

Mr Stephen Quest
Director-General
DG TAXUD
Rue Joseph II 79
1000 Brussels

Dr Libor Lochman
Executive Director

Dear Mr Quest,

Thank you for your letter Ref. Ares(2020)1726399, TAXUD.A.2.003/SA/MRA/AL/ dated 24 March 2020. Based on the information contained in this letter, I feel the need to provide additional clarifications.

First of all, it is important to underline that, even though the paper-based transit procedure for goods carried by rail as provided for in Articles 25 and 30 to 44 of the Commission Delegated Regulation (EU) 2016/341 indeed can only be applied by the authorised railway undertakings, currently *most* of the rail cargo transport in the European Union takes place under the paper-based transit procedure for goods carried by rail.

Thus, while the paper-based transit procedure will no longer be applicable in 2024, for the moment it constitutes one of the customs transit procedures that operators are allowed to apply based on the legal provisions in force and is, in fact, applied in *most* of the cases, and hence cannot be simply disregarded due to its temporary character.

Apart from that, it is important to stress that **use of the electronic standard transit declaration in NCTS 4 would not resolve the problem at hand as it also requires printed documentation to be provided**, namely the transport accompanying documents (TAD) as well as the various attachments, such as in particular veterinary documents and certificates of origin. Our request for temporary paperless customs transit settlement for rail cargo operators refers as much to the rail cargo transport covered by NCTS procedure as to transport under the paper-based transit procedure, as currently none of the existing customs transit procedures can be fulfilled without paper-based documentation being provided.

Replacing of the physical paper transmission by transmission of the scanned documents by e-mail would not pose a barrier for such documents to be completed, signed, stamped or endorsed as the pdf files can always be printed out and then scanned again after all necessary additions are made. Such temporary replacement of the physical transmission of the paper-based documents by transmission of the scanned documentation by email would not in any way alter the existing principles of settlement of customs obligations. The presentation of full set of necessary documentation to the customs offices of departure, transit, arrival and exit would not change. Besides, in several EU Member States a

Exceptional measures to allow rail cargo operators to perform customs settlement during covid-19 outbreak

Brussels, 24/03/2020



document in pdf format represents a full equivalent of the paper-based document, with their full legal value being accepted by the national courts.

Such exceptional measure of replacing the physical transmission of the printed documents by transmission of documentation by electronic channels is proposed as a *temporary* solution that would only be in place during the covid-19 outbreak. If the workflow of the paper-based documents should remain as it is, it will inevitably cause serious disruption to rail cargo transport in the EU, as due to the covid-19 disease and related preventive measures there is no staff available at the rail cargo operators that could ensure physical transmission of the printed out documents, that is to bring them to or take them from the trains.

Rail freight transports many goods timely, delivery of which is even more important during the covid-19 pandemic. The rail freight sector is considered as vital, and the transport ministries of the EU Member States provide strong support to secure the flows of goods carried by rail during the covid-19 crisis.

In several EU Member States the national customs administrations have already implemented similar solutions to ensure continuity of transport of goods carried by rail as well as health and safety of the employees involved in the customs settlements' procedures.

However, it would be beneficial if the European Commission provided guidelines to the national customs authorities in order to ensure unified European solution. Without the coordination of the European Commission each national customs authority will adopt different measures, which will result in a patchwork of national solutions and further unnecessary complication of the processes. As rail freight transport is by its nature not limited by the national borders, it is essential to guarantee common European approach.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'E. L...' or similar, written in a cursive style.