

Position on the EU Customs Reform



PostEurop[•]

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ABOUT POSTEUROP

POSTEUROP is the association which represents European public postal operators. It is committed to supporting and developing a sustainable and competitive European postal communication market accessible to all customers and ensuring a modern and affordable universal service. Our Members represent **2 million employees** across Europe and deliver to **800 million customers daily** through over 175,000 counters.

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CONTEXT

PostEurop is the trade association that has been representing European public postal operators since 1993. PostEurop is also an officially recognised Restricted Union of the [Universal Postal Union](#) (UPU). It is governed by a Board of Directors, which is responsible for supervising and monitoring the implementation of the Association's strategy at operational level.

PostEurop supports the ongoing consideration of the future of customs and modernisation of the EU legislative and regulatory framework in this area¹ and would offer a contribution to the legislative deliberations on:

- The Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Union Customs Code and the European Union Customs Authority, and repealing Regulation (EU) No 952/2013 [[COM \(2023\) 258 final](#)]; and
- The Proposal for a COUNCIL REGULATION amending Regulation (EEC) No 2658/87 as regards the introduction of a simplified tariff treatment for the distance sales of goods and Regulation (EC) No 1186/2009 as regards the elimination of the customs duty relief threshold [[COM \(2023\) 259 final](#)].

Mission of customs authorities [Article 2 of COM (2023) 258 final]

The Proposal does not acknowledge the differentiated nature of State-designated Universal Service Providers (“USPs”) within the EU, operating as part of a single global postal territory, governed by the UPU. Moreover, the Proposal makes no reference to the differentiated nature of postal traffic, at all. This presents clear challenges for citizen-to-citizen postal traffic from 3rd countries, particularly in view of the ongoing humanitarian migration flows occurring due to global security and climate challenges.

This is a marked departure from the original COMMISSION DELEGATED REGULATION (EU) 2015/2446 of 28 July 2015, supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules regarding certain provisions of the Union Customs Code, which under [Recital 6](#) explicitly acknowledges the differentiated nature of postal

traffic and citizen-to-citizen flows, including postal items sent by private individuals and expressly recognised the need to ensure citizen-to-citizen access to the single global postal territory.

To address this gap, there is a need to acknowledge the differentiated nature of State-designated USPs in the future, to ensure citizen-to-citizen access to the single global postal territory, as per Article 8 of Universal Postal Convention which states any security measures applied in the international postal transport chain “*must be implemented without hampering worldwide mail flows or trade by taking into consideration the specificities of the mail network.*”

These rights are also enshrined in the EU Charter on Fundamental Rights ([Article 36](#)) which recognises the right of EU citizens to services of general economic interest, and indeed a consumer's rights to privacy and family life.

In our view, this could be achieved by adding a further subsection to Art. 2 of COM (2023) 258, after sub-section (e), to firstly recognise the differentiated nature of postal flows and secondly, to include a legislative provision that provides for greatly simplified customs systems to reflect the differentiated nature of postal traffic. It is essential that this is given legislative expression, in the empowering Regulation.

In our view, significant, proactive and intensive engagement is required on the part of the European Commission prior to the publication and finalisation of draft delegated and implementing legislation relating to the recast of the Union Customs Code, in order that key concerns are verbalised, understood and worked through in a productive and efficient manner, which will ensure the consistent and harmonised understanding of the revised legislation.

As the Proposal does not address citizen-to-citizen flows including postal items sent by private individuals e.g. gifts, it is unclear how the current gift relief threshold will be maintained or how gifts with a value greater than EUR 45 will be treated.

The concept of deemed importer, as explained in relation to eCommerce movements, aims to remove all responsibility for customs from private individuals but there appears to be a gap in relation to gifts. In our view, there is merit in giving this issue closer consideration and we will revert with specific proposals in this regard.

¹ [European Commission initiative 'Revision of the Union Customs Code'](#)

Trust and Check Trader (T&C Trader) *[Articles 24-27 of COM (2023) 258 final]*

PostEurop acknowledges that the proposal contains positive elements that can benefit several traders. The concept of T&C Trader builds on existing concepts such as Authorized Economic Operator (“AEO”). The new T&C Trader status could provide benefits and simplifications extending beyond the current advantages provided to AEO, including the possibility to give part of the data on the goods after the release, perform certain controls and release (self-release), self-assessment on the customs debt and deferred payment.

It is important that postal operators are involved in the development of the implementing legislation to ensure that T&C Trader status can be easily obtained and maintained. The current text limits access to T&C Trader to importers and exporters.

Customs representatives will only be able to benefit from the T&C Trader facilitation measures in a limited number of circumstances when acting as indirect representative. When acting as a direct representative, the customs representative will only be recognized as T&C Trader if the represented person has also been granted such status.

PostEurop considers that postal operators in their own role and with the associated tasks and responsibilities, play a sufficiently important role in the supply chain to be able to apply directly for the T&C Trader status and benefit directly from the simplifications provided for, also without being considered as importer or exporter. Like AEO, any person should be able to apply for T&C Trader status provided they meet the prescribed criteria.

PostEurop requests further clarification of this concept and the practical implications thereof for the different parties involved, especially seen the phased-in implementation and in combination with the different representation forms.

EU Customs Data Hub (“EU CDH”) *[Articles 29-40 of COM (2023) 258 final]*

Although details on how the shift from a declaration-based to a data-led system are not yet defined, it is expected that all relevant information in the context of imports and exports from current and new sources – importers, postal operators, platforms, etc. – are to be provided or made available to the EU and national authorities via a central platform to enable a better customs surveillance of goods, as well as monitoring the compliance of traders. While ambitious, the EU CDH is a desirable concept, and PostEurop welcomes the initiative.

Data should be provided only once to the EU CDH and then re-used in subsequent steps of the customs procedure. PostEurop understands the need to have a unique identifier such as the postal S10 barcode that can connect all the parties and all the information provided to the EU CDH. It should be clarified that the party providing data to the EU CDH is not affected or penalized in case the importer/deemed importer/exporter does not provide the data in an accurate and timely manner. A validation process should be introduced to ensure that the initial party has met his/her obligations.

Furthermore, PostEurop strongly recommends launching a consultation process as soon as all stakeholders start to determine the data requirements that will constitute the new EU Customs Data Model for the EU CDH. Finally, the EU CDH should comply with data protection legislation and postal secrecy requirements and will work with clear access requirements.

Temporary storage *[Article 86 of COM (2023) 258 final]*

Under the current UCC, the deadline for the Temporary Storage (TS) is 90 days. Within this timeline, postal operators have the possibility to collect missing information and documents for the subsequent provision for the customs clearance purposes. Whereas postal operators are currently allowed to store goods under TS for 90 days, the European Commission proposes to reduce this timing to only 3 days (and for authorized consignees 6 days). PostEurop strongly recommends keeping the current deadline at 90 days to avoid negative impacts on the postal Universal Service Obligation.

Empowerment of the customs representative *[Articles 27 and 28 of COM (2023) 258 final]*

PostEurop has recognised that the proposed customs reform does not provide any facilitation on the requirement to obtain empowerment for every shipment when acting as a direct or indirect customs representative. The proposal should remove the obligation for formal empowerment for consignments transported with a single transport contract for door-to-door postal services and introduce the possibility of deemed and implicit empowerment.

Roles and responsibilities of the different actors in the supply chain

[Several articles in COM (2023) 258 final]

The proposal indicates that the indirect customs representative will be considered as the importer or the exporter, respectively. This will have a great impact on postal operators acting as indirect representatives who under the current rules take over the fiscal responsibility of the importer but who would in the future also have to ensure compliance with all non-fiscal rules applied by the customs authorities due to the new definition of the 'importer'. This leads to significant risks, particularly in view of new (non-fiscal) legislation on CBAM, deforestation, forced labour. The postal operator acting as indirect customs representative and therefore being considered an 'importer' shall have the right to opt in or opt out for non-fiscal obligations. This will allow the recipients to engage other expert parties for non-fiscal obligations.

Removal of the customs duty de minimis

[Article 2 of COM (2023) 259 final]

The Proposal wrongly justifies the proposed removal of the custom duty de minimis of EUR 150, on the basis of a lack of compliance. This is completely misleading. While PostEurop fully agrees with the objective of compliance, we do not agree with the suggested remedy. Customs authorities apply multiple risk criteria, allowing them to detect fraudulent shipments. PostEurop notes that the proposal lacks a comprehensive justification for the removal of the *de minimis* on duties.

While we support the need for compliance, the removal could have a significant impact on trade, including on trade relations with 3rd countries, and lead to potential retaliation. It is essential to provide a clear rationale for such a change and thoroughly assess the potential benefits and drawbacks before making any decisions. The EU also needs to ensure such an initiative complies with the WTO Trade Facilitation Agreement (TFA).

Finally, should the removal of the EUR 150 threshold go ahead, processes shall be kept as simple as possible, such as the introduction of the Simplified Tariff Treatment for goods, simplified customs declaration, extension of the IOSS scheme to items with value over EUR 150, and deemed or implicit empowerment.

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