

EU CUSTOMS ISSUES & COVID-19

A. Commission guidance on Customs issues related to the COVID-19 emergency

The EU Commission has published a Communication entitled "[Guidance on Customs issues related to the COVID-19 emergency](#)" providing practical information for day-to-day customs operations in view of the COVID-19 crisis.

The Communication addresses various issues, namely: e-commerce - customs representation, customs decisions, customs debts and guarantees, entry of goods, customs procedures, transit, special procedures, and exit of goods.

Here is a brief summary of some of the points raised in the Communication:

- 1) In view of the large number of packages being processed through e-commerce, the Communication reiterates that customs authorities can waive the requirement to prove that the person represented (i.e. the consignee) has provided the necessary empowerment.
- 2) In those cases where customs authorities need to require by law a guarantee from the economic operator, the Communication reminds customs authorities that this requirement can be waived when it would be likely to cause the debtor economic and social difficulties, as might perhaps be the case in the current context.
- 3) Some EU Member States and EU preferential trade partners are not able to provide origin certificates in their due form. The Commission services have looked into the possibility of accepting "copies" of certificates, as well as making the widest possible use of approved exporter status as an alternative to official certificates. This would only take place during the crisis period and under specific conditions.

The Commission has invited the EU trading partners facing such situations to inform it whether they would be interested in making use of these exceptional measures. Member States would also need to provide detailed information as to how they could proceed, with a view to ensuring coordination and mutual information exchange on such arrangements.

Further information is set out in the Information Notice published by the Commission and available [here](#).

- 4) The Commission is currently taking action to ensure that the temporary admission of items for disaster victims of the COVID-19 pandemic crisis are free of customs duties and VAT.
- 5) The Communication reiterates certain customs facilities that can be invoked when importing medical, surgical and laboratory equipment.
- 6) Goods in temporary storage may exceed the time limit of 90 days, invoking force majeure and subject to a case-by-case analysis. Additional guidance is also provided for the time limits applicable to transit procedures.
- 7) The current situation is considered a 'disaster' pursuant to EU customs law, and therefore, all goods brought to the customs territory of the Union to counter the effects of this 'disaster', i.e. COVID-19, such as ambulances or other medical equipment, should be eligible to be declared for temporary admission with total relief from import duties.
- 8) The medical equipment for use on board ships is exempted from the export restrictions on medical equipment recently introduced by the EU.

The Communication is available [here](#) and is updated regularly by the Commission.

B. Additional EU measures on Customs issues related to COVID-19

1) Temporary suspension of EU customs duties and VAT on imports of medical equipment

The Commission has decided to temporarily suspend customs duties and VAT on protective equipment, testing kits or medical devices such as ventilators. These measures will apply for a period of six months, with a possibility for further extension.

The decision is available [here](#) and further information is available [here](#).

2) Export authorisation for certain medical equipment

Commission Implementing Regulation (EU) 2020/402 of 14 March 2020, as amended by Commission Implementing Regulation (EU) 2020/426, has made the exportation of certain personal protective equipment subject to the production of an export authorisation.

This measure is initially in force until 25 April 2020, although its application is likely to be prolonged. The Commission's Frequently Asked Questions document is available [here](#) together with links to additional guidance.

3) Guidelines: Facilitating Air Cargo Operations

The Commission invites Member States to implement a series of operational measures to facilitate air cargo transport and help reduce additional costs, always on the understanding that these exceptional measures will be temporary and for the duration of the COVID-19 crisis. The Guidelines can be accessed [here](#).

4) Foreign direct investment

The European Union has issued [Guidance](#) to the Member States concerning foreign direct investment and free movement of capital from third countries, and the protection of Europe's strategic assets, ahead of the application of Regulation (EU) 2019/452 on foreign direct investment (FDI) screening, which will enter into force later in 2020. The Guidance focuses on an increased risk of attempts to acquire healthcare capacities (for example for the production of medical or protective equipment) or related industries such as research establishments (for instance for developing vaccines) via foreign direct investment.

C. Guidelines for border management measures

The Commission has also issued [Guidelines for border management measures](#) with a view to protecting citizens' health and ensuring the availability of goods and essential services. These Guidelines address, among other matters, the following issues:

- Control measures should not undermine the continuity of economic activity and should preserve the operation of supply chains. Unobstructed transport of goods is crucial to maintaining the availability of goods.
- Professional travel to ensure the transport of goods and services should be enabled.
- Any transport-related restrictions envisaged by any Member State should be notified to the Commission and to all other Member States in a timely manner and, in any event, before they are implemented.

- Member States should preserve the free circulation of all goods. In particular, they should guarantee the supply chain of essential products such as medicines, medical equipment, essential and perishable food products and livestock. No restriction should be imposed on the circulation of goods in the Single Market, especially (but not limited to) essential, health-related and perishable goods, notably foodstuffs, unless duly justified. Member States should designate priority lanes for freight transport (e.g. via 'green lanes') and consider waiving existing weekend bans.
- No additional certification requirements should be imposed on goods legally circulating within the EU Single Market.
- Transport workers, especially, but not only, those delivering essential goods, should be able to travel across borders as needed and their safety should in no way be compromised.

Practical Advice on how to implement the border management measures

- Member States are requested to designate all the relevant internal border-crossing points on the trans-European transport network (TEN-T) as '**green lane**' **border crossings** and are urged to temporarily suspend all road access restrictions currently in place in their territory. **The green lane border crossings should be open to all freight vehicles, whatever goods they are carrying, and crossing the border, including any checks and health screening, should not take more than 15 minutes.**
- The document is available [here](#)

Please also see the Commission's dedicated website on Customs and COVID-19 [here](#) and the World Customs Organization's dedicated website on COVID-19 [here](#).

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