



The role of the customs representative in the UCC

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Overview:

- 1. The concept of Customs representative**
- 2. Customs Representative (CR) in the current CC and in the UCC**
- 3. The proof of the "entitlement"**
- 4. UCC DA/IA**



The "concept" of Customs Representative (CR)

- **Profession vs. Activity**
- **Tradition vs. Pragmatism**
- **Economic operator**
- **Facilitator for legitimate trade and the reliable partner for traditional own resources**



Customs Representative (CR) in the current CC and in the UCC

- **Any person may appoint a CR in his dealings with the customs authorities to perform the acts and formalities laid down by customs rules. (Art. 5.1 CC and 18.1 UCC)**
 - **Such representation may be:**
 - **direct, in the name of and on behalf of another person, or**
 - **indirect, in his own name but on behalf of another person.**
- (Art. 5.2 CC and 18.1 UCC)**



Customs Representative (CR) in the current CC and in the UCC

The differences:

- **No restriction to CR (as previously Art. 5.2 CC)**
- **Member States may impose conditions to the CR in the MS where he/she is established (Art. 18.3)**
- **Member States may impose conditions to the CR of a third country (Art. 18.4)**
- **Member States cannot impose conditions to the CR from another MS, provided he/she complies with the AEO-C criteria (Art. 18.3)**



The proof of the "entitlement"

1. Who may provide CR services in another MS than the one where he is established?

**In MS where the profession is not regulated:
Everybody**

In MS where the profession is regulated:

- The holder of an AEO Certificate**
- The person fulfilling the criteria related to AEO (simplification)**



The proof of the "entitlement"

This proof shall be constituted:

- 1. - either by the registration of the person concerned in EORI, as a holder of an AEO Certificate**
- 2. - or by the registration of the person concerned in EORI, as being entitled to provide customs representation services in a Member State other than the one where she is established [or, when such registration is not possible, by the production of an Entitlement Certificate issued by the Member State where she is established]**



The proof of the "entitlement"

MS may rely in particular on any action achieved on a voluntary basis, at European or national level, by persons providing customs representation services within the customs territory of the Community : e.g.

- 1. certification or assessment by independent or accredited bodies;**
- 2. quality charter or participation in quality charters or labels drawn up by professionals in different Member States or by European associations;**



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No provisions on CR