1. **Preface**

On September 28, 2020, Customs informed the business community, through the Customs Business Consultation Committee, about the possibilities to declare recurring empty packaging for the free circulation scheme. It has now become clear that there is a great need for a simplified working method in the business community. Customs has therefore decided that returning empty packaging can be declared for free circulation from 1 January 2021 using a simplified method based on the “verbal” declaration.

The following sections will first discuss the possibility of releasing empty returnable packaging for free circulation with exemption from import duty (section 2). Subsequently, it will be briefly indicated which options there are for making declarations for such goods (paragraph 3). Finally, a description will be given of what the simplified procedure based on the “verbal” declaration will look like (section 4).

1. **Returning empty packaging**

If (filled) packaging is exported, it loses the customs status of Union goods as soon as it has left the territory of the Union. If the (empty) packaging is returned to the Union, it will not automatically be returned to the customs status of Union goods. In order to give (or return) the return of empty packaging the customs status of Union goods, a declaration for free circulation must be made. If it is demonstrated that the returned empty packaging originally exported from the Union is concerned, exemption from import duty will be granted. Exemption is only granted if the following conditions are met:

1. The packaging must be returned within three years after export. This can be extended in exceptional circumstances. Extraordinary circumstances must always be assessed on a case-by-case basis.
2. The packaging must return in the same condition as it was exported. Wear and tear as a result of normal use is allowed.
3. It must be demonstrated that it is indeed returning packaging that was previously exported from the EU. This can be done by:
4. submitting the relevant data of the customs declaration by which the packaging was exported from the EU;
5. a printout, certified by the competent customs office of the customs declaration by which the packaging was exported from the EU;
6. a document issued by the competent customs office containing the relevant information of the export declaration;
7. an information sheet (INF3) issued by customs stating that the conditions for exemption from import duties are fulfilled;
8. other information demonstrating that the packaging now declared for free circulation was originally exported from the EU and at that time fulfilled the conditions for exemption from import duties as returned goods. Further information can be found in the Dutch Customs Manual (Handboek Douane), section 25.00.00. (https://www.belastingdienst.nl/bibliotheek/handboeken/html/boeken/HDU/terugkerende\_goederen.html).

**3. Declaration for free circulation**

The declaration for free circulation with an appeal to exemption from import duty because goods are returned, can be made:

- with a customs declaration in the normal procedure (AGS),

- with a simplified declaration (AGS) or

- by entry in the declarant's records.

These options are not discussed further in this letter.

As of 1 Januari 2021 for ferry companies it will also be possible to make a verbal Customs declaration based on the simplified procedure for returning packaging to enter into free circulation again without importduty formalities as the packaging will be treated as returning EU goods. The requirements are:

- the returning packaging belongs to the entrepreneur who is in the possession of a licence according to Art 23 of the DB Act 1968 (application of reverse charge mechanism for import of goods);

- the returning packaging belongs to the same entrepreneur that has exported them from the EU.

This simplified procedure cannot be used for other types of goods.

 **Attantion:** the simplified procedure kan only be used by the submitter of the temporary storage declaration (ATO) for returning empty packaging arriving by sea and brought in by ferry.

**4. Simplified procedure for declaring returning packaging arriving by see**

 **and brought in by ferry.**

Before you can use the simplified procedure, you will need to register at the “Companies Contact Point (BCP)” of Customs Rotterdam Harbor:

Email: douane.DRH.bcp@belastingdienst.nl

Telefoon: 088 - 153 44 25

The normal rules for incoming goods from third countries apply to the entry process. As for all other goods, an entry summary declaration (also known as an Entry Summary Declaration - ENS) must be submitted for returning empty packaging. An ATO must also be done at the port of unloading from the incoming means of transport. The sub-sections below discuss in detail those matters that specifically apply to the simplified procedure.

**4.1 Bringing in goods into the EU.**

In the fiels ’Customs status’ in the ENS and the ATO that is made for returning packaging has to remain empty. This states that the declaration concerns non-EU goods.

The shipbroker who wishes to make use of the simplification must state the code "P" in the field "process information". With this, the ship broker indicates that it concerns recurring empty packaging that he wishes to declare for free circulation with the “verbal” declaration described in the next paragraph.

**4.2. “Verbal” declaration for bringing goods into free circulation requesting on exemption from import duty.**

If the shipbroker includes recurring empty packaging with code 'P' in the 'process information' field of the ENS and ATO, the shipbroker must submit the declaration for the ship as early as possible, but no later than 2 hours before the expected arrival of a ship (ETA). bring free circulation. This declaration is made by sending an e-mail to Customs from the terminal of arrival (see appendix 1 to this memo for the contact details).

This e-mail is considered as an “verbal” declaration for free circulation. The ship broker always submits this declaration in his own name and for his own account. The shipbroker is therefore the declarant.

This e-mail is sent by incoming ship and contains at least the following information:

• Name, CRN (call reference number) and ETA (Estimated Time of Arrival) ship;

* Shipment number, trailer / container number, number of packages, goods

 description and weight of all shipments indicated on the ATO with the process

 information "P".

The declarant (ship broker) must keep a copy of these e-mails in his records chronologically for 7 years. After all, it is a customs declaration.

The declarant is informed by e-mail by Customs at the latest one hour before ETA about the consignments that must be presented for inspection upon arrival.

**Note!:** these are controls related to release for free circulation. In addition, it is possible that a shipment is selected for inspection in the process of entering (stop function).

The declarant is also informed one hour before ETA if no shipments have been selected for verification.

**4.3 Release before departure and clearance of the ATO.**

If the declarant has not yet received an inspection order one hour before ETA ship, he may place the document block on the shipments concerned.

removal in the terminal system by means of a MID report (Report import documentation) with the code "ICT", followed by the CRN of the ship concerned. After this, these shipments may leave the terminal without the intervention of Customs.

As soon as Customs has completed its work on the shipments to be physically checked, the ship broker will be informed by e-mail.

The shipments with process information "P" on the ATO are automatically purified. However, this only happens when a ship has arrived in port, the empty returning packaging has been applied and (therefore) has received an ATA (Actual Time of Arrival), not before.

We hope this memo was clarifying, however, if you have any further questions or comments regarding this letter, please contact the undersigned.

Customs Rotterdam Port

On behalf of the inspector,

Loekie Lepelaar and Wim de Viet

Client managers

**Appendix 1**

Addresses for making a verbal declaration through email:

|  |  |  |
| --- | --- | --- |
| **Terminal** | **Internal email** | **External email** |
| P&O Europoort | Douane DRH Ferry PenO\_postbus | douane.drh.ferry.PenO@belastingdienst.nl |
| Stenaline Hoek van Holland | Douane DRH Stenalinehvh\_Postbus | douane.drh.stenalinehvh@belastingdienst.nl |
| CRO Rotterdam | Douane DRH CRO\_Postbus | douane.drh.cro@belastingdienst.nl |
| Stena Freight Europoort | Douane DRH Stenalinefreight\_Postbus | douane.drh.stenalinefreight@belastingdienst.nl |
| DFDS Vlaardingen | Douane DRH DFDSvlaardingen\_Postbus | douane.drh.dfds.vlaardingen@belastingdienst.nl |
| CRo Vlissingen | Douane DBR CR-o\_Postbus | Douane.DBR.CR-O@belastingdienst.nl |
| KVSA IJmuiden | Douane Dam IJmuiden\_Postbus | Douane.Dam.IJmuiden@belastingdienst.nl |

**Appendix 2**. Format for verbal declaration email:

|  |  |  |
| --- | --- | --- |
| **MONDELINGE AANGIFTE TERUGKERENDE LEGE EMBALLAGE MET BEROEP OP VRIJSTELLING DOUANERECHT OP BASIS VAN ART 203 DWU.** |  |  |
|  |  |  |  |  |
| **NAAM CARGADOOR:**  |  |  |  |  |
|  |  |  |  |  |
| **CRN SCHIP :**  |  |  |  |  |
| **NAAM SCHIP:**  |  |  |  |  |
| **ETA DATUM EN TIJD :**  |  |  |  |  |
| **TERMINAL VAN AANKOMST :** |   |  |  |  |
|  |  |  |  |  |
| **BOEKINGSNUMMER** | **TRAILER/CONTAINERNUMMER** | **AANTAL COLLI** | **GOEDERENOMSCHRIJVING** | **GEWICHT** |
| xyzw1234 | abcd12345 | 1 | Pallets, rekken | 500 |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |