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UPDATED INFORMATION NOTE TO THE DELEGATES OF THE CUSTOMS EXPERT GROUP

Subject: Consequences stemming from Commission Implementing Regulation (EU) 2018/886 on certain commercial policy measures concerning certain products originating in the USA (hereinafter, the Regulation).

The purpose of this note is to provide information on the consequences stemming from the Regulation regarding the use of special procedures other than transit (SPE).

The additional customs duties imposed on products originating in the USA are tariff-measures as a result of a suspension of concessions. Consequently, regarding economic conditions, Articles 166(1)(b) and (c), 167(1)(s), 168(1) UCC-DA are applicable. As regards equivalent goods, Articles 169(2) and (3) UCC-DA apply. Concerning special cases of discharge of the inward processing IM/EX procedure Article 324(2)(a) UCC-IA applies and therefore the discharge established in Article 324(1) UCC-IA is not applicable for goods affected by Commission Implementing Regulation (EU) 2018/886 from the moment it entered into force.

With regard to the use of equivalent goods, the customs authorities should examine whether there is an obligation to revoke or amend SPE authorisations (see Article 28(1) UCC).

With regard to a possible examination of economic conditions a distinction should be made between the following two cases:

- a) Existing SPE authorisations: an examination is required only if evidence exists that the essential interests of Union producers are likely to be adversely affected (see Articles 259(2) and (3) UCC-IA).
- b) New applications for SPE authorisations: Articles 166(1)(b) and (c), 167(1)(s) and 168(1) UCC-DA must be applied so that the customs authorities know whether an examination of economic conditions is required or not.