



FONASBA



ECASBA

# **ANNUAL MEETING CANCÚN 2018**

**ECASBA PLENARY MEETING  
17<sup>th</sup> OCTOBER 2018**

## **POSITION PAPERS**

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# BACKGROUND POSITION PAPERS



- ECASBA is reacting on proposals from the Commission
- ECASBA should generate 'changes' in a proactive way ('What do we want / need from the Commission')
- Message should be short and clear (max. 1 x A4)
- More 'ownership' out of the ECASBA (AP) members
- Position papers should be the guide in setting priorities

# EXAMPLE

## ECASBA POSITION PAPER



- Background
- ECASBA position
- Parties involved
- Validity
- Responsible AP Member
- Secretariat (JCW)

### CUSTOMS PROCEDURES

#### BACKGROUND:

**This paper relates to the role of the ship agent only. Where the agent also acts as a customs broker or customs agent, additional obligations and responsibilities may apply that are outwith those stated below.**

Customs procedures are the foundation, and single most important element, of border controls for both import and export cargoes. Unless delegated to another party, the ship agent is responsible for lodging customs data with the relevant authorities in accordance with the appropriate schedule, clearing cargo for onward movement from the port and payment of any taxes, duties or fines on behalf of the appropriate party.

#### ECASBA POSITION:

Unless otherwise agreed beforehand, the agent acts at all times "as agent only" for and on behalf of the principal. The agent is not in a position to independently verify the accuracy of the information provided and therefore should not be held liable for same. The agent's responsibility is therefore limited to ensuring that the required information is delivered to the appropriate authority at the right time and in the correct format. Should a misdeclaration of cargo arise, the agent will cooperate with the customs authorities to identify the party responsible for the misdeclaration. ECASBA will also encourage ship agents to cooperate fully with customs authorities in the fight against fraud, smuggling and the movement of counterfeit goods in the maritime transport chain.

The following issues are important for the agent:

- All Member States should recognise and apply the convention of "as agents only" as well as the provisions of Article 124.7 of the Union Customs Code in respect of the role of the ship agent in fighting customs fraud
- Customs procedures and controls should be effective, appropriate and relevant to the risks incurred and effective risk-analysis based procedures should be put in place to minimise the impact of customs inspections on the effective movement of goods
- For consistency, there should be a level playing field between Member States in terms of application of regulations, operational and inspection requirements and the provisions of the Union Customs Code should be applied equally and consistently across all Member States

#### PARTIES INVOLVED:

- ECASBA Secretariat and Member associations
- DG-TAXUD
- Local customs authorities
- Other European associations (especially ECSA/World Shipping Council)

#### VALIDITY:

2018 - 2020

#### RESPONSIBLE ADVISORY PANEL MEMBER:

TBC

#### SECRETARIAT:

Jonathan Williams

Date Issued: August 2018

# EXISTING DRAFTS



- Harmonisation of border controls - general
- Customs procedures
- Veterinary checks – cargoes of animal origin
- E-maritime, single windows, digitalisation
- General Data Protection Regulation (2016/679)
- Recognition of agents

## NEXT STEPS (1)



- Draft proposals will be presented to the ECASBA members asking for input
- New items for position papers can be proposed
- Once input received, final drafts will be presented to the Advisory Panel for approval

## NEXT STEPS (2)



After approval by the Advisory Panel:

- Position papers can be used as supporting documents for the Commission
- Individual ECASBA members may use the documents locally