

## STATUTORY INSTRUMENTS

# 2019 No. 108

## The Customs (Export) (EU Exit) Regulations 2019

### PART 11

#### Transitional and savings provisions

#### CHAPTER 1

#### Preliminary

#### Interpretation of Part

**63.**—(1) In this Part—

“the Delegated Regulation” means the Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) no 952/2013 of the European Parliament and of the Council as regards details rules concerning provisions of the Union Customs Code; and

“EUCL” means the direct EU legislation referred to in paragraph 1(1) of Schedule 7 to the Act.

(2) And in this Part the following expressions <sup>M1</sup> have the same meaning as they do for the purposes of the UCC—

“customs declaration”;

“customs formalities”;

“decision taken upon application”;

“export procedure” <sup>M2</sup>;

“non-Union goods”;

“re-export declaration”;

[<sup>F1</sup>re-export notification;]

“Union goods”;

“verification” <sup>M3</sup>.

#### Textual Amendments

**F1** Words in reg. 63(2) inserted (31.12.2020) by [The Taxation \(Cross-border Trade\) \(Miscellaneous Provisions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/486\)](#), regs. 1(3), **9(21)**; [S.I. 2020/1643](#), reg. 2, Sch.

#### Commencement Information

**I1** Reg. 63 not in force at made date, see reg. 1(5)

**I2** Reg. 63 in force at 31.12.2020 by [S.I. 2020/1643](#), reg. 2, Sch.

#### Marginal Citations

**M1** The expressions are found in Article 5 of the UCC except where otherwise indicated.

**M2** See Article 5(16) of the UCC.

**M3** See Article 188 of the UCC.

## CHAPTER 2

### Continued effect and cessation of effect of the EUCL, evidence and verification

#### Continued effect and cessation of effect of the EUCL

**64.**—<sup>[F2]</sup>(A1) This part applies in relation to goods which are not subject to Article 49 of the EU withdrawal agreement.]

(1) Where, as provided by this Part, the EUCL continues to have effect in relation to goods on and after <sup>[F3]</sup>IP completion day], paragraph (2) applies to the following matters—

- (a) any approval or authorisation granted by, or on behalf of, HMRC or the equivalent competent authority of a member State under the EUCL or treated as valid immediately before <sup>[F3]</sup>IP completion day] under Article 251 of the Delegated Regulation; or
- (b) a decision given by HMRC which is a decision taken upon application.

(2) If a matter listed in paragraph (1) applies in relation to the goods immediately before <sup>[F3]</sup>IP completion day], it continues to apply for so long as the EUCL continues to have effect in relation to the goods, unless and until HMRC amends or revokes the same in any particular case.

(3) The continuation of, or cessation of, the effect of the EUCL in relation to goods as provided by this Part does not—

- (a) affect the operation of the EUCL or anything duly done or suffered under it,
- (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the EUCL or any enactment in relation to the EUCL,
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence under an enactment in relation to the EUCL, or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment.

(4) Notwithstanding that the EUCL ceases to have effect in relation to goods, any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the EUCL had not ceased to have effect in relation to the goods.

(5) When the EUCL ceases to have effect in relation to goods as provided by this Part at a time when the goods are located in the United Kingdom, the Act, for the purposes of these Regulations, and paragraph (6) then apply in relation to the goods.

(6) Where a requirement of the EUCL has been met or not met in relation to the goods, any equivalent requirement imposed by or under—

- (a) these Regulations, or
- (b) the Act, for the purposes of these Regulations,

is also to be treated as having been met or not met, as the case may be, in relation to the goods.

(7) Where the EUCL continues to have effect in relation to goods on or after <sup>[F3]</sup>IP completion day] by virtue of this Part, the cessation of effect of the EUCL provided by paragraph 1(1) of Schedule 7 to the Act which would otherwise apply in relation to the goods does not apply.

#### Textual Amendments

- F2** Reg. 64(A1) inserted (31.12.2020) by [The Customs \(Transitional\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1449\)](#), regs. 1(2), **13(3)(a)**; S.I. 2020/1643, reg. 2, Sch.
- F3** Words in reg. 64 substituted (31.12.2020) by [The Customs \(Transitional\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1449\)](#), regs. 1(2), **13(3)(b)**; S.I. 2020/1643, reg. 2, Sch.

#### Commencement Information

- I3** Reg. 64 not in force at made date, see reg. 1(5)
- I4** Reg. 64 in force at 31.12.2020 by [S.I. 2020/1643](#), reg. 2, Sch.

### Evidence required by notice

**65.**—(1) HMRC may notify a person to provide evidence to HMRC concerning any of the following in relation to goods to which this Part applies—

- (a) whether or not the goods are non-Union goods;
  - (b) which of the following the goods are subject to—
    - (i) the export procedure;
    - (ii) a re-export declaration;
    - (iii) an exit summary declaration; or
    - (iv) a re-export notification;
  - (c) the customs formalities which have been completed in respect of the goods immediately before [<sup>F4</sup>IP completion day]; or
  - (d) any other matter which enables HMRC to determine whether or not the EUCL continues or ceases to have effect in relation to the goods on or after [<sup>F4</sup>IP completion day].
- (2) HMRC must in, or with, the notification state by when compliance is required.
- (3) HMRC may publish a notice specifying—
- (a) the type of evidence which may be required when a notification is given, and
  - (b) the form and manner in which evidence is to be provided to HMRC.

#### Textual Amendments

- F4** Words in reg. 65 substituted (31.12.2020) by [The Customs \(Transitional\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1449\)](#), regs. 1(2), **13(4)**; S.I. 2020/1643, reg. 2, Sch.

#### Commencement Information

- I5** Reg. 65 not in force at made date, see reg. 1(5)
- I6** Reg. 65 in force at 31.12.2020 by [S.I. 2020/1643](#), reg. 2, Sch.

### Verification

**66.**—(1) Where before [<sup>F5</sup>IP completion day]—

- (a) Union goods intended to be taken out of the customs territory of the Union, or
- (b) non-Union goods,

have been exported from the United Kingdom but verification in relation to the goods has not been completed, the EUCL continues to have effect in relation to the goods on and after [<sup>F5</sup>IP completion day].

(2) The EUCL ceases to have effect in relation to the goods on the earliest to occur of the following—

- (a) when a person fails to comply with regulation 65 in relation to the goods,
- (b) on completion of the verification, or

[<sup>F6</sup>(c) the end of the period of one year from IP completion day.]

(3) Where paragraph (2)(a) or (c) applies, Chapter 11 (verification of export declarations etc) applies in relation to the goods.

**Textual Amendments**

- F5** Words in reg. 66 substituted (31.12.2020) by [The Customs \(Transitional\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1449\)](#), regs. 1(2), **13(5)(a)**; S.I. 2020/1643, reg. 2, Sch.
- F6** Reg. 66(2)(c) substituted (31.12.2020) by [The Customs \(Transitional\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1449\)](#), regs. 1(2), **13(5)(b)**; S.I. 2020/1643, reg. 2, Sch.

**Commencement Information**

- I7** Reg. 66 not in force at made date, see reg. 1(5)
- I8** Reg. 66 in force at 31.12.2020 by [S.I. 2020/1643](#), reg. 2, **Sch.**

<sup>F7</sup>CHAPTER 3

Export procedure and re-export

**Textual Amendments**

- F7** Pt. 11 Ch. 3 omitted (31.12.2020) by virtue of [The Customs \(Transitional\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1449\)](#), regs. 1(2), **13(6)(a)**; S.I. 2020/1643, reg. 2, Sch.

**Union goods declared to the export procedure; re-export declaration lodged in respect of Non-Union goods**

<sup>F7</sup> **67.** .....

**Cessation of the EUCL**

<sup>F7</sup> **68.** .....

<sup>F8</sup>CHAPTER 4

Cessation of effect of the EUCL

**Textual Amendments**

- F8** Pt. 11 Ch. 4 omitted (31.12.2020) by virtue of [The Customs \(Transitional\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1449\)](#), regs. 1(2), **13(6)(b)**; S.I. 2020/1643, reg. 2, Sch.

## Cessation of effect of the EUCL

<sup>F8</sup> 69. ....

### <sup>F9</sup>CHAPTER 5

#### Union goods moving out of the United Kingdom

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##### Textual Amendments

<sup>F9</sup> Pt. 11 Ch. 5 omitted (31.12.2020) by virtue of [The Customs \(Transitional\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1449\)](#), regs. 1(2), **13(6)(c)**; S.I. 2020/1643, reg. 2, Sch.

## Union goods moving out of the United Kingdom

<sup>F9</sup> 70. ....

## Continued effect of the EUCL

<sup>F9</sup> 71. ....

### <sup>F10</sup>CHAPTER 6

#### Customs agents

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##### Textual Amendments

<sup>F10</sup> Pt. 11 Ch. 6 omitted (31.12.2020) by virtue of [The Taxation \(Cross-border Trade\) \(Miscellaneous Provisions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/486\)](#), regs. 1(3), **9(22)**; S.I. 2020/1643, reg. 2, Sch.

## Declarations made by customs representatives before exit day

<sup>F10</sup> 72. ....

**Changes to legislation:**

There are currently no known outstanding effects for the The Customs (Export) (EU Exit) Regulations 2019, PART 11.