# Right To Appeal

## Stakeholders involved in the Process

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

## Business

The trader has the right to appeal against any decision taken by the customs authorities relating to application or decision.

From our high-level view of the Customs Decisions process, the decision-taking process is inscribed in the first part of the process, as depicted in Figure 1.



Figure 1 Decision-taking process, as part of the Customs Decisions process

Figure 2 presents the high-level overview of the Right to Appeal process.



Figure 2 High level overview of the Right to Appeal process

The right to appeal is bound by national regulations and therefore is handled outside of the Customs Decisions system. Only the result of the right to appeal process is reflected in the system.

The trader has the right to appeal in the following two cases:

* The decision has been taken and is unfavourable for the applicant;
* No decision was obtained by the trader on the application within the time limit to take decision.

 As highlighted in Figure 2, the trader can also appeal against the revocation or annulment. However, this functionality is not yet implemented in the CDMS system and is assumed as future improvement.

When the trader appeals, the customs officer registers in the system the start date of the procedure and justifies the reason of the appeal.

When the right to appeal procedure is finished the customs officer registers the details of the result, together with the justification.

When the authorisation had been granted and the outcome of the right to appeal is favourable, the decision status is back to “active” and the trader and the involved member states are notified about this fact.

When the authorisation had been granted and the outcome of the right to appeal is unfavourable, the authorisation remains unchanged. No actor is informed.

If the reason to appeal was that the time limit to take decision expired or that an unfavourable decision had been made, and if the outcome of the right to appeal is favourable, the decision reference number is assigned to the authorisation. The trader and the involved MS are then notified accordingly.

If the reason to appeal was that the time limit to take decision expired or that an unfavourable decision had been made, and if the outcome of the right to appeal is still unfavourable, the trader and the involved MS are then notified accordingly.

When the outcome of the right to appeal is positive, when it has been notified to the MS and when the agreement has been given by the trader to publish the decision, the decision will automatically be published on the appropriate Internet-website by adding the trader to the list of holders.