



memo

Changes to the EU Exit process

Date 9 December 2022
Subject AES Exit

In order to comply with changing European legislation, Customs is currently updating its systems, including the systems supporting the exit and export processes. AES (Automated Export System) will replace the current ECS (Export Control System). This replacement takes place concurrently with the replacement of the CMF (Customs ManiFest) and DES (DEclaration System) systems. The CMF will be replaced by the EEP (Entry-Exit-Provisions) system, and the DES will be replaced by the CMS (Customs declarations Management System).

By way of this memo, Customs aims to inform you of a number of changes in the EU Exit process. This specifically concerns the changes to the (re-)export and exit processes due to the implementation of the AES. Via our "Customs for businesses" website, we will inform you of the further details, such as the date the changes will become effective.

Summarily put, the implementation of the changes to the EU Exit process mainly impacts:

- 1) the **presentation obligation at the customs office of exit:**
 - a) you must in all cases present;
 - b) the new version of the arrival report ("AAX") allows for specifying deviations;
 - c) the AAX will not be accepted once the goods have exited the EU.
- 2) the **re-export notification ("REN"):**
 - a) a new notice (data set) for the re-export notification;
 - b) registration and MRN ("Master Reference Number");
 - c) prove and confirm the exit and the termination of temporary storage;
 - d) use an exit summary declaration ("EXD") instead of an REN;
 - e) temporary option to submit an REN instead of an exit summary declaration ("EXD").
- 3) the **exit summary declaration ("EXD"):**
 - a) a new notice (data set) for the exit summary declaration;
 - b) registration and MRN ("Master Reference Number");
 - c) prove and confirm the exit and the termination of temporary storage;
 - d) temporary option to submit a re-export notification ("REN") instead of an EXD;
 - e) use of an EXD instead of a re-export notification ("REN").

A short explanation is provided for each of these changes in the below.

1) Presentation obligation at the customs office of exit

Shipments of goods leaving (exiting) the Union customs territory must be reported to the customs office of exit. This is the customs office where the goods exiting the EU are loaded onto the means of transport. Such presentation takes place by reporting the arrival of the goods to the customs office of exit to the customs staff of that office. The following applies once the AES has been introduced.

- a) All goods leaving (exiting) the Union customs territory must be reported to the customs office of exit. The existing exemption of the presentation obligation when the customs office of export is the same as the customs office of exit, lapses. Under the AES, for each shipment of goods, its arrival at the site where it will be loaded onto the exiting vessel or aircraft must be reported to Customs (Arrival-at-Exit (AAX) report).

Exemption for goods covered by the transit regime

The exemption from the obligation to present goods reported for export or re-export to the customs office of exit when such goods are covered by the transit regime, will remain in place. In this situation, the goods must have already been presented in order to have them be covered by the transit regime, while the customs office of departure under the transit regime is also the customs office of exit.

Exemption for provisions and bunker shipments

The exemption from the obligation to present provisions and bunkers reported for export or re-export to the customs office of exit, will also remain in place. The electronic preliminary notification ("PRO notification") submitted to Customs by the provider / caterer / bunkering agent, inter alia stating the time of supply, is deemed to constitute a "presentation to Customs".

- b) The presentation report to the customs office of exit ("AAX") must be filed electronically. Compared to the current arrival report (ARX), the AAX data set will have been updated, allowing the party presenting the shipment to the customs office of exit ("Trader at Exit") to report differences between the reported and presented goods. The following details must be reported: the actual quantities presented, differences in types of goods, and whether the goods have been re-packaged or loaded into a container.
- c) At present, Customs accepts submission of the Arrival-at-Exit ("AAX") report until 7 days after exit. This term will be reduced to the time of arrival on the site (the customs office of exit) where the goods are loaded onto the exiting means of transport they will leave the Union customs territory on. The AAX serves to report the arrival of the goods at the exit site to Customs, allowing Customs:
- i) to verify whether the goods exist in the same state as they were at the time when the export declaration or re-export declaration was accepted,
 - ii) to release the goods for exit, and
 - iii) to monitor the exit process.

Customs is unable to do so if the AAX is received after the goods have been loaded onto the exiting vessel or aircraft or even have left the Union customs territory.

From the date the AES is introduced, an AAX received late will no longer be accepted, meaning that the exit of the goods will not be confirmed to the customs office of exit and the declarant filing the export declaration or the re-export declaration. In such a case, the declarant will not receive a Confirmation of Exit (CoE), unless they are able to demonstrate the exit to the customs office of exit by furnishing alternative proof (the so-called enquiry procedure).

2) Re-export notification ("REN")

A re-export notification ("REN") must be submitted when non-Union goods are loaded from the space for temporary storage ("STS") onto the vessel or craft they will leave the Union on within 14 days of them having first been stored in the STS. At present, the REN is free of specific formalities. The following applies once the AES has been introduced.

- a) The REN must be filed electronically with the customs office of exit by the (direct representative of the) party moving the goods outside of the Union customs territory (the transporter) and must meet the prescribed notice specifications. The data set of the REN is included in column A3 of Annex B to the Commission Delegated Regulation (EU) 2015/2446;
- b) The REN is registered by Customs and provided with an MRN ("Master Reference Number");
- c) The REN must include a reference to the temporary storage declaration ("TSD"), allowing for the REN to be used for the automated termination (clearance) of the temporary storage (TSD). The transporter must state the REN's MRN in the outward clearance declaration (the exit manifest) used to inform Customs of the exit of the goods. Customs will use this information to clear the temporary storage declaration (TSD);
- d) An exit summary declaration ("EXD") may be filed instead of an REN. The EXD contains more data elements than the REN does and a more extensive risk analysis for safety purposes is conducted on the basis of an EXD. Reasons for choosing to submit an EXD in the case of direct re-export from an STS (transshipment) include:
 - i) the fact that the time the goods are stored in the STS does not need to be kept (shorter than 14 days = REN; and longer than 14 days = EXD), and
 - ii) the fact that the REN does not have to be included in the automated systems.
- e) It is temporarily allowed to submit an REN when, officially, an exit summary declaration ("EXD") should be filed. The reason for granting this temporary permission is that a fault in the EXD data set means that the temporary storage ("TSD") cannot be automatically cleared using an EXD. The temporary option to file an REN will lapse once it becomes possible to automatically clear the temporary storage (TSD) on the basis of an EXD.

3) Exit summary declaration ("EXD"):

An exit summary declaration ("EXD") must be filed if no export declaration needs to be filed for Union goods exiting the EU or no re-export declaration needs to be filed for non-Union goods exiting the EU. The EXD replaces the EXS notice. EXDs most commonly must be filed in the case of re-export from an STS, in case the term of storage in the STS exceeds 14 days (also refer to item 2, above). The following applies once the AES has been introduced.

- a) The EXD must be filed electronically with the customs office of exit by the (direct representative of the) party moving the goods outside of the Union customs territory (the transporter) and must meet the prescribed notice specifications. The data set of the EXD is included in columns A1 and A2 (for express consignments) of Annex B to the Commission Delegated Regulation (EU) 2015/2446;
- b) The EXD is registered by Customs and provided with an MRN ("Master Reference Number");
- c) The EXD must include a reference to the temporary storage declaration ("TSD"), allowing for the EXD to be used for the automated termination (clearance) of the temporary storage. The transporter must state the EXD's MRN in the outward clearance declaration (the exit manifest) used to inform Customs of the exit of the goods. Customs will use this information to clear the temporary storage declaration (TSD).

Unfortunately, due to a fault in the EXD data set it is for now not possible to automatically clear the temporary storage ("TSD") using an EXD. To limit manual clearances, it will be temporarily permitted to submit an REN instead of an EXD. Also refer to (d);

- d) For as long as it is not possible to automatically clear the temporary storage (TSD) on the basis of an EXD, an REN may be filed instead of an EXD. The REN does allow for automated clearing of temporary storage (TSD). This use of the REN is voluntary and concerns a temporary permission only. The option to use an REN will lapse once it becomes possible to automatically clear the temporary storage (TSD) using an EXD.
- e) An EXD may be filed in the cases where, formally, an REN must be filed. Refer to 2-d, above, for more details.