# Amend a Decision

## Stakeholders involved in the Process

* Trader;
* Decision-taking customs authority;
* Involved member states.

## Business

Once the authorisation is granted, either the trader or the customs officer can request an amendment of the decision. The amendment can also result from the Re-assess decision process, Suspend decision process, or Annul decision process in the following manner:

* During the re-assessment process the customs officer investigates if the conditions and criteria are still fulfilled. If the conditions and criteria are not met anymore, the amend process can be initiated;
* If there are sufficient reasons to believe, that the decision is to be amended, but the customs officer does not yet have all the needed information, the decision can be suspended before the amendment;
* If the decision is annulled, it cannot be amended. However, if the decision is not annulled during the annulment process, it still can be amended.

It is worth noting that the system will not allow the authorisation status to change more than once a day. Therefore, the amendment process can be *started* as soon as the authorisation is granted but the system will prevent the user to confirm the amendment[[1]](#footnote-1) if the authorisation validity start date is on the same day or if the status of the authorisation has already changed on the same day. A warning will ask the user to proceed on the next day at the earliest.

In our high-level view of the Customs Decisions process (Figure 1), the amendment is part of the Manage Authorisation process, as depicted in Figure 2.

Figure 1 Manage Authorisation process, as part of the Customs Decisions process

Figure 2 Amend decision as part of the Manage Authorisation process

Figure 3 presents the high-level overview of the Amendment process.

Figure 3 High level overview of the Amendment process

The amendment process is started by the amendment need, which originates from different stakeholders. Table 1 lists all the reasons for amendment with the highlighted originator.

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| --- | --- |
| Reason for amendment  | Originator  |
| Holder of authorisation wishes to amend the decision | Trader |
| Holder submits information, which may influence the continuation or content of the decision  | Trader |
| One or more conditions were not or are no longer fulfilled  | Customs officer |
| The decision does not conform with the legislation in force | Customs officer |
| 'Re-assess Decision', 'Suspend Decision' or 'Annul Decision' process ends and amendment is required  | Customs Decisions system |

Table 1 Reasons for amendment of the authorisation

When one or more conditions for an authorisation were not or are no longer fulfilled, or when a decision does not conform with the legislation in force, the customs officer registers the reasons for the intention to amend the decision. In addition, the customs officer will register the intended amendment.

If the amendment was not requested by the trader, the process continues with the Right to be Heard process in order to allow the trader to express his point of view. After the Right to be Heard process the customs officer registers if the decision is still to be amended or not. If no amendment is required, the trader is notified that the decision remains active.

When the decision is still to be amended, the customs officer will register the amended decision. When the legitimate interests of the trader so require, the customs officer may defer the date on which amendment takes effect up to one year. In the other cases, the amendment takes effect directly.

Once the decision is amended, the trader is automatically notified about the amendment. If more than one member state is involved in the decision, they will also be automatically informed about the amendment.

 For RSS, in case of an amendment that concerns names of vessels and/or first port and/or ports of call, the date of effect must be maximum one working day after receiving the request. Therefore, once the trader requested the amendment, it is effective immediately (without confirmation needed by the customs authorities).

 When the amendment affects a suspended decision, the suspension is ended and the authorisation status is updated to “active” as soon as the amendment process ends.

1. From a business point of view, the status effectively does not change for a regular amendment: the authorisation remains active. Nevertheless, from a technical point of view, the restriction must be taken into account because the amendment consists in the creation of a new "Active" status which must, at least, live for one full day. [↑](#footnote-ref-1)