

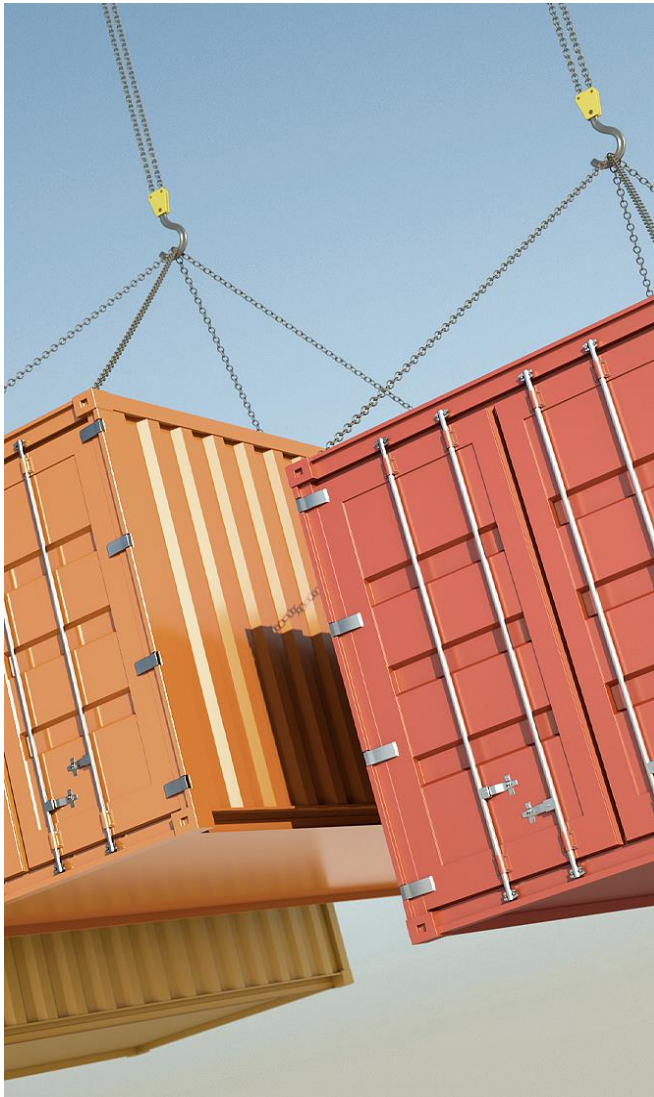


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New developments in foreign trade in 2020 Tax and Customs Plan

Legal Flash, Finance and Tax

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In this legal flash, we summarize the most important customs measures in the resolution of January 21, 2020, by the Spanish Tax Agency, approving the general guidelines for the 2020 Tax and Customs Plan.

The issues covering foreign trade in the resolution are as follows:

- > Control in customs areas
- > Control of customs declarations and documents attached to declarations
- > Control of customs authorizations
- > Post-import controls



Control in customs areas

Control in customs areas through (i) a reinforcement of import and export controls of goods subject to additional controls or specific prohibitions, (ii) the control of customs declarations and of any elements of the declarations directly affecting the settlement of the taxes associated with the introduction of the goods in the EU customs territory, and (iii) the comprehensive control actions on products linked to customs and non-customs warehouses.

Control of customs declarations and documents attached to declarations

Customs declarations and documents attached to declarations: in this control carried out before the goods are introduced into EU customs territory, the tax authorities will pay special attention to:

- > Declarations with particularly low values.
- > The carrying out of physical and documentary checks that ensure the correct customs classification of the goods for application of the import duties or, if applicable, of any antidumping duties.
- > The checking of the delivery of the correct documents required to apply tariff preferences, exemptions and reductions of antidumping duties.
- > The use of reliefs from customs duties and tax in relation to goods transported by travelers and to dispatches between individuals carried out by post or through courier companies.
- > Ecommerce transactions.
- > The adaptation of the declarations to the binding tariff information.
- > The export declarations whose content could involve the settlement of tariff duties.
- > The control of the correct application of special customs regimes, including processing, temporary admission and end-use.



Control of customs authorizations

Control of customs authorizations. The following will be subject to control: (i) temporary storage warehouses and other places authorized for the presentation, storage or export of goods; (ii) customs warehouses; (iii) authorized consignors and consignees for transit in the EU of TIR transactions and the use of special seals in the transit regime; (iv) the authorizations of status of authorized consignor proving the customs status; (v) authorized economic operators and the operators benefiting from the use of simplified procedures, particularly, the companies authorized to simplify the registration in accounting records; and (vi) the authorizations of global guarantee and authorizations of deferred payment of the enforceable duties.

Post-import controls

Post-import controls. Once the goods are introduced into EU customs territory, the controls will focus on checking origin, customs classification and the value in the customs declaration in relation to the import of the goods. Particular attention will be given to the following:

- The value declared at customs, particularly between related parties, and the adjustments to the transaction value.
- The origin declared, with special attention to the tariff preferences applied and to the risk of the avoidance of antidumping duties.
- The customs classification of the goods compared to the possible existence of binding tariff queries.
- The additional charges adopted by the European Union for the import of certain goods originating in the USA.
- The release for free circulation of goods for subsequent delivery to another EU Member State.
- The investigation of organized fraud particularly in cases in which it has been detected that all or part of the business and supply chain from import to sale to the end consumer is being concealed.
- Reinforcement of the controls arising from the results of investigations carried out by the European Commission in the framework of its responsibilities.
- The correct application of the special regimes.
- The control of importers' indirect representatives.
- The supplementary declarations submitted by authorized operators to apply the simplified declaration procedure.



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Based on the above, it is necessary to ensure compliance with all the tax obligations in this area and to ensure a correct declaration.

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