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**Subject: Supporting Study for the interim evaluation of the implementation of the Union Customs Code**

Dear Sir, / Dear Madam,

The European Commission – Directorate-General for Taxation and Customs Union (DG TAXUD) recently launched a Study to support the interim evaluation of the implementation of the Union Customs Code (UCC) legal package. The Study aims at analysing the state of implementation by Member States and the Commission of the UCC legislative framework, including its IT aspects, and to evaluate the functioning of the UCC to date in terms of its progress towards achievement of the UCC's objectives.

The Study will be carried out over the September 2020 to September 2021 period and will involve consultations with a wide range of stakeholders at the European and national levels, including customs authorities and other government bodies in the Member States, economic operators involved in international trade, Commission officials, other EU or global institutions, and EU-level stakeholder organisations.

The study has been entrusted to a group of consulting firms and research institutions led by Oxford Research and comprising Ipsos, the Center for Social and Economic Research, Wavestone, and Economisti Associati. The consultants responsible for the study are Team Leader Mr Bradford Rohmer ([bradford.rohmer@oxfordresearch.se](mailto:bradford.rohmer@oxfordresearch.se)) and Deputy Team Leader Martin Kuehnemund ([martin.kuehnemund@ipsos.com](mailto:martin.kuehnemund@ipsos.com)).

We would be grateful if you could extend your assistance to the consultants by making yourself available for interviews, responding to written questionnaires and / or providing any other data and information that may be requested for the evaluation.

Finally, with regard to data protection, it should be emphasised that the consultants are bound by strict confidentiality provisions in their framework contract and specific contract with DG TAXUD for the assignment. The information will only be shared with the Commission subject to specific agreement, or in aggregated, anonymised form.

Should you need any clarification regarding the study, please do not hesitate to contact Agnes Nagy ([agnes.nagy@ec.europa.eu](mailto:agnes.nagy@ec.europa.eu)) and Paola Mannoni ([paola.mannoni@ec.europa.eu](mailto:paola.mannoni@ec.europa.eu)).

We thank you in advance for your cooperation.

Yours faithfully,  
(e-signed)  
Lina Papamichalopoulou  
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# Study to support the evaluation of the implementation of the UCC

## Questionnaire for economic operators

### Introduction

#### *Overview*

A study to support the interim evaluation of the implementation of the Union Customs Code legal and IT package (hereinafter the UCC) was recently launched by DG TAXUD. The study aims to (1) fully analyse implementation of the UCC in all Member States from the entrance into force of the substantive provisions on 1 May 2016 until end 2020, (2) assess the achievement of objectives, and (3) provide recommendations to address any weaknesses or gaps. The attached letter from DG TAXUD explains the purpose and official nature of the study.

As part of this study, this questionnaire is about the review of the implementation of the UCC. Since there is little existing data about the experiences of traders, **it is necessary to request and collect detailed information directly from the Trade Contact Group (TCG)**. With this in mind, we would like to make three points:

1. Detailed information on the application of specific legal provisions and IT systems is being requested from customs authorities in all 27 EU Member States and the UK. Your input will help **identify which aspects of the UCC implementation are working well and less well for traders, and thereby propose improvements for the future**. While we will produce reports based on your feedback, the anonymity of your sector and members will be preserved (see data collection and handling protocols below).
2. It is not expected that one individual will complete the questionnaire alone. Rather, we invite to **consult with your members in order to obtain feedback that reflects the experiences of your sector**. We are also especially interested in examples of the UCC implementation in specific Member States, where relevant, regarding any important disparities, challenges and ways of dealing with them and good practice examples. Then, we would request one completed questionnaire per TCG member.
3. **We are trying to make this exercise as easy as possible for you**. For this reason, the questions are focused on issues where we truly need your input. Many questions are multiple choice, which take a lot of space but should be quick to fill out. The TCG members have also been divided among the Study Team, so that there is a dedicated individual available to provide any assistance you might need with the questionnaire. **We are also aware that, depending on your role in the trade supply chain, some questions may not be relevant for your sector / members. Please feel free to skip these**. Finally, in addition to English, we are happy to receive responses to the open-response questions in French, German, Italian, Polish or Spanish, whichever is most convenient.

#### *Structure and content of the questionnaire*

The questionnaire aims to cover the entire legal and IT package, in terms of the six themes summarised in the table below. Each **thematic section of the questionnaire focuses on experiences so far** in terms of challenges encountered, solutions or mitigating measures that have resolved these, and preliminary insight on impacts. A last section then asks you to take a step back and provide views of the UCC legal and IT package as a whole.

Given the breadth of provisions and IT systems, and in order to not overburden respondents, the questionnaire focuses on those aspects where changes were introduced.

#	Section	Content	UCC IT systems covered
1	Customs procedures and declarations	Customs procedures for import (release for free circulation) and export, in particular the relevant customs declarations and simplifications (UCC Titles V, VI, VIII)	<ul style="list-style-type: none"> <li>Registered Exporter System (REX)</li> <li>Direct Trader Access to the European Information Systems (UUM&amp;DS)</li> <li>Economic Operator Registration and Identification System upgrade (EOR12)</li> <li>National Import Systems Upgrade</li> <li>Automated Export System (AES)</li> <li>Centralised Clearance for Import (CCI)</li> <li>Proof of Union Status (PoUS)</li> </ul>
2	Customs Decisions and AEO authorisations	Provisions, time limits and IT system for decisions, as well as AEO authorisations (UCC Title I)	<ul style="list-style-type: none"> <li>Customs Decisions System (CDS)</li> <li>Economic Operator System/AEO (EOS/AEO)</li> </ul>
3	Customs Tariff, Origin, Valuation	Questions on BTI, BOI, and valuation, as well as surveillance (UCC Title II)	<ul style="list-style-type: none"> <li>EBTI</li> </ul>
4	Customs debt and Guarantees	Deals with the related domains of customs debt (the obligation for a person to pay customs duties) and guarantees (the financial cover for customs debt) (UCC Title III)	<ul style="list-style-type: none"> <li>Guarantee Management System (GUM)</li> </ul>
5	Entry of Goods and Temporary Storage	Includes questions on the 'Pentology' of customs formalities related to the entry of goods, in particular ENS and temporary storage (UCC Title IV)	<ul style="list-style-type: none"> <li>Import Control System upgrade (ICS2)</li> <li>Notification of Arrival (NA), Presentation Notification (PN) and Temporary Storage (TS) upgrade</li> </ul>
6	Special Procedures	Provisions related to transit, storage, specific use and processing (UCC Title VII)	<ul style="list-style-type: none"> <li>New Computerised Transit System upgrade (NCTS – Phase 5)</li> <li>INF system for Special Procedures</li> <li>National implementation of special procedures (inward and outward processing)</li> </ul>
7	Overall views and conclusions	Overarching questions on the most significant changes and challenges; overall views and state of implementation.	Not applicable

### ***Data collection and handling protocols***

We would like to highlight the importance of our **protocols for the collection and handling of sensitive data**. These stipulate that:

- Any data, view, or other information that will be shared by your organisation, including commercially sensitive information, will be treated as strictly confidential, and not shared with any third party.
- Any data, view, or other information provided will be processed in line with the prescriptions of the General Data Protection Regulation and subject to technical requirements and safeguards to prevent their intentional or non-intentional disclosure.
- Any data, view, and information provided will be presented only in anonymised or aggregated form and not shared with third parties or made public, as to prevent that any information could be linked to individual respondents.

**Practical aspects**

When filling out the questionnaire, all **multiple-choice questions can be answered with a simple X** in the appropriate box (just one X per question). The answer boxes for **multiple-choice questions are highlighted in a light blue colour**, while the answer boxes for **open response questions are highlighted in a light green colour**. Open responses can be provided in English, French, German, Italian, Polish or Spanish.

In the final section, “Overall views and conclusions”, you will be able to provide any relevant documents to support your answers.

Please return the questionnaire by **7 December 2020** to Mr Andrew Hetherington from the Study Team (andrew.hetherington@oxfordresearch.se). Andrew is also available to answer any questions you might have. The Team Leader for the Study, Mr Bradford Rohmer (bradford.rohmer@oxfordresearch.se), is also at your disposal in case of any questions or concerns.

Thanks in advance for your collaboration!

Before answering the questions, please fill in the table below.

Organisation	
Contact person	
Email	

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## 1. Customs declarations, import and export procedures

This section covers a number of aspects related to the customs procedures for import (release for free circulation) and export, including customs declarations. Simplified declarations, as well as a number of other simplifications, are available to economic operators under certain conditions. Most of the relevant provisions are contained in Titles V, VI and VIII of the UCC.

Key innovations introduced by the UCC in the area of customs declarations, import and export procedures include:

- Under the UCC, all customs declarations have to be made electronically (UCC, Art. 6).
- The data requirements are harmonised throughout the EU (UCC-DA and IA, Annex B).
- The provisions for lodging customs declarations in the form of an entry in the declarant's records (EIDR) have changed (UCC Art. 182).
- Self-assessment allows authorised economic operators to carry out specific customs formalities themselves (UCC Art. 185).
- Under centralised clearance, traders can lodge customs declarations at the customs office that is responsible for the place where they are established, rather than where the goods are presented (UCC Art. 179). *NB: Since the electronic systems to support centralised clearance at EU-level are not available yet, centralised clearance is currently applied along the principles of the 'Single Authorisation for Simplified Procedures' (SASP).*
- New or upgraded trans-European central IT systems have been deployed: the new Registered Exporter System (REX) and the Direct Trader Access to the European Information Systems – UUM&DS (Uniform User Management & Digital Signature) in 2017, the upgraded Economic Operator Registration and Identification System (EORI) in 2018.
- Several other IT systems are still being developed or upgraded, in particular the National Import Systems upgrade (due to be deployed in 2022), the Automated Export System (AES, due in 2023), Centralised Clearance for Import (CCI, due in 2023/25), and the Proof of Union Status (PoUS, due in 2024/25).
- In 2019, the UCC-DA was amended as regards the declaration of certain low-value consignments. In 2021, the declaration waiver and VAT exemption for goods up to a value of €22 will be abolished, and instead a declaration with reduced dataset will be required for goods up to a value of €150.

### **Experiences of implementation so far**

*The following questions aim to collect information on the **experiences of your sector and members with the implementation of the changes** to customs declarations, import and export procedures introduced by the UCC, **and with their effects**. Specifically, it seeks to:*

- *identify any major difficulties or challenges your sector and/or members have encountered in dealing with the implementation of the changes introduced by the UCC in this theme, and if and how these have been resolved;*
- *provide preliminary information on whether the changes introduced by the UCC have generated significant impacts for your sector and/or members. (NB: The specific impacts (costs and benefits) that appear most significant will be subject to further in-depth analysis and evaluation in the next phase of this study.)*

**For the multiple-choice questions**, please answer from the perspective of your sector for the EU as a whole. **For the open-response questions**, we invite you to highlight any significant differences between Member States, and/or examples that apply to specific Member States (e.g. particular problems or solutions, good practice examples).

**Q1.1. Regarding the UCC requirement that all customs declarations be made electronically:**  
 Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme?  
 And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding electronic declarations:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q1.2. Regarding the UCC's harmonised data requirements:**  
 Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme?  
 And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding harmonised data requirements:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					

Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q1.3. Regarding simplifications (incl. EIDR, self-assessment, centralised clearance):**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding simplifications:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to					



tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.	
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.	

**Q1.4. Regarding the relevant IT systems already deployed (REX, UUM&DS, EORI):**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding REX, UUM&DS, EORI:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					

What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.	
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.	

**Q1.5. Regarding the relevant IT systems still to be deployed or updated (National Import System, AES, CCI, PoUS):**

Have your sector and/or members encountered any significant **difficulties or challenges** in dealing with the implementation of the main changes?

Regarding Nat'l Import System, AES, CCI, PoUS:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q1.6. Regarding the recent changes to the rules for the declaration of low-value consignments that will apply from 1 July 2021:**

Have your sector and/or members encountered any significant **difficulties or challenges** in dealing with the implementation of the main changes?

Regarding the changes for low-value consignments:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q1.7. Are there any other aspects of the UCC legislative or IT framework for customs declarations, import and/or export procedures that are problematic (for example, gaps or provisions that are not fit for purpose), or are likely to become problematic for your sector and/or members in the years ahead (e.g. in light of changes in business models, supply chains, trade patterns, global developments, the changing role of customs, the likely costs, etc.)?**

Other aspects of the UCC legislative or IT framework for customs declarations, import and/or export procedures that <u>are problematic</u>	
Other aspects of the UCC legislative or IT framework for customs declarations, import and/or export procedures that are not yet problematic, but <u>are likely to become problematic</u> in the years ahead	

## 2. Customs Decisions and AEO authorisations

This theme relates to formalised customs decisions, in particular those made as a result of an application procedure initiated by an economic operator in relation to a specific matter, which produce legally binding effects on the person concerned by the Decision, and which are now handled by the Customs Decisions System (CDS).

Furthermore, this theme covers the provisions related to the status of Authorised Economic Operator (AEO), which is a specific case of customs decisions for which an economic operator who fulfils a set of criteria may apply. The AEO status identifies an economic operator as a ‘trusted trader’, in line with international standards. AEO applications, authorisations and their management are handled by the Economic Operator Systems/AEO (EOS/AEO). Most of the relevant provisions regarding customs decisions as well as AEO are contained in Title I of the UCC.

The key changes introduced by the UCC in the area of customs decisions and AEO authorisations include:

- The rules and procedures regarding the various types of customs decisions were comprehensively recast and streamlined (UCC Art. 22-37).
- Time limits were imposed for decisions upon application (as a general rule, 30 days to accept an application and 120 days to make a decision) (UCC Art. 22(2), 22(3), and 24(c)).
- Under the right to be heard (UCC Art. 22(6)), customs authorities are required to inform the applicant of a decision that would adversely affect them, indicating the reasons, and offering the applicant the opportunity to express their point of view.
- A new, trans-European IT system (CDS) aimed to harmonise the processes for application and management of customs decisions, in particular authorisations, across the EU, was deployed in 2017, and upgraded in 2020.
- The AEO criteria were strengthened by adding additional conditions (UCC Art. 39(a), (b), (c) and (e)).
- A new AEO criterion related to possessing proven practical standards of competence or professional qualifications was introduced (UCC Art. 39(d)).
- The AEO IT system was upgraded to align the business processes related to AEO applications, authorisations and their management with the UCC changes.

### **Experiences of implementation so far**

The following questions aim to collect information on the **experiences of your sector and members with the implementation of the changes** to customs decisions and EAO authorisations introduced by the UCC, **and with their effects**. Specifically, it seeks to:

- *identify any major difficulties or challenges your sector and/or members have encountered in dealing with the implementation of the changes introduced by the UCC in this theme, and if and how these have been resolved;*
- *provide preliminary information on whether the changes introduced by the UCC have generated significant impacts for your sector and/or members. (NB: The specific impacts (costs and benefits) that appear most significant will be subject to further in-depth analysis and evaluation in the next phase of this study.)*

**For the multiple-choice questions**, please answer from the perspective of your sector for the EU as a whole. **For the open-response questions**, we invite you to highlight any significant differences between Member States, and/or examples that apply to specific Member States (e.g. particular problems or solutions, good practice examples).

**Q2.1. Regarding the **time limits for customs decisions** defined in the UCC:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the time limits for customs decisions:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q2.2. Regarding the **right to be heard** regarding decisions that would adversely affect an applicant:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the right to be heard:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					

Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q2.3. Regarding the new AEO criterion on practical standards of competence or professional qualifications:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the new AEO criterion:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and					

what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.	
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.	

**Q2.4. Regarding the relevant IT systems that have been deployed or upgraded (CDS, Trader Portal, EOS/AEO):**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding CDS, Trader Portal, EOS/AEO:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					

What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.	
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide	

examples from specific Member States to illustrate your answer if relevant.	
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**Q2.5.** Regarding the **requirement to reassess, by 30 April 2019, certain authorisations** granted on the basis of the Community Customs Code (CCC) to ensure they are aligned with the UCC, in accordance with the administrative transitional arrangements:

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the review of pre-existing authorisations:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q2.6.** Are there **any other aspects** of the UCC legislative or IT framework for customs decisions and/or AEO authorisations **that are problematic** (for example, gaps or provisions that are not fit for purpose), **or are likely to become problematic for your sector and/or members** in the years ahead (e.g. in light of changes in business models, supply chains, trade patterns, global developments, the changing role of customs, the likely costs, etc.)?



<p>Other aspects of the UCC legislative or IT framework for customs decisions and/or AEO authorisations that <u>are problematic</u></p>	
<p>Other aspects of the UCC legislative or IT framework for customs decisions and/or AEO authorisations that are not yet problematic, but <u>are likely to become problematic</u> in the years ahead</p>	

### 3. Customs Tariff, Origin and Valuation

This theme refers to the three elements which are used to determine decisions regarding customs duty: **origin, tariff and value**. Origin information is determined with reference to list rules, and has different implications depending on whether the country of origin is party to a preferential arrangement or not. In order to provide legal certainty regarding the origin, Member State Authorities can issue **Binding Origin Information (BOI)** decisions at the request of an economic operator. Similarly, a **Binding Tariff Information (BTI)** decision may also be issued by a national customs authority at the request of an economic operator, in order to provide legal certainty around the classification of any goods and their tariff rate. The **value of a consignment** is usually calculated based on the **transaction value** (primary method) or, where this is not possible, one of a range of **secondary methods**. Most of the relevant provisions are contained in Title II of the UCC.

Key innovations introduced by the UCC in the area of customs tariff, origin and valuation include:

- With regard to both BTIs and BOIs:
  - The UCC clarifies that an application for a BTI or BOI decision may be lodged for any customs procedure, e.g. the export and the inward processing procedures (UCC Art. 33(1)(b)).
  - BTI and BOI decisions are binding not only on the customs authorities but also on the economic operator (holder of the decision) (UCC Art. 33.2).
  - The Commission may instruct the Member States to suspend the taking of BTI and BOI decisions for up to 15 months to avoid contradictory decisions being made by different Member States (UCC DA Art. 20(1)).
- With regard to BTIs only:
  - BTI decisions are now valid for a period of three years, instead of six years as they were previously (UCC Art. 33.3).
  - The BTI IT system was upgraded. The UCC-aligned eBTI system was completed in October 2019. This also entailed the construction of the access by economic operators to this system through the EU Customs Trader Portal (UCC-IA Art. 21).
- With regard to valuation:
  - The applicable rules for valuations have been clarified and harmonised (regarding the determination of the transaction value, the provisions governing royalties and licence fees, and the place where goods carried by sea are considered to have been brought into the customs territory) (UCC-IA Art. 128, 136, 137).
  - The possibilities for traders to be authorised for simplifications with regard to customs valuation have been extended (UCC Art. 73).
  - The threshold for having to provide detailed valuation data in the customs declaration has been increased from €10,000 to €20,000 (UCC TDA, Art. 6(5)(a)).
  - The paper-based value declaration (DV1) has been abolished and from Q4 2020 valuation data is now included in the electronic customs declaration.
  - For the application of the transaction value method, the relevant sale is now the sale occurring immediately before the introduction of the goods into the Union's customs territory, effectively abolishing the right to choose an earlier sale as the basis of a value declaration (Art. 128(1) UCC-IA).
- The European Commission's Surveillance Capacity has been increased with the introduction of the UCC Surveillance 3 system, which collects and transmits customs declarations data to national Customs Authorities to increase their oversight.

**Experiences of implementation so far**

The following questions aim to collect information on the **experiences of your sector and members with the implementation of the changes to customs tariff, origin and valuation introduced by the UCC, and with their effects**. Specifically, it seeks to:

- identify any major difficulties or challenges your sector and/or members have encountered in dealing with the implementation of the changes introduced by the UCC in this theme, and if and how these have been resolved;
- provide preliminary information on whether the changes introduced by the UCC have generated significant impacts for your sector and/or members. (NB: The specific impacts (costs and benefits) that appear most significant will be subject to further in-depth analysis and evaluation in the next phase of this study.)

**For the multiple-choice questions**, please answer from the perspective of your sector for the EU as a whole. **For the open-response questions**, we invite you to highlight any significant differences between Member States, and/or examples that apply to specific Member States (e.g. particular problems or solutions, good practice examples).

**Q3.1. Regarding the possibility to lodge applications for BTI or BOI decisions for any customs procedure:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the possibility to lodge BTI / BOI applications for any customs procedure:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative</u>					

<u>impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.	
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**Q3.2. Regarding the **binding nature of BTI and BOI decisions** for customs authorities as well as the holders of BTI/BOI:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the binding nature of BTI and BOI decisions:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					

What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.	
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.	

**Q3.3. Regarding the **upgraded eBTI system**:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the eBTI system:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q3.4. Regarding the changes to the rules on customs valuations:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the rules for customs valuation:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					

Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
<p>What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.</p>					
<p>What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.</p>					

**Q3.5.** Are there **any other aspects** of the UCC legislative or IT framework for customs tariff, origin and/or valuation **that are problematic** (for example, gaps or provisions that are not fit for purpose), **or are likely to become problematic for your sector and/or members** in the years ahead (e.g. in light of changes in business models, supply chains, trade patterns, global developments, the changing role of customs, the likely costs, etc.)?

Other aspects of the UCC legislative or IT framework for customs tariff, origin and/or valuation that <u>are problematic</u>					
Other aspects of the UCC legislative or IT framework for customs tariff, origin and/or valuation that are not yet problematic, but <u>are likely to become problematic</u> in the years ahead					

## 4. Customs debt and Guarantees

This part of the questionnaire deals with two related themes, namely **customs debt**, which refers to the obligation for a person to pay customs duties, and **guarantees**, which are the financial cover for customs debt (duties and other charges) that have arisen or may potentially arise and that are temporarily suspended (either for deferment of payment, release of goods, special procedures or temporary storage). Compared to the Community Customs Code (CCC), the provisions for both domains have been consolidated and are found entirely within Title III of the UCC. Customs guarantees under the UCC can cover one, several or all Members States. This is new in the UCC, as under the CCC, multi-country aspect was only available to transit.

Key changes introduced by the UCC in the area of customs debt and guarantees include:

### 1. Customs debt (UCC Arts. 77-88):

- The assessment of a customs debt has been simplified as per the basic rule that duties are assessed according to the conditions at the time the debt is incurred (UCC Art. 85), pursuant to a consolidated list of exceptions (Art. 86), particularly regarding costs for storage and usual forms of handling, and classification changes (UCC Art. 86 (1, 2)).
- Another ground for the extinguishment of a customs debt has been introduced for persons whose behaviour did not involve any attempt at deception and who contributed to the fight against fraud (UCC Art. 124 (7)).

### 2. Guarantee (UCC Arts. 89-100):

- The scope of compulsory guarantees has been increased, such that EOs are obliged to provide a guarantee where any suspension procedure is used and where goods are placed in temporary storage and under a special procedure (UCC Arts. 148 (2) (c) and 211 (3) (c)).
- Where a guarantee is required, other persons than the debtor and the potential debtor may be permitted to provide the guarantee (UCC Art. 89 (3) 2nd sentence).
- Persons may be granted a single comprehensive guarantee for several procedures, temporary storage and deferred payment, where authorised in a reduced amount or waiver. For special procedures other than transit and temporary storage, the reference amount must be monitored by audit (UCC IA Art. 157 (3)). However, Member States may decide to monitor it separately for each procedure or for each relevant operation (UCC Art 89 (6)).
- In cases where more than one Member State could be affected, guarantees must cover import VAT and any applicable excise duty (UCC Art. 89 (2)). This was previously only mandatory for transit.
- Persons fulfilling certain AEO criteria can be granted for potential debts a comprehensive guarantee with a reduced amount (UCC Art. 95 (2), UCC DA Art. 84, UCC IA Art. 158 (1)).
- For existing debts, AEOC can be granted a comprehensive guarantee (i.e. a deferred payment) with a reduced amount of 30% of the reference amount (UCC Art. 95 (3), UCC IA Art. 158 (2)).
- Once implemented, the UCC Guarantee Management (GUM) IT system will store and facilitate the exchange of data on comprehensive guarantees

### ***Experiences of implementation so far***

*The following questions aim to collect information on the **experiences of your sector and members with the implementation of the changes** to customs debt and guarantees introduced by the UCC, **and with their effects**. Specifically, it seeks to:*

- *identify any major difficulties or challenges your sector and/or members have encountered in dealing with the implementation of the changes introduced by the UCC in this theme, and if and how these have been resolved;*

- provide preliminary information on whether the changes introduced by the UCC have generated significant impacts for your sector and/or members. (NB: The specific impacts (costs and benefits) that appear most significant will be subject to further in-depth analysis and evaluation in the next phase of this study.)

**For the multiple-choice questions**, please answer from the perspective of your sector for the EU as a whole. **For the open-response questions**, we invite you to highlight any significant differences between Member States, and/or examples that apply to specific Member States (e.g. particular problems or solutions, good practice examples).

**Q4.1. Regarding the simplifications introduced to the assessment of a customs debt (establishing/estimating the reference amount):**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding assessment of a customs debt:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					



**Q4.2. Regarding the provisions on deciding whether a person could benefit from the extinguishment of a customs debt due to behaviour that did not involve any attempt at deception and contributed to the fight against fraud:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding decisions on whether a person could benefit from the extinguishment of a customs debt due to their behaviour:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q4.3. Regarding the increased scope of compulsory guarantees:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the increased scope of compulsory guarantees:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q4.4. Regarding the new provisions for comprehensive guarantees:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding comprehensive guarantees:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					

<p>What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.</p>	
<p>What are the main <u>tangible positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.</p>	

**Q4.5. Regarding the possibilities for guarantees that are valid in more than one Member State: Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme? And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.**

Regarding guarantees that are valid in more than one Member State:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					

<p>What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.</p>	
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<p>What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.</p>	
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**Q4.6. Regarding the provisions for reduced/waived guarantees:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding <u>reduced/waived guarantees</u> :	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					

<p>What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.</p>	
<p>What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.</p>	

**Q4.7. Regarding the Guarantee Management System (GUM) still to be deployed:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the main changes?

Regarding GUM:	None	Minor	Moderate	Major	Don't know
<u>Difficulties in dealing with implementation</u>					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q4.8. Are there any other aspects of the UCC legislative or IT framework for customs debt and/or guarantees that are problematic (for example, gaps or provisions that are not fit for purpose), or are likely to become problematic for your sector and/or members in the years ahead (e.g. in light of changes in business models, supply chains, trade patterns, global developments, the changing role of customs, the likely costs, etc.)?**

Other aspects of the UCC legislative or IT framework for customs debt and/or guarantees that <u>are problematic</u>	
Other aspects of the UCC legislative or IT framework for customs debt and/or guarantees that are not yet problematic, but <u>are likely to become problematic</u> in the years ahead	

## 5. Entry of Goods and Temporary Storage

This theme refers to the first steps from before goods have entered into the customs territory of the EU up to temporary storage, namely the lodging of the Entry Summary Declaration (ENS), the arrival of the means of transport, the presentation of the goods, and their temporary storage. Most of the relevant provisions are contained in Title IV of the UCC.

Key innovations introduced by the UCC in the area of entry of goods and temporary storage include:

- The UCC introduced new requirements with regard to the lodgement and treatment of pre-arrival declarations, in order to improve data quality, data filing, data availability and data sharing with regard to the ENS and related risk and control information, especially for air cargo and for postal consignments (UCC-DA Art. 104-113).
- The Import Control System (ICS) is being upgraded. Once ICS2 becomes operational, economic operators will be able to lodge ENS by dual or multiple filing, i.e. an ENS can be composed of two or more parts, filed by different parties at different times (UCC Art. 129).
- Member States are required to upgrade their national IT systems for Notification of Arrival (NA), Presentation Notification (PN), and Temporary Storage (TS) to bring them in line with the UCC requirements and facilitate the data exchange between trade and customs.
- A number of changes related to temporary storage, namely (UCC Art. 144-149; UCC-DA Art. 115-116; UCC-IA Art. 191-193):
  - o An authorisation is generally required for temporary storage facilities, and a guarantee must be provided.
  - o The maximum duration for temporary storage was extended to 90 days (as opposed to the previous 20 or 45 days, depending on whether the goods were carried by sea or not).
  - o Customs authorities may now authorise the movement of goods from one temporary storage facility to another, or to another storage holder, without a transit procedure.

### **Experiences of implementation so far**

The following questions aim to collect information on the **experiences of your sector and members with the implementation of the changes** to entry of goods and temporary storage introduced by the UCC, **and with their effects**. Specifically, it seeks to:

- *identify any major difficulties or challenges your sector and/or members have encountered in dealing with the implementation of the changes introduced by the UCC in this theme, and if and how these have been resolved;*
- *provide preliminary information on whether the changes introduced by the UCC have generated significant impacts for your sector and/or members. (NB: The specific impacts (costs and benefits) that appear most significant will be subject to further in-depth analysis and evaluation in the next phase of this study.)*

**For the multiple-choice questions**, please answer from the perspective of your sector for the EU as a whole. **For the open-response questions**, we invite you to highlight any significant differences between Member States, and/or examples that apply to specific Member States (e.g. particular problems or solutions, good practice examples).

### **Q5.1. Regarding the new requirements for the lodgement and treatment of ENS and the other steps of the ‘Pentalogy’:**

**Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme?**

**And have these changes resulted in tangible positive and/or negative impacts for your sector**

and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the lodgement and treatment of ENS and the other steps of the 'Pentalogy':	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
<p>What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.</p>					
<p>What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.</p>					

**Q5.2. Regarding the upgrade of the national NA, PN and TS IT systems:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the upgrade of NA, PN and TS:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					

Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q5.3. Regarding the preparations for the deployment of ICS2:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the main changes?

Regarding the preparations for ICS2:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q5.4. Regarding the changes to the rules for temporary storage:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the main changes?

Regarding the rules for temporary storage:	None	Minor	Moderate	Major	Don't know



Difficulties in dealing with implementation					
<p>What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.</p>					

**Q5.5.** Are there **any other aspects** of the UCC legislative or IT framework for entry of goods and/or temporary storage **that are problematic** (for example, gaps or provisions that are not fit for purpose), **or are likely to become problematic for your sector and/or members** in the years ahead (e.g. in light of changes in business models, supply chains, trade patterns, global developments, the changing role of customs, the likely costs, etc.)?

Other aspects of the UCC legislative or IT framework for entry of goods and/or temporary storage that <u>are problematic</u>					
Other aspects of the UCC legislative or IT framework for entry of goods and/or temporary storage that are not yet problematic, but <u>are likely to become problematic</u> in the years ahead					

## 6. Special Procedures

This theme relates to the following four categories of special procedures:

- The storage procedure (customs warehousing and free zones) facilitates storage of non-Union goods in the EU customs territory without having to pay duties or other charges.
- The specific use procedure (temporary admission and end-use) allows the import of goods for a specific purpose and partly or totally relieves them from import duties, taxes or levies.
- The processing procedure allows goods to be imported (inward processing) or exported (outward processing) for manufacturing, processing and repair, and partly relieves them from import duties, taxes or levies.
- Transit is used to facilitate the movement of goods between two points of the EU customs territory, via another customs territory, or between two of more different customs territories. Internal transit is generally applicable to Union goods, whereas external transit is generally applicable to non-Union goods.

Key changes introduced by the UCC regarding special procedures include:

- The special procedures were simplified and aligned with other customs decisions.
- All special procedures are contained in Title VII UCC, which made it possible to set out a more extensive set of common provisions (on authorisations, records to be kept, etc.) than had previously been the case (UCC Arts. 210-225).
- "Processing under customs control" and "destruction" were repealed as separate procedures, and are now included within the "inward processing" procedure.
- The possibility of total relief from duties was introduced under the outward processing procedure for goods repaired in a third country with which the EU has concluded an international agreement providing for such relief (UCC Art. 260 (a)).
- The holder of an authorisation to use a customs procedure now has more time to decide whether to re-export the final goods, have them destroyed or enter them into free circulation.
- The number of types of customs warehouses was reduced (free warehouses and customs warehouses of type D no longer exist), and there is now only one type of free zone (free zones of control type II no longer exist).
- With regard to transit specifically:
  - The electronic transport document can now be used as a customs transit declaration.
  - The concept and the list of sensitive goods have been deleted.
  - The New Computerised Transit System (NCTS) is being upgraded to align it with the new UCC data and other requirements (such as the registration of "en route" events), and to upgrade and develop the interfaces with other systems. It is scheduled for deployment in 2025.
- UCC Information Sheets for Special Procedures (INF) is a new trans-European central system to support and streamline the processes of data management and the electronic handling of data required in connection with Special Procedures (deployment was due by 1 June 2020).
- The upgrade of national systems UCC Special Procedures (SP) aims to harmonise and facilitate the Special Procedures. The first (export) component of the SP will be implemented in-line with and as part of the national UCC Automated Export System (AES) project (with a 2025 deadline), while the second (import) component will be part of the upgrade of the National Import Systems (with a 2022 deadline).

### ***Experiences of implementation so far***

*The following questions aim to collect information on the **experiences of your sector and members with the implementation of the changes** to special procedures introduced by the UCC, and with their effects. Specifically, it seeks to:*

- identify any major difficulties or challenges your sector and/or members have encountered in dealing with the implementation of the changes introduced by the UCC in this theme, and if and how these have been resolved;
- provide preliminary information on whether the changes introduced by the UCC have generated significant impacts for your sector and/or members. (NB: The specific impacts (costs and benefits) that appear most significant will be subject to further in-depth analysis and evaluation in the next phase of this study.)

**For the multiple-choice questions**, please answer from the perspective of your sector for the EU as a whole. **For the open-response questions**, we invite you to highlight any significant differences between Member States, and/or examples that apply to specific Member States (e.g. particular problems or solutions, good practice examples).

**Q6.1. Regarding the streamlined common provisions for the special procedures:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the streamlined common provisions for the special procedures:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q6.2. Regarding the reduction in the types of customs warehouses:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme? And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the reduction in the types of customs warehouses:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q6.3. Regarding the simplification of the rules on free zones:**

Have your sector and/or members encountered any significant difficulties or challenges in dealing with the implementation of the changes introduced by the UCC under this theme? And have these changes resulted in tangible positive and/or negative impacts for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the simplification of the rules on free zones:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					

Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.					
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.					

**Q6.4. Regarding the use of electronic transport documents as customs transit declarations:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the use of electronic transport documents as customs transit declarations:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					
What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and					

what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.	
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide examples from specific Member States to illustrate your answer if relevant.	

**Q6.5. Regarding the deletion of the concept and list of sensitive goods:**

Have your sector and/or members encountered any **significant difficulties or challenges** in dealing with the implementation of the changes introduced by the UCC under this theme?

And have these changes resulted in **tangible positive and/or negative impacts** for your sector and/or members? Please only consider impacts that have already materialised, not any impact you expect in the future.

Regarding the deletion of the concept and list of sensitive goods:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					
Tangible <u>positive impacts</u> for your sector and/or members (as of end 2020)					
Tangible <u>negative impacts</u> for your sector and/or members (as of end 2020)					

What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.	
What are the main tangible <u>positive and/or negative impacts</u> (if any) resulting from these changes to date? Please provide	

examples from specific Member States to illustrate your answer if relevant.	
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**Q6.6. Regarding the **upgraded NCTS still to be deployed**:**

Have your sector and/or members encountered any significant **difficulties or challenges** in dealing with the implementation of the main changes?

Regarding NCTS:	None	Minor	Moderate	Major	Don't know
<u>Difficulties</u> in dealing with implementation					

<p>What were the main <u>difficulties in dealing with implementation</u> (if any)? Why did they arise, and what solutions or mitigating measures has your sector and/or members used to tackle them? Please provide examples from specific Member States to illustrate your answer if relevant.</p>	
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**Q6.7. Are there **any other aspects** of the UCC legislative or IT framework for special procedures that **are problematic** (for example, gaps or provisions that are not fit for purpose), **or are likely to become problematic for your sector and/or members** in the years ahead (e.g. in light of changes in business models, supply chains, trade patterns, global developments, the changing role of customs, the likely costs, etc.)?**

Other aspects of the UCC legislative or IT framework for special procedures that <u>are problematic</u>	
Other aspects of the UCC legislative or IT framework for special procedures that are not yet problematic, but <u>are likely to become problematic</u> in the years ahead	

## 7. Overall views and conclusions

By way of conclusion, this section asks for your feedback on a few overarching aspects of the UCC implementation. In answering the following questions, please consider the views and experiences of your sector and / or members with regard to both the individual customs themes discussed above and the UCC legal and IT package.

**Q7.1.** Considering the different themes discussed in the questionnaire, please name and briefly describe the **five most important changes / innovations** introduced by the UCC and implemented to date.

Five key changes introduced by the UCC, in order of importance	
1	
2	
3	
4	
5	

**Q7.2.** Similarly, please name and briefly describe the **five most important problems or challenges** experienced by your sector and/or members in dealing with the implementation of the UCC implementation, including any issues that, in your view, are not adequately addressed in the UCC.

Five key problems or challenges	
1	
2	
3	
4	
5	

**Q7.3.** Please note your agreement or disagreement with the following statements about aspects of the UCC legal and IT package related to its **correct and harmonised implementation?**

	Strongly agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree	Don't know
The structure of the UCC legal package, including division of content across legal acts and data annexes, is <u>user-friendly</u>						
The provisions of the UCC legal package are <u>clear and understandable</u>						



The UCC legal package, including with regard to periodic amendments, is visible and well-communicated						
Consultation, coordination and discussion via the Trade Contact Group are appropriate						
The governance structures for the IT projects are appropriate						
The requirements set out in the UCC Work Programme and UCC Implementing Regulation on technical arrangements are appropriate						
As a whole, the UCC legal and IT package provides a coherent framework for the application of legal provisions and IT developments						
Please briefly elaborate on your answer						

**Q.7.4.** Have customs authorities organised **activities to help your sector and/or members to prepare for and comply with the UCC changes and IT systems?** Relevant activities could include e.g. national fora for consultation / exchange with the business community; events; and the production of guidance / guidelines / IT specifications.

	To a great extent	To some extent	To a little extent	Not at all	Don't know	Please list MS where customs authorities have been especially active / helpful
Extent to which customs authorities have organised activities to						

support economic operators						
If 'To a great extent' or 'To some extent': Please list and briefly describe examples of three especially effective activities						

**Q7.5.** How would you rate the **overall state of implementation** of the UCC in your country with regard to the deadlines as they are defined at the time of writing?

	Ahead of schedule	On track	Somewhat behind schedule	Facing significant delays	Don't know
Application of legal provisions					
Development and deployment of the IT systems					
Please describe the three main factors that explain the state of implementation in your country					

**Q7.6.** Overall, considering the aspects of the UCC legal and IT package that have been implemented to date, please describe the **impacts that have been experienced** for your sector and/or members.

Impacts on...	Very positive	Somewhat positive	No impact	Slightly negative	Very negative	Don't know
Your sector/members						
Please briefly describe your answer						

**Q7.7.** How much progress do you think has been made towards **the specific objectives of the UCC** since its substantive provisions entered into force on 1 May 2016?

	Significant progress	Some progress	Very little progress	No progress	Don't know
1. To streamline customs rules, procedures and processes					
2. To achieve a fully paperless customs environment					

3. To strengthen legal certainty and predictability of customs rules					
Please briefly explain your answer, with a view to the areas where the most and least progress has been achieved, and the reasons for this					

**Q7.8.** The **general objective of the UCC** is to enable customs in the EU to achieve their mission (as defined in Article 3 of the UCC), in particular to (1) ensure the safety and security of the Union and its residents, (2) protect the financial interest of the Union and its Member States, and (3) facilitate legitimate trade and enhance the competitiveness of EU businesses.

Compared to the situation before May 2016, would you say that the EU and its Member States are better or worse equipped to achieve their mission?

	Much better equipped	Somewhat better equipped	No change	A little worse equipped	Much worse equipped	Don't know
1. Ensure the safety and security of the Union and its residents						
2. Protect the financial interest of the Union and its Member States						
3. Facilitate legitimate trade and enhance the competitiveness of EU businesses						
Please describe the contribution of the UCC legal and IT package in the changes experienced						

**Q7.9.** If there are **any additional issues** that you would like to raise concerning the implementation of the UCC legal and IT package, please describe them in the box below.

Please also feel free to provide any **relevant documents to support your answers** to any of the questions in the questionnaire. You can do this by attaching the documents below, attaching them

**to the email with the completed questionnaire, or provide weblinks. Please make sure that any provided documents are referred to in the relevant open response answers, so that it is clear which answer the document is supporting.**