

August 2017

Maintaining the Single Transport Contract is vital for the air sector

In light of the presented Commission package and on-going discussions of suggested amendments to various articles in the UCC Delegated Act and Implementing Act, the European Express Association (EEA), the International Air Transport Association (IATA) and Airlines for Europe (A4E) would like to express their concerns, particularly with regards to the amendments proposed to Article 333 of the UCC IA.

Background

Due to the specific business model of the air sector, the possibility to perform certain formalities on exit of goods which are cleared for export, taken over by a Single Transport Contract (STC) in one MS and then exiting the territory of the Union by another MS is absolutely crucial.

We were pleased that this has been recognized and reflected already under the CCC and then in the UCC as well.

This possibility constitutes not only a simplification but for some of the air cargo industry the main procedure allowing their business to operate at outbound.

Issue at stake

As a result of the work in the PG on excise and customs, there are a number of proposed amendments to both UCC DA and IA provisions concerning the exit of goods.

After a detailed examination of all proposed amendments, we have serious concerns about the one related to Article 333(2)(d) of the UCC IA. These include in particular the following:

- making the confirmation of exit dependent on the availability of the information referred to in Article 332(5) of the UCC IA to the customs office of exit immediately makes out the STC rules completely obsolete. The whole logic and difference between the cases of STC and others is that in the STC scenario the risks associated are deemed lower (due to the operation of the specific modes of transport) and the main source of information/confirmation of the exit can be tracked in the economic operator's systems/documents. Of course, the possibility of the physical customs office of exit to ask for any necessary information is kept (Article 333(6) of the UCC IA) but as a random/need base rather than as the standard rule principle;
- the reference to Article 332(5) is not correct in this particular case as Article 332(2)(5) is related to the standard case where customs office of export and exit are different. For STC, the relevant reference for information exchange is Article 333(6) of the UCC IA where the provision of information only occurs on 'request by the competent customs authorities at the point of exit'. Since such information



exchange only occurs on request, it cannot be the point of departure for a time-limit. That is exactly why the current Article 333(2)(d) is worded as follows: “... *at the latest on the working day following the day on which the goods have been taken over under cover of a single transport contract*”. It should remain so;

- the proposed re-introduction of a (slightly amended) paragraph (8) in Article 329 of the UCC IA is excluding excise goods from the use of STC. We understand this to mean that the STC simplification is remaining for all other types of goods. At the same time the proposed amendment in Article 333(2)(d), excludes in practice STC for all types of goods.

As mentioned above, the issue of STC is vital for several actors in the air sector. The removal of this simplification would result in a substantial operational impact on both trade and customs. Furthermore we are very much surprised and disappointed that such a proposal comes from a PG that has a different mandate, limited to excise goods. Any amendments not specifically related to excise goods should be excluded from the proposal. Therefore we request that the suggested amendment in Article 333(2)(d) be removed and the current wording of this particular provision (i.e. “*in the cases referred to in Article 329(7), at the latest on the working day following the day on which the goods have been taken over under cover of a single transport contract*”) be maintained.

EEA – European Express Association

IATA – International Air Transport Association

A4E – Airlines for Europe