



**AGENZIA
DELLE
DOGANE**

CIRCOLARE N. 36/D

Roma, 28.12.2007

Alle Direzioni Regionali
dell' Agenzia delle Dogane

Agli Uffici delle Dogane

Alle Circostrizioni doganali

Agli Uffici Tecnici di Finanza

TUTTE

e, per conoscenza:

Agli Uffici di diretta collaborazione del Direttore

Alle Aree Centrali
SEDE

Al Ministero dei Trasporti
Dipartimento per la navigazione ed il Trasporto
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Al Ministero dello Sviluppo Economico
Via Veneto 33
00187 Roma

Al Ministero del Commercio Internazionale
Viale Boston 25
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Al Dipartimento per le Politiche Fiscali
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SUBJECT: European status of Authorized economic operator (AEO).
Articles 14 a to 14 n of Commission Regulation (EC) n. 1875/2006 of December 18th 2006 modifying Regulation (EEC) 2454/93 that establishes certain implementing provisions of Council Regulation (EEC) 2913/92 establishing the Community Customs Code.

On May 4th 2005, the Official Journal of the European Union, L series, published the European Parliament and Council Regulation 648/2005 of 13 April 2005 modifying Council Regulation (EEC) 2913/92 establishing a Community customs code (hereinafter: CCC). Such Regulation introduced certain security measures within the CSP (Customs Security Program) that were regulated, at the implementation level, by the Commission Regulation (EC) 1875/2006 of 18.12.2006 that modified Regulation (EEC) 2454/93 (hereinafter: CIP) establishing certain implementing provisions of the Community customs code.

The security amendments of CCC introduced by Reg. (EC) 648/2005, establish, inter alia, that the status of "Authorized economic operator – AEO" will be granted to trustworthy operators established within the European Community.

The European Community has a long tradition of reliable operators who, after a case-by-case analysis, were authorized to obtain simplified customs procedures. A greater need for security and, above all, the necessity to protect the international supply chains urged, at Community level, the need to uniform the concept of "reliability" extending it to operators respecting security standards and that can be thus considered as "secure".

For this reason, the operators obtaining the AEO status from Customs authorities, obtain also a specific position in the international supply chain; the latter identifies these operators as reliable/secure partners based upon the Certification they obtained.

The application of AEO-related provisions started on January 1st 2008.

Since then, as anticipated in our note prot. 2506/ACVC of October 30th 2007, all procedures of national customs audit will no longer be activated.

This document shows the procedures and the implementing provisions established at community level by the Commission documents and provides instructions to the offices for their correct and uniform application.

Rules, documents, FAQ and instructions concerning the procedures in question are published on our Agency's website (www.agenziadogane.gov.it) in a dedicated section of the main menu.

CHAPTER I - INTRODUCTION¹

1. DEFINITION OF "AUTHORIZED economic operator" – AEO.

1.1. According to art. 1, 12) of CIP, "Economic Operator" means "a **person** who, in the course of its business, is involved in activities covered by customs legislation".

¹ All abbreviations are specified in the last page of this document

An Authorized economic operator is an economic operator, established in the EU² Customs territory, holder of an AEO Certificate issued by the Customs Authority of a Member State provided that such operator meets all parameters and conditions laid down by the European Commission.

1.2. WHO CAN APPLY?

1.2.1 All economic operators established in the EU³ can apply in order to obtain an AEO certificate; that is all operators carrying out activities linked to customs operations and who wish to benefit of simplifications associated to the issuance of an AEO certificate, directly linked to their economic activities.

The application can be submitted by manufacturers, importers, exporters, warehouse-keepers, operators authorized to carry out an activity in a free zone or in a free warehouse, transporters, forwarders, air freighters, terminalists, shipping companies, customs agents (individually or associated) and, more generally speaking, all operators whose activity is linked to the application of the customs legislation.

For the purposes of this paragraph it is better to explain that warehouse-keeper means the operators managing:

- a customs warehouse;
- a temporary storage warehouse;
- a supply warehouse;
- a fiscal warehouse **provided** that it is within a customs warehouse. The operators running a fiscal warehouse that does not meet this condition cannot submit such AEO Certificate application.

² Under art. 14 octies, letters a and b of CIP, the derogation to the principle of establishment in the EU territory is granted only in case of an international Agreement signed between the Community and the third country by mutual recognition or when an application of an AEO-Security Certificate is submitted by a maritime or flight foreign company having a local office or benefiting already of simplifications under articles 324 sexies, 445 o 448 of CIP.

³ See note 2

It is therefore forbidden to deliver an AEO Certificate if the activity of the applicant concerns only goods for free circulation and, therefore, Community or Community-like goods or, anyway, if the activity in question is not subject to the customs legislation.

1.2.2. As to the **Company**, it is explained that an AEO Certificate should be requested by individual legal entities, meaning by that every physical or legal person established in compliance with the national or Community law and having a legal status with specific right and obligations.

At national level, we make reference to the principle of “stable organization” under art. 162, c.1 of Testo Unico Imposte sui Redditi (Single Text Taxes on Incomes), approved with D.P.R. 22.12.1986, n. 917 and under art. 5 , p. 1 of OCSE form.

In such a context, in case of parent company and subsidiaries (or subsidiaries) established in two (or more) different Member States, the AEO Certificate issued for the parent company does not produce any effects on the activities carried out by the subsidiary; the latter will have to apply autonomously for a AEO Certificate in the Member State where it is established and registered and provided that all are conditions are met.

It is necessary to specify that if parent company and subsidiary adopt the same standards or procedures in carrying out their customs activities, the questionnaire of self assessment published in the AEO link within the Agency’s website, can be filled in by the parent company on behalf of all the its subsidiaries that submitted a request for an AEO Certificate. In such a case, dealing with a great number of requests, Customs authorities may receive a single questionnaire.

1.2.3. An essential prerequisite for the issuance of an AEO Certificate is the proven respect of customs obligations by the subjects included in art. 14h, 1, letters a), b) c) and d) of CIP. These subjects are: the applicant; the people responsible for the applicant’s company or performing the management control, the company’s legal representative including the one specifically chosen to represent the company in customs matters, as well as the person responsible for customs matter in the applicant’s company. The following definitions apply :

- **serious infringements** : sentences, even non final, for crimes against customs legislation or fiscal legislation with an impact on the customs legislation

(excise duties, VAT threshold, Intrastat) and/or connected to the economic activity of the applicant or against any other law to be enforced by customs, or for one of negligence crimes under Titles II, V, VII and VIII, chapter II, of the second book of criminal code, as well as the final application of administrative sanction for violations under article 295-bis of Presidential Decree of January 23rd 1973, n. 43 or the simplified definition of above administrative violations under article 16, paragraph 3, of legislative decree December 18th 1997, n. 472. The customs infringements include those committed in the non-fiscal sector (ex.: counterfeiting, violation of rules for the protection of intellectual property or “made in Italy”, violations to CITES rules, security of products, violations in the sector of goods transport, etc.).

- **repeated infringements**: several administrative violations in customs and/or fiscal matters with an impact on the customs legislation (excise duties, VAT threshold, Intrastat); based upon their nature or importance, such violations compromise the reliability relationship with the customs authority.

We refer to the above definitions also for the purposes of the acceptance of the application under art. 14 f, lett. b) and c) of CIP.

As specified in parag. 2 of the above mentioned art. 14h of CIP, the compliance with customs obligations can be considered satisfactory if the violation can be neglected in comparison with the number and volume of customs operations and if it does not compromise the applicant’s good faith. For this purpose, point 1.2.2. of Community “Guidelines” in document TAXUD/1450/2006, gives an appropriate tool to assess the importance of the fraud committed and the applicant’s good faith.

If persons under letters a) to d)⁴ in the above mentioned art. 14h, p.1, of CIP, are resident in a third Country, the control concerning the absence of convictions is carried out by questioning the “Procura della Repubblica” of Rome and based upon the files and information available.

As specified in the following p. 3 of the art. 14h of CIP in question, an AEO Certificate can be requested even if the applicant has carried out his/her activity at national level for less than three years.

⁴ Cfr il par. 1.5.2.

1.3. AEO Certificates

1.3.1 The AEO Certificate gives the Economic Operator the Community status of “Authorized economic operator” for customs simplifications and/or security issues.

Under art. 14a of CIP, an economic operator can apply in order to obtain one of the following Certificates:

- a) **AEO Certificate – Customs simplifications** that, in compliance with the international terminology it is called “**AEOC Certificate**” (**Customs**). This Certificate can be requested by economic operators wishing to benefit of simplifications provided for by the customs and meeting the conditions under articles 14h to 14j of CIP;
- b) **AEO Certificate – Security that, in compliance with the international terminology it is called “AEOS Certificate” (Security)**. This Certificate can be requested by economic operators wishing to benefit of simplifications concerning security customs controls both for operations of import/export goods to/from the Customs territory. In order to obtain this Certificate all conditions under articles 14h to 14k of CIP have to be met;
- c) **Certificate AEO – Security/customs simplifications** that, in compliance with the international terminology it is called “**AEOF Certificate**” (**Full**). This Certificate can be requested by economic operators wishing to benefit of simplifications both on customs and security controls; the relevant conditions are container in articles 14nonies to 14k of CIP.

Consider that, with equivalent requirements for AEOS and AEOF Certificates, the latter can be requested by operators wishing to benefit at the same time of both control and customs simplifications.

1.3.2. As to customs simplifications:

- a) Simplified procedures granted under the customs legislation are still regulated and authorized in compliance with the applicable national and Community legislation and, thus, without the need of the Certificates under letters a) or c);

b) When the economic operator holding of an AEOC or AEOF Certificate applies for an authorization to one of the following simplified procedures:

- incomplete declaration procedure (articles 260, 269, 272, 276, 277, 282 of CIP);
- local clearance procedure (articles 263, 272, 276, 277, 283);
- authorized line services (articles 313bis and 313ter);
- authorized consignor (art. 324bis);
- delayed manifest drafting (art. 324sexies);
- simplifications (art. 372);
- authorized consignee in TIR regime (article 454bis);
- authorized consignee under art. 912octies,

the competent customs authority does not control again the conditions already checked for the issuance of AEO Certificate; they will only check the requirements, not controlled previously, concerning the kind of simplification required.

This does not prevent, for an operator already having an AEOC or AEOF Certificate to apply for one of the other simplifications under CCC or CIP and not mentioned above (e.g. the status of "authorized exporter" for the rules of origin under art. 90 and 117 of CIP). In such case, however, since the criteria for obtaining this simplification are so specific that they cannot be easily and generally compared to those for obtaining AEO status, they should be controlled separately.

c) If the applicant has already an authorization for the above simplified procedures, the Customs Authority will decide, if all conditions are met, whether not to examine the criteria already examined for the issuance of the authorization itself. In any case, the Customs Authority will have to pay particular attention to the duration validity of Certificates documenting the subjective requirements of the beneficiary or of his/her legal representative as well as the compliance with the criteria and conditions laid down in CCC and CIP, and also to the Guidelines under paragraph 1.5. hereunder. Information and proof of the operator's customs reliability should be taken into account in the preparation phase of the audit process.

It is clear that in case of application for an AEOF Certificate, all security criteria should be checked.

- d) The request for a specific AEO Certificate obliges the applicant to respect criteria and conditions required. Thus, such application cannot be transformed in another kind of AEO Certificate following the negative result or temporary negative result of the audit activity carried out by the Customs Authority. For example, in order to apply for an AEOF Certificate the applicant needs to possess certain criteria and conditions concerning customs/financial aspects but also in terms of security. In such case, the lack of criteria regarding security does not entail the automatic transformation of the application in the other kind of AEOC Certificate. The Certificate cannot be issued and the Economic Operator shall, if he so wishes, to submit a new application for AEOC certificate. This is due to reasons of compliance with the provisions of Community regulation establishing, by the use of AEO EU database, the publication and the communication to other Member States of both applications accepted and certificates issued.

1.4. ADVANTAGES OF AEO CERTIFICATE

1.4.1. Following the verification of the compliance with requirements and conditions set out in the Community legislation the Economic Operator is considered reliable and/or secure on all the EC territory as far as customs operations are concerned and, subsequently, can benefit of specific advantages depending upon the kind of Certificate obtained, on the kind of business carried out within the international supply chain and upon the level of reliability obtained following the Customs Administration's control activity about criteria and conditions.

As pointed out in the EC "Guidelines", the AEO Certificate is delivered to the applicant and not to his customers; therefore, only AEO can benefit from the relevant advantages. This is clear, considering that the compliance of criteria and

conditions is checked only for AEO Certificate applicant, based upon the applicant's activities and responsibilities within the international supply chain.

The following is the list of advantages set out in pages 14 to 17 of EC "Guidelines" that can be benefited from, after assessment of criteria and depending upon the kind of certificate requested:

1. reduction of documentary, scanning and physical checks (AEOC, AEOS, AEOF Certificates);
2. priority treatment of consignments if selected for control (AEOC, AEOS, AEOF Certificates);
3. choice, by the operator, of the location where to carry out controls (AEOC, AEOS, AEOF Certificates);
4. simplified procedure in obtaining customs simplifications established in CCC (AEOC, AEOF Certificates);
5. reduction of data to submit summary declarations. Such advantage will be implemented starting from 1st July 2009 (AEOS, AEOF Certificates);
6. preliminary communication of the positive result of the control customs circuit on the summary declaration. Such advantage will be implemented starting from 1st July 2009 (AEOS, AEOF Certificates);
7. mutual recognition of security programmes with Third Countries (AEOS, AEOF Certificates).

Such advantages are not issued automatically but depend upon the request of the operator and upon the final approval decision for the issuing of such advantages.

Besides this "*direct*" advantages, the possession of and AEO Certificate includes a set of "*indirect*" advantages that can be listed as follows:

1. better relations with Customs authorities (client coordinator);
2. more timely shipments;
3. better security and communication among the parties in the supply chain;
4. loyalty of customers;
5. prevention of problems since employees are known;
6. reduction of accidents associated with safety conditions;
7. better planning;
8. reduction of thefts and losses

9. greater engagement of employment.

1.5. CRITERIA AND CONDITIONS

1.5.1. AEO status is optional; thus it depends on the Economic Operator's application and of relevant conditions.

In order to obtain the European AEO status it is therefore mandatory for the Economic Operator to comply with the necessary requirements and conditions set out in art. 5.a of CCC as well as in articles 14.a – 14.l of CIP whose explication notes are provided by the Community Guidelines published in the European Commission's document TAXUD/1450/2006.

In order to facilitate their consultation, we attach herewith the necessary criteria that have to be met in order to obtain an AEO Certificate by mentioning the legislative sources of CCC and CIP:

Reg. (EEC) 2913/92.	Reg. (EEC) 2454/93	Community guidelines (doc. TAXUD 1450/2006)
<p>Art. 5a, p.2, second dash:</p> <ul style="list-style-type: none"> <i>a satisfactory system of managing commercial and, where appropriate, transport records, which allows appropriate customs controls</i> 	<p>Art. 14i</p> <p>To enable the customs authorities to establish that the applicant has a satisfactory system of managing commercial and, where appropriate, transport records, as referred to in the second indent of Article 5a(2) of the Code, the applicant shall fulfil the following requirements:</p> <p>a) maintain an accounting system which is consistent with the generally accepted accounting principles applied in the Member State</p>	<p>Point 1.2.3 Section III</p>

⁵ This requirement is not mandatory if the applicant applied for a Security AEOS Certificate under art. 14 a p.1, lett. b) of CIP

	<p>where the accounts are held and which will facilitate audit-based customs control:</p> <ul style="list-style-type: none"> b) allow the customs authority physical or electronic access to its customs and, where appropriate, transport records; c) have a logistical system which distinguishes between Community and non-Community goods²; d) have an administrative organisation which corresponds to the type and size of business and which is suitable for the management of the flow of goods, and have internal controls capable of detecting illegal or irregular transactions; e) where applicable, have satisfactory procedures in place for the handling of licenses and authorisations connected to commercial policy measures or to trade in agricultural products; f) have satisfactory procedures in place for the archiving of the company's records and information and for protection against the loss of information; g) ensure that employees are made aware of the 	
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	<p>need to inform the customs authorities whenever compliance difficulties are discovered and establish suitable contacts to inform the customs authorities of such occurrences;</p> <p>h) have appropriate information technology security measures in place to protect the applicant's computer system from unauthorised intrusion and to secure the applicant's documentation.</p>	
<p>Art. 5a, p.2, third dash:</p> <ul style="list-style-type: none"> • <i>where applicable, proven financial solvency</i> 	<p>Art, 14j</p> <p>For the purposes of this Article, financial solvency shall mean a good financial standing which is sufficient to fulfil the commitments of the applicant, with due regard to the characteristics of the type of the business activity ⁶</p>	<p>Point 1.2.4. Section IV</p>
<p>Art. 5bis, p.2, fourth dash:</p> <ul style="list-style-type: none"> • <i>where applicable, appropriate safety and security standards.</i> 	<p>Art. 14k, p.1</p> <p>a) buildings to be used in connection with the operations to be covered by the certificate are constructed of</p>	

⁶ This condition is considered met if the applicant's solvency is proven for the 3 years before the lodging of the application.

When the applicant is established for less than three years, his financial solvency is assessed based upon the available records and data.

It should be pointed out that there is no one such method aimed at checking the solvency, since the different economic and financial analysis should reflect a sound financial status, that is sufficient to enable the applicant to fulfil his obligations, bearing in mind the features of the applicant's business. The applicant, moreover, should give the customs administration valid guarantees concerning the customs operations carried out.

	<p>materials which resist unlawful entry and provide protection against unlawful intrusion;</p> <p>b) appropriate access control measures are in place to prevent unauthorised access to shipping areas, loading docks and cargo areas;</p> <p>c) measures for the handling of goods include protection against the introduction, exchange or loss of any material and tampering with cargo units;</p> <p>d) where applicable, procedures are in place for the handling of import and/or export licenses connected to prohibitions and restrictions and to distinguish these goods from other goods;</p> <p>e) the applicant has implemented measures allowing a clear identification of his business partners in order to secure the international supply chain;</p> <p>f) the applicant conducts, in so far as legislation permits, security screening on prospective employees working in security sensitive positions and carries out periodic background checks;,</p>	
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	g) the Economic Operator ensures that his/her personnel participate actively in the security awareness-raising programmes.	
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1.5.2. It should be pointed out that above criteria and conditions should belong to the applicant and checked by the customs authority during the audit activity. **Such activity is carried out by competent Customs Office, once the application has been accepted by the Central Area for Tax Management and Relations with Users – Tax and Customs Procedures Office (in the future: Central Office Tax and Customs Procedures UCRDF) – in order to assess the respect of criteria established for the issuance of an AEO Certificate⁷.**

The assessment for the recognition of criteria and conditions is based upon a preliminary control like the one carried out until now, at national level, with customs audit procedure of undertakings, with the difference that criteria and conditions are assessed by the Customs Authority using the “Guidelines” defined by the European Commission in co-operation of Member States, with a standardized control methodology, shared by the different customs administrations.

Audit activities are aimed at enabling the Customs Authority to have a deep knowledge of the operator and a precise context of his business, by collecting objective proof, operational and documentary information, including those gathered in the field by customs auditors. Of course, we’ll keep into account the information belonging to the Customs Authority following, for example, the customs audit of undertakings, of normal obligations concerning customs controls, as well as customs authorization already existing, safety and security certification in issued by other Authorities and Bodies and all other available operational information.

The user should thus prepare carefully to the audit by reading the above mentioned “Guidelines”, and by coordinating his own facilities and services and

⁷ See also CHAPTER II of this document, describing the procedure concerning the issuance of an AEO Certificate and the obligations which local and central offices are responsible

always keeping open the communication channel with customs so as that audit activities can be carried out rapidly and in conditions of operational efficiency, both for the applicant operator and for the customs Authority.

The competent Customs authorities will facilitate the status delivery process by shortening the necessary audit period and by using in the best way the information concerning the customs procedures. The audit team will duly keep into account the following documents:

- the self-assessment questionnaire, if any, filled in by the applicant;
- certifications obtained in different sectors;
- conclusions of experts in accounting or security matters;
- previous activities of customs audit;
- other documents concerning authorizations and simplified procedures and/or economic customs procedures.

As already stated in previous point 1.3.2., lett. c), the customs authority will assess the possibility not to examine criteria that were previously examined, for example, for the issuance of a customs authorization. Such elements and information, as well as the pas records about the operator's "compliance" should be taken into consideration in the audit preparatory phase by the auditors team in order to have a detailed operational framework and limit the impact to the strict necessary.

The user will have to answer all questions concerning the sector of his economic or professional activity. It is worth pointing out that there are no pre-defined unique methods in order to deal with the questionnaires answers; nevertheless, the "Guidelines" previously mentioned, that take into account the different actors involved in the supply chain, are an essential tool for assessing the risks associated with the applicant.

The results of audit activities are entered in final report drafted by the Customs Office carried out by the Customs Office and approved by the competent Regional Directorate. The final result of such report is communicated to the applicant⁸.

CHAPTER II – NATIONAL CUSTOMS ACTIVITIES CONCERNING AEO

⁸ See point 2.3.2 of this document

AEO is a European customs reliability status since it is ruled by EC standards, and the information procedure and data exchange in AEO matters is based on IT applications managed by the European Commission.

The procedures foreseen by the EC legislation impose modes and deadlines that must be met. Thus, it is necessary that the different offices involved in the complex AEO activity, at central and local level, organize such activity bearing in mind the needs included in the EC regulations, by meeting deadlines and obligations and ensuring the appropriate and correct use, based upon “users’ profiles” given by the AIDA national database and by the EC AEO database.

2.1. ISSUANCE PROCEDURE OF AN AEO CERTIFICATE

2.1.1. Different phases of AEO procedure

The administrative procedure for the delivery (or refusal) of an AEO Certificate includes two phases:

- 1) the procedure for acceptance (or non acceptance) of application and relevant communication to Member States;
- 2) the procedure for issuance of an AEO Certificate (or refusal) and relevant communication to Member States

2.1.2. Competent Customs authorities

The document n. 2336/ACVC of 29 October 2007 gave the first instructions on the procedural flow concerning AEO applications.

The competent body for acceptance, issuance, suspension and cancellation of AEOC, AEOS and AEOF Certificates is the **Italian Customs Agency’s Area Centrale Gestione Tributi e Rapporto con gli Utenti** (“Central Area for Tax Management and Relations with Users”) – **Ufficio Regimi Doganali e Fiscali** (“Fiscal and Customs Procedures Office). This office will take the name of **Ufficio Centrale Regimi Doganali e Fiscali – UCRDF** (“Fiscal and Customs Procedures Central Office). In this activity, the Office is supported by the Controls and Inspections Central Area (Area Centrale Verifiche e Controlli), by the Central Antifraud Office (“Ufficio Antifrode Centrale”), by Innovation

Technologies Central Area (“Area Centrale Tecnologie per l’Innovazione) and by SAISA, each for its own field of competence.

UCRDF is also the Office serving as contact point for communications with European Commission concerning national applications, issuance and management of national AEO Certificates, as well as consultation and control activity of applications submitted in other Member States.

Control and Inspections Central Area, Central Antifraud Office and Servizio Autonomo Interventi Settore Agricolo (SAISA – Independent Service Interventions in Agricultural Sector - SAISA), each for its own field of competence, are responsible for obligations of control associated to the assignment of AEO status to national applicants, for the confirmation of such status and for the support activities to UCRDF concerning consultation and control of EC application, using both internal procedures and the functionalities available in the AIDA (the Italian Customs Agency’s information system).

As specified in point 2.2.2, the **Customs Office** is responsible for the procedure before the acceptance of the application, including proposal of acceptance or refusal, the audit activity for issuance of AEO Certificate and audit activity following the issuance, the suspensions and cancellation proposals for an AEO Certificate.

Regional Directorates are responsible for the coordination and monitoring of audit activities carried out by Customs Offices, including the control of compliance with the relevant deadlines imposed by CIP. The above mentioned Customs Office is located in the Regional Directorate’s territory. The coordination activity includes the nomination of client coordinator or service centre, serving as contact point between the Customs administration and the Economic Operator that will receive request for information both about AEO matters and, more in general, on customs matters.

This coordination, monitoring and control activities by the Regional Directorate and, in particular, by the regional coordinator on AEO matters, will have to be carried out using the specific function of the customs information system AIDA, as well as through the validation of the of final relations of audit activities carried out by the Customs offices; such relation will have to be **timely**

sent to the competent ACVC, in order to deal with the further phases of the AEO procedure by the competent central structures, in compliance with EC deadlines.

Control and Inspections Central Area, Central Antifraud Office and SAISA are responsible, each for its own sector of competence and using all internal procedures and functions included in the Customs Agency's information system AIDA, for control and inspection operations associated to the assignment of AEO status to national applicants, for keeping such status as well as for the support activity to UCRDF concerning consultancy and control for Community applications.

The Innovation Technologies Central Area is responsible for the Management and development at national and Community level of electronic exchange of information among local and central offices and among central offices and the European Commission.

2.2. Application

2.2.1. Application form

The application for obtaining an AEO Certificate is to be submitted in electronic format⁹ using the form in Annex 1 of this document and compliant with Annex 1.c of CIP.

At present, the application and accompanying document are to be **submitted in paper format** to the competent Customs Office, as indicated in paragraph 2.2.2..

The application should be filled in thoroughly by the applicant and/or the applicant's legal representative; in the case of a legal person, the applicant is meant to be the Company's owner or President.

Before filling in the application form, one should consult the explication notes attached therewith.

⁹ The application form is downloadable from the Customs Agency web site: www.agenziadogane.it/AEO

It is forbidden to modify the application form by attaching, deleting, replacing or redrafting the various fields.

The Community application form does not include the box concerning the applicant's legal representative; the relevant information should be entered in the company's general information and replacing statutory declaration under Annexes 2 and 3 to this document. The application should be completed with the following documents:

- a) Certificate delivered by the Chamber of Commerce, including "antimafia" security clearance. Such certificate must include name or names of legal representative/legal representatives, company's locations and business description. Professionals shall submit registration to their professional registers;
- b) Declaration under Annex 2) to this document (Complementary information to AEO application);
- c) Replacing declaration under annex 3) to this document to be filled in by the applicant: the physical person or, in the case of a legal person, the company's owner or President or legal representative(s);
- d) Questionnaire – The applicant can attach the company's self-assessment questionnaire published in the AEO link on the Customs Agency web site: www.agenziadogane.gov.it. The questionnaire is not mandatory and consists in a self-assessment document by the applicant and used by the operator, in order to check in advance the possession of criteria and conditions requested, possibly improve it within the organization before submitting the application. It is also useful for the Customs Agency in order facilitate the audit activity.

If other information is needed for the assessment and/or acceptance of the application, the MS customs authority can request, within 30 days from reception of the application, such information before registering the application data in AIDA information system.

The Economic Operator must communicate any variation in its business with respect to what has been declared.

2.2.2. Submittance of application (responsibility to Member State and competence to customs authority)

Under article 14 d, p. 1 lett. a), the application should be submitted to the Member State Customs authority where the applicant keeps his main accounting concerning customs operation and referring to, at least, a part of the operations subject to the AEO Certificate.

In Italy, the application is to be submitted, at present in paper format, to the **Customs Agency, Central Area for Tax Management and Relations with Users – Tax and Customs Procedures Office, Via Mario Carucci 71, through** the competent **Customs Office** territorially competent for the location where the operator keeps his main accounting concerning customs operation and referring to, at least, a part of the operations subject to the AEO Certificate. **This location should allow the above mentioned competent Customs Office to check and monitor criteria defined for the purposes of obtaining the AEO status .**

Therefore, the application is to be submitted directly to the Customs Office that, after fulfilling its own controls, will forward the information concerning the application, by entering the relevant data in the AIDA system, in order to enable the central Offices to fulfil their own obligations, including the UCRDF responsible for the formal acceptance of the application and the necessary communication to the other Member States .

The list of Customs Offices where the AEO certificate application can be submitted is published in the link “Operatore economico autorizzato – AEO” in the Customs Agency web site www.agenziadogane.gov.it.

The paper documentation submitted by the operator will be kept by the Customs Office.

2.2.3. Application assessment

2.2.3.1. Control of the elements .

Following the reception of an application for one of the AEO Certificates under point 1.3. above, the competent Customs Office checks the following:

- a) the application has to be complete in all its parts;

- b) the annex 2 to this document has to include all information required,
- c) the replacing declaration (or replacing declarations) under annex 3) has to include all information required and be filled in correctly.

We remind to Customs Offices the importance of the date of reception of the application, since from such date derive all terms under art. 14.d. p.2, 14.m., 14.o., 14.p of CIP.

2.2.3.2. Request of information/lack of subjective criteria.

Under art. 14.g of CIP, the application is not accepted in the following cases:

- 1) the application and/or relevant annexes do not contain the mandatory elements;
- 2) the application and/or relevant annexes were not submitted to the competent Customs Authority, meaning the Member State and the territorially competent Customs Office;
- 3) At the application submittance, the applicant has already been condemned, even in the first instance, for a serious infringement linked to its economic activity or if the applicant is undergoing a bankruptcy proceeding (see “serious infringements” in paragraph 1.2.3. above);
- 4) At the application submittance, the applicant’s legal representative(s) and, if any, the legal representative in customs matters, has already been condemned, even in the first instance, for a serious infringement to the customs legislation and linked to its economic activity (see “serious infringements” in paragraph 1.2.3. above);
- 5) The application was submitted within three years from the cancellation of an AEO Certificate previously issued by any Member State.

Concerning points 1) and 2), if the competent Customs Office finds that the application is not complete or lacks one or more annexes, the Customs office requests the applicant, or his/her legal representative, within 30 calendar days from reception of the application, to give all necessary information, The request should be motivated. Only after receiving all elements and missing documents, and after

controlling that there are no grounds for denial, the Customs Office applies the procedure under paragraph 2.2.3.3..

Concerning the grounds for denial under 3) and 4) the following applies:

- For the application, it is possible to present the replacing declaration that will have to be submitted by the persons indicated in 3) and 4) of paragraph 1.2.3. above, by filling in the form in annex 3) to this document, including a copy of a valid identity document. The information contained therein will have to be checked in the subsequent phase of the procedure, in particular during the audit operation carried out by the competent Customs Office. **The illegal penal actions are controlled by the same Office, requesting the criminal record and pending proceedings to the competent Court.**
- For any infringements to be checked against the legal representative, it is necessary to consider also those committed beyond his/her own professional activity (e.g. a sentence for smuggling following actions committed privately).

If the applicant and/or the legal representative cannot provide the information or documents required or if the customs administrations offices involved in the AEO activities detect the existence of grounds for denial under points 3), 4) and 5) above, the Customs office proceeds and enters in the AIDA information system the data concerning the refusal proposal and the relevant reasons.

UCRDF, after controlling the relevant circumstances, proceeds formally with non-acceptance of the application, informs thereby the applicant or his/her legal representative and indicates the competent body and the specific deadlines to appeal against the decision.

The applicant for an AEO Certificate whose application was not accepted by a Customs Authority based upon the reasons under points 3, 4 and 5 above, cannot submit another application in another Member State.

2.2.3.3. Application containing all elements and documents required

If the application includes all elements required, the Customs Office enters all relevant data, with the proposal for acceptance or refusal, in the AIDA information

system **within 5 working days starting from the date of reception of the application.**

UCRDF, if there are no grounds for denial, transmits the application to the other Member States **within 10 working days starting from the date of reception of the application by the Customs Office.**

Such communication is transmitted by entering all data concerning the application in the Community AEO database.

The date of acceptance of the application corresponds to the date of registration of the application in the Community AEO database.

It should be pointed out that once entered the application in the Community AEO database, the VIES system runs an automatic control on the legitimacy and regularity of Community VAT number.

If the application refers to operators, locations or warehouses in another or other Member State(s), this should be communicated to UCRDF in order to start the consultation procedure with the States(s)¹⁰ in question.

2.3. Issuance procedure of AEO Certificate

2.3.1. Once UCRDF has accepted and entered the application in the Community AEO database, the following measures are fulfilled:

- 1) The other Member States having some information about grounds for denial against the issuance of Certificate, communicate them to UCRDF, using the Community IT system, within 35 calendar days **(70 days for the first 24 months starting from 1° January 2008 under art. 2 of Reg. (CE) 1875/06)**;
- 2) The Customs Office starts its audit activity concerning the control of conditions and criteria established in the Community rules, depending upon the kind of Certificate requested. **Such audit begins immediately and regardless from the result of the procedure under the previous point 1;**

The audit activity should be ended **within 60 days from the date of acceptance of application.** Nevertheless, if during the analysis of

¹⁰ See paragraph 3.2. of this document

criteria, the applicant carries out specific adaptations to meet such criteria , if agreed upon with the competent Customs Authority, the deadline can be extended and suspended for a maximum of 30 days;

- 3) the Regional Directorates, after approving the final report on the audit activity carried out by the Customs Office, send it with no delay to ACVC, in order to proceed with the other phases of the AEO procedure, accomplished by the competent central Offices in compliance with Community deadlines.

With extension of deadlines under art. 2 of Reg. (CE) 1875/2006 for the interim period of 24 months starting from 1° January 2008, also the deadline under the previous point 2) can be extended accordingly. Anyway, we believe that the audit activity with a single applicant should not exceed 90 days, unless there are the suspensions of deadlines under art. 14.n. p. 3.

2.3.2. Result of audit activity

The result of audit activity can be positive, negative or momentarily negative. Such possible results are consistent with Compact AEO Community form and are the following:

1) **Positive result.** In case of positive result the territorially competent Regional Directorate sends as soon as possible to ACVC the final assessment of the activity carried out by the Customs Office, expressing a professional judgement on the applicant's reliability, keeping into account the kind of Certificate requested. After another complementary control of the procedure and relevant compliance, ACVC will send a message of positive result to UCRDF.

If there are no grounds for denial, UCRDF will issue the Certificate requested and will accordingly inform the other Member States by registration of relevant data into the Community AEO¹¹ database.

¹¹ See next point 2.3.3.

2) Negative result

In case of negative result, under art. 14.n. p. 4 of CIP, the Customs Office, before drafting the final report, communicates to the applicant the results of the activity carried out in his/her premises and gives him/her the possibility to reply within 30 calendar days. After this period, there were no change to the situation, the Customs Office drafts the final report with due motivations involved in overall risk level of the applicant, as well as any action undertaken by the applicant in the 30 days period.

The competent Regional Directorate sends the report as soon as possible to ACVC in order to enable the latter and the Central Offices involved in the AEO procedure, to fulfil their obligations.

If ACVC sends a negative result message (no Certificate is issued), UCRDF informs the applicant about the reasons of such decision. The refusal decision is notified to the applicant with the indication of the Body and deadlines to appeal against the decision. Of course, ACVC can express a negative opinion even in case of positive result for the Customs Office.

UCRDF, once received the negative result to issuance of Certificate by ACVC, and once informed accordingly the applicant, informs the other Member States by entering the data for refusal of the application in the Community AEO database.

Otherwise, if the applicant has undertaken corrective actions within the specified 30 calendar days, the indications under point 1 of this paragraph will be followed.

3) Temporarily negative result. In this case, the AEO status cannot be assigned before management or operation corrective measures are taken, such measures are indicated by the Office that carried out the control and notified to the operator with an audit plan in compliance with Community “Guidelines”. Such action shall be implemented within a period of time necessary to improve customs and internal control procedures. The AEO status can be then delivered after a further control by the Customs Office (with a second audit activity) aimed at ensuring that the operator now complies with the indications resulting from the first audit control operation. Even in this case a final report will be needed, with the specific professional assessment about the applicant’s reliability, keeping into account the

kind of Certificate requested, and pointing out that the applicant implemented measures aimed at improving his/her control system. Such report will have to be sent as soon as possible by Regional Directorate, once approved, to ACVC in order to enable the latter and the Central Offices involved in the AEO procedure, to fulfil their obligations.

A temporarily negative result suspends the deadlines for issuance of Certificate under art. 14.n. p. 3. Although CIP do not establish the duration of the suspension period, we believe that such period should be agreed upon between the Customs Authority and applicant that, if the deadline to adopt the corrective measures exceeds six months, will be invited to assess the possibility to renounce to the issuance of Certificate and to submit a new application once accomplished the corrective actions.

2.3.3. Issuance of AEO Certificate

Once received the positive result of the procedure under paragraph 2.3.2., points 1) and 3), UCRDF, if there are no grounds for denial, issues the AEO Certificate in compliance with the Community form under Annex I D of CIP

The Certificate should be issued within **90 calendar days** from reception of the request. If the deadline cannot be met, the Certificate has to be issued within the following 30 days with communication to the applicant.

For the interim period, lasting 24 months from 1^o January 2008, the deadline for issuance of Certificate is **300 days**.

UCRDF informs the Member States of the delivery of Certificate issued, within 5 working days, entering the data concerning the Certificate in the Community database.

After entering data in the Community database, the Office will extract from the Community database a copy of the Certificate, and will send it, duly dated and signed by the Director of UCRDF, to the economic operator.

Art. 14.p. point 1 specifies out that an AEO Certificate becomes effective on the 10th working day following the delivery date; the Community database allows to print the Certificate issued only starting from such date.

2.3.4. Non-issuance of the AEO Certificate

Refusal of an AEO application and the subsequent non issuance of the AEO Certificate can depend upon the following reasons:

- 1) result of the audit activity carried out by the competent Customs Office (see paragraphs 2 and 3 of point 2.3.2.);
- 2) any grounds for denial communicated to UCRDF by other Central Offices or other Member States under 14 m, p.2 delle CIP;
- 3) following a consultation with another Member state involved in the applicant's business. It is possible that the Customs Authority contacted declares that the applicant does not meet one or more criteria. In this case, the Competent Customs Authority at the issuance of Certificate will reject the application (see art. 14 m of CIP).

In the above cases, UCRDF rejects the application by notifying the relevant reasons to the applicant, specifying the Authority and deadlines for an appeal against this decision. The Office is responsible for informing Member States of the application refusal by entering the relevant data in the Community AEO database.

Concerning the non issuance of an AEO Certificate it should be noted that, as specified in art. 14.n. p. 5 of CIP, the refusal of an application does not imply automatically the automatic cancellation of existing authorizations issued based upon the existing legislation; however, such authorizations can be subject to a new assessment. In case there were the conditions to cancel these authorizations, the specific procedure will be followed.

CHAPTER III – CUSTOMS ACTIVITY CONCERNING AEO

3.1. Control of grounds for denial art. 14.1. p. 2 of CIP

The Community Customs activity concerning AEO is assigned to **Central Structures under previous point 2.1.2.**, that consult daily the Community database, verifying the presence of applications registered by other European customs administrations, and fulfilling the obligations under art. 14.1. p.2 of CIP.

The obligation under the article in question is accomplished under the information available in the competent Structures of the Agency.

If, following this control, some information are found on a trader that applied for an AEO Certificate in another Member State, the competent central Offices communicate this to UCRDF which, in its turns, sends the information to the Member State concerned according to the procedure laid down by European Commission (**within 35 calendar days starting from the date of the communication -70 days for the first 24 months starting from the 1° January 2008**).

3.2. Consultancy activity art. 14 m of CIP

If the application refers to locations or warehouses existing in Member States other than the one in which the application was submitted, it is necessary a consultancy among Customs Authorities under art. 14.m. of CIP. The Consultation is activated by the Member State where the application is submitted according to the procedure laid down by the European Commission and is necessary if it is not possible, for this State, to carry out the analysis of one ore more criteria under articles 14.f. a 14.k. due to lack of information or to the impossibility to check it. The consultation can be requested even if it is not possible to find subjective information on a trader that has place of residence or business in one or more Member States.

The consultation activity ends within 60 calendar days starting form the date when the issuing Customs Authority of Certificate organizes the consultation. For the first 24 months starting from the 1° January 2008, the deadline is fixed in 120 days.

About the possible negative effects of the consultation activity, please see the previous paragraph 2.3.4., point 3.

CHAPTER 4 – LEGAL EFFECT OF AN AEO CERTIFICATE

4.1. Territoriality An AEO Certificate is valid and recognised in all Member States. In case of mutual recognition agreement with a third country, only Certificates AEOS or AEOF are recognised for the security aspect.

4.2. Time validity. An AEO Certificate is not limited in time.

4.3. Efficacy. An AEO Certificate starts producing its legal effects starting from the tenth working following the issuance date .

4.4. Impact on customs simplifications and on controls. The issuance of an AEO Certificate has an impact on simplifications and controls concerning the customs clearance system and customs controls. As to the customs declaration, the AEOs will benefit of a corrective subjective profile that will enable the Customs Agency to identify, assess and profile the AEO's risk level, used then to select high risk operations, in compliance with the functions criteria established in the Customs Control Circuit and in the strategies for risk analysis and assessment of the Central Antifraud Office.

Waiting for the adoption of Community management of risks, enabling to give and manage in a uniform way the benefits to give to AEOs in all Member States, the Customs Agency's Customs Control Circuit defined two levels of reliability in order to manage benefits and reduction of customs controls. Levels of reliability:

- **Reliability (A), with control reductions from 10% to 50%.**
- **High Reliability (AA) with control reductions from 60% to 90%;**

It should be pointed out that, in the period of initial application of the AEO system (phase 1), waiting for the implementation of IT applications linked to the Full System business Process Model AEO, different systems of risk analysis adopted by the Member States could imply different effects in terms of reduction of control.

As far as customs benefits and deadlines are concerned, we make reference to the Community Guidelines that identify, in a general way, the benefits that can be given based upon the Certificate requested. As already mentioned in previous paragraph 1.4., such **benefits are not given automatically, since they depend upon the trader's request and upon the final judgement of approval for the**

provision of such benefits. For these aspects it is essential that the Customs Office indicates in its final audit report the benefits that can be given and transmits them to the competent central structures for AEO activity.

4.5. Review of criteria and conditions. The review of criteria and conditions, besides the cases indicated in the final audit report, is mandatorily carried out by the Customs Office in the following cases:

- a) Substantial changes in the Community legislation;
- b) Reasonable assessment by the Customs Authority that the conditions for the issuance of the AEO Certificate are no longer complied with;
- c) In case the economic operator started its activity from less than three years from the date when he/she submitted the application for obtaining an AEO Certificate and such Certificate was delivered to him/her. In such case, the reassessment of criteria and conditions is to be carried out in the first year following the issuance of Certificate.

4.6. Suspension of the Certificate

An AEO Certificate should be suspended if the competent Customs Office, the territorially competent Regional Directorate or one of the central offices involved in the control procedures:

- a) Discover a violation of conditions and criteria foreseen for the issuance of an AEO Certificate;
- b) Verify the existence of a penal proceeding against one of the subjects under art. 14.h. p.1, for a serious infringement as defined in Chapter 1 above, point 1.2.3., and that such infringement is to be considered essential in respect of number and nature of customs operations, and sufficient to make raise suspicions of dangers and abuse. The suspension is carried out only after obtaining the authorization of the Court.

In one ore more of such cases, the Customs Office, after coordination with the Regional Directorate and the Central Structures, informs formally the AEO Certificate holder his/her intention to suspend the Certificate.

Such measure does non represent the suspension administrative act resulting in the relevant legal effects, but an act within the “compliance” relations between the Customs administration and the holder of an AEO Certificate. The **communication**, besides the relevant reasons, should specify that the holder of an AEO Certificate can, within **30 calendar days** from the date of notification of the communication, rectify his/her position concerning the infringements considered in letter a) above or, in general, express his arguments. If the holder of an AEO Certificate does not rectify the situation under letter a), or if following the analysis of the arguments submitted by the Certificate holder, the Customs Office, coordinated with the competent Regional Directorate, believes that there are all conditions for **suspension** of the Certificate and sends the communication to ACVC.

The ACVC gives its own opinion to UCRDF that, in case of positive opinion on the suspension of the AEO Certificate, will issue a **formal suspension act** for the AEO Certificate, informing its holder. The motivated suspension act will include the Body and conditions to appeal against the decision.

L’UCRDF will inform the other Member States about the suspension of the Certificate, by entering the information in the Community AEO database.

Art. 14.r, p. 1, last paragraph, points out that for the **communication concerning the proposal of suspension, the deadline of 30 days given to the AEO Certificate holder** described above **is not applied** if the Customs Authority believes that the economic operator’s activity represents a danger for security of citizens, of public health or of environment. In such case, UCRDF, upon information of the competent Customs offices suspends immediately, with duly justified act, the AEO Certificate and all its benefits. The suspension act containing the reasons and the Body to which lodging any appeal, is notified to the holder of the Certificate. Such suspension is communicated to the other Member States by entering such information in the Community AEO database.

The suspension lasts:

- 1) **30 calendar days** for infringements under letter a), in order to allow the AEO Certificate holder to rectify his/her position;
- 2) **The whole duration of the penal proceeding** for infringements under letter b) above

At the end of the 30 days period under point 1) above, the competent Customs Office inform to the central offices if:

- **AEO has rectified its situation** and, therefore, the Certificate can be restored. In this case the Customs Office informs the competent central offices. UCRDF cancels the suspension, notifies the operator and communicates this to the other Member States, by entering the relevant data in the Community AEO database.
- **AEO has not rectified his/her situation but requests a further extension**. If the operator gives the evidence that the conditions can be met in case of further extension of the deadline, the Customs Office extends the period of **30 additional calendar days**. This further extension is communicated to UCRDF, that enters the relevant data in the Community AEO database.
- **AEO cannot rectify its situation**. In this case, the Customs Office informs the competent central offices. L'UCRDF, after an opinion issued by ACVC, cancels the AEO Certificate and informs accordingly the other Member States by entering the data in Community database.

4.6.1. Partial suspension of an AEOF Certificate

In case the holder of an AEOF Certificate Customs Simplifications/Security does not comply with the security requirements under article 14.k of CIP, the holder **may request** in writing the competent customs office to suspend only partially the Certificate, with delivery of a replacing AEOC Certificate – Customs Simplifications.

The Customs Office, after verification of the requirements for the issuance of a replacing AEOC Certificate – Customs Simplifications, informs the competent central offices. UCRDF, if no further problems arise, in case of suspension of the

AEOF Certificate issues a new AEOC Certificate through the specific functions of the Community AEO database, informing accordingly the other Member States.

The AEOF Certificate holder, following the reception of the **communication of the suspension proposal**, should proceed autonomously to apply for the issuance of a replacing AEOC Certificate.

The application for a replacing AEOC Certificate is admitted provided that the situation is not the one under art. 14.r. p.1, last paragraph, as mentioned in point 4.6. above.

4.6.2. Restoring the main AEOF Certificate .

If, following the suspension of security section of AEOF Certificate, the holder restores, at the specific deadline, the conditions under art. 14.k, the Customs Office informs accordingly the Central offices.

UCRDF, after receiving a positive opinion by the competent local offices, restores the main AEOF Certificate and cancels the replacing AEOC Certificate using the specific function of the Community AEO database.

4.6.3. Cancellation of the main AEOF Certificate .

If the holder of the certificate partially suspended cannot restore the security conditions under art. 14.k., the Customs Office informs the central offices. L'UCRDF, after obtaining the opinion of ACVC, issues the cancellation act of the AEOF Certificate, informing the holder thereby. The act in question includes the motivations, the Body and the deadline to appeal against the decision.

The new AEOC Certificate- Customs simplifications – remains valid

4.6.4. Suspension upon request of the AEO Certificate holder

An AEO Certificate can be suspended upon request of the holder if he/she is in the temporary impossibility to meet one or more of the criteria foreseen.

In such case, the operator sends to the competent Customs Office a communication indicating the period for which the suspension of the Certificate is

requested and the date when the operator will meet the criteria as well as the measures to be undertaken and their duration.

The Customs Office informs the central offices competent for AEO matters. UCRDF informs the other Member States about the suspension request through the Community database.

At the end of the period indicated by AEO, the Customs Office controls if the conditions were rectified. A reasonable extension can be granted upon request of the operator, provided the good faith of the applicant. The extension is communicated to the competent central structures. UCRDF inform the other Member States about such extension through the Community database.

If the necessary measures were not undertaken during the suspension period, the AEO Certificate is cancelled.

4.6.5. Legal effects of the suspension.

Under art. 14.s. of CIP:

1. The suspension does not affect customs operations started before the date of suspension and not ended yet;
2. The suspension affects customs authorizations granted *beyond* AEO Certificate only if reasons for suspension of Certificate are relevant also for such authorizations;
3. The suspension does not affect automatically the authorizations for the simplified procedures *granted in the context of an AEO Certificate* and for which the conditions remain valid.

The above elements should be checked in the cases under art. 14r, p. 1, last paragraph.

4.7. CANCELLATION OF AN AEO CERTIFICATE

4.7.1. An AEO Certificate is cancelled in the following cases:

- a) AEO does not adopt the necessary measure to restore the conditions or criteria previously infringed;
- b) AEO condemned with final Court decision for a serious crime as defined in paragraph 1.2.3. above;

- c) AEO does not adopt the necessary measure to restore the conditions or criteria for whose absence he/she required upon his/her own initiative the suspension of the AEO Certificate;
- d) Upon request of the AEO Certificate holder.

If the Customs Office, in co-ordination with the competent Regional Directorate, believes that there are sufficient reasons to cancel the AEO Certificate, the Customs Office informs the central offices about a cancellation of an AEO Certificate, indicating the relevant reasons.

ACVC gives its opinion to UCRDF which, in case of positive opinion to cancel the AEO Certificate, will issue a formal act of cancellation of the AEO Certificate in question, informing thereby the holder of the Certificate. The cancellation act shall include not only the reasons but also the Body and the conditions to appeal against this decision.

UCRDF will inform the other Member States about the cancellation of the AEO Certificate by entering the information in the Community database.

The cancellation is effective starting from the day following the date of notification.

Following the cancellation act for the reasons under letters a) and b) above, the economic operator cannot submit a new application to obtain an AEO Certificate in any Member State in the three years following the cancellation.

4.7.2. Partial cancellation of AEOF Certificate

If, in the case an AEOF Certificate Customs simplifications/Security, the infringement concerns **exclusively** the security criteria and conditions, a replacing AEOC Certificate is issued. UCRDF, after opinion of the competent central offices, cancels the AEOF Certificate and issues a new AEOC Certificate – Customs Simplifications. Such fulfilments are carried out and communicated to the other Member States through the Community AEO database.

4.7.3. Legal effects of the cancellation.

- 1) The cancellation of an AEO Certificate implies the cancellation of benefits and/or simplifications granted with AEO Certificate;
- 2) The cancellation has no immediate effects on the customs authorizations granted *beyond* AEO Certificate. If reasons for the cancellation of

Certificate are relevant also for such authorizations, these authorization will be cancelled as well, adopting the measures established in the specific legislation;

- 3) The cancellation does not affect automatically the authorizations to the simplified procedures granted *in the context of an AEO Certificate* for which the conditions remain valid.

CHAPTER V – FINAL PROVISIONS

5.1. Entry into force

The provisions contained in this document are applied starting from 1st of January 2008, date of entry into force of articles from 18bis to 14.n. of CIP under art. 3, p. 2 of CIP.

5.2. Management of paper documentation.

Paper documentation submitted by the operator both for the application and afterwards, any documentary information concerning the procedure as well as the documentation about the information gathered during the audit operation will be kept by the competent Customs Office in order to have the documents about all AEO procedures. Only the final report on audit activity should be sent in paper format to the competent ACVC.

The procedure data are entered in AIDA IT system, so as to enable the competent central offices to fulfil their obligations.

5.3. Exchange of information

When issuing an AEO Certificate, the Customs Authority informs, using the Community AEO database, the national Office responsible for the risk analysis and all competent Customs Authorities in the other Member States, about the grant, modification, suspension and cancellation of an AEO Certificate.

All information belonging to the Customs Authority issuing an AEO Certificate is transmitted to the Customs Authorities of other Member States where the authorized economic operator carries out activities relevant for the customs.

The exchange of information among the local and central offices and among the national Customs Authority and the authorities of the other Member States and the European Commission takes place through the AIDA IT system and the Community AEO database.

5.4. Customs information system on AEO matters

5.4.1. The Customs Agency provided national and Community economic operators with the following functional e-mail boxes where it is possible to send questions or requests for information about AEO matters:

- Legislation and procedure dogane.legislazione.aeo@agenziadogane.it;
- Audit activity: dogane.audit.aeo@agenziadogane.it;
- Information technology: dogane.infortech.aeo@agenziadogane.it.

Specific questions or explications on individual application or on Certificates issued or on AEO procedures should be sent by economic operators to the “client coordinator” or to the “service centre” nominated within each Regional Directorate. Actually, the above addresses should be communicated to the operators starting from the acceptance and publication of the application in the Community database.

5.4.2. The reference AEO legislation, as well as any other relevant document is published in the link “AEO” of the Web Site of the Customs Agency: www.agenziadogane.gov.it.

ABBREVIATIONS FREQUENTLY USED

AEO: Authorized Economic Operator

AEOC: AEOC Certificate – Customs (Semplificazioni doganali)

AEOS: Certificate AEOS – Security (Sicurezza)

AEOF: AEOF Certificate –Full (Customs Simplifications/Security)

CCC: Community Customs Code (Reg. CEE 2913/92 as modified by reg. CE 648/05)

CIP: Customs Implementing Provisions of Community Customs Code (reg. CEE 2454/93 as modified by Reg. CE 1875/06)

ACGT: Central Area for Tax Management and Relations with Users

UCRDF: Central Office Tax and Customs Procedures

ACVC: Central Area Inspection and Controls Customs and Excise Duties – Chemical Laboratories

Si invitano codeste Regional Directorates a dare la massima diffusione ai contenuti della presente, vigilando sulla corretta osservanza delle stessa e segnalando eventuali problematiche operative.

La presente direttiva è stata sottoposta all'esame del Comitato strategico e di indirizzo permanente che ha espresso parere favorevole nella seduta del

Il Direttore dell' Area Centrale
Ing. Walter De Santis