

Brexit UK Import-guide: importing into the UK after the transition period – what do you need to know?



On June 12, 2020, the UK Government announced that the transition period will not be extended and will end on December 31, 2020. The EU and UK will try to conclude a trade agreement defining their future relationship. Despite that we do not yet know the exact outcome, being prepared for Brexit's implications is key for international businesses. At the end of the transition period, we expect to see a significant increase in the volume of customs declarations being processed per year. Moreover, existing supply-chain networks may not be equipped to ensure you're compliant. And, with a spotlight on corporate governance, it's more important than ever that you know your process inside out. This guide therefore contains useful information for businesses importing goods into the UK.

Importing goods into the UK from January 2021: three-phased approach

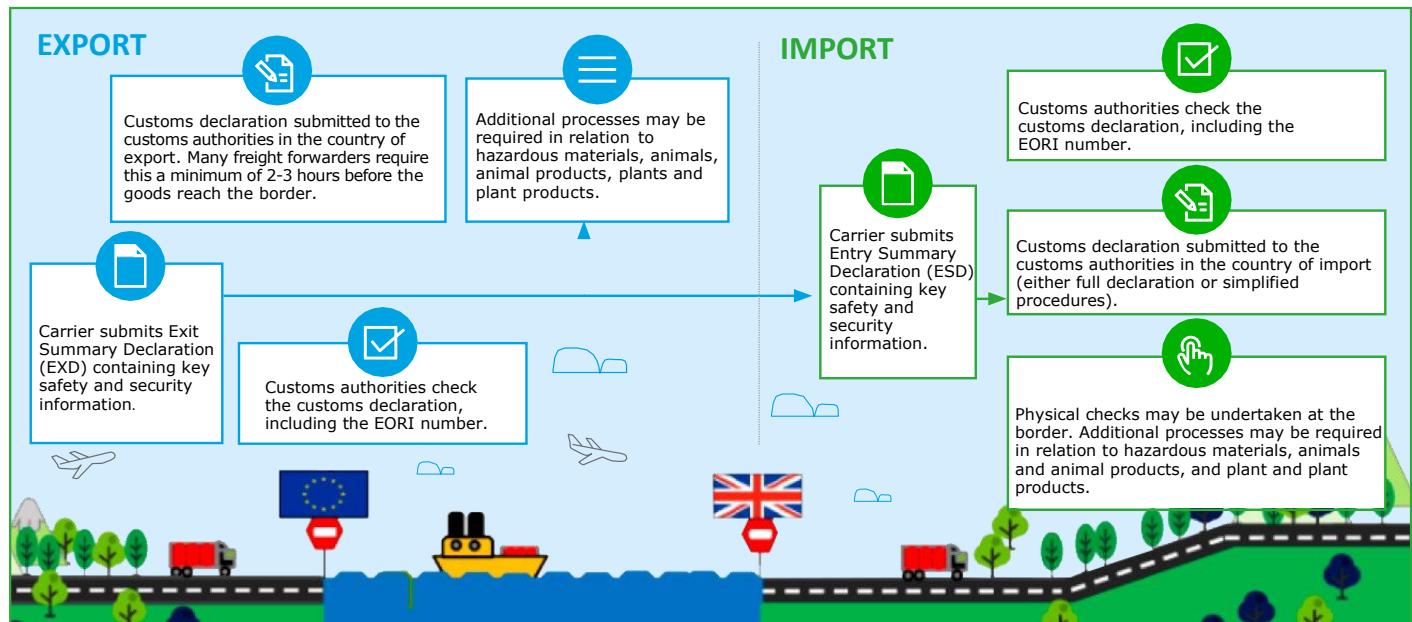
The UK's departure from the EU will herald the biggest change to the UK's customs landscape in a generation. Many businesses that have previously not needed to know about importing, exporting and tariffs will need to become specialists within a short timeframe.

The UK Government announced on 12 June that there will be a phased introduction of border controls on imports of goods from the EU into Great Britain. Doing this, the UK government is giving businesses the time to adapt to the new situation. In this regard, the following phases could be identified:

- From 1 January 2021: businesses importing standard goods will need to meet minimum customs requirements, such as keeping sufficient customs records, but will have up to 6 months to submit customs declarations. Checks will be carried out on certain high risk categories of goods. Any import duties due can be deferred until the customs declaration is submitted.
- From 1 April 2021: businesses will need to pre-notify movements of products of animal origin and regulated plants and plant products. In addition, the necessary health documentation is required to be submitted.
- From 1 July 2021: full border controls will be effective. All traders will need to submit (full) customs declarations and pay any applicable import duties, at the time of importation.

Please note that the above does not apply to movement of goods between Ireland and Northern-Ireland (and vice versa). For these movements of goods, a special Protocol has been put in place.

An overview of the clearance process



The Basics

Movements of goods from the EU to the UK become imports at the end of the transition period. If you have not imported goods into the UK before, here are the essential things that you need to know:

- When goods enter the UK, an import will take place. This means customs compliance obligations arise.
- If the goods are ordinarily subject to VAT in the UK then import VAT will be payable at the same rate.
- If the goods are subject to customs duty, then this will also be payable.

The key document that enables the import to take place is the customs declaration. This is the official document that gives details of the goods that are being imported. There are over 50 fields of data that need to be completed on the declaration. In order to submit a customs declaration you will need to appoint a customs compliance provider who will complete and submit the declaration on your behalf.

A HMRC impact assessment has estimated that there will be an additional 205 million customs declarations per year (for both imports and exports; a sizeable portion will relate to import declarations). Further, it is estimated that an additional 50,000 people will be needed to process customs declarations.

Typically, the cost of submitting a declaration is between £15 and £55 per declaration – sometimes higher – which could represent significant additional costs for businesses.

HMRC estimates that an additional 180,000 traders will need to make customs declarations for the first time (on top of the c. 141,000 businesses currently making customs declarations for imports into the UK).

Key actions for businesses acting as importer of record in the UK

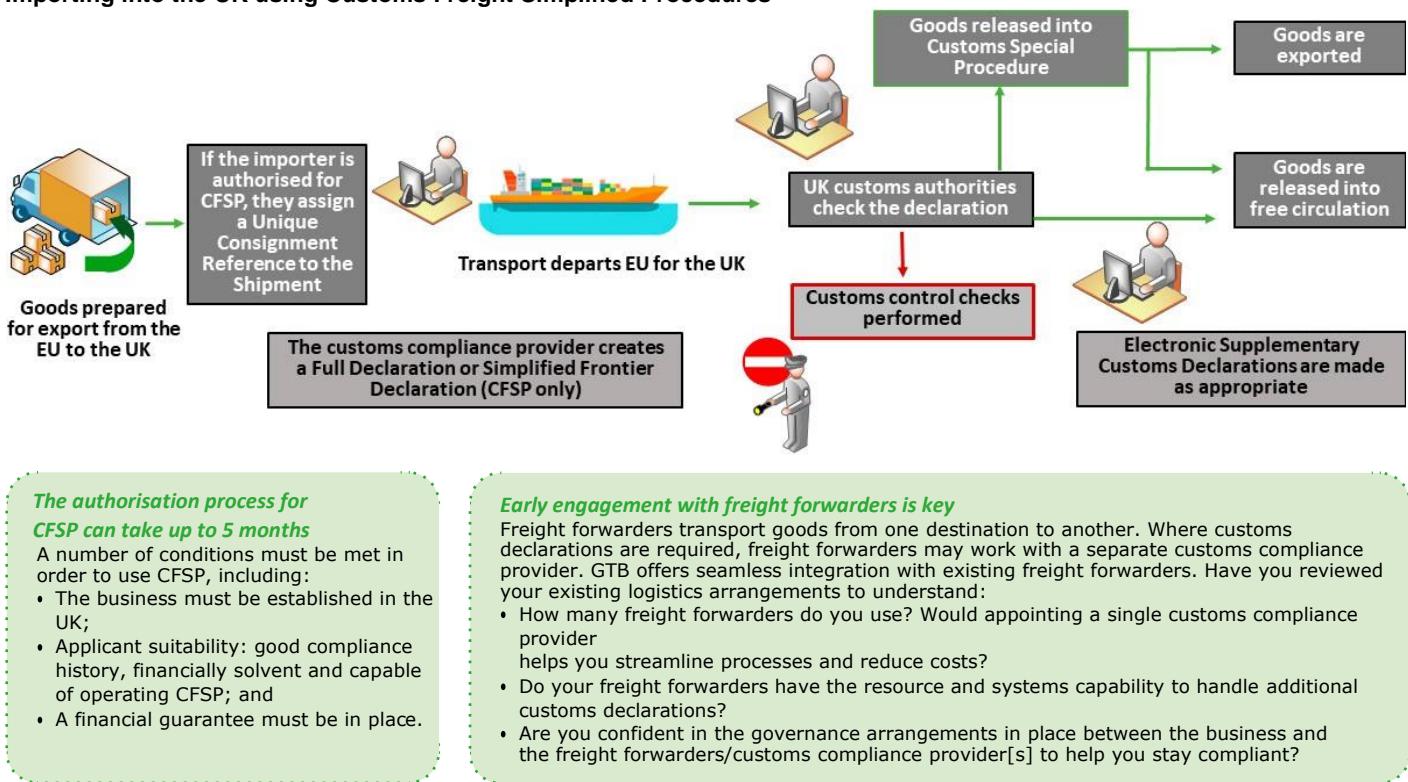
This checklist summarizes the key actions for businesses importing goods into the UK. Whilst some measures will not be required immediately, early planning will help businesses to prepare for full border controls.

Crucial customs set up	
Obtain a UK Economic Operator Registration and Identification (EORI) number	<input type="checkbox"/>
Establish capability to obtain all information needed to complete customs declarations (all 54 boxes) – including data on product classification, value and origin	<input type="checkbox"/>
Determine who will act as declarant. Non-established entities will need to appoint an indirect representative.	<input type="checkbox"/>
Apply for Customs Freight Simplified Procedures (CFSP) in order to simplify the declaration process at the border	<input type="checkbox"/>
Check requirements for a Duty Deferment Account and Customs Comprehensive Guarantee	<input type="checkbox"/>
Appoint a customs compliance provider to deal with border formalities on your behalf	<input type="checkbox"/>
Review contract terms and Incoterms to be clear on where risk and obligations lie	<input type="checkbox"/>
Customs duties and customs regimes	
Quantify the amount of customs duty payable	<input type="checkbox"/>
Quantify the costs of managing the additional customs compliance requirements	<input type="checkbox"/>
Review rules of origin in FTAs to determine whether the business will qualify for preferential arrangements	<input type="checkbox"/>
Consider whether any customs regimes and simplifications are relevant e.g transit, inward processing, customs warehousing	<input type="checkbox"/>
Review economic impact of existing trade remedies on current supply chains (e.g. anti-dumping duties, countervailing duties and safeguards)	<input type="checkbox"/>
Related requirements	
Review import VAT accounting and payment, including potential UK VAT registration requirement for EU businesses previously relying on EU VAT simplifications	<input type="checkbox"/>
Review excise compliance requirements if the business imports excise goods into the UK or EU.	<input type="checkbox"/>
Ensure compliance with sanitary and phyto-sanitary (SPS) regulations for animal and plant products where relevant, including advanced notification, health certificates and veterinary checks, and import via a border control post	<input type="checkbox"/>
Check compliance requirements for product standards where the business acts as importer for regulatory purposes	<input type="checkbox"/>
Customs governance	
Set up customs compliance provider governance, operating procedures and instructions.	<input type="checkbox"/>
Review, enhance and create an internal infrastructure:	<input type="checkbox"/>
a. Customs skills	<input type="checkbox"/>
b. In-house or out-source customs compliance	<input type="checkbox"/>
c. System capabilities and changes	<input type="checkbox"/>
d. Internal processes and controls	<input type="checkbox"/>

Full border controls: how big is the impact?

Full border controls will become effective from 1 July 2021. At this point, importers of goods into the UK will by default have to make full frontier declarations at the UK border, and pay any duties that are payable, before goods are released to free circulation. This “at the border” compliance will add additional time to the customs clearance process. Using simplified customs arrangements can streamline this process, helping to get goods through the border as smoothly as possible to maximize cashflow.

Importing into the UK using Customs Freight Simplified Procedures



Authorized Economic Operator-licenses

If volumes of UK/EU trade are significant, businesses may also want to assess the benefits of applying to HMRC in order to be treated as an Authorized Economic Operator (AEO). Businesses with approved AEO status benefit from reduced levels of checks on imported goods, priority clearance when their goods are selected for examination at the border and reductions in some financial guarantees that are required of importers.

In order to become an AEO, businesses are required to demonstrate to HMRC that they have good processes and controls in place. AEO can be granted for Customs Simplifications (AEOC) or for Security and Safety (AEOS), both of which have slightly different requirements. The approval process takes up to 5 months to complete.

Who is importing the goods?

Responsibility for meeting customs obligations at import falls on the importer of record. Incoterms – international commercial terms used for cross-border movements of goods – establish the obligations of the seller and the buyer, including which party is responsible for import.

For example, under Ex Works (EXW), the buyer is responsible for everything from export clearance at the start of the journey to import clearance and payment of customs duties at the end of the journey. At the other end of the spectrum, all obligations are placed on the seller under Delivered Duty Paid (DDP). The importer of record will need customs data, systems, and resource in place to manage the associated compliance responsibilities.

Customs Freight Simplified Procedures

Customs Freight Simplified Procedures (CFSP) allow importers to import goods into the UK with minimal administration at the border. Using CFSP, your customs compliance provider submits a simplified customs declaration at the border to clear the goods, with payment of duties deferred. A more detailed customs declaration (a Supplementary Declaration) is submitted by the 4th working day of the month following import, along with the payment of import duties.

Customs special procedures: time savings and cash flow optimization

Sometimes goods enter the UK which are not immediately destined for the UK market e.g. where they are being moved through the UK on the way to the final consumer or for processing and repair before being sold overseas. Businesses may also store goods for a period of time before selling them in the UK.

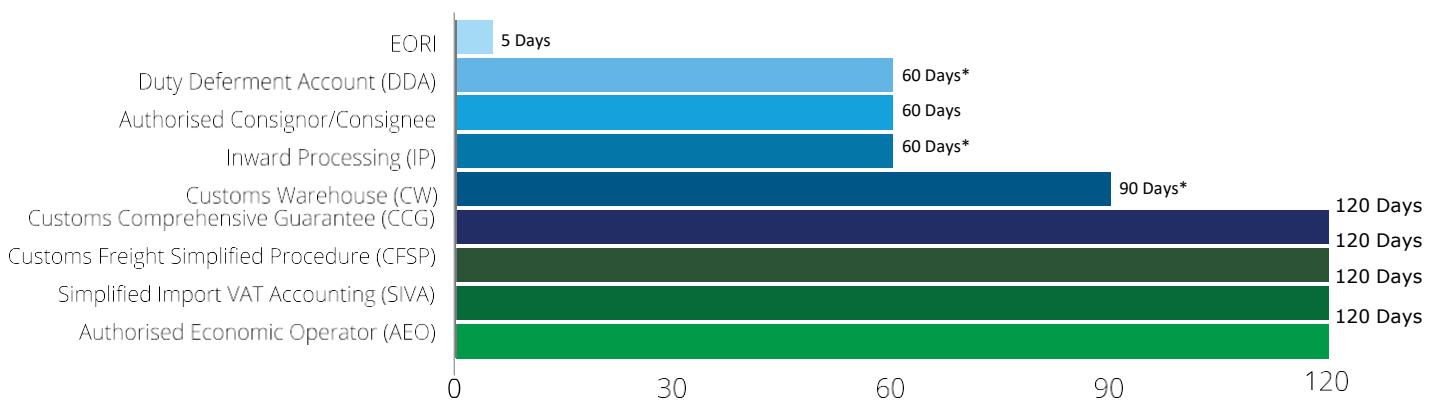
In these circumstances, using customs special procedures, could reduce, postpone or negate the duty and import VAT payable and, in the process, have a positive impact on business cash flow.

Transit	Customs Warehousing	Inward Processing
<p>The UK has adopted the Common Transit Convention (CTC). This allows for customs clearance formalities (including payment of duty) to take place at the destination of the goods rather than at the point of entry into a customs territory. For example, goods could move from France to Ireland via the UK and would not need to be customs cleared on import to or export from the UK. However, where goods are unloaded, the CTC cannot be used unless the goods are transferred to a customs procedure such as customs warehousing or temporary storage.</p>	<p>If you're not planning on accessing or altering your goods (except for essential maintenance work), they can be stored in customs warehouses supervised by HMRC until they are required. Under this procedure, you won't pay duty or import VAT until the goods are removed from the warehouse.</p>	<p>If you're importing goods into the UK for processing, Inward Processing relief can be used to suspend the payment of duty. Once processed, the goods either need to be (1) exported back outside the UK – in which case no UK duty applies – or (2) released into free circulation within the UK, at which point customs duty, import VAT and excise will typically be payable. Duty can be paid at a lower rate if the processed goods are subject to a lower rate of customs duty than the raw materials originally imported.</p>

Timely submission of applications for customs regimes will help pave the way for adapting to the post-Brexit trading environment.

Most customs regimes require a business to have a Customs Comprehensive Guarantee (CCG), which is a financial guarantee provided to HMRC that covers customs debts. A CCG may take longer to obtain than the approval for the customs special procedure in question. HMRC is considering whether or not to relax this requirement at the end of the transition period (but applications made during the transition period will still require a CCG, where applicable).

Time taken for HMRC to approve customs procedures



*Subject to an increased lead time where a CCG is required (this can be applied for simultaneously to a customs special procedure application).

Timeframes are based on length of time once an application is accepted by HMRC (an initial 30 day period). The estimates do not take into account time taken to draft applications or closing any gaps to meet application criteria (during which time the approval timeline may be paused) as indicated in HMRC guidance.

Import tariffs: how calculate the customs duties?



Tariff classification.

This describes the goods being imported and is used to determine the rate of customs duty that will be charged to the importer. The UK recently published its Global Tariff, which will apply to all goods imported into the UK that do not benefit from a preferential trade arrangement.



Customs value

This determines the basis on which duty is calculated. Valuation of goods is usually based on the price paid for the goods, subject to various adjustments being made for freight charges, insurance costs and royalties etc. For intercompany sales, the customs value may not be the same as the transfer price.



Origin of goods

Rules of origin essentially establish the customs 'nationality' of the product. In order to benefit from Free Trade Agreements, goods will need to meet origin requirements. So even if an EU/ UK Free Trade Agreement is reached that will not mean that all goods moving between the EU and UK will qualify for zero tariffs.

Businesses will need to ensure that information on **product classification, value and origin** is easily accessible within their systems, which can prove challenging in practice. Early action **to review data quality** and **systems set up** will therefore be important for customs compliance and accurate payment of duty at the end of the transition period.

Under the phased approach announced by the Government, where duties are payable from 1 January 2021, businesses will be able to defer payment until the customs declaration has been made.

Related considerations

Businesses importing goods into the UK will also need to consider a number of related impacts. These include:

Payment and recovery of import VAT

From 1 January 2021, HMRC plan to introduce a system under which both payment and recovery of import VAT will be actioned through VAT returns. VAT registered businesses will both pay import VAT and, if they are entitled to, recover the import VAT on their VAT return. The new system, referred to as postponed import VAT accounting should be a significant cash flow benefit for businesses as the payment and recovery of import VAT on the same VAT return will cause no cash flow impact.



Importing goods subject to excise duties

Excise goods (e.g. oil, alcohol and tobacco) are subject to strict controls. The UK will establish its own Excise Movement and Control System (EMCS). When excise goods arrive at the UK border, excise duty will need to be paid unless the goods are moved under EMCS to a UK excise warehouse – where the goods will remain under duty suspension until they are released.



Importing animal and plant products

Sanitary and phyto-sanitary measures (SPS) protect human, animal or plant life from the risk of infection and disease through checks undertaken before goods can enter a country. This means specific checks and certification requirements apply to certain animals, plants and associated products e.g. those with high milk or egg content. Imports of such products may require advance notification and to pass through a border inspection post. Pre-notification and health documentation requirements for products of animal origin and regulated plants and plant products will be required from 1 April 2021.



Product regulations

Regulated products – such as chemicals, cosmetics and automotive parts – placed on the UK market will need to meet UK regulatory requirements. There will be separate UK and EU regulators, with the potential for divergence over the longer term. Businesses that were previously distributors for the purposes of product regulations may now become importers, meaning they need to meet additional obligations.



How can Deloitte help?

Our Indirect Tax-team – Global Trade Advisory, VAT-, and Tax Management Consulting – works with international businesses from different industries and gained professional experience assisting these clients. Our team can help your business to identify opportunities and provides in a wide range of tailored solutions, optimizing the supply chain, cash flow and IT-/ERP-infrastructure. With Deloitte Netherlands' resources, far-reaching experience and international network, Deloitte aims to assist their clients as 'Brexit partner' and to prepare their clients to a smooth transition from EU- to non-EU UK-trade operations.

Services

We provide a range of trade and indirect tax advisory services to help businesses prepare for the changes that will arise at the end of the transition period, including:

- **Identify the indirect tax impacts.** Prioritize focus based on business structure, supply chains, operating model, location.
- **Map existing and proposed supply chains** and analyze the resulting customs and tax obligations and mitigations, including potential systems updates.
- **Identify the customs** and related registrations and authorizations necessary for the business' post-Brexit operations.
- **Consider available duty reliefs** and how these may assist the business in not only reducing its customs duty bill, but also whether these can add efficiency within the supply chain.
- **Obtain the correct licenses** in case any license would be eligible to be obtained so smoothen the post-Brexit import
- **Support in integration** and implementation of Indirect Tax Brexit-implications in ERP-systems
- **Engage with tax authorities** on post-Brexit customs and tax policy.

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