



ADM

Customs Guide for Traders



Information for traders on exporting

Preparing for Brexit



What does export mean?

- Export is the shipment of goods from the customs territory of the European Union to countries that are not part of it, and therefore also to the United Kingdom, in the event that it leaves the European Union.
- Those who intend to undertake an export operation are required, before sending the goods, to observe certain requirements that are used to "bind" them to the export procedure.
- The main customs fulfillment is the electronic submission of a customs declaration to the customs office responsible for the place where the exporter is established or the goods are packed or loaded for export (export office).
- Where goods do not exceed € 3,000 in value per shipment and per declarant and are not subject to prohibitions or restrictions, it is possible to submit the customs declaration at the customs office competent for the place of exit of the goods from the territory of the customs Union (port, airport, etc.).
- To electronically transfer the customs declaration to the Customs and Monopolies Agency, the economic operator or the person who presents the declaration on his behalf (representative), must register with the Digital Customs Service, following the instructions provided at the following link:

<https://www.adm.gov.it/portale/dogane/operatore/servizi-online/servizio-telematico-doganale-e.d.i>

What is the definition of an exporter?

- In accordance with what is provided for in the provisions laid down in art. 1, point 19 of the Delegated Regulation (EU) 2015/2446, an exporter is a subject established in the territory of the customs Union, who ships goods to third countries.
- An economic operator who wishes to act as an exporter, if a natural person, must therefore reside in the EU territory, while, if they operate as a legal person, they must have their registered office, central administration or a permanent establishment in that territory.
- By permanent establishment (PE), it is meant a business premises where the necessary human and technical resources are permanently present and through which a person's customs operations are carried out in whole or in part.



- If the economic operator is established in a third country, he/she cannot take on the role of exporter and, in this case, he/she must rely on a person established in the EU who accepts to assume this role on his/her behalf (courier, customs agent, etc.).

What documents do I need when exporting?

- Operators need an Economic Operator Registration and Identification (EORI) number to trade goods with countries outside the EU (by which we mean the Union system of registration and identification of economic operators) in their relations with the customs authorities.
- The customs authority of the Member State where the economic operator is established, issue the code at the request of the interested party.
- For holders of a VAT number in Italy the EORI number is made up of the identification code of the issuing Member State "IT" followed by the VAT number, while for subjects not registered for VAT, the "IT" code is followed by the fiscal Code.
- Economic operators established in Italy are automatically registered in the EORI database upon submitting the first customs declaration.

How do I export goods?

- In order to export, export declarations must be completed via Digitala with the SAD form (Single Administrative Document).
- Customs declarations contain a series of data that enable customs authorities to undertake all relevant checks. All declaration data essentially concerns the subjects involved in the export operation as well as the goods being shipped. The subjects appearing in the export customs declaration are the exporter (field no. 2), the recipient of the goods (field no. 8) and the declarant/representative (field no. 14). The declaration can be presented either by the economic operator or by his representative.



Key elements for making the export declaration are:

VALUE

the price actually paid or to be paid by the buyer (amount of the sales invoice)

QUALITY

description of the goods expressed by the customs classification of the products

QUANTITY

expressed in kg and in addition, the specific unit of measurement required

ORIGIN

the status of the goods indicating the place where they were obtained/produced

What documents and certification do I need to export?

- In order to be able to establish which documents and certification must accompany the goods to be exported, as well as any restrictions or prohibitions, it is necessary to correctly classify the goods, i.e. to assign them an 8-digit Combined Nomenclature (CN) code.
- The documents and certification must be available at the time of completing the customs formalities. It will be necessary to pay attention to some product sectors as per the **GOODS TO FOCUS ON section**.

Consultation of the TARIC database

- The TARIC database on the website of the Customs and Monopolies Agency, must be consulted by the operator through the Combined Nomenclature code, at the following address: <https://www.adm.gov.it/portale/-/tariffa-doganale-tar-3>.
- TARIC provides all necessary information relevant to the documents that must be presented together with the export declaration. Such documents are identified by codes and by the relevant legislation. The customs information system records the declaration, only when completed with all the data.



GOODS TO FOCUS ON



FRUIT AND VEGETABLES

(Vegetables, legumes, plants, roots, edible tubers and fruit of Chapter 08 and 09 of the Combined Nomenclature)

For some of the fruit and vegetables, TARIC highlights the need for an export control which is allowed only if the goods are accompanied by a certificate of compliance with marketing standards pursuant to EC Reg. 543/2011. The competent authority for issuing the certification is AGECONTROL available at the following link:

<https://www.agecontrol.it/ortofrutta>.



PRODUCTS SUBJECT TO THE C.I.T.E.S.

(International trade in endangered species of wild fauna and flora)

The total number of products subject to CITES controls is very large and they are scattered among the various chapters of the Combined Nomenclature. If from the consultation in TARIC the need for a possible "CITES" check is highlighted, the exporter must check whether the product falls within the appropriate list referred to in Reg. (EU) 160/2017.

As from 1 January 2017, the reference Authority is the Guardia di Finanza which avails itself of the specialist support of the CITES Service of the Carabinieri, available at the following link:

<http://www.carabinieri.it/arma/oggi/organizzazione/organizzazione-per-la-tutela-forestale-ambientale-e-agroalimentare/cites/introduzione>

Where the product to be exported falls within the aforementioned list, the export license must be requested from the Ministry of Economic Development. In the event that the product is excluded from the legislation in question, the exporter will have to declare it at customs through self-certification.



DUAL-USE ITEMS (DUAL USE)

Goods and technologies that can be used in civil applications but also in the production, development and use of military goods, are considered dual-use goods and technologies.

These products differ from armament materials as they are not specifically designed for military use.

The certification of the code in TARIC makes it possible to highlight whether a product to be exported is “potentially” dual-use. Consequently, it is necessary to check whether the product falls within the dual-use ones referred to in Reg. 428/2009 and subsequent amendments. If so, the export is allowed only if you are in possession of an export authorization issued by the Ministry of Economic Development according to the instructions available at the following link:

<https://www.mise.gov.it/index.php/it/commercio-internazionale/import-export/dual-use>.

If not, the operator must declare the exclusion from the list by means of self-certification.



CULTURAL GOODS

Where an export license for cultural goods is required in TARIC for a specific product, it is necessary to check whether it falls within those provided in the list referred to in Reg. EC 116/2009. If so, the operator must apply for an export license from the Ministry for Cultural Heritage and Activities according to the information available at the following link:

http://www.soprintendenzaspecialeroma.it/schede/ufficio-esportazioni_3063/.

Otherwise, the exporter must declare the exclusion by means of self-certification.



CAT AND DOG FUR AND PRODUCTS CONTAINING THEM

The export from the EU of cat and dog fur and products containing them is prohibited (EC Reg. 1523/2007). In the event that, having selected an NC code in TARIC, such control is highlighted, it will be necessary for the exporter to declare under his responsibility with self-certification that it is not a product containing dog or cat fur. Otherwise, the export is prohibited.



WASTE

Regulation (EC) 1013/2006 sets out shipments of waste from the EU. Some types of waste are classified with a specific CN code. In addition, the EU has drawn up a list of waste products to be considered potentially as such and has established export controls for them.

Where the export concerns one of these products, the operator must ascertain whether the goods fall within one of the cases provided for by the aforementioned legislation and adapt to the requirements contained therein. In some cases the waste is subject to the prior written notification and authorization procedure (Article 3, paragraph 1), while in others general information obligations are provided (Article 3, paragraph 2).

Export is prohibited if the waste is destined for recovery in countries to which the decision on the control of transboundary movements of waste destined for recovery operations does not apply.

The competent authority is the Ministry of the Environment and the Protection of the Territory and the Sea, available at the link:

<https://www.minambiente.it/pagina/direzione-generale-i-rifiuti-e-linquinamento-rin>.



LIVE ANIMALS AND PRODUCTS OBTAINED FROM THEM. PRODUCTS OF ANIMAL ORIGIN, FOOD AND FEED

In order to export live animals and products obtained from them as well as food and feed, Italian producers must provide the authorities of the importing countries with adequate health and hygiene guarantees.

Such guarantees are established by the importing country on the basis of its national health regulations.

The classification of the health guarantees to be respected commonly, takes place at the end of a negotiation between the parties (veterinary/health authorities of the importing country and veterinary/health authorities of the exporting country).

Most of the time, these are technical agreements that are intended to ensure the implementation of veterinary and health requirements along the entire production chain, from raw materials to final products, and which are certified in the form of health certificates. In some cases, the certificate is imposed by the importing country.

All certification must be signed only by the official veterinarian of the local health authority responsible for the area, who must proceed in compliance with the Decree of the Ministry of Health of 19 June 2000 no. 303.

If a model certificate is not available and there are no lists established on the basis of agreements, pending a possible start of negotiations to achieve it, it must be requested from the International Relations Office and, on the basis of a general interest of the country, that companies should proceed to acquire information relating to the health care requirements needed by the authorities of the third country, through their commercial interlocutors to submit them to the verification of the ASL, for the purpose of issuing a certification.

For more information on export, sector operators can consult the following link:

[http://www.salute.gov.it/portale/temi/p2_6.jsp?lingua=italiano&id=1155&area=sicurezzaAlimentare&menu=esportazione.](http://www.salute.gov.it/portale/temi/p2_6.jsp?lingua=italiano&id=1155&area=sicurezzaAlimentare&menu=esportazione)

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