# Consult INvolved Member States (Placing Goods Under a CUstoms Procedure, Special Procedures)

## Stakeholders involved in the Process

* Decision-taking customs authority;
* Involved member states / Consulted customs authorities.

## Business

The Consult Involved Member States process is part of the decision-taking process. Figure 1 depicts the high-level overview of the decision-taking process. The Consult Involved Member States process is one of the Auxiliary Activities.

 Please note that all references to consultation in this section only refer to the authorisation types in Placing Goods under a Customs Procedure, Temporary Storage and Special Procedures groups.



Figure 1 High level overview of the Take Decision Process

When there are one or more member states involved into the customs decision (in addition to the DTCA), the customs officer can request verification of the draft authorisation by the involved member state(s). The involved member states are the ones defined by the applicant, in the customs decision application under data element “Geographical Validity”. The member states to be consulted need to be selected by the customs officer amongst the list of involved member states.

Figure 2 presents the high-level overview of the Consult Involved Member States process.



Figure 2 High level overview of the Consult Involved Member States process

The process starts differently for the aforementioned authorisation types:

* **Placing Goods Under a Customs Procedure and Temporary Storage** – the customs officer registers, which member states are to be consulted;
* **Special Procedures and Storage Facilities** – the customs officer registers for each involved member state whether it has been agreed to replace the prior agreement and information to be supplied or whether there is an agreement not to proceed with consultation. The following outcomes are possible:
	+ For each member state where it has been agreed to replace the prior agreement and information to be supplied, a simple notification of the "to be" authorisation will be sent to them and no further consultation is needed;
	+ For each member state where it has been agreed not to consult, the process will end;
	+ For each other member state that is to be consulted, the process will continue.

If the consultation process continues, the customs officer requests the involved member states to approve the draft authorisation or to send back objections on it. The consultation request submitted to the customs officer of the consulted member state(s) contains the following elements (but not limited to):

* Accepted application;
* Draft authorisation;
* Control plan, if applicable;
* Time limit to provide the agreement or objections on the draft authorisation.

The customs officer of the consulted member state needs to provide the agreement or the objections on the draft authorisation within a specific time limit. The time limit to provide agreement or objections on the draft authorisation is legally defined and varies on authorisation type as depicted in Table 1.

|  |  |
| --- | --- |
| Authorisation Type | Time Limit to provide agreement/objections (days) |
| **Placing Goods under a Customs Procedure and Temporary Storage** |
|  Authorisation for centralised clearance | 45 |
|  All the other authorisations | 30 |
| **Special Procedures** |  |
|  All authorisations | 30 |

Table 1 Time limit to provide agreement or objections

Once the customs officer of the involved member state receives the consultation request, he should proceed as follows:

* Agrees on the provided draft authorisation; or
* Provides objections on the draft authorisation.

When the customs officer of the involved member state does not provide agreement or objections on the draft authorisation within the time limit, the draft authorisation is automatically deemed to be accepted by the consulted member state.

If the customs officer of the involved member state agrees on the proposed draft authorisation, he informs the DTCA accordingly and then there is nothing more left for him to do. The customs officer of the decision-taking customs authority will be informed about the consultation result.

If the customs officer of the consulted member state does not agree with the draft authorisation, he has to raise objections and provide them to the customs officer of decision-taking customs authority.

Upon reception of the objections by the decision-taking customs authority, the customs officer needs to decide if the received objections are acceptable or not and do one of the following:

* In order to **reach an agreement**, the customs officer decides to update the draft authorisation. The customs officer selects the member states which have to be informed about the change and the draft authorisation is then submitted to the customs officers of these member states;
* The customs officer decides not to update the draft authorisation.

 It is worth noting that finding an agreement is an iterative process. More exchanges between the DTCA and involved customs officers are possible.

For reaching an agreement, the legislation defines a time limit. The time limit depends on the authorisation type and is depicted in Table 2.

| Authorisation Type | Time Limit to find an agreement (days) |
| --- | --- |
| **Placing Goods under a Customs Procedure and Temporary Storage** |
|  Authorisation for centralised clearance | 90 |
|  All the other authorisations | 60 |
| **Special Procedures** |  |
|  All authorisations | 60 |

Table 2 Time limit to find an agreement

Where the customs officer of the consulted member state has communicated objections and no agreement is reached within the relevant time limit depicted in Table 2, the authorisation is granted for the part on which no objections were raised.

All the time limits referred in this document are constant and there is no possible extension of them.