

Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast)

TITLE VI

RELEASE FOR FREE CIRCULATION AND RELIEF FROM IMPORT DUTY

CHAPTER 1

Release for free circulation

Article 201

Scope and effect

- 1 Non-Union goods intended to be put on the Union market or intended for private use or consumption within the customs territory of the Union shall be placed under release for free circulation.
- 2 Release for free circulation shall entail the following:
 - a the collection of any import duty due;
 - b the collection, as appropriate, of other charges, as provided for under relevant provisions in force relating to the collection of those charges;
 - c the application of commercial policy measures and prohibitions and restrictions insofar as they do not have to be applied at an earlier stage; and
 - d completion of the other formalities laid down in respect of the import of the goods.
- 3 Release for free circulation shall confer on non-Union goods the customs status of Union goods.

Article 202

Commercial policy measures

- 1 Where processed products obtained under inward processing are released for free circulation and the calculation of the amount of import duty is made in accordance with Article 86(3), the commercial policy measures to be applied shall be those applicable to the release for free circulation of the goods which were placed under inward processing.
- 2 Paragraph 1 shall not apply to waste and scrap.
- 3 Where processed products obtained under inward processing are released for free circulation and the calculation of the amount of import duty is made in accordance with Article 85(1), the commercial policy measures applicable to those goods shall be applied only where the goods which were placed under inward processing are subject to such measures.
- 4 Where Union legislation establishes commercial policy measures on release for free circulation, such measures shall not apply to processed products released for free circulation following outward processing where:

- a the processed products retain their Union origin within the meaning of Article 60;
- b the outward processing involves repair, including the standard exchange system referred to in Article 261; or
- c the outward processing follows further processing operations in accordance with Article 258.

CHAPTER 2

Relief from import duty

Section 1

Returned goods

Article 203

Scope and effect

1 Non-Union goods which, having originally been exported as Union goods from the customs territory of the Union, are returned to that territory within a period of three years and declared for release for free circulation shall, upon application by the person concerned, be granted relief from import duty.

The first subparagraph shall apply even where the returned goods represent only a part of the goods previously exported from the customs territory of the Union.

2 The three-year period referred to in paragraph 1 may be exceeded in order to take account of special circumstances.

3 Where, prior to their export from the customs territory of the Union, the returned goods had been released for free circulation duty-free or at a reduced rate of import duty because of a particular end-use, relief from duty under paragraph 1 shall be granted only if they are to be released for free circulation for the same end-use.

Where the end-use for which the goods in question are to be released for free circulation is no longer the same, the amount of import duty shall be reduced by any amount collected on the goods when they were first released for free circulation. Should the latter amount exceed that levied on the release for free circulation of the returned goods, no repayment shall be granted.

4 Where Union goods have lost their customs status as Union goods pursuant to Article 154 and are subsequently released for free circulation, paragraphs 1, 2 and 3 shall apply.

5 The relief from import duty shall be granted only if goods are returned in the state in which they were exported.

6 The relief from import duty shall be supported by information establishing that the conditions for the relief are fulfilled.

Article 204

Goods which benefited from measures laid down under the common agricultural policy

Relief from import duty provided for in Article 203 shall not be granted to goods which have benefited from measures laid down under the common agricultural policy involving their export out of the customs territory of the Union, except where otherwise provided in specific cases.

Article 205

Goods previously placed under the inward processing procedure

1 Article 203 shall apply to processed products which were originally re-exported from the customs territory of the Union subsequent to an inward processing procedure.

2 Upon application by the declarant and provided the declarant submits the necessary information, the amount of import duty on the goods covered by paragraph 1 shall be determined in accordance with Article 86(3). The date of acceptance of the re-export declaration shall be regarded as the date of release for free circulation.

3 The relief from import duty provided for in Article 203 shall not be granted for processed products which were exported in accordance with point (c) of Article 223(2), unless it is ensured that no goods will be placed under the inward processing procedure.

Article 206

Delegation of power

The Commission shall be empowered to adopt delegated acts, in accordance with Article 284, in order to determine:

- (a) the cases where goods are considered to be returned in the state in which they were exported;
- (b) the specific cases referred to in Article 204.

Article 207

Conferral of implementing powers

The Commission shall specify, by means of implementing acts, the procedural rules for the provision of information referred to in Article 203(6).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 285(4).

Section 2

Sea-fishing and products taken from the sea

Article 208

Products of sea-fishing and other products taken from the sea

1 Without prejudice to Article 60(1), the following shall be granted relief from import duty when they are released for free circulation:

- a products of sea-fishing and other products taken from the territorial sea of a country or territory outside the customs territory of the Union by vessels solely registered or recorded in a Member State and flying the flag of that State;
- b products obtained from products referred to in point (a) on board factory-ships fulfilling the conditions laid down in that point.

2 The relief from import duty referred to in paragraph 1 shall be supported by evidence that the conditions laid down in that paragraph are fulfilled.

Article 209

Conferral of implementing powers

The Commission shall specify, by means of implementing acts, the procedural rules for the provision of the evidence referred to in Article 208(2).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 285(4).