

COVID-19 | ATA Carnet Operations

The following are special information and practices gathered from foreign National Guarantee Associations by the U.S. Council for International Business USCIB in regards to the handling of ATA Carnet operations during the ongoing COVID-19 pandemic.

➤ As of 4/15/2020

AUSTRIA *(last update: 03/31/2020)*

Obtain a replacement Carnet to extend the stay. Or transfer the Carnet goods following the normal customs warehousing procedure (bonded warehouse).

Additional Info of the two options:

Option A: If the duration of the temporary use procedure is expected to exceed the validity of the ATA / CPD China-Taiwan Carnet, and the holder is unable to re-export the goods, the carnet holder may obtain a replacement carnet. For such cases, the procedure of the customs offices in ZK-2500 section 6.4.3.2. regulated. The Labor Directive ZK-2500 (Temporary Use) represents a means of interpreting the regulations to be implemented by the customs offices and customs bodies, which is communicated in the interest of a harmonized procedure. Section 6.4.3.2 states:

6.4.3.2. Replacement of carnets

Option B: A legally permissible alternative is the transfer of such goods to the customs warehousing procedure (bonded warehouse).

BOSNIA HERZEGOVINA

If the goods that were previously entered into Bosnia and Herzegovina under the cover of an ATA Carnet cannot be re-exported within the validity of the Carnet, a Replacement Carnet may be presented to B&H Customs Authorities. The Replacement Carnet must be presented to the Customs Office which was responsible for the authorization of the temporary admission of the goods (Customs Office of entry), and it will complete customs formalities.

If the carnet is still valid, but the goods cannot be re-exported by the final date of re-exportation approved by B&H Customs Authorities (which is about to expire), carnet holder should contact the competent Customs Office (Customs office of entry) to apply for an extension of the final date of re-exportation. In the request, the carnet holder must explain the reasons why the goods cannot be re-exported within the time limit and give relevant evidences, if they exist. This request must be submitted before the expiry of the date fixed for the re-exportation.

Only if the holder cannot visit the Customs Office of entry due to the impact of COVID-19, should the request for extension of the re-exportation deadline (either by the replacement ATA Carnet or in the case that the date of expiry of validity of ATA Carnet exceeds the date fixed for the re-exportation of the goods) be submitted by email, together with the proofs (such as documents imposing the isolation or quarantine measures to the Carnet Holder). The original request for re-exportation of the goods and the ATA Carnet must be presented to the competent Customs Office.

ATA Carnet claims will be handled on a case-by-case basis. ATA Carnet holders should keep all relevant documents that may support claim cases (government document imposing the quarantine, isolation, etc.).

CHINA

Scenario 1: Carnet is still valid, but the final date of re-exportation given by Chinese Customs is about to expire.

- Holders shall contact the competent Customs office (for most cases, it's the port of importation. But for carnets has been completed transit formalities, it's the customs office of destination) to apply for an extension of the final date of re-exportation by using the original carnet. If holders cannot visit the Customs office due to the impact of COVID-19, please apply for the extension via Chinese Customs website www.customs.gov.cn/

Scenario 2: Carnet's validity is about to expire.

Holders shall:

- Step 1: contact the issuing association (IA) to apply for a replacement carnet to extend the carnet's validity first.
- Step 2: contact the competent Customs office (for most cases, it's the port of importation. But for carnets that have transited inside China, it's the customs office of destination) to apply for an extension of the final date of re-exportation by using the replacement carnet. If holders cannot visit the Customs office due to the impact of COVID-19, please apply for the extension via Chinese Customs website www.customs.gov.cn/

Other Scenario: Failure to comply with the extension requirements, may result in ATA Carnet claims which will be analyzed case by case. All holders should keep as much documentation (e.g. Lockdown notice, airline ticket cancellations/rebookings, hotel reservation extension, etc.) as possible to support their cases.

CZECH REPUBLIC

Info provided by Czech Customs to WCO

Customs authorities in the Czech Republic apply the following procedures in connection with the current situation and the declared state of emergency, as regards the handling of ATA Carnets operations:

As regards re-exportation of goods released for temporary importation on the territory of the Union (Czech Republic) under cover of ATA Carnet, the customs office shall recognize the validity of an already expired ATA Carnet or ATA Carnet for which the period fixed for the re-exportation of goods from the territory of the Union has expired, if the period is affected by a declared emergency state in the Czech Republic or by other critical state declared by the country of use in the territory of the Union or country of re-importation. Such ATA Carnets will be treated as a valid carnet, i.e. as re-exportation within the set deadline.

This means that the Czech customs authorities will endorse export (exit) even in cases where the carnet has already expired during or immediately after the end of an emergency state or other crisis situation in the country of use in the Union of re-importation. The same procedure will apply to valid carnets where the re-exportation deadline has expired.

DENMARK *(last update: 04/01/2020)*

GS - The recommendation is for U.S. Holders to obtain a Replacement Carnet to extend the stay due to COVID-19.

Danish Customs estimates that it will be inexpedient to ask ATA Carnet holders from third countries to use the existing procedure for ATA Carnets that expires. The existing procedure requires a replacement ATA Carnet but due to the current coronavirus conditions, the Danish Customs assumes that it will be impossible to receive a replacement ATA Carnet from the guaranteeing organization for Carnet holders visiting Denmark. Carnet holders visiting Denmark will be guided on by Danish Customs.

The Danish Customs will not forward charges on import duties for ATA Carnets as The Danish Customs estimates that it will be impossible to calculate an estimate on import duties before the Carnet holders have the opportunity to secure the transportation of the goods out of the EU. When it again is possible to secure the transportation of goods, Danish Customs will calculate import duties and for those who leave the EU it will be cancelled. Import duties will be charged to Carnet holders that do not depart as soon as possible.

Danish Customs highlights that the above mentioned only applies as a consequence of the current situation and is not a permanent alteration. Danish Customs also points out that if there are significant developments affecting the current situation it could further change the Danish Customs procedures on the handling of ATA Carnets.

FINLAND

Each case will be investigated on a case-by-case basis, which serves best the whole procedure. Cases can be resolved through cooperation between the Customs Authorities, the Finland Chamber of Commerce and the customer. Please contact ata@chamber.fi to solve the challenge.

FRANCE

In accordance with the instructions of the Director-General of Customs and Excise, the application of containment measures does not entail any restriction on the movement of goods. Therefore, the missions of the customs remain.

Customs offices are intended to remain open, in particular for the visa of original, non-dematerialized documents related to customs clearance, such as the ATA Carnet.

However, the opening hours of the offices and the reception of the public can be adjusted: contact them for your operations.

Do the French customs authorities stamp foreign carnets for import/re-export for all modes of transport?

As for French ATA Carnets, there are no restrictions on customs clearance operations.

What is the risk for holders of foreign carnets whose goods are currently in France if the expiry date has passed or is about to pass? What solutions exist? Is there any tolerance?

We can recommend the replacement carnet procedure. Insofar as no movement restrictions are applied to the goods, operators must do their utmost to meet their obligations. However, in view of

the situation, customs offices may grant facilities when re-exporting goods, provided that the exceeding of time limits is duly justified.

As far as possible, ATA Carnet holders should notify by e-mail the customs authorities of this eventuality as soon as possible (customs office of re-export, or the nearest customs office where the goods are located). Thus, the customs offices will carry out all the necessary checks at the time of re-exportation.

If the ATA Carnet holder so wishes, they can also present a replacement carnet.

GERMANY *(last update: 04/02/2020)*

German Customs authorities are striving to minimize the impact of the Coronavirus pandemic on the economy as much as possible. As encouraged by the World Customs Organization, main German customs offices have been given instructions to offer greater facilitations to ATA Carnet holders:

If the goods previously entered into Germany under the cover of an ATA Carnet cannot be re-exported within the validity of the Carnet, a Replacement Carnet may be presented.

ITALY *(last update: 03/30/2020)*

Italy grants a one month grace period from the expiry date of the Original Carnet should Holders need more time to re-export their goods.

For Holders who want to take advantage of this grace period, they must email Italian NGA at estero@legalmail.it immediately. The email must include the following information.

- specify the reason for delay is caused by the current epidemic situation of COVID-19
- ATA Carnet number;
- date of validity;
- name of the Customs office where the formalities should be accomplished;
- email must copy replacements@uscib.org, gsung@uscib.org, and tsample@uscib.org

If Holders want to obtain a replacement Carnet for goods to stay in Italy longer than a month, the Holder must ensure both Carnets (Original and Replacement) must be presented to Italian customs on or before the expiry of ORIGINAL ATA Carnet to avoid being levied with taxes/duties/penalties.

However, it is unclear if customs offices in Italy are open to process Replacement validation. Please contact us if your Holders have problem getting replacement ATA Carnets validated.

ISRAEL *(last update: 04/02/2020)*

As encouraged by the World Customs Organization, Israeli customs agreed to offer greater facilitations to Carnet holders:

For goods previously admitted into Israel under the cover of ATA Carnets, if the final date of re-exportation originally granted as well as the carnet validity are between January 1, 2020 and June 1, 2020, the re-exportation time limits are automatically extended to July 1, 2020. There is no need to issue replacement carnet or apply for the extension. The new time limit has been updated in Customs' administrative system.

NORWAY

The Norwegian Customs Authorities have made the following decision, regarding the management of ATA Carnets that are about to expire and whose goods cannot be re-exported due to the emergency measures taken by the Norwegian Government from March 12th 2020:

"With regard to ATA Carnets, it is recalled that

1) the holder of the Carnet, before the expiry of its validity, may request a replacement Carnet to the Chamber of Commerce that issued the previous one, which will have a new term of validity of one year from the date of issue. In order to make the replacement Carnet valid, it must be presented together with the original ATA Carnet to the Customs of the country of temporary exportation and to the Customs Office where it was presented for temporary importation, or where the goods are located, for taking in charge of the new Carnet and the simultaneous discharge of the "original".

Or:

2) In consideration of the difficulties of this emergency period, in relation to the carrying out of the re-exportation operations of the goods, in the event that the operators are in no position to comply with the normal procedures mentioned above within the deadlines, it will be possible to request the Customs offices to extend the re-exportation terms, even beyond the validity of the

Carnet. The expiry date of the carnet can be prolonged by one month – one month at a time – for the sole purpose of re-exportation.

Holders who have ATA Carnets on the point of expiring should send Oslo Chamber of Commerce a request to authorize the re-exportation specifying that the delay is caused by the current epidemic situation.

The data to be communicated are the following:

- ATA Carnet number
- The name of the holder
- Date of validity
- Name of the Customs office where the formalities should be accomplished.

The demands have to be sent to the following address: exportdocuments@chamber.no

POLAND

Keeping in mind that due to preventive measures taken by governments of the Contracting Parties against the spread of the COVID-19 – and expecting numerous cases where Customs clearance and re-export of goods covered by the ATA Carnets will be impossible in due course - the Polish Chamber of Commerce would like to forward to the Contracting Parties their official position they have received from the Polish Customs Authorities (Ministry of Finance - Customs Department) - according to which:

It will be possible to extend the fixed date for re-export of goods that would be exceeded because of COVID-19, but this will not happen automatically “ex officio”. Therefore, the holders of the ATA Carnets or their representatives should apply for such an extension directly to relevant import Customs Offices in Poland where their cases will be considered individually.

PORTUGAL (Per communications between USCIB and NGA)

Customs may allow a grace period on soon-to-expire ATA Carnets due to COVID-19.

However, customs does not have details as to how the grace period will be administrated. The local NGA is working with customs in order to obtain more specific guidelines.

If you have Holders who want to be considered for this grace period arrangement, please provide contact us, and we will work with the USCIB on your behalf.

SERBIA

Info provided by Serbian Customs to WCO

With reference to the WCO Secretary General letter sent to the Contracting Parties of the ATA and Istanbul Conventions on March 20, 2020, the Customs Administrations of the Republic of Serbia, as a way of facilitation of ATA Carnet procedures, shall accept replacement ATA Carnets (REPLACEMENT FORM) that Chambers of Commerce would exchange electronically between themselves and afterwards forward them, also electronically, to the competent customs authority.

Furthermore, the national regulations, namely the Decree on application of deadlines in administrative proceedings during the state of emergency (“Official Gazette of the Republic of Serbia”, no 41/20 and 43/20) stipulates that the deadlines that expire in the course of the state of emergency, and that refer to the taking of administrative actions, termination of administrative proceedings and deciding on submitted legal remedies, shall be deemed to have expired 30 days after the termination of the state of emergency.

For practical purposes, this means that the periods of validity of ATA Carnets, including temporary import and export, re-import and re-export, shall be extended for 30 days after termination of the state of emergency.

SWITZERLAND

During the current situation related to Covid-19, carnet holders are instructed to use replacement ATA Carnets. The physical presence of the holder or authorized representative is not required in order to complete the formalities. Replacement carnets can be sent to customs via mail or courier service at the address below:

Send replacement Carnets to

Federal Customs Administration
Zollinspektorat Kreuzlingen
Dienstabteilung St. Gallen
Oberstrasse 222
9014 St. Gallen
Switzerland

Should there not be enough time to obtain the replacement ATA carnet required for the extension in due time, the carnet holder must report to the customs authorities concerned in some form within the validity period of the initial ATA Carnet. Carnet holders cannot simply wait and hope for the goodwill of the authorities.

The legal framework continues to apply. Otherwise, the potential for abuse would be substantial.

UNITED KINGDOM (Per communications between USCIB and customs)

Per UK Customs:

The commission issued some guidance, Section 7(b) states:

Possibility to extend the limit for re-exporting the goods under temporary admission

As many economic operators have been obliged to close their premises and stop working, it may be impossible for them to re-export the goods declared for temporary admission by means of ATA Carnets within the established time-limit. In such cases, Article 251(3) UCC allows the holder of the procedure to ask customs authorities to prolong the time limit for re-export of goods declared for temporary admission under exceptional circumstances (such as COVID-19). This applies regardless of the type of declaration used for the placing of goods under the temporary admission procedure. In case the ATA Carnet was used for this purpose, there is no need to issue a new ATA carnet, as Article 14 of the Istanbul Convention is a 'may' provision.

If you would like to extend the grace period of the Original ATA Carnet or to obtain a Replacement ATA Carnet for another year, please contact us. We will work with USCIB to seek approval from UK customs accordingly.
