

Position de PostEurop relative à la législation du Code des douanes de l'Union

Bruxelles, le 23 juin 2014

PostEurop représente 52 prestataires de service postal universel européens et est une Union restreinte (c.-à-d. régionale) de l'Union Postale Universelle (UPU). Le secteur postal est un important contributeur et facilitateur du commerce au sein de l'Union européenne et figure parmi les plus grands employeurs avec près de 2,1 millions d'employés en Europe, servant plus de 800 millions de clients et représentant 1% du PIB de la région.

L'efficacité des services postaux est essentielle à la vie économique de l'Union européenne ; en tant que prestataires de service d'intérêt économique général (SIEG) et vu leur rôle social important, les opérateurs postaux sont là pour procurer un service postal universel de qualité, abordable et accessible à tous, tel que défini dans la Directive européenne sur les services postaux, mais également dans le Traité de l'Union Postale Universelle signé par tous les pays, y compris les États membres de l'UE.

PostEurop se félicite de l'occasion qui lui est donnée de contribuer au développement des dispositions d'application du nouveau Code des douanes de l'Union (CDU), qui visent à mettre en œuvre de manière uniforme de nouvelles technologies et règles douanières au sein de l'Union européenne afin de renforcer les procédures douanières tout en relevant les défis de la mondialisation des échanges, tels que le commerce électronique, et de la sécurité.

Si PostEurop soutient l'approche générale des projets de texte, elle est toutefois préoccupée par l'étendue des conséquences de la mise en œuvre de certains des changements proposés sur le secteur postal en général, ainsi que sur les consommateurs et les entreprises. Nous demandons dès lors à la Commission européenne d'établir un dialogue ouvert avec les opérateurs postaux afin de permettre un débat plus approfondi, tenant compte des caractéristiques du secteur postal et de la nécessité d'une transition équilibrée, étant donné l'ampleur du changement.

PostEurop coopère activement avec la Commission européenne (Groupe d'Experts postaux en matière d'informations électroniques préalables de la DG TAXUD) et l'UPU au développement d'une solution globale aux problèmes de dédouanement (sécurité et fiscalité), en s'appuyant sur les particularités du modèle de service postal. Cette collaboration a conduit à une modification importante de l'article 9 de la Convention postale universelle afin de permettre la mise à disposition des informations anticipées par voie électronique pour certaines catégories d'envois postaux. Bien que la méthode la plus efficace pour fournir les renseignements requis en vertu de cet article soit toujours en cours de développement, la version actuelle des dispositions d'application du CDU ne reflète pas un certain nombre de principes adoptés au sein du Groupe d'Experts postaux, qui a explicitement reconnu la nécessité de tenir compte des spécificités des différents modèles

commerciaux de fret aérien (à savoir le fret classique, l'express et les marchandises relevant du Traité de l'UPU). C'est dans ce contexte que PostEurop souhaite faire part à la Commission européenne de sa grande préoccupation, dans le cadre de la consultation en cours relative aux Actes délégués et aux Actes d'exécution (AD et AE) liés au CDU.

Il est essentiel que la solution de l'UE s'inscrive dans le cadre de l'UPU et des modèles de chaîne logistique et de service postal afin de faciliter l'échange mondial et standardisé des flux postaux. PostEurop tient à rappeler que les définitions et les procédures relevant du domaine postal dans les AD et les AE doivent également être compatibles avec le Traité de l'UPU.

En outre, il convient de noter que l'obligation de transmission d'informations électroniques préalables sur toutes les exportations et importations postales entraînera d'importants coûts pour toutes les parties prenantes. Cela impliquera des investissements considérables en matière d'informatique, de processus, d'adaptation de produits ou de formation et un soutien substantiel à la clientèle tout au long de la chaîne d'approvisionnement postal, y compris à travers son réseau de distribution national dense, avec un éventuel impact négatif sur l'accessibilité et le caractère abordable des services postaux. Par ailleurs, en ce qui concerne les autorités douanières nationales, cette exigence sera une tâche extrêmement difficile qui nécessitera des investissements considérables en informatique et autres ressources dans un délai très court.

PostEurop reconnaît également la volonté d'accorder, à travers le CDU, des simplifications aux opérateurs économiques titulaires d'un certificat OEA (opérateur économique agréé). Cela pose toutefois problème aux opérateurs postaux puisque les lignes directrices OEA en vigueur actuellement limitent fortement la possibilité pour les opérateurs postaux d'obtenir ce certificat, tout particulièrement parce qu'ils sont tenus par une obligation de service universel claire de fournir un canal d'accès national ouvert à tous à partir de multiples points d'accès. Les services postaux relient les consommateurs et les petites et moyennes entreprises dans le monde entier et constituent un vecteur de croissance reconnu du commerce électronique, étayant le rôle collectif essentiel des opérateurs postaux dans le commerce international. Les opérateurs postaux sont des entités établies de longue date qui reposent sur de très solides procédures ; leur accès aux mesures de facilitation OEA est justifiée et dans l'intérêt de l'économie et des citoyens de l'UE. Étant donné que le CDU établit clairement le statut d'OEA comme condition à toute facilitation dans le cadre de la future législation douanière de l'UE, il conviendrait de reconnaître que les opérateurs postaux, figurant parmi les principaux facilitateurs de commerce au sein de l'UE, sont limités dans leur opportunité d'atteindre ce statut en vertu des règles existantes. C'est pourquoi PostEurop appelle à une révision des règles relatives aux OEA ainsi qu'à leur adaptation aux modèles de la chaîne d'approvisionnement et de service postal.

PostEurop invite la Commission européenne à établir un dialogue ouvert qui permettrait d'élaborer des règlements en tablant sur les points forts du modèle de service postal, les travaux déjà en cours à l'UPU et les caractéristiques de la chaîne d'approvisionnement telles que le suivi des envois à l'échelle mondiale, les capacités d'échange de messages et les solides normes de sécurité/opérationnelles. PostEurop demande également que le contexte spécifique au sein duquel les opérateurs fournissent leurs services (tel que le profil de leur clientèle, les traités internationaux régissant leurs activités et l'ampleur des volumes traités) soit reconnu et facilité dans le CDU. Le dialogue devrait être mené conformément à la feuille de route de la Commission européenne pour l'achèvement du Marché Unique de la livraison des colis afin de stimuler le commerce électronique au sein de l'UE et de veiller à ce que les e-commerçants et consommateurs aient accès à des services de livraison de colis

de haute qualité et abordables. Les opérateurs postaux sont pleinement engagés dans cette initiative car elle est totalement en phase avec leurs perspectives de développement stratégique. La réglementation résultant de ce dialogue permettra de répondre aux besoins légitimes tant des organismes gouvernementaux que des opérateurs, et d'instaurer ainsi le cadre le plus adapté pour le développement des communications et du commerce sécurisés et sûrs, dans l'intérêt des entreprises et du public de l'UE.

Les opérateurs postaux membres de PostEurop sollicitent une reconnaissance du modèle de service postal et de la chaîne logistique postale en tant que tels, et font observer que la simple suppression des exonérations existantes n'est pas une solution appropriée. PostEurop reconnaît la nécessité et la complexité de la législation douanière et suggère de procéder à une revue spécifique de l'impact sur le secteur postal, en étroite collaboration avec tous les départements concernés au sein de la Commission européenne, compte tenu des éventuels effets négatifs que de tels changements sont susceptibles d'avoir sur diverses parties prenantes, sur les citoyens et sur l'activité commerciale de l'Union européenne.

PostEurop souhaiterait attirer l'attention de toutes les parties prenantes sur les propositions relatives aux AD et aux AE, qui sont contraires aux obligations de service postal universel et qui sont susceptibles de mettre en péril la position future du secteur postal dans l'économie mondiale. Le présent document est accompagné d'annexes contenant des informations plus détaillées permettant de décrire les problèmes identifiés et les solutions possibles.

PostEurop est prête à s'engager dans un dialogue ouvert et constructif avec la Commission européenne et les autres parties prenantes concernées, dans le prolongement de l'excellente coopération déjà amorcée au sein du Groupe d'Experts postaux.

Cette position commune est unanimement soutenue par les Opérateurs postaux publics suivants des 28 États membres de l'UE :

Pays	Opérateurs postaux publics
Autriche	Österreichische Post AG
Belgique	bpost
Bulgarie	Bulgarian Posts plc
Croatie	Hrvatska pošta d.d.
Chypre	Cyprus Post
République Tchèque	Česká pošta
Danemark	Post Danmark A/S
Estonie	Omniva (Eesti Post)
Finlande	Itella Oyj
France	Le Groupe La Poste
Allemagne	Deutsche Post AG
Grèce	Hellenic Post - ELTA S.A.
Hongrie	Magyar Posta
Irlande	An Post – General Post Office
Italie	Poste Italiane S.p.A.
Lettonie	Latvijas Pasts
Lituanie	AB Lietuvos paštas
Luxembourg	Post Luxembourg
Malte	Malta Post plc
Pays-Bas	PostNL
Pologne	Poczta Polska
Portugal	CTT - Correios de Portugal, S.A.
Roumanie	C.N. Posta Romana S.A.
République Slovaque	Slovenská pošta, a. s.
Slovénie	Pošta Slovenije d.o.o
Espagne	Correos y Telégrafos S.A.
Suède	Posten AB
Royaume-Uni	Royal Mail International

Pour tout complément d'information, veuillez contacter:

M. Reinhard Fischer
Président du GT Procédures
douanières de PostEurop
E: R.Fischer-Zoll@dpdhl.com

M. Nicolaas van der Meer
Président de la Transversale Sécurité et
procédures douanières de PostEurop
E: nicolaas.van.der.meer@postnl.nl

POSTEUROP est l'association représentant les intérêts des opérateurs postaux publics européens. Elle unit ses Membres et favorise une coopération accrue. PostEurop s'engage à soutenir et à développer un marché postal européen durable et novateur, accessible à tous les clients et garantissant un service universel moderne et abordable. Nos Membres représentent 2,1 millions d'employés en Europe et servent 800 millions de clients via 175 000 guichets.

Table of Content

1. Definitions
2. Advance Electronic Information (AEI)
 1. Postal items waived from the obligation to lodge an entry summary declaration
 2. Risk analysis
 3. Item number as unique identifier for item level information
 4. Assessment complete status
 5. Data set
 6. Dual filing
 7. Phased approach
 8. AEI on outbound flows
3. Representation
4. Office of destination / office of first entry
5. Temporary storage

Annex 1: Global single model for Advance Electronic Information process for aviation security risk assessment purposes for postal flows

Annex 2: UPU Legislation

1. Definitions

Article IA-I-1-0, definition n° 17, items of correspondence

PostEurop supports the definition of "items of correspondence" as stated in the article referenced above.

PostEurop advocates a consistent use of "items of correspondence" throughout the IA and the DA when referring letter mail items moved under the rules of the UPU treaties. A number of provisions in the DA uses other expressions, not defined, such as "letters and postcards" and should be replaced with "items of correspondence" for consistency purposes.

2. Advance Electronic Information (AEI)

2.1 Postal items waived from the obligation to lodge an entry summary declaration

Article DA-IV-1-01 (410-03-DA [Article 410-07 MCCIP])

Waiver from the obligation to lodge an entry summary declaration

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 127 (2)(b)	Article 131 (1)	Article 181c	-	DA

Comments on the article

Art. DA-IV-1-01 defines waivers from the obligation to lodge an entry summary declaration. In the list, letters (c) [letters and postcards, moved under the rules of the acts of the Universal Postal Union] and (q) [consignments whose weight does not exceed 250 grams] are applicable to postal items. PostEurop is drawing the Commission's attention to a number of serious issues raised by the proposed waivers, and is requesting that a specific discussion be launched on this crucial issue. In line with the principles of risk-based security measures and the need for security measures to not hamper the supply chain, the introduction of a weight limit under which the additional layer of advance electronic information (AEI) is not required is a sound approach. Requiring advance information for items that are not deemed to cause severe damage to civil aviation, or for which the cost, efforts and disruption to the supply chain is considerable, would not be proportionate to the objectives and the marginal gain in security benefit. Any limit has to be relevant from an aviation security perspective and aligned to the weight standards that are meaningful to the concerned supply chains. Because postal operators are already using such weight and size standards for worldwide exchanges, PostEurop is requesting that those which have been laid down in the UPU Acts are used in the UCC IP. The operational and financial processes of postal operators are very much influenced by these standards and introducing different ones would cause enormous extra costs, which would unavoidably result in higher postal tariffs, at the expense of consumers and (e-commerce) traders.

In addition, Article 127 2.b) of the UCC states that the obligation to lodge an entry summary declaration is waived "... where required by international agreements." As article 9 of the Universal Postal Convention (UPC, a treaty signed by all EU MS), was modified by the UPU

Doha Congress in 2012, in close cooperation with the EC and the MS, to allow the provision of AEI when required, the resulting provisions must be recognised by the EU. PostEurop, as regional Union of the UPU, is actively involved in the preparation of the art. 9 implementing provisions, based on the UPU format classification of letter post items described below.

The UPU adopted a system to classify letter post items based on their format. It very much facilitates the handling of postal receptacles (bags and trays) and is based on efficient operational models to feed sorting machines. Gains in efficiency are reflected in the remuneration between postal operators (terminal dues), to the benefit of customers.

The UPU Acts (art. 121 and 124 of the Letter Post Regulations, see annex 2) define 3 formats: P (petit) for small letters, G (grand) for large letters (also called flats) and E (encombrant) for bulky letters (typically associated to so-called "packets" or "petit paquet". PostEurop proposes to use the weight criterion of a maximum weight of 500 grams that postal operators already are familiar with for separating the P- and G-formats from the E-formats, to define the type of postal items that will be waived from the obligation to lodge an entry summary declaration (ENS).

It should however be noted that using the E-format weight criterion for AEI requirement on letter post items will still require significant adaptations of the postal product portfolio and related operational procedures. It will also require a major change in customer behaviour. Currently the E-format is unknown to customers and post office personnel. Product definition and features as well as acceptance procedures, which include significant retail outlets issues, need to be redesigned to ensure that CN 23 data is provided and collected for all items subject to AEI requirements (as well as items subject to Customs control though without AEI requirement). For these reasons, PostEurop is requesting an extended transition-period, before the concerned DA and IA provisions become fully applicable.

PostEurop is let to believe that the 250 gram waiver introduced by art. DA-IV-1-01 (q) was set to match the one in Commission regulation (EU) N° 185/2010 on aviation security, whose article 6.2.2 provides an exemption of screening for items below certain limits, published in a restricted decision.

Currently, the threshold for aviation security has little impact on postal operations, as screening is conducted at receptacle (bag or tray) level, not at item level. As most postal operators screen all outbound mail, all items in a receptacle are being screened, regardless of weight. The impact in respect of the ENS waiver and introduction of AEI would be of a totally different scale, because data capture and processing indeed would need to occur at item level. This would create a considerable strain on the postal service, due to the sheer volume of low weight items. The application of the threshold as currently stated in the draft DA, instead of the weight limit the postal operators already work with (500 g) could inflate by over 50 % the number of items for which data must be collected, processed and filed. It would confront both operators and authorities with an insurmountable challenge.

In summary, PostEurop recommends to amend clause DA-IV-1-01 (q) by changing the 250 grams limit to 500 grams. This solution is in line with the international treaty governing the international exchange of postal items, is justified by the characteristics of the postal sector, is straight forward to implement and enforce, and strikes the right balance between the customs and security interests and those of the postal sector and its hundreds of millions customers. Nevertheless PostEurop also requires that a transition period is agreed to allow for worldwide change management and capacity building.

2.2 Risk analysis

Article IA-IV-1-04 (410-04-IA)

Risk analysis

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 127 (3) and Article 128	Articles 132(c)	Articles 184d(1), 1st sentence, (2) & (3), 184e	-	IA

Comments on the article

This article introduces the principle of advance electronic information (AEI), for risk analysis prior to goods arrival. They are linked with the DA provisions regarding the time-limits for lodging the entry summary declaration (ENS), dependent of the mode of transport. Most of the post that enters or leaves the EU territory is transported by air. Therefore this comment concentrates on the effects of the DA and IA proposals for inbound or outbound mail flows by air.

Principles of EU aviation security rules are laid down in Commission regulation n° 300/2008 and measures are laid down in Commission regulation 185/2010 (both regulations have been amended since their initial publication). For the issue at stake, regulation 185/2010 defines a role of "regulated agent" (RA) which is the only entity authorised, under supervision of the national civil aviation authority, to apply the security controls before loading of the aircraft. The controls must be conducted with an authorised method that is appropriate to the nature of the consignment. Articles 6.1.2 and 6.7 of the said regulation, and a separate restricted Commission decision, provide that a consignment that shows signs of significant tampering or that originates from a country deemed as high risk is to be screened with a higher degree of scrutiny until the screener is satisfied that it contains no harmful item. In general terms, a second method of screening is required, and the screening is to be conducted at item level, not receptacle level.

To ensure that the AEI and aviation security processes are well articulated, the following issues need to be closely reviewed:

1. Paragraph 1 of article IA-IV-1-04 states that the risk analysis is to be carried out prior to goods arrival [...] "in cases where no risk is identified and no additional risk analysis needs to be carried out." This language is obscure and seems to raise a paradox: the risk analysis is to be conducted prior to goods arrival if the result of the analysis is negative! How may one know the result of the analysis if it has not yet been conducted? Is there an error in the language? Should it perhaps state "before loading" instead of "before arrival"? This clause and its objective need clarification.

In relation with the item just above, the High Risk Cargo and Mail (HRCM) controls described in para. 3 have to be carried out prior to loading. Which cannot be the case if the risk analysis happens before the arrival of the goods in the destination country as described in para. 1. Yet para. 3 doesn't state that the HRCM screening request is to be made prior to loading. This also needs to be clarified.

In addition it is important that the instruction to screen a specific item to High Risk Cargo and Mail (HRCM) standards is received as early as possible before the dispatch is closed, to allow flagging this item with an HRCM screening request (this would require IT developments). This would allow screening the item to HRCM standards right away, avoiding having to rescreen it. If the HRCM process as defined by aviation security regulations is kept as is, the consignment process may not be hindered.

2. The second paragraph of article IA-IV-1-04 provides that the "lodger" may be notified that the completion of the risk assessment requires further information on the particulars of the entry summary declaration. As the CN23 / ITMATT, if properly completed, already contain all information the postal operators have access to, it would be difficult to respond to such a request because of considerable operational and financial impact.
3. The third paragraph of article IA-IV-1-04 (see text below) defines how Customs may, as a result of their assessment of the consignment data, use HRCM screening procedures that exist in the aviation security regulations. This is one of 3 types of requests (referrals), the others being prohibiting the loading of the consignment (Do Not Load or DNL) and requesting additional information. The text follows:

In the case of air traffic where customs authorities identify a consignment as High Risk Cargo and Mail they shall notify the person who lodged the entry summary declaration and, where different, the carrier, provided that the carrier is connected to the customs system, that the shipment has to be treated as such before being loaded on board an aircraft bound to the customs territory of the Union, in accordance with Regulation (EC) No 300/2008, Regulation (EU) No 185/2010 and the measures adopted pursuant to those acts. This person shall confirm to the customs authorities that the consignment has been rescreened in accordance with High Risk Cargo and Mail requirements laid down in point 6.7 of the Annex to Regulation (EU) No 185/2010 before being loaded on board of an aircraft, or shall confirm that it had already been screened under High Risk Cargo and Mail requirements.

It is assumed that this procedure will be activated when the risk assessment does not obviously reveal an immediate risk to civil aviation leading to a DNL instruction, but rather a suspicion of such a risk that needs to be cleared up and only a physical screening or examination of the content of the consignment can achieve this. Going along with existing aviation security procedures is a smart way to resolve the issue.

4. Para. 3 states that the person who lodged the ENS is to confirm to Customs that the item was rescreened per HRCM standards. This raises 2 issues:
 - In the framework of reg. 185/2010, the regulated agent (RA) carries out the HRCM screening and reports the result of it in the security declaration by assigning an SHR (Secured High Risk) status (or doesn't assign a security status if the result is positive, which prevents loading). Reg. 185/2010 doesn't require any reporting, in case the result of the controls is negative. We recommend that para. 3 of article IA-IV-1-04 states that the confirmation is the assignment of SHR status as reflected on the security declaration when the result of HRCM screening is negative, and only positive results are reported. With any other form of confirmation the draft IA is going beyond reg. 185/2010 and the role and responsibilities of the RA are questioned.
 - With reg. 185/2010, security status is assigned by an RA. Article IA-IV-1-04 para. 3 states that the person who lodged the ENS is to confirm that HRCM control was

carried out. Because the person who lodged the ENS is not necessarily a RA, roles and responsibilities need to be clarified.

5. The language in para. 4 of article IA-IV-1-04 dealing with loading prohibition (Do Not Load) is of a very broad nature. In the current wording, A DNL decision could be delivered if the risk analysis provides reasonable grounds to consider that the introduction of the goods into the Union would pose such a serious threat to the security and safety of the Union. This is much wider than the immediate risk to civil aviation that was retained as the only possible reason for DNL, and could generate numerous DNL which would be very disruptive to the supply chains.

The UPU has developed and endorsed a model for AEI that is described in annex 1.

2.2 Item number as unique identifier for item level information

Since the postal business and supply chain models are offering a unique UPU standardized (S10) item identifier to which the CN23 / ITMATT data is attached, and this identifier is referenced, either directly or through a receptacle identifier, throughout messages exchange, it is anticipated that this key feature be used by Customs authorities.

The Master Reference Number as defined in the EU draft implementing provisions (see Article IA-V-2-12 (524-02-IA) and other articles) is not a supply chain standard and its use would require additional cross reference developments for many stakeholders in the supply chain.

We therefore suggest that existing unique identifiers be recognized in the EU regulations. The UPU S10 unique identifier is compliant with the WCO SAFE Unique Consignment Reference. This would in addition facilitate exchanges with entities in third countries that would not be able to use an EU specific identifier.

2.3 Assessment complete status

The current version of the draft implementing provisions does not include that feedback is provided to the postal operator to confirm that the risk assessment was completed and no further action is required. Such positive confirmation is needed to provide assurance that the origin postal operator can proceed with the closing of the dispatch, the inclusion of the receptacles in a consignment and handing over of the consignment to the carrier.

We suggest that the provisions supporting the MRN be adapted to provide an "assessment complete" status instead, referenced against each unique item ID.

2.5 Data set

The required data set for risk assessment is not available with the current version of the draft implementing provisions. PostEurop was told that they should be published as annexes at a later stage.

All discussions between postal operators and the TAXUD unit B2 within the Postal Experts working group are based on the CN23 (the WCO-UPU standardised form containing customs-related information) data set, and its ITMATT electronic transcription. This data set includes all 7+1 raw elements that WCO Technical Experts Group on Air Cargo Security and TAXUD and Customs authorities have confirmed was fit for risk assessment purposes on

post. Until the annexes are agreed PostEurop needs to receive reassurance that the CN23 data set is indeed the one considered for inclusion in the annexes.

2.6 Dual filing

Article IA-IV-1-02 (410-02-IA (410-01(4) MCCIP))

Lodging of an entry summary declaration

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 127	Article 132(a)		Annex B	IA

The Draft Implementing Act provides for dual filing of the Entry Summary Declaration in its articles IA-IV-01-02 (para 1: The particulars of the entry summary declaration may be subject to two submissions) and IA-IV-01-03. The respective liabilities between the Carrier and the Postal Operator in case of dual filing will need further clarification. The time limits set forth in case of dual filing will need to be assessed and defined.

2.7 Phased approach

A phased approach has been agreed within the TAXUD unit B2 Postal Experts working group, starting with requirements on EMS and parcels once the Delegated and Implementing Acts come in force, in May 2016. Letter Post would follow later. The provisions of the Acts regulating transition and entering into force are not available yet. PostEurop operators need to receive reassurance of the phased approach, including an intended date for the inclusion of Letter Post. The approach obviously needs to be matched by the development and operationalization of IT by the Customs authorities of each MS. PostEurop is interested to learn about this aspect of the implementation of the UCC and its related Acts.

2.8 AEI on outbound flows

Title VIII / Chapter 1 of the Delegated and Implementing acts (formalities prior to the exit of goods) lay out the requirements on outbound flows. The scope of the requirements should mirror those of the inbound flow as the postal flows are also mirrored for inbound and outbound flows. Furthermore, we anticipate that the provisions of the Acts regulating transition and entering into force will define a date later than the entry into force of the UCC implementing provisions (May 2016). This date should also be later than the deadline for inbound AEI on Letter Post, to allow availability of resources and build on experience gained on inbound flows. Assurance on this should be obtained from the Commission.

3. Representation

Article 19 UCC Empowerment

The requirement of a power of attorney for each and every postal item before allowing the postal operator to proceed to customs formalities would go against the very nature of the postal service model, which is based on door to door integrated delivery of mostly low value items at an affordable cost. The cost and delay attached to obtaining a power of attorney will be detrimental to European citizens, impede the flow of commerce and communication and will not be consistent with the EU initiative on e-commerce.

PostEurop requests that the requirement for a power of attorney is waived for (dutiable) items of correspondence and small consignments, for delivery at a home or business address. PostEurop proposes the following text:

Pursuant to the 2nd paragraph of article 19.2 of the UCC, the requirement for a proof of power of attorney is waived for parcel consignments under 30 kg of weight, when the nature of the service requested by the sender on behalf of the receiver is a door to door integrated service.

4. Office of destination / office of first entry

Article 127 UCC Lodging of an entry summary declaration

The operational international postal operations are based on an origin to destination relationship, often described as the "postal pipeline". Messaging supporting the operations matches that pattern and only the offices of exchange of origin and destination share and manage information at item (letter or parcel) level. Any intermediate entity, whether carrier or "transit" postal operator, only receives information at postal consignment level, which most of the times include receptacle-level (bag or tray) information.

As it is in the best interest of all parties involved that the item-level information be made available as early as possible before the loading in the origin country, the routing to reach the destination office of exchange is not known at that time. The routing is only defined at the time when the postal consignment is finalised, shortly before it is handed over to the carrier. This is due to the time-constrained nature of postal operations and the flexibility needed to cope with numerous operational contingencies. Even once a routing has been assigned to a postal consignment, it is not infrequent that last minutes changes are made. Furthermore, after the consignment has been handed over to the carrier, the latter often also faces contingencies and routing is amended accordingly.

UCC art. 127.3 states that "The entry summary declaration shall be lodged at the customs office of first entry". It appears very difficult to meet this requirement in a pre-loading context, because, as explained above, the routing is not defined until shortly before handover or loading. It will be especially challenging when the routing implies an intermediate stop, either for transshipment by the carrier or for postal transit by another postal operator.

Art. 127.3 (2nd para.) goes on to provide a possibility for lodging the ENS at another office, under the condition that the latter is able to communicate information to the office of first entry.

PostEurop requests that the DA or IA include provisions on how such alternate lodging locations may operate or some other form of process that would not hamper the postal supply chain. It should be noted that the required flexibility is supported by robust postal supply chain features, under the "postal pipeline" concept, offering a secure environment of established entities, often under Customs supervision, and proven movement tracking capabilities.

5. Temporary Storage

Article DA-IV-2-06 (423-03-DA [from Article 710-15 MCCIP])

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 148(4)	Article 7(c)	Articles 516, 806 (c) (d) (f) (g)	-	DA

Article IA-IV-2-04 (425-01-IA)

UCC implemented provision	UCC empowering provision	Current IP provision	Annex	Adoption procedure
Article 145	Articles 152(a), 143	Article 186		IA

Art. 148 (4) UCC states that the holder of the authorisation shall keep appropriate records in a form approved by the customs authorities. PostEurop requests that the nature of the accepted records be clarified.

Considering that the ENS will likely be the preferred method to initiate temporary storage, and in connection with the agreed phased-in approach, PostEurop requests that postal flows not or not yet subject to ENS be accordingly exempted from the temporary storage procedure.

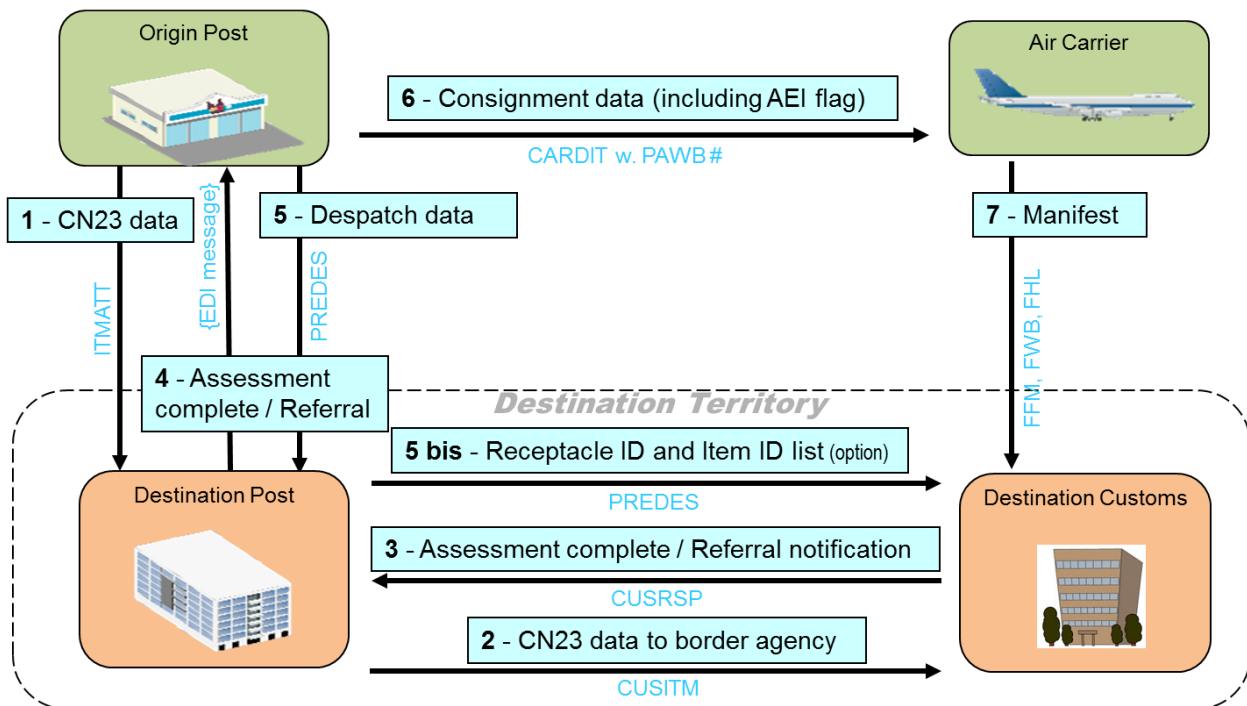
Annex 1

Global single model for Advance Electronic Information process for aviation security risk assessment purposes for postal flows

Comments related to AEI provisions in the draft IA and DA are provided in connection to the global single postal model endorsed by the UPU Postal Operations Council as described below:

1. The origin Post is responsible for electronic capture of the content of the Customs declaration (CN23) made by the sender, and passing the CN23 content to the destination Post via ITMATT (step 1 on the diagram below), as early as possible prior to handover to carrier, and to process the assessment complete or referral notification message received via CUSRSP (or another agreed standard method).
2. The destination Post is responsible to provide the CN23 data as received from the origin Post to the destination Customs authority (step 2), via CUSITM or a mutually-agreed method, and to pass on to the origin post the assessment complete confirmation or referral notification received from destination Customs by CUSRSP (or another agreed standard method) (steps 3 & 4).
3. The origin Post is responsible to ensure that any receptacle handed over to a carrier contains only items which :
 - are not subject to a requirement for advance information prior to departure, or
 - have been electronically advised as described at point 1 above for which an assessment complete confirmation was received
 - have been treated to any action required based on a referral from destination Customs.
4. The origin Post is responsible to retain any item for which it has received a Do Not Load request from destination Customs, or for which the remedial action was not brought to satisfactory conclusion.
5. The origin Post is responsible to assure the carrier with a clear statement that all receptacles handed over to the carrier contain only items which meet the requirements for advance information (point 3 above). This must be done through either a CARDIT message or a comparable paper-based declaration that the AEI requirements have been complied with (step 6). If required, the origin post is responsible to assign in CARDIT a Postal Air Waybill (PAWB) number.
6. The origin or destination Customs authority can access data associating items with specific receptacles, by contacting their respective Post, as this data is available following the scanning of items into receptacles during the despatch process. If required, the destination post may transmit a copy of the PREDES message to destination Customs (step 5bis).
7. In the case of a referral being received by the origin Post based on the advance information process :

- An agreed response protocol will be activated involving the Post, local authorities and the carrier (as applicable), whereby the item will be located using operational data and appropriate remedial action will be taken regarding the item in question at whatever point or location in the process the item is found;
 - A referral is an enforcement tip from a foreign authority that is to be diligently responded to by appropriately authorised parties and in accordance with national legislation. The referral may also be received and acted upon via a direct intervention between authorities of destination and origin per above;
 - Action in response to a referral may result in an item being deemed fit for onward conveyance in which case the item will be returned to the mail stream for onward forwarding and processing.
8. The carrier shall not be liable for any aspect of item-level data as noted in points 1 and 2 above, since this data and its provision is outside carrier's responsibility.
9. The postal operator shall not be liable for any aspect of conveyance data as noted in points 10 and 11 below, since this data and its provision is outside postal operator's responsibility.
10. The carrier is responsible to confirm that, for all receptacles received from a postal operator, it has received a statement that all AEI requirements have been complied with (as per point 5 above), and to file carrier-related AEI elements as required by destination Customs (step 7).
11. If required, the carrier will use the Postal Air Waybill number and add the required details, which may include receptacle identifiers, to include postal consignments to the manifest provided to destination Customs.



Notes to the diagram:

1. The advance data flowchart comprises 7 steps shown in the explanatory dialog boxes. However, this is only a conceptual representation of the principles described above because several challenges remain to overcome (e.g. EDI messaging between posts and carriers is not available everywhere, and may need to be complemented by paper-based procedures).
2. DNL (“Do not load”) and HRCM (High risk cargo & mail) screening are considered to be the representative examples of a “Referral.”
3. If no “referral” is received and if an “assessment complete” has been received for an item, the origin Post can handover the items concerned to the carrier and the carrier can load them, so that the current worldwide mail flows will not be hampered.

Annex 2

Article 14 of the Universal Postal Convention Classification of letter-post items based on their formats

1 Within the classification systems referred to in article 13.3, letter-post items may also be classified on the basis of their format as small letters (P), large letters (G) or bulky letters (E). The size and weight limits are specified in the Letter Post Regulations.

Article RL 121 of the UPU Letter Post regulations Classification of letter-post items based on their formats

1 Designated operators in the target terminal dues system exchanging mail above a threshold shall apply the classification system based on the formats for their outward traffic, especially as far as making up of mails is concerned. The relevant conditions are specified in article RL 175.

2 In the classification system based on formats, the letter-post items provided for in article RL 120 may be further divided into:

- 2.1 small letters (P), as in article RL 124;
- 2.2 large letters (G), as in article RL 124;
- 2.3 bulky letters (E), i.e. items classified neither as small letters nor as large letters, with size limits as specified in article RL 123 and weight as specified in article 13 of the UPU Convention and in article RL 122.

Article RL 124 of the UPU Letter Post regulations Limits of size and weight for small letters (P) and large letters (G)

1. For the classification of items based on their format, the limits of size and weight of small letters (P) shall be as follows:

- 1.1 minimum dimensions: 90 x 140 mm;
- 1.2 maximum dimensions: 165 x 245 mm;
- 1.3 maximum weight: 100 g;
- 1.4 maximum thickness: 5 mm.

2. For the classification of items based on their format, for items that are not small letter (P) format items, the limits of size and weight of large letters (G) shall be as follows:

- 2.2 minimum dimensions: 90 x 140 mm;
- 2.2 maximum dimensions: 305 x 381 mm;
- 2.3 maximum weight: 500 g;
- 2.4 maximum thickness: 20 mm.

3. For operations, accounting and sampling purposes, the following rule shall apply:

- 3.1 If an item exceeds the limits of a format in one or more of the four criteria (length, width, thickness and weight), it shall be classified in the next largest format, provided that it fits within the dimensions of that format.