

From: SANTE B2 TOBACCO CONTROL
Sent: mercredi 6 mars 2019 16:22
To: [REDACTED]
Subject: RE: Romanian market - modality of keeping old stock (no ID's) in fiscal production warehouses - [REDACTED]

Dear [REDACTED]

Thank you for your e-mail.

The release for free circulation should be interpreted in line with Article 201 of the Union Customs Code (UCC).

At the outset, please note that paragraph 1 of that provision refers to non-Union goods. Paragraph 2(a) furthermore stipulates that the release for free circulation entails the collection of import duty. Import duties are based on the UCC (see Article 56), whereas taxes such as VAT and excise are not.

Therefore, goods stored in customs warehouse are not subject to import duty, which becomes applicable only upon release for free circulation (see Article 237 UCC). The same is not true for goods stored in tax warehouses, as for the latter taxes are still due to be paid but no import duties.

Best regards,

[REDACTED]



European Commission
Directorate-General for Health and Food Safety
Unit B2 – Cross-border health care and tobacco control

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E-mail: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

From: [REDACTED]
Sent: Thursday, February 28, 2019 4:18 PM
To: SANTE B2 TOBACCO CONTROL <SANTE-B2-TOBACCO-CONTROL@ec.europa.eu>

Subject: Romanian market - modality of keeping old stock (no ID's) in fiscal production warehouses - [REDACTED]

For the attention of [REDACTED]

Thank you in advance for forwarding my email to him.

With best regards,
[REDACTED]

Dear [REDACTED],

My name is [REDACTED] I had the pleasure of meeting you on November 15 when the country visit to Romania for "Systems of Traceability and Security Features for Tobacco Products" took place.

At that moment in time I addressed during the Q&A session a couple of questions you were very kind to answer. The most important for us was the one referring to where to be allowed to keep stock without UIs until depletion for a time frame of 12 months from 20 of May 2019.

From the point of view of track& trace and considering the article 37 "Transitional provision: 1. Cigarettes (...) that were manufactured in the Union (...) before 20 May 2019 and not marked by means of unit level UIs in accordance with Article 6 **may remain in free circulation until 20 May 2020.**" if a producer is allowed to keep in the fiscal production warehouse for that respective year 20 May 2019 - 20 May 2020 until the stock is depleted products without codes for us it is perfect.

Your answer was that as long as the fiscal production warehouses are on the EU territory (of course, our production facility fits this rule) the products without UIs can be held there until depletion of the stock from the track&trace point of view.

Unfortunately we are now waiting for an official answer from our fiscal authorities, because if by "may remain in free circulation" for them it does not necessarily mean in a fiscal production warehouse (by definition free circulation means all taxes paid, in the case of a production warehouse the VAT and excises are not paid so the products are not from their point of view already in free circulation). I know you are in

the Health and Food Safety Directorate so a fiscal advice or opinion will not be taken into consideration by our Fiscal authorities but could you please maybe advise where to ask?

This is so very important for any producer of cigarettes in Europe, I know other producers from the European market do not seem to ever consider this as being an issue but we are going to act solely on a written answer from our fiscal authorities, so an opinion from an European entity would be highly appreciated.

With best regards,



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