**UKCPI - GB NI ROI trade query - Brexit - 4 March2021**

1. *Customs clearance process to NI and duty exposure when we ship to* ***at risk*** *customers.*

*We distribute to NI retailers who have no RoI presence, who have confirmed the items are not* ***at risk****.  If we act as the importer what sort of information do we need to keep, how often does it need to be revisited/audited in order for us to declare the goods as not at risk?*

*The first question here is how the company is making these declarations?  The company can sign up for the Trader Support Service, or can get someone else to complete declarations for them [only NI business or businesses with commercial activities in NI, will be able to register].  If they are doing it themselves they will need to have applied for a UK Trader Scheme (UKTS) authorisation allowing them to self-declare goods not ‘at risk’ of moving on to the EU after entering Northern Ireland (or if somebody else is completing the declaration for them, they will need to make sure they know whether they are authorised for the UKTS).  Once authorised, this link sets out the info that the company will need to keep -* [*https://www.gov.uk/guidance/check-if-you-can-declare-goods-you-bring-into-northern-ireland-not-at-risk-of-moving-to-the-eu#check-how-to-declare-your-goods-not-at-risk*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fcheck-if-you-can-declare-goods-you-bring-into-northern-ireland-not-at-risk-of-moving-to-the-eu%23check-how-to-declare-your-goods-not-at-risk&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341761268%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=ff2GKs5shpsJwopBEHQtdOj%2BPTZjYo9hCeEDzVN7WVM%3D&reserved=0) *– here’s the list:*

*If you are completing your declaration yourself, you will need to use the Additional Information code ‘NIREM’ in Data Element 2/2 of your import declaration.*

*You will also need to keep supporting evidence for each consignment you move into Northern Ireland and this evidence will need to be accessible in Northern Ireland for 5 years. Type of evidence to support a not ‘at risk’ declaration include:*

* *commercial receipts and invoices*
* *VAT invoice*
* *commercial contracts and purchase orders*
* *delivery receipts*
* *consignment note (CMR)*
* *proof of installation*
* *electronic records*
* *proof that goods comply with rules of origin (if you have claimed a preferential rate of duty, you can*[*check what proof you should hold*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fclaiming-preferential-rates-of-duty-between-the-uk-and-eu-from-1-january-2021&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341761268%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=YIVvlpvY%2FcbF19illYcvarSvzslLEglbUKxGYIage%2BA%3D&reserved=0)*)*

*You will not need to provide this evidence to HMRC on a routine basis, only when asked to do so.*

1. *Does it make a difference if the items are delivered to store or a distribution centre for these retailers?  Who is liable if the good do cross over between the two reviews/audits and the retailer hasn’t informed us?*

*Once authorised, you must have evidence to demonstrate that these goods entered Northern Ireland for the purpose of sale to, or final use by, end consumers located in Northern Ireland. Some examples include:*

* *a sale of a good in a retail store in Northern Ireland*
* *a business purchasing stationary for use in Northern Ireland*
* *a farmer purchasing a tractor for their own use in Northern Ireland*

*If the goods you bring into Northern Ireland will be subject to processing, then you must also meet additional criteria when applying for UK Trader Scheme authorisation before you can declare your goods not ‘at risk’.*

*The person bringing the goods into NI and who is responsible for the import declaration is also responsible for a declaration that the goods are not at risk. If they cannot be certain that the goods do qualify for one of the end use provisions that allow goods to be declared not at risk, then they should not declare them not at risk. This may need they need additional information from their customers in NI to provide this assurance, and the relevant evidence that may be requested by HMRC. The declarant cannot transfer their responsibility for this to another party.*

*The processes do not allow for a retrospective change to a not at risk declaration, which is why if the destination is uncertain on entry to NI a business must declare them at risk, and could claim a reimbursement (once the scheme is launched) if the goods could be later demonstrated to have stayed in NI/returned to GB.*

1. *We distribute to a NI online company and therefore it is safe to assume the items are* ***at risk.****If we act as the importer, then do we have to declare the whole shipment as at risk or just a portion based on their sales history (if they will supply that information to us)?*

*The current rules do not allow for this, we are intending to publish guidance in the next few days that will give the option for an apportionment between at risk and not at risk based on historical trading patterns. This would apply where the destination of the individual goods is not known on entry to NI. It will depend on the business having stable trading patterns on which to base an apportionment.*

1. *We import manufactured goods from our EU parent company, we sell some of it in the UK and export some into both Ireland and NI for onward use or distribution – what’s the situation with* ***tariffs*** *and* ***paperwork****?*

*For imports into the UK, the tariff situation will depend on whether the goods comply with RoO.*

*For goods for onward distribution to NI and ROI it will depend on whether the goods have cleared customs or not, i.e. if they cross GB as a transit movement or are stored in a customs warehouse etc.*

*If the goods have cleared customs, the situation for goods going to NI is as set out above.  The company should also be aware that the default is that if the goods are not processed in GB (beyond the ‘insufficient production’ rules on page 30 of the TCA), even if they are of EU origin, they would not meet RoO and therefore would be subject to tariffs if they are judged ‘at risk’.*

*For ROI, the following may be helpful:*

* *For people who are re-distributing EU-origin goods back into the EU, Returned Goods Relief might help avoid duties. The rules for EU materials that are imported into Ireland having been through the UK are here:* [*https://www.revenue.ie/en/customs-traders-and-agents/relief-from-customs-duty-and-vat/goods-reimported-into-the-european-union/index.aspx*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.revenue.ie%2Fen%2Fcustoms-traders-and-agents%2Frelief-from-customs-duty-and-vat%2Fgoods-reimported-into-the-european-union%2Findex.aspx&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341771225%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=u3aZRWPeuWt84msH7Ndmf98uas6PBW247Wq7nSa9OIk%3D&reserved=0)*. For using GB as a distribution hub to NI, where goods are considered* [*'at risk'*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fcheck-if-you-can-declare-goods-you-bring-into-northern-ireland-not-at-risk-of-moving-to-the-eu&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341771225%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=QU22KwCxqgt%2FXPdZO6H766ll2xC3ZtfKlS3X6Ffkqzg%3D&reserved=0) *and cannot meet RoO, you can still use Returned Goods Relief according to UK rules:* [*https://www.gov.uk/guidance/pay-less-import-duty-and-vat-when-re-importing-goods-to-the-uk-and-eu*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fpay-less-import-duty-and-vat-when-re-importing-goods-to-the-uk-and-eu&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341781184%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=48PMosxPz0pvg5gUWjMSy3kX49l6cNWtaLcNKuLcQoU%3D&reserved=0)*. If you are re-importing goods into another EU member state, please check the local guidance.*
* *If you want to move goods under the Transit procedure, the basics can be found here:* [*https://www.gov.uk/guidance/check-if-you-can-use-transit-to-move-goods-to-the-eu-and-common-transit-countries*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fcheck-if-you-can-use-transit-to-move-goods-to-the-eu-and-common-transit-countries&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341781184%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=I8VyfpiXO2h5tHv5yBeKFLw44MBCcGPU0dYYNNyZO8w%3D&reserved=0)
* *Customs warehousing rules can be found here:* [*https://www.gov.uk/guidance/how-to-use-a-customs-warehouse*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fhow-to-use-a-customs-warehouse&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341791137%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=K67FHmgNe0tnAnQrhk4DR5gBFJDy0WVbilbTxooEFIo%3D&reserved=0) *and the processes you are allowed to carry out on goods that are stored in one are here:* [*https://www.gov.uk/guidance/check-if-you-can-carry-out-simple-repairs-or-process-your-goods-in-a-customs-warehouse*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fcheck-if-you-can-carry-out-simple-repairs-or-process-your-goods-in-a-customs-warehouse&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341791137%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=5q6IW3BT979Glhl9Hc%2BCfi1lvpTJUd75mLybcmZ2wrs%3D&reserved=0)
1. *We are appointed UK distributors of various chemicals from EU companies. We import and then sell straight to both UK and Ireland/NI customers – any* ***tariffs*** *on import to the UK, and then into NI/Ireland?*

*Same as above.*

1. *A company manufactures product in EU and ships to a UK distribution centre, then it gets shipped to NI by passing through RoI. What* ***customs documentation*** */* ***tariffs*** *apply?*

*For customs documentation for movements from EU to GB it will depend on the procedure and location – here is the Commission’s guidance page -* [*https://ec.europa.eu/taxation\_customs/sites/taxation/files/2021-brexit-top-50-faq.pdf*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fec.europa.eu%2Ftaxation_customs%2Fsites%2Ftaxation%2Ffiles%2F2021-brexit-top-50-faq.pdf&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341801098%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=qxuiDdZ%2BuFwOdfOBXPzHGWEUKA6tg21Z%2BNDQ87q20fw%3D&reserved=0)*.*

*In this situation where EU originating goods are distributed from the UK to NI but via ROI, the key point, as above, is whether the goods clear customs.  Goods can either be moved via transit, or exported to ROI for NI.  As the goods are travelling via ROI, the haulier must complete the processes and requirements for either transit or export to Ireland, however:*

* *For transit movements, there will be no tariffs if the goods are not ‘at risk’ but tariffs would be payable if the goods are ‘at risk’.*
* *For exports to ROI, the requirements are the same for other GB to EU movements.  There’s been quite a bit of work undertaken to expand the guidance on GB to EU movements too, so worth making sure they’ve seen this guidance page -* [*https://www.gov.uk/guidance/transporting-goods-between-great-britain-and-the-eu-guidance-for-hauliers-and-commercial-drivers*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Ftransporting-goods-between-great-britain-and-the-eu-guidance-for-hauliers-and-commercial-drivers&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341801098%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=X4Xh3nyJ1DOY5s25LEVXLLnOM4%2BbCIjDcryodS8l7rQ%3D&reserved=0)*.*

*If bringing goods into Northern Ireland from Great Britain, declarations are required and tariffs may need to be paid (as covered above).   Have they seen this guidance page? -* [*https://www.gov.uk/guidance/trading-and-moving-goods-in-and-out-of-northern-ireland*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Ftrading-and-moving-goods-in-and-out-of-northern-ireland&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341811060%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=TbLIhSQSyKmmUanCJpNVtTLn8gZ4fm%2BGsJQPjXh73XA%3D&reserved=0)

1. *What Would be the advantages in terms of* ***customs documentation*** *and* ***tariffs*** *if we would have the products coming from EU, shipped to a UK distribution centre and then directly to NI?*

*I think this is covered above in terms of clarifying first whether it is a transit movement, whether customs warehousing is involved, or whether the goods clear customs.  If they clear customs, as above, if bringing goods into Northern Ireland from Great Britain, declarations are required and tariffs may need to be paid unless the goods are not ‘at risk’.*

1. *We import finished goods from the EU and build cardboard retail display units mixed 75%/25% UK/EU produced products for retailers with a GB, NI & RoI presence.  The display units are the items that are ordered/sold and the customs commodity codes do not change.  This appears to be insufficient working to become UK product, but is the whole thing* ***liable for duty*** *in the RoI or just the EU elements and how would we declare that?  Is it safe to assume that as they have separate delivery points and billing entities for ROI & NI that the units sent to NI are* ***not at risk****?*

*Yes - if rules of origin aren’t met, tariffs would be payable on the whole shipment.*

1. *In practical terms how easy is it to set up a* ***bonded warehouse*** *and do these need to be a physically separated area of the warehouse or just a designated area?  If products are mixed with UK product for delivery to RoI (or NI if at risk) do we need to complete customs documents to get the UK products into the bonded warehouse?  If there a cut-off point between outsourcing a to bonded warehouse or running one in-house?*

*I can’t comment in a formal capacity on the ease or otherwise of setting up a Customs Bonded Warehouse but would say it’s certainly not a straightforward process.  Here is the link on how to apply -* [*https://www.gov.uk/guidance/apply-to-operate-a-customs-warehouse*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fapply-to-operate-a-customs-warehouse&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341811060%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=axeycvmxwV2Lpko6dSbRYpnKTRA6wYj87ivN%2FGbKWkE%3D&reserved=0)

*A bonded warehouse has to be a secure space in which goods liable to import duty and VAT are stored, so yes, it has to be physically separated or secure.  In your customs warehouse application you will need to provide information on how the goods will be identified in the warehouse.*

1. *Can we request clarification from UK authorities that can help address or ease* ***the return process*** *(i.e., how to avoid/optimize duties payable on products sent back to the original shipping countries).*

*The rules for Returned Goods Relief which apply to NI are* [*here*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fpay-less-import-duty-and-vat-when-re-importing-goods-to-the-uk-and-eu&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341821004%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=48caHySSrhGeYFTsBQNmXdeH6foHgzZkeq9YR%2BqcOSA%3D&reserved=0)*).*

*The Irish guidance includes evidence requirements of the original export from the EU that you need to show on returning goods to the EU:* [*https://www.revenue.ie/en/customs-traders-and-agents/relief-from-customs-duty-and-vat/goods-reimported-into-the-european-union/general-rules-for-duty-relief-on-returned-goods.aspx*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.revenue.ie%2Fen%2Fcustoms-traders-and-agents%2Frelief-from-customs-duty-and-vat%2Fgoods-reimported-into-the-european-union%2Fgeneral-rules-for-duty-relief-on-returned-goods.aspx&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341821004%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=KT9VDyhk6okqXhpTehsIhz7SfeXEgW4s2%2BTnS%2F8STvw%3D&reserved=0)*.*

*If the company means advice on reclaiming any duty paid to HMRC on the original import of a good to the UK if they later send it back out again, then unfortunately there is no procedure available retrospectively unless the goods were defective or a payment was wrong etc.:* [*https://www.gov.uk/guidance/refunds-and-waivers-on-customs-debt*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Frefunds-and-waivers-on-customs-debt&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341830966%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=SDHZ6DgzS%2BPglUjSiXIR5CJNd20RUGdAyod9eqAwiT8%3D&reserved=0)*. You can use things like Inward Processing, customs warehousing or Temporary Admission (in certain circumstances) but you would make those declarations at the time of import.*

1. *In the respect of the UK we have two scenarios;*
* *Returns from ROI to UK Distribution Centre for UK origin products (cleaning and cosmetics) to address overstock. We are currently paying >1000 GBP/truck load*
* *Returns from Continental Europe (EU) to UK, for UK origin products. Yet to be tested.*

*For both scenarios, have they looked into using Returned Goods Relief? -* [*https://www.gov.uk/guidance/pay-less-import-duty-and-vat-when-re-importing-goods-to-the-uk-and-eu*](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fpay-less-import-duty-and-vat-when-re-importing-goods-to-the-uk-and-eu&data=04%7C01%7CHeather.Thomas%40beis.gov.uk%7C64ab065e9e4c404664c608d8defe214f%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C637504530341830966%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=AUgTsE2dgSzGbIZgA%2F1zFbXWrEiywKmXUgO3BXoxLTA%3D&reserved=0)