall without a delay make any claim against the guaranteeing association. The customs office of coordination making the claim referred to in Article DA-III-3-03 (331-11-IA(2)) shall at the same time, as far as possible, provide to the customs office of coordination in the jurisdiction of which the customs office of placement under temporary admission is situated, an information memo on the claim for payment sent to the guaranteeing association.

2. The information memo shall be accompanied by a copy of the non-discharged voucher, if the customs office of coordination has it in its possession. The information memo may also be used whenever this is deemed necessary.

3. The taxation form as referred to in Article DA-III-3-03 (331-11-DA) may be sent later than the claim, though not more than three months from the claim and in any event not more

than six months from the date on which the customs authorities initiate the recovery proceedings.

SECTION 2

PAYMENT OF THE AMOUNT OF IMPORT OR EXPORT DUTY

SECTION 3

REPAYMENT AND REMISSION

Article IA-III-3-07 (333-02-IA)

Application for repayment or remission

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 22(1)	Article 25(a)	Articles 878(1) & 879(1), 881	Annex A (ex-Annex 111)	IA

The application for repayment or remission ('application') shall be submitted by the person who paid or is liable to pay the amount of import or export duty, or any person who has taken over his rights and obligations.

Article IA-III-3-08 (333-04-IA)

Prior completion of formalities

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 116(1)	Article 123(1)(a)	Article 883	-	IA

The decision-taking customs authority may authorise completion of the customs formalities to which any repayment or remission may be subject, before it takes a decision. Such authorisation shall be without prejudice to the decision on the application.

Article IA-III-3-08a

Presentation of goods

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
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Article 116(1)	Article 123(1)(a)	Article 890 last paragraph	-	IA
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Repayment or remission shall take place upon presentation of the goods. Where the goods can not be presented to the customs authorities, the decision-taking customs authority shall grant repayment or remission only where it has information showing unequivocally that the evidence in the case applies to the said goods.

Article IA-III-3-09 (333-05-IA)

Transfer

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 116(1)	Article 123(1)(a)	Article 884	-	IA

Without prejudice to Article IA-III-3-08 (333-04-IA) and until a decision has been taken on the application, the goods in respect of which repayment or remission has been requested may not be transferred to a location other than that specified in the application unless the applicant notifies in advance the customs office referred to in Article IA-III-3-07(2) (333-02(2)-IA), which shall inform the decision-taking customs authority.

Article IA-III-3-10 (333-06-IA)

Supplementary information where goods are situated in another Member State

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 22	Article 25(b)	Articles 885, 899(4), 910-911	Annex 33-06 (ex Annex 112)	IA

1. The Member States shall give each other mutual assistance, particularly where an error by the customs authorities of a Member State other than that responsible for taking the decision is concerned.

2. Where an application for repayment or remission relates to a case where supplementary information must be obtained from the customs authority of a Member State other than that in which the customs debt was notified or where the goods must be examined by that authority in order to ensure that the conditions for repayment or remission are satisfied, the decision-taking customs authority shall request the assistance of the customs authority of the Member State where the goods are situated, specifying the nature of the information to be obtained or of the checks to be carried out.

The request for information shall be accompanied by details of the application and of all documents necessary to enable the customs authority of the Member State where the goods are situated to obtain the information or carry out the checks requested.

3. The decision-taking customs authority, if sending the request by means other than electronic data-processing techniques, in accordance with Article DA-III-3-09 (333-06-DA), shall send two copies of its request, made out in writing and on a form conforming to Annex 33-06 (ex-Annex 112), to the customs authority of the Member State where the goods are situated.

4. The customs authority of the Member State where the goods are located shall comply promptly with the request referred to in paragraph 2. It shall forward the information obtained and the results of the checks carried out to the decision-taking customs authority if the request was sent and/or if the results obtained are sent by means other than electronic data-processing techniques.

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 116	Article 123(1)(a)	Articles 885, 899(4), 910-911		IA

Within 30 days of the date of receipt of the request the customs authority of the Member State where the goods are situated shall obtain the information or carry out the checks requested by the decision-taking customs authority. It shall enter the results obtained in the relevant part of the original of the request for information and shall return the said document to the decision-taking customs authority together with all the documents forwarded to it.

Where it is unable to obtain the information or carry out the checks requested within the period referred to in the previous subparagraph, the customs authority of the Member State where the goods are situated shall acknowledge receipt of the request for information submitted to it within that period by returning to the decision-taking customs authority the copy of the request for information duly annotated.

Article IA-III-3-11 (333-09-IA)

Formalities related to the decision

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 6(2)	Article 8(1)(a)	Articles 886, 893, 899(2) 2 nd subpar	-	IA

Where repayment or remission is subject to the completion of formalities, the holder of the decision for repayment or remission shall inform the monitoring customs office that he has completed formalities to conform to that decision.

Article IA-III-3-12 (333-10-IA)

Completion of formalities

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
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Article 116(1) Article 6(2)	Article 123(1)(a) Article 8(1)(a)	Articles 887, 888, 912	Annex 33-07 (ex-Annex 113)	IA
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1. Where the decision specifies that the goods may be exported or placed under a special procedure, and the recipient avails himself of this opportunity, the monitoring customs office shall be the customs office where the goods are placed under that procedure.
2. Where the monitoring customs office sends the information referred to in Article DA-III-3-12(333-010-DA) by means other than electronic data-processing techniques, it shall use a certificate conforming to the specimen contained in Annex 33-07 (ex 113).
3. Where the decision-taking customs authority has decided that repayment or remission is justified the amount of duty shall be repaid or remitted only after receiving the information referred to in paragraph 2.

Article IA-III-3-13 (333-11-IA)

Parts or components of a single article

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 116(1)	Article 123(1)(a)	Article 897	-	IA

Where repayment or remission is subject to destruction, abandonment to the State, or placement under a special procedure or the export procedure of an article, but the corresponding formalities are completed only for one or more parts or components of that article, the amount to be repaid or remitted shall be the difference between the amount of import or export duty on the complete article and the amount of import or export duty which would have been chargeable on the remainder of the article if the latter had been placed in the unaltered state under a customs procedure involving the incurrance of a customs debt, on the date on which the complete article was so placed.

Article IA-III-3-14 (333-12-IA)

Waste and scrap

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 116(1)	Article 123(1)(a)	Article 894	-	IA

Where destruction of the goods authorised by the decision-taking customs authority produces waste or scrap, such waste or scrap shall be regarded as non-Union goods once a decision granting repayment or remission has been taken.

Article IA-III-3-16 (333-19-IA)

Export or destruction without customs supervision

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 116(1)	Article 123(1)(a)	Articles 901-902	-	IA

1. Where in situations covered by the second subparagraph of Article 116(1), Article 118 and in Article 120 of the Code, export or destruction was made without customs supervision, repayment or remission on the basis of Article 120 of the Code shall be conditional on the following:

- (a) the provision to the decision-taking customs authority of the evidence needed to establish whether the goods in respect of which repayment or remission is requested are in either of the following situations:
 - (i) the goods have actually been exported from the customs territory of the Union;
 - (ii) the goods have been destroyed under the supervision of authorities or persons empowered to certify such destruction officially;
- (b) the return to the decision-taking customs authority of any document certifying or information confirming the Union status of the goods in question under cover of which the said goods may have left the customs territory of the Union, or the presentation of whatever evidence the said authority considers necessary to satisfy itself that the document or information in question cannot be used subsequently in connection with goods brought into the customs territory of the Union.

2. For the purposes of paragraph (1)(a)(i), the evidence needed to establish that the goods in respect of which repayment or remission is requested have actually been exported from the customs territory of the Union shall consist of the presentation by the applicant of the following documents:

- (a) the certification of exit referred to in Article IA-VIII-2-06 (820-11-IA);
- (b) the original or a certified copy of the customs declaration for the procedure involving the incurrance of the customs debt;
- (c) where necessary, commercial or administrative documents containing a full description of the goods which were presented with the customs declaration for the said procedure or with the customs declaration for export from the customs territory of the Union or the customs declaration made for the goods in the third country of destination, as the case may be.

3. For the purposes of paragraph (1)(a)(ii), the evidence needed to establish that the goods in respect of which repayment or remission is requested have actually been destroyed under the supervision of authorities or persons authorised to certify officially such destruction shall consist of the presentation by the applicant of either of the following documents:

- (a) a report or declaration of destruction drawn up by the authorities under whose supervision the goods were destroyed, or a certified copy thereof;
- (b) a certificate drawn up by the person authorised to certify destruction, accompanied by evidence of his authority.

These documents shall contain a sufficiently full description of the destroyed goods to establish, by means of comparison with the particulars given in the customs declaration for a customs procedure involving the incurrance of the customs debt and the supporting documents, that the destroyed goods are those which had been placed under the said procedure.

4. Where the evidence referred to in paragraphs 2 and 3 is insufficient to allow the decision-taking customs authority to take a decision on the case submitted to it in full knowledge of the facts, or where certain evidence is not available, such evidence may be supplemented or replaced by any other documents considered necessary by the said authority.

Article IA-III-3-17 (333-22)

Information to be provided to the Commission

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 121(4)	Article 123(1)(b)	Articles 870(2), 889(2) & 904a	-	IA

1. Each Member State shall communicate to the Commission a list of the cases in which repayment or remission has been granted on the basis of Article 119 or 120 of the Code and the amount repaid or remitted towards a certain debtor with respect to one or more import or export operations but in consequence of a single error or special situation is more than EUR 50 000, except cases as referred to in Article 116(3) of the Code and Article IA-III-3-16 and as well as cases where:

- (a) non-Community goods placed under a customs procedure involving total or partial relief from import duties or goods released for free circulation with favourable tariff treatment by reason of their end-use are stolen, provided that the goods are recovered promptly and placed again in their original customs situation in the state they were in when they were stolen;
- (b) non-Community goods are inadvertently withdrawn from the customs procedure involving total or partial relief from the said duties under which they had been placed, provided that, as soon as the error is found, they are placed again in their original customs situation in the state they were in when they were withdrawn;
- (c) it is impossible to operate the mechanism for opening the means of transport on which goods previously released for free circulation are located and accordingly to unload them on arrival at their destination, provided that they are immediately re-exported;
- (d) goods originally released for free circulation are subsequently returned to their non-Community supplier, under the outward processing arrangements, to enable him — free of charge — to eliminate defects existing prior to the release of the goods (even if found after release of the goods) or to bring them into line with the provisions of the contract under which they were released for free circulation, and the said supplier decides to keep the goods permanently because he is unable to remedy the defects or because it would not be economic to do so;
- (e) it is found, when the customs authorities decide on post-clearance entry in the accounts of import duties actually due on goods released for free circulation with full relief from such duties, that the goods in question have been re-exported from the customs territory of the Community without customs supervision, provided it is established that the substantive

conditions laid down in the Code for the repayment or remission of such import duties would actually have been met at the time of re-exportation if the amount had been levied when the goods were released for free circulation;

(f) a judicial body has forbidden the marketing of an item previously entered for a customs procedure obliging the person concerned to pay import duties under normal conditions, and the said item is re-exported from the customs territory of the Community or destroyed under the control of the customs authorities, provided it is established that the item in question has not actually been used in the Community;

(g) the goods have been entered for a customs procedure involving the obligation to pay such duties by a declarant empowered to do so on his own initiative and, through no fault of the declarant, it has not been possible to deliver them to the consignee;

(h) the goods have been addressed to the consignee in error by the consignor;

(i) the goods are found to be unsuitable for the use for which the consignee intended them because of an obvious factual error in his order;

(j) after having been released for a customs procedure involving the obligation to pay import duties, the goods are found not to have complied, at the time of their release, with the rules in force concerning their use or marketing and therefore cannot be used for the purpose intended by the consignee;

(k) the use of the goods by the consignee for the purpose intended is prevented or substantially restricted as a result of measures of general scope taken, after the date of release for a customs procedure involving the obligation to pay import duties, by an authority or other body having the appropriate power of decision;

(l) total or partial import duty relief applied for by the person concerned in accordance with existing provisions cannot, through no fault of the person concerned, be granted by the customs authorities, who shall accordingly enter in the accounts the import duties which have become due;

(m) the goods reached the consignee after the binding delivery dates stipulated in the contract under which they were entered for a customs procedure involving the obligation to pay import duties;

(n) it has not been possible to sell the goods in the customs territory of the Community and they are delivered free of charge to charities:

— carrying out their activities in a third country, provided that they are represented in the Community,

or

— carrying out their activities in the customs territory of the Community, provided that they are eligible for relief in the case of importation for free circulation of similar goods from third countries;

(o) the customs debt has been incurred otherwise than under Article 201 of the Code and the person concerned is able to produce a certificate of origin, a movement certificate, an internal Community transit document or other appropriate document showing that if the imported goods had been entered for free circulation they would have been eligible for Community treatment or preferential tariff treatment, provided the other conditions referred to in Article 890 were satisfied;

(p) the returned goods, in respect of which an export duty was levied when they were exported from the customs territory of the Union, were released for free circulation.

2. The communication shall be forwarded during the first and third quarters of each year for all cases in which it was decided to repay or remit duties during the preceding half-year.

3. Where a Member State has not taken any decision referred to in paragraph 1 during the half-year in question, it shall send the Commission a communication with the entry “Not applicable”.
4. Each Member State shall hold at the disposal of the Commission a list of the cases in which repayment or remission has been granted on the basis of Article 119 or Article 120 of the Code and the amount repaid or remitted is equal or less than EUR 50 000.
5. The obligation to inform the Commission, as referred to in paragraph 1, do not cover cases in which the repayment or remission decision was taken on the basis of a Commission decision.

CHAPTER 4

Extinguishment of a customs debt

SECTION 1

IRRETRIEVABLE LOSS

Disclaimer: NO IA foreseen.

SECTION 2

FAILURES WHICH HAVE NO SIGNIFICANT EFFECT ON THE CORRECT OPERATION OF
THE CUSTOMS PROCEDURE CONCERNED

Disclaimer: NO IA foreseen.