

Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (repealed)

PART I

**GENERAL IMPLEMENTING PROVISIONS**

TITLE VI

**INTRODUCTION OF GOODS INTO THE CUSTOMS TERRITORY**

[<sup>F1</sup>CHAPTER 1

**Entry summary declaration]**

[<sup>F2</sup>Section 1

**Scope**

[<sup>F3</sup>Article 181b

For the purposes of this Chapter and Annex 30A:

- Carrier means : the person who brings the goods, or who assumes responsibility for the carriage of the goods, into the customs territory of the Community, as referred to in Article 36b(3) of the Code. However,
- in the case of combined transportation, as referred to in Article 183b, carrier means the person who will operate the means of transport which, after having been brought into the customs territory of the Community, will move by itself as an active means of transport,
  - in the case of maritime or air traffic under a vessel sharing or contracting arrangement, as referred to in Article 183c, carrier means the person who has concluded a contract, and issued a bill of lading or air waybill, for the actual carriage of the goods into the customs territory of the Community.]

**Textual Amendments**

- F3** Substituted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code.](#)

*Article 181c*

An entry summary declaration shall not be required in respect of the following goods:

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*Status: Point in time view as at 01/07/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 2454/93 (repealed), TITLE VI. (See end of Document for details)*

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- (a) electrical energy;
- (b) goods entering by pipeline;
- (c) letters, postcards and printed matter, including on electronic medium;
- (d) goods moved under the rules of the Universal Postal Union Convention;
- (e) [<sup>F3</sup>goods covered by customs declarations made by any other act in accordance with Articles 230, 232 and 233, except pallets, containers, and means of road, rail, air, sea and inland waterway transport carried under a transport contract;]
- (f) goods contained in travellers' personal luggage;
- (g) [<sup>F3</sup>goods for which an oral customs declaration is permitted, in accordance with Articles 225, 227 and 229(1), except pallets, containers, and means of road, rail, air, sea and inland waterway transport carried under a transport contract;]
- (h) goods covered by ATA and CPD Carnets;
- (i) goods moved under cover of the form 302 provided for in the Convention between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on 19 June 1951;
- (j) [<sup>F3</sup>goods carried on board vessels of regular shipping services, duly certified in accordance with Article 313b, and goods on vessels or aircraft which are carried between Community ports or airports without calling at any port or airport outside the customs territory of the Community;]
- (k) goods entitled to relief pursuant to the Vienna Convention on diplomatic relations of 18 April 1961, the Vienna Convention on consular relations of 24 April 1963 or other consular conventions, or the New York Convention of 16 December 1969 on special missions;
- (l) [<sup>F4</sup>weapons and military equipment brought into the customs territory of the Community by the authorities in charge of the military defence of a Member State, in military transport or transport operated for the sole use of the military authorities;
- (m) the following goods brought into the customs territory of the Community directly from drilling or production platforms operated by a person established in the customs territory of the Community:
  - (i) goods which were incorporated in such platforms, for the purposes of their construction, repair, maintenance or conversion;
  - (ii) goods which were used to fit to or to equip the said platforms;
  - (iii) provisions used or consumed on the said platforms; and
  - (iv) non-hazardous waste products from the said platforms;
- (n) goods in a consignment the intrinsic value of which does not exceed EUR 22 provided that the customs authorities accept, with the agreement of the economic operator, to carry out risk analysis using the information contained in, or provided by, the system used by the economic operator.]

[<sup>F5</sup> . . . . .]

*Status: Point in time view as at 01/07/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 2454/93 (repealed), TITLE VI. (See end of Document for details)*

#### Textual Amendments

- F3** Substituted by Commission Regulation (EC) No 312/2009 of 16 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.
- F4** Inserted by Commission Regulation (EC) No 312/2009 of 16 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.
- F5** Deleted by Commission Regulation (EC) No 312/2009 of 16 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

#### *Article 181d*

If an international agreement between the Community and a third country provides for the recognition of security checks carried out in the country of export, the conditions set out in that agreement shall apply.]

#### *<sup>F6</sup>Article 182*

#### Textual Amendments

- F6** Deleted by Commission Regulation (EC) No 1875/2006 of 18 December 2006 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Text with EEA relevance).

#### Textual Amendments

- F2** Inserted by Commission Regulation (EC) No 1875/2006 of 18 December 2006 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Text with EEA relevance).

#### [<sup>F1</sup>Section 2

#### **Lodging of an entry summary declaration]**

#### *[<sup>F1</sup>Article 183*

1 The entry summary declaration shall be made electronically. It shall contain the particulars laid down for such declaration in Annex 30A and shall be completed in accordance with the explanatory notes in that Annex.

The entry summary declaration shall be authenticated by the person making it.

Article 199(1) shall apply *mutatis mutandis*.

2 [<sup>F3</sup>The customs authorities shall allow the *lodging* of a paper-based entry summary declaration, or any other procedure replacing it as agreed between the customs authorities, only in one of the following circumstances:]

- a the customs authorities' computerised system is not functioning;

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- b the electronic application of the person lodging the entry summary declaration is not functioning.

[<sup>F7</sup>In the cases referred to in points (a) and (b) of the first subparagraph, the paper-based entry summary declaration shall be made using the Security and Safety Document form, corresponding to the specimen set out in Annex 45i. Where the consignment for which an entry summary declaration is made consists of more than one item of goods, the Security and Safety Document shall be supplemented by a list of items corresponding to the specimen set out in Annex 45j. The list of items shall form an integral part of the Security and Safety Document.]

[<sup>F8</sup>In the cases referred to in points (a) and (b) of the first subparagraph, the customs authorities may allow the Security and Safety Document to be replaced by, or complemented by, commercial documents provided the documents submitted to the customs authorities contain the particulars laid down for entry summary declarations in Annex 30A.]

3 The customs authorities shall establish, in agreement with each other, the procedure to be followed in the cases referred to in point (a) of the first subparagraph of paragraph 2.

4 The use of a paper-based entry summary declaration referred to in point (b) of the first subparagraph of paragraph 2 shall be subject to the approval of the customs authorities.

The paper-based entry summary declaration shall be signed by the person making it.

5 Entry summary declarations shall be registered by the customs authorities immediately upon their receipt.

[<sup>F46</sup> The customs authorities shall notify immediately the person who lodged the entry summary declaration of its registration. Where the entry summary declaration is lodged by a person referred to in Article 36b(4) of the Code, the customs authorities shall also notify the carrier of the registration, provided that the carrier is connected to the customs system.

7 Where an entry summary declaration is lodged by a person referred to in Article 36b(4) of the Code, the customs authorities may assume, except where there is evidence to the contrary, that the carrier has given his consent under contractual arrangements and that the lodging has been made with his knowledge.

8 The customs authorities shall notify immediately the person who lodged amendments to the entry summary declaration of the registration of such amendments. Where the amendments to the entry summary declaration are lodged by a person referred to in Article 36b(4) of the Code, the customs authorities shall also notify the carrier, provided that the carrier has requested the customs authorities to send such notifications and is connected to the customs system.

9 Where, after a period of 200 days from the date of lodging an entry summary declaration, the arrival of the means of transport has not been notified to customs in accordance with Article 184g or the goods have not been presented to customs in accordance with Article 186, the entry summary declaration shall be deemed not to have been lodged.]]

#### Textual Amendments

- F3** Substituted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code.](#)

*Status: Point in time view as at 01/07/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 2454/93 (repealed), TITLE VI. (See end of Document for details)*

- F4** Inserted by Commission Regulation (EC) No 312/2009 of 16 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.
- F7** Substituted by Commission Regulation (EC) No 414/2009 of 30 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Text with EEA relevance).
- F8** Inserted by Commission Regulation (EC) No 414/2009 of 30 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Text with EEA relevance).

### *[<sup>F2</sup>Article 183a*

1 The data provided under a transit procedure may be used as an entry summary declaration if the following conditions are met:

- a the goods are brought into the customs territory of the Community under a transit procedure;
- b the transit data is exchanged using information technology and computer networks;
- c the data comprises all of the particulars required for an entry summary declaration.

2 Provided the transit data containing the required particulars is exchanged by the relevant time limit laid down in Article 184a, the requirements of Article 183 shall be deemed to have been met, even where the goods have been released for transit outside the customs territory of the Community.

#### **Textual Amendments**

- F2** Inserted by Commission Regulation (EC) No 1875/2006 of 18 December 2006 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Text with EEA relevance).

### *[<sup>F3</sup>Article 183b*

In the case of combined transportation, where the active means of transport entering the customs territory of the Community is only transporting another means of transport which, after entry into the customs territory of the Community, will move by itself as an active means of transport, the obligation to lodge the entry summary declaration shall lie with the operator of that other means of transport.

The time limit for lodging the entry summary declaration shall correspond to the time limit applicable to the active means of transport entering the customs territory of the Community, as specified in Article 184a.]

#### **Textual Amendments**

- F2** Inserted by Commission Regulation (EC) No 1875/2006 of 18 December 2006 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Text with EEA relevance).
- F3** Substituted by Commission Regulation (EC) No 312/2009 of 16 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

*Status: Point in time view as at 01/07/2009.**Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 2454/93 (repealed), TITLE VI. (See end of Document for details)**Article 183c*

In the case of maritime or air traffic where a vessel sharing or contracting arrangement is in place, the obligation to lodge the entry summary declaration shall lie with the person who has undertaken a contract, and issued a bill of lading or air waybill, for the actual carriage of the goods on the vessel or aircraft subject to the arrangement.

**Textual Amendments**

- F2** Inserted by [Commission Regulation \(EC\) No 1875/2006 of 18 December 2006 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code \(Text with EEA relevance\)](#).

*[<sup>F3</sup>Article 183d*

1 Where an active means of transport entering the customs territory of the Community is to arrive first at a customs office located in a Member State that was not declared in the entry summary declaration, the operator of this means of transport or his representative shall inform the declared customs office of entry by way of a 'diversion request' message. This message shall contain the particulars laid down in Annex 30A and shall be completed in accordance with the explanatory notes in that Annex. This paragraph shall not apply in the cases referred to in Article 183a.

2 The declared customs office of entry shall immediately notify the actual customs office of entry of the diversion and of the results of the safety and security risk analysis.]]

**Textual Amendments**

- F2** Inserted by [Commission Regulation \(EC\) No 1875/2006 of 18 December 2006 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code \(Text with EEA relevance\)](#).
- F3** Substituted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code](#).

*Article 184*

1 Goods covered by a summary declaration which have not been unloaded from the means of transport carrying them shall be re-presented intact by the person referred to in [<sup>F1</sup>Article 183(1) and (2)] whenever the customs authorities so require, until such time as the goods in question are assigned a customs-approved treatment or use.

2 Any person who holds goods after they have been unloaded in order to move or store them shall become responsible for compliance with the obligation to re-present all the goods intact at the request of the customs authorities.

*Status: Point in time view as at 01/07/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 2454/93 (repealed), TITLE VI. (See end of Document for details)*

## [<sup>F2</sup>Section 3

### **Time limits**

#### *Article 184a*

1 In the case of maritime traffic the entry summary declaration shall be lodged at the customs office of entry by the following deadlines:

- a for containerised cargo, other than where point (c) or (d) applies, at least 24 hours before loading at the port of departure;
- [<sup>F3</sup>b for bulk/break bulk cargo, other than where point (c) or (d) applies, at least four hours before arrival at the first port in the customs territory of the Community;]
- c for movement between Greenland, the Faeroe Islands, Ceuta, Melilla, Norway, Iceland or ports on the Baltic Sea, the North Sea, the Black Sea or the Mediterranean, all ports of Morocco, and the customs territory of the Community with the exception of the French overseas departments, the Azores, Madeira and the Canary Islands, at least two hours before arrival at the first port in the customs territory of the Community;
- d for movement, other than where point (c) applies, between a territory outside the customs territory of the Community and the French overseas departments, the Azores, Madeira or the Canary Islands, where the duration of the voyage is less than 24 hours, at least two hours before arrival at the first port in the customs territory of the Community.

2 In the case of air traffic the entry summary declaration shall be lodged at the customs office of entry by the following deadlines:

- a for short haul flights, at least by the time of the actual take off of the aircraft;
- b for long haul flights, at least four hours prior to arrival at the first airport in the customs territory of the Community;

For the purposes of this paragraph, ‘short haul flight’ means a flight the duration of which is less than four hours from the last airport of departure in a third country till the arrival to the first Community airport. All other flights are considered to be long haul flights.

3 In the case of rail and inland waters traffic, the entry summary declaration shall be lodged at the customs office of entry at least two hours prior to arrival at the customs office of entry in the customs territory of the Community.

4 In the case of road traffic, the entry summary declaration shall be lodged at the customs office of entry at least one hour prior to arrival at the customs office of entry in the customs territory of the Community.

5 Where the entry summary declaration is not lodged by use of a data processing technique, the time limit laid down in points (c) and (d) of paragraph 1, point (a) of paragraph 2 and in paragraphs 3 and 4 shall be at least four hours.

6 If the customs authorities’ computerised system is temporarily not functioning, the deadlines provided for in paragraphs 1 to 4 shall still apply.

#### **Textual Amendments**

- F3** Substituted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code.](#)

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#### *Article 184b*

The deadlines referred to in Article 184a(1) to (4) shall not apply in the following cases:

- (a) where international agreements between the Community and third countries provide for the recognition of security checks as referred to in Article 181d;
- (b) where international agreements between the Community and third countries require the exchange of declaration data by deadlines different from those referred to in Article 184a(1) to (4);
- (c) cases of force majeure.

#### *Article 184c*

Where it is found that goods presented to customs requiring the lodging of an entry summary declaration are not covered by such a declaration, the person who brought the goods, or who assumed responsibility for the carriage of the goods, into the customs territory of the Community shall lodge an entry summary declaration immediately.

If an economic operator lodges the entry summary declaration after the deadlines provided for in Article 184a, this shall not preclude the application of the penalties laid down in the national legislation.

### Section 4

#### **Risk analysis**

#### *Article 184d*

1 The customs office of entry shall, upon receipt of the information contained in the entry summary declaration, carry out appropriate risk analysis, primarily for security and safety purposes, prior to arrival of the goods in the customs territory of the Community. Where the entry summary declaration has been lodged at a customs office other than the customs office of entry, and the particulars have been made available in accordance with Article 36a(2) and the second subparagraph of Article 36c(1) of the Code, the customs authorities at the customs office of entry shall either accept the results of any risk analysis carried out by that other customs office, or take into consideration the results when carrying out their own risk analysis.

2 The customs authorities shall complete the risk analysis prior to the arrival of the goods, provided that the relevant deadline set out in Article 184a is met.

However, for goods carried by the type of traffic referred to in point (a) of Article 184a(1), the customs authorities shall complete the risk analysis within 24 hours of the receipt of the entry summary declaration. [<sup>F33</sup>Where that analysis provides reasonable grounds for the customs authorities to consider that the introduction of the goods into the customs territory of the Community would pose such a serious threat to the safety and security of the Community that immediate intervention is required, the customs authorities shall notify the person who lodged the entry summary declaration and, where different, the carrier, provided that the carrier is connected to the customs system, that the goods are not to be loaded.] The notification shall be made within 24 hours of receipt of the entry summary declaration.

[<sup>F33</sup> Where goods not covered by an entry summary declaration, in accordance with Article 181c(c) to (i), (l) to (n), are brought into the customs territory of the Community, risk analysis



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shall be carried out upon presentation of the goods, where available on the basis of the summary declaration for temporary storage or the customs declaration covering those goods.]

4 Goods presented to customs may be released for a customs-approved treatment or use as soon as the risk analysis has been carried out and the results allow such a release.

**Textual Amendments**

**F3** Substituted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code.](#)

*Article 184e*

Where a vessel or aircraft is to call at more than one port or airport in the customs territory of the Community, provided that it moves between those ports without calling at any port or airport outside the customs territory of the Community, an entry summary declaration shall be lodged at the first Community port or airport for all the goods carried. The customs authorities at this first port or airport of entry shall carry out the risk analysis for security and safety purposes for all the goods carried. Additional risk analysis may be carried out for those goods at the port or airport at which they are discharged.

[<sup>F3</sup>Where a risk is identified, the customs office of the first port or airport of entry shall take prohibitive action in the case of consignments identified as posing a threat of such a serious nature that immediate intervention is required, and, in any case, pass on the results of the risk analysis to the subsequent ports or airports.

At subsequent ports or airports in the customs territory of the Community, Article 186 shall apply for goods presented to customs at that port or airport.]]

**Textual Amendments**

**F3** Substituted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code.](#)

*<sup>F5</sup>Article 184f*

**Textual Amendments**

**F5** Deleted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code.](#)

*Status: Point in time view as at 01/07/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 2454/93 (repealed), TITLE VI. (See end of Document for details)*

## *[<sup>F4</sup>Section 5*

### **Notification of arrival**

#### *Article 184g*

The operator of the active means of transport entering the customs territory of the Community or his representative shall notify the customs authorities of the first customs office of entry of the arrival of the means of transport. This notification of arrival shall contain the particulars necessary for the identification of the entry summary declarations lodged in respect of all goods carried on that means of transport. Wherever possible, available methods of notification of arrival shall be used.]

#### **Textual Amendments**

- F1** Substituted by [Commission Regulation \(EC\) No 1875/2006 of 18 December 2006 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code \(Text with EEA relevance\)](#).

## *[<sup>F1</sup>CHAPTER 2*

### **Temporary storage]**

#### *Article 185*

1 Where the places referred to in Article 51 (1) of the Code have been approved on a permanent basis for the placing of goods in temporary storage, such places shall be called ‘temporary storage facilities’.

2 In order to ensure the application of customs rules, the customs authorities may, where they do not themselves manage the temporary storage facility, require that:

- a temporary storage facilities be double-locked, one key being held by the said customs authorities;
- b the person operating the temporary storage facility keep stock accounts which enable the movements of goods to be traced.

#### *[<sup>F3</sup>Article 186*

1 Non-Community goods presented to customs shall be covered by a summary declaration for temporary storage as specified by the customs authorities.

The summary declaration for temporary storage shall be lodged by or on behalf of the person presenting the goods no later than at the time of presentation. Where the summary declaration for temporary storage is lodged by a person other than the operator of the temporary storage facility, the customs authorities shall notify that operator of the declaration provided that this person is indicated in the summary declaration for temporary storage and connected to the customs system.

2 The summary declaration for temporary storage may take one of the following forms, as prescribed by the customs authorities:

- a a reference to any entry summary declaration for the goods concerned, supplemented by the particulars of a summary declaration for temporary storage;

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- b a summary declaration for temporary storage, including a reference to any entry summary declaration for the goods concerned;
- c a manifest or another transport document, provided that it contains the particulars of a summary declaration for temporary storage, including a reference to any entry summary declaration for the goods concerned.

3 A reference to any entry summary declaration shall not be required where the goods have already been in temporary storage or have been assigned a customs-approved treatment or use and have not left the customs territory of the Community.

4 Commercial, port or transport inventory systems may be used provided that they are approved by the customs authorities.

5 The summary declaration for temporary storage may be lodged with, or contain, the notification of arrival referred to in Article 184g.

6 For the purposes of Article 49 of the Code, the summary declaration for temporary storage shall be deemed to have been lodged at the date of presentation of the goods.

7 The summary declaration for temporary storage shall be kept by the customs authorities for the purpose of verifying that the goods to which it relates are assigned a customs-approved treatment or use.

8 A summary declaration for temporary storage shall not be required where, at the latest at the time of their presentation to customs:

- a the goods are declared for a customs procedure or are otherwise placed under a customs-approved treatment or use; or
- b proof that the goods have Community status is established in accordance with Articles 314b to 336.

9 When a customs declaration has been lodged at the customs office of entry as an entry summary declaration, in accordance with Article 36c of the Code, the customs authorities shall accept the declaration immediately upon the presentation of the goods, and the goods shall be placed directly under the declared procedure subject to the conditions laid down for that procedure.

10 For the purposes of paragraphs 1 to 9, where non-Community goods moved from the customs office of departure under a transit procedure are presented to customs at an office of destination within the customs territory of the Community, the transit declaration intended for the customs authorities at the office of destination shall be deemed to be the summary declaration for temporary storage.]

#### **Textual Amendments**

- F3** Substituted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code.](#)

#### *Article 187*

Without prejudice to Article 56 of the Code or to the provisions applicable to the sale of goods by the customs authorities, the person who has made the summary declaration or, where such a declaration has not yet been lodged, the persons referred to in [F1 Article 36b(3)] of the Code, shall be responsible for giving effect to the measures taken by the

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customs authorities pursuant to Article 53 (1) of the Code and for bearing the costs of such measures.

*F<sup>2</sup> Article 187a*

1 The customs authorities may grant permission to examine the goods under Article 42 of the Code to the person who, under the customs rules, may assign the goods a customs-approved treatment or use, at that person's oral request. The customs authorities may, however, consider, having regard to the circumstances, that a written request is required.

2 The customs authorities may authorise the taking of samples only at the written request of the person referred to in paragraph 1.

3 The written request may be paper-based or electronic. It shall be signed or authenticated by the person concerned and lodged with the competent customs authorities. It shall include the following particulars:

- a name and address of the applicant;
- b location of the goods;
- c reference to one of the following:
  - (i) the entry summary declaration;
  - (ii) the previous customs procedure;
  - (iii) the means of transport;
- d all other particulars necessary for identifying the goods.

4 The customs authorities shall communicate their decision to the person concerned. Where the request is for the taking of samples, the decision shall specify the quantity of goods to be taken.

5 Examination of goods and the taking of samples shall be carried out under the supervision of the customs authorities, which shall specify the procedures to be followed.

The person concerned shall bear all risks and costs related to the examination, taking of samples and analysis of the goods.

6 The samples taken shall be subject to formalities with a view to assigning them a customs-approved treatment or use. Where examination of the samples results in their destruction or irretrievable loss, no customs debt shall be deemed to have been incurred.

Any waste or scrap resulting from the examination shall be assigned a customs-approved treatment or use prescribed for non-Community goods.]

**Textual Amendments**

- F2** Inserted by [Commission Regulation \(EC\) No 1875/2006 of 18 December 2006 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code \(Text with EEA relevance\)](#).

*F<sup>9</sup> Article 188*

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*Status: Point in time view as at 01/07/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EEC) No 2454/93 (repealed), TITLE VI. (See end of Document for details)*

#### Textual Amendments

- F9** Deleted by [Commission Regulation \(EC\) No 3665/93 of 21 December 1993 amending Commission Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community customs code.](#)

## [<sup>F1</sup>CHAPTER 3

### Special provisions applicable to goods consigned by sea or air]

#### Section 1

#### General provision

#### [<sup>F3</sup>Article 189

Goods brought into the customs territory of the Community by sea or air which remain on board the same means of transport for carriage, without transshipment, shall be presented to customs in accordance with Article 40 of the Code only at the Community port or airport where they are unloaded or transhipped.]

#### Textual Amendments

- F3** Substituted by [Commission Regulation \(EC\) No 312/2009 of 16 April 2009 amending Regulation \(EEC\) No 2454/93 laying down provisions for the implementation of Council Regulation \(EEC\) No 2913/92 establishing the Community Customs Code.](#)

#### Section 2

### Special provisions applicable to the cabin baggage and hold baggage of travellers

#### Article 190

For the purposes of this section:

- (a) *Community airport* means any airport situated in Community customs territory;
- (b) *international Community airport* means any Community airport which, having been so authorized by the competent authorities, is approved for air traffic with third countries;
- (c) *intra-Community flight* means the movement of an aircraft between two Community airports, without any stopovers, which does not start from or end at a non-Community airport;
- (d) *Community port* means any sea port situated in Community customs territory;
- (e) *intra-Community sea crossing* means the movement between two Community ports without any intermediate calls, of a vessel plying regularly between two or more specified Community ports;

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- (f) *pleasure craft* means private boats intended for journeys whose itinerary depends on the wishes of the user;
- (g) *tourist or business aircraft* means private aircraft intended for journeys whose itinerary depends on the wishes of the user;
- (h) *baggage* means all objects carried, by whatever means, by the person in the course of his journey.

*Article 191*

For the purposes of this section, in the case of air travel, baggage shall be considered as:

- hold baggage if it has been checked in at the airport of departure and is not accessible to the person during the flight nor, where relevant, during the stopovers referred to in Articles 192 (1) and (2) and 194 (1) and (2) of this chapter,
- cabin baggage if the person takes it into the cabin of the aircraft.

*Article 192*

Any controls and any formalities applicable to:

1. the cabin and hold baggage of persons taking a flight in an aircraft which comes from a non-Community airport and which, after a stopover at a Community airport, continues to another Community airport, shall be carried out at this last airport provided it is an international Community airport; in this case, baggage shall be subject to the rules applicable to the baggage of persons coming from a third country when the person carrying such baggage cannot prove the Community status of the goods contained therein to the satisfaction of the competent authorities;
2. the cabin and hold baggage of persons taking a flight in an aircraft which stops over at a Community airport before continuing to a non-Community airport, shall be carried out at the airport of departure provided it is an international Community airport; in this case, cabin baggage may be subject to control at the Community airport where the aircraft stops over, in order to ascertain that the goods it contains conform to the conditions for free movement within the Community;
3. the baggage of persons using a maritime service provided by the same vessel and comprising successive legs departing from, calling at or terminating in a non-Community port shall be carried out at the port at which the baggage in question is loaded or unloaded as the case may be.

*Article 193*

Any controls and any formalities applicable to the baggage of persons on board:

1. pleasure craft, shall be carried out in any Community port, whatever the origin or destination of these craft;
2. tourist or business aircraft, shall be carried out:
  - at the first airport of arrival which must be an international Community airport, for flights coming from a non-Community airport, where the aircraft, after a stopover, continues to another Community airport,
  - at the last international Community airport, for flights coming from a Community airport where the aircraft, after a stopover, continues to a non-Community airport.

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#### Article 194

1 Where baggage arriving at a Community airport on board an aircraft coming from a non-Community airport is transferred at that Community airport, to another aircraft proceeding on an intra-Community flight:

- any controls and any formalities applicable to hold baggage shall be carried out at the airport of arrival of the intra-Community flight, provided the latter airport is an international Community airport,
- all controls on cabin baggage shall be carried out in the first international Community airport; additional controls may be carried out at the airport of arrival of an intra-Community flight, only in exceptional cases where they prove necessary following controls on hold baggage,
- controls on hold baggage may be carried out at the first Community airport only in exceptional cases where they prove necessary following controls on cabin baggage.

2 Where baggage is loaded at a Community airport onto an aircraft proceeding on an intra-Community flight for transfer at another Community airport, to an aircraft whose destination is a non-Community airport:

- any controls and any formalities applicable to hold baggage shall be carried out at the airport of departure of the intra-Community flight, provided that airport is an international Community airport,
- all controls on cabin baggage shall be carried out in the last international Community airport; prior controls on such baggage may be carried out in the airport of departure of an intra-Community flight only in exceptional cases where they prove necessary following controls on hold baggage,
- additional controls on hold baggage may be carried out in the last Community airport only in exceptional cases where they prove necessary following controls on cabin baggage.

3 Any controls and any formalities applicable to baggage arriving at a Community airport on board a scheduled or charter flight from a non-Community airport and transferred, at that Community airport, to a tourist or business aircraft proceeding on an intra-Community flight shall be carried out at the airport of arrival of the scheduled or charter flight.

4 Any controls and any formalities applicable to baggage loaded at a Community airport onto a tourist or business aircraft proceeding on an intra-Community flight for transfer, at another Community airport, to a scheduled or charter flight whose destination is a non-Community airport, shall be carried out at the airport of departure of the scheduled or charter flight.

5 The Member States may carry out controls at the international Community airport where the transfer of hold baggage takes place on baggage:

- coming from a non-Community airport and transferred in an international Community airport to an aircraft bound for an international airport in the same national territory,
- having been loaded on an aircraft in an international airport for transfer in another international airport in the same national territory to an aircraft bound for a non-Community airport.

#### Article 195

The Member States shall take the necessary measures to ensure that:

- on arrival, persons cannot transfer goods before controls have been carried out on the cabin baggage not covered by Article 1 of Council Regulation (EEC) No 3925/91<sup>(1)</sup>,

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- on departure, persons cannot transfer goods after controls have been carried out on the cabin baggage not covered by Article 1 of Council Regulation (EEC) No 3925/91,
- on arrival, the appropriate arrangements have been made to prevent any transfer of goods before controls have been carried out on the hold baggage not covered by Article 1 of Council Regulation (EEC) No 3925/91,
- on departure, the appropriate arrangements have been made to prevent any transfer of goods after controls have been carried out on the hold baggage not covered by Article 1 of Council Regulation (EEC) No 3925/91.

*Article 196*

Hold baggage registered in a Community airport shall be identified by a tag affixed in the airport concerned. A specimen tag and the technical characteristics are shown in Annex 30.

*Article 197*

Each Member State shall provide the Commission with a list of airports corresponding to the definition of 'international Community airport' given in Article 190 (b). The Commission shall publish this list in the *Official Journal of the European Communities*, C Series.



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(1) [OJ No L 374, 31.12.1994, p. 4.](#)

**Status:**

Point in time view as at 01/07/2009.

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