



Customs Administration of the
Netherlands
Ministry of Finance

Q&A on e-commerce and customs declarations



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Questions on declarations

1. What happens if the ioss number I use is not in the validation database?

The import declaration will be rejected because the import exemption cannot be invoked.

2. Do the import regime and use of GPA go together?

The import regime and GPA do not go together. From 1 July 2021, declarations can only be made via DECO if an exemption from Article 23 or 25 of Regulation (EC) 1186/2009 is invoked and there are no goods subject to prohibitions or restrictions and the goods are not imported by a taxable entrepreneur (for example, in the case of a reverse charge of VAT pursuant to Article 23 of the Dutch Turnover Tax Act). See also the tables in the [annex to the white paper on e-commerce](#).

3. Why is a distinction made between organisations with Venue authorisations issued before and after 1 January 2017?

Venue authorisations issued before 1 January 2017 have been granted to PostNL and the integrated courier companies; these authorisations have a broader scope than those issued after 1 January 2017.

4. Does the import exemption (for as long as it is not abolished) apply to imports from the UK (from 01-01-2021)?

Yes, the UK is no longer part of the EU. The VAT exemption for the import of non-EU goods of a maximum value per shipment of no more than €22 therefore applies to imports from the UK.

5. How do I treat deliveries from the UK in relation to the import regime?

Deliveries from the UK are subject to the same principles as deliveries from other non-EU countries.

6. Can I combine the regular import declarations with the use of the import regime?

On 1 July 2021 Customs will launch a new declaration system for the import of e-commerce goods: DECO. Both regular declarations and declarations under the import regime can be made in DECO.

This is subject in either case to the condition that the specific data set (SRD) is used as referred to in Article 143a of Regulation (EU) 2015/2446. This dataset may be used for declarations of goods that comply with Article 23 or 25 of Regulation (EC) 1186/2009 and to which no prohibitions and restrictions apply.

7. How are returns from the UK handled in relation to the import regime or the use of SRD?

The use of the import regime and SRD is limited for goods that fall under the exemption of Articles 23 and 25 Reg. (EC) 1186/2009. When returning goods, the exemption is based on another Article of this regulation: the SRD cannot be used in these cases.

8. Until when can I use VENUE?

As from 1 January 2023 customs will only have two systems in place for electronic declarations:

DECO and DMS. Venue is therefore being phased out. The following rule applies:

- From 1 July 2021 Venue is no longer used for declaring goods that comply with Article 23 or 25 of Regulation (EC) 1186/2009 (except UK shipments, other than ioss and Special Arrangement). These goods must be declared in DECO from that date onwards. The same applies to these goods concerning declaration via AGS or GPA;
- From 1 January 2023 venue will no longer be used to declare all other goods. These goods must be declared in DMS from that date onwards.

9. How do I process returned goods in relation to the import regime?

You can correct the VAT in your next VAT return. This can be done for three years.

10. How do I process returned goods in relation to import duties?

For goods with an intrinsic value up to €150, there are no of customs duties if they have been imported with an exemption.

For goods with an intrinsic value over €150 you can apply for a refund of Customs duties. A refund is subject to conditions. An export declaration is required.

11. How does the Tax Administration treat value discrepancies between the declared import value and the declared value for the import regime?

This will be monitored based on import data and the ioss declaration.

12. Are value differences possible between the declared value at import and the declared value for the import regime?

Yes, there may be a difference caused by exchange rate differences. For sales via a platform, the payment obligation arises as soon as the payment is accepted.

This is the time of import. The value can vary due to exchange rate differences. Section 3.1.5. of the EU Guidance recommends stating a price in € according to the exchange rate at the time of sale. That rules out disputes about exchange rate differences at the time of import.

13. How is 'value' defined? (to determine aspects such as the €150 value limit)

For the value limit of €150 the intrinsic value is used. This is determined as follows (Article 1 (48) of the UCC):

- for trade goods: the price of the goods themselves when sold for export to the customs territory of the Union, with the exception of transport and insurance costs, unless they are included in the price and are not shown separately on the invoice, and all other taxes and duties as may be determined by customs authorities on the basis of relevant documentation.
- for goods of a non-commercial nature: the price that would have been paid for the goods themselves if they had been sold for export to the customs territory of the Union.

14. Does the exception for excise duty apply only to harmonised European excise duty or also to national excise duties such as consumption taxes on non-alcoholic beverages?

Harmonised EU excises are excluded from the use of ioss. In the Netherlands, however, ioss declarations are only possible in DECO. Under this system, goods subject to national consumption taxes other than VAT cannot be declared.

15. Can pre-arrival declarations be made in DECO? If this is possible, how long in advance is it possible (e.g. goods coming in on a direct flight)?

Yes, the declaration can be submitted in advance in DECO. In that case, an extra entry message (delivery notification) for the goods must be sent to Customs.

16. What is the sales price for the import regime when sales are made in a chain of transactions?

Examples are given in explanatory documents of the European Commission.

17. What are the conditions for using the SRD?

The limited data set may be used for shipments of negligible value (intrinsic value of no more than €150), sent directly to an EU addressee:

- shipments sent by private individuals to private individuals of a non-commercial nature and with a value of not more than €45 and;
- the shipment is not subject to prohibitions and restrictions

18. What does MRN mean?

The Movement Reference Number is the number assigned by Customs to a declaration upon acceptance.

19. Which declaration systems can be used for which type of transaction or value?

Different systems are applied for the different procedures in the Netherlands. DECO is only for use with the simplified dataset. Other import/export declarations must be submitted in AGS.

20. What are the eligibility requirements for a VENUE license? What are the requirements for AO/IB?

Requirements for Venue Article . 166, paragraph 2 Reg. (EU) 952/2013 and Article 145 Reg. (EU) 2015/2446. This includes checking company records and compliance.

21. Is it normal to receive detailed questionnaires concerning the VENUE authorisation application?

A declaration in Venue is a simplified declaration. A Customs authorisation is required to regularly use the simplified declaration. For this purpose, the applicant must meet a number of conditions pursuant to the Customs Code.

22. What are the conditions for representation within the framework of an import declaration?

According to EU customs legislation, the customs declaration must show whether there is direct or indirect representation. The represented person must authorise the representative for that purpose.

The representative must submit this authorisation to Customs on request. Where such authorisation cannot be produced, the declaration shall be deemed to have been made in the declarant's own name and on his own behalf. This is also the case if the declaration does not show that it was made under representation.

23. What are the conditions for the use of Article 23 of the Turnover Tax Act?

The conditions for an Article 23 authorisation are as follows:

Conditions

The conditions for an Article 23 authorisation are:

- *As an entrepreneur, you live in the Netherlands or are established there.*
- *You regularly import goods from non-EU countries.*
- *You keep separate accounts that clearly show how much VAT you are liable for on import.*

The application of Article 23 Wet 08 ensures that the designated traders become periodically liable for payment of the VAT on import to the tax authorities. This arrangement applies only to goods destined for designated traders. See also the site of the Belastingdienst.

24. Can I use VENUE for goods brought in by air and sea?

Venue can be used to import goods brought in by air and by sea. However, as from 1 July 2021 Venue may no longer be used for goods in respect of which exemption from customs duty is claimed under Article 23 or 25 of the Reg (EU) 1186/2009. This excludes such goods imported from the UK except where the IOSS or Special Arrangement is used for this purpose.

25. Can I also use VENUE for the submission of entry-summary notification?

Venue can be used to make a simplified import or export declaration. Therefore, Venue cannot be used for the entry summary declaration.

26. What is an SRD declaration?

In the case of an SRD declaration, use is made of the specific data set / Super Reduced Dataset (SRD) included EU (Reg) No 2015/2447 Annex B / Column H7.

27. When can I use the SRD declaration?

The conditions for the use of the declaration with the specific data set are set out in Article 143a of EU (reg) No 2015/2446. In summary, the goods must have a maximum intrinsic value of €150 for which exemption from customs duties is claimed pursuant to Article 23 or 25 of Reg (EU) 1186/2009.

In addition, the goods must not be subject to prohibitions or restrictions.

28. Are all commodity codes allowed in DECO, such as chapter 1 on live animals?

No, not all goods may be declared in DECO. The specific data set is limited to goods that are not subject to prohibitions and restrictions. A prohibition is explicit; that is, goods may not be imported as such. A restriction means that a formality must be completed before the goods can be released for free circulation, such as presenting a certificate or the approval of a product by another authority.

29. Do shipments from a private individual to a private individual with a value under €45 (and therefore exemption code Co8) also fall under this regime?

The specific data set may be used for shipments benefiting from an exemption from customs duties pursuant to Article 23 or Article 25 of Regulation (EC) 1186/2009.

This concerns:

- shipments of negligible value (intrinsic value not exceeding €150), sent directly to an EU addressee and
- shipments sent by private individuals to private individuals of a non-commercial nature and with a value of no more than €45.

Questions about iOSS

30. What are the advantages of using the import regime?

- If the import regime is used, there is an exemption from import VAT;
- There is no settlement point for taxes in the logistic chain (they are administratively handled under the import regime); this contributes to security of supply and avoids financial surprises for the consumer (VAT payment);
- If the import regime is used, goods can be imported in any EU Member State, without the import regime; the import (of distance sales not exceeding a value of €150) must take place in the country of consumption B2C- distance sales not exceeding a value of €150 of non-EU goods for which an exemption from customs duties is claimed) are made in the country of consumption. That has potential implications for the logistics process;
- The import regime requires a monthly declaration to be filed with the Tax Administration.

31. What are the conditions for participating in the import regime (distinction between NL and non-EU)?

No special conditions apply to participation in the import regime by a VAT entrepreneur established in the Netherlands. However, the organisation concerned will need an e-Recognition tool to use the desk (EH3). Registration for the regime and subsequent notifications for the import regime take place within the MijnBelastingdienstZakelijk (MBdZ) portal.

The operator concerned has no choice of portal country if he wants to apply directly for the import regime: in the case of direct registration, the Member State of registration determines the choice in the country. However, an operator can use an intermediary in another Member State and register in that Member State.

A non-EU trader has the choice in the Member State of registration. However, the EU entrepreneur is obliged to make use of an intermediary. When registering in the Netherlands, the intermediary also uses the MBdZ (and therefore needs an e-Recognition Device).

32. Which goods are subject to the import regime?

Non-EU goods with a maximum value of €150 and for which no prohibitions or restrictions apply fall under the import regime.

To be eligible for the import regime, the goods must not be imported in the name of a taxable entrepreneur (e.g. reverse charge of VAT under Section 23 Turnover Tax Act).

33. Which goods are excluded from the import regime?

Goods with a value of more than €150 and excise goods are excluded from the import regime. In the Netherlands, the super-reduced dataset must be used for the import regime. This excludes goods subject to prohibitions and restrictions and for which the exemption of Article 23 and 25 Exemption Regulation (EU) 1186/2009 is claimed.

34. Can I declare all goods that are subject to the import regime in DECO or AGS?

As of 1 July 2021, Customs is using a new declaration system for the import of e-commerce goods: DECO. In this system, declarations can be filed with a specific data set (SRD), as referred to in Article 143a of Regulation (EU) 2015/2446. DECO may be used for the declaration of goods that comply with Article 23 of 25 of Regulation (EC) 1186/2009 and to which no prohibitions and restrictions apply.

As of 1 August 2022, goods for which the import regulation applies can also be declared for import in AGS. For this purpose, a workaround is used where Customs manually pre-validates the iOSS numbers before they are used in a declaration in AGS. If you want to apply the import regulation in AGS, please contact Customs to make procedural arrangements.

35. Is the import regime part of NL legislation?

Yes, this will be part of the Dutch legislation for sales tax. This will come into effect on 1 July 2021.

36. What is the key data for making use of the import regime?

The most important information is the iOSS number provided when you register for iOSS. Customs can check the validity of the iOSS number.

37. How does Customs establish the correctness of the ioss number used?

The numbers are checked against a central database containing all valid ioss numbers.

38. How does Customs establish the legitimate use of the ioss number used?

Customs checks the validity of the number. The wrongful use of an ioss number is a known risk. We are in talks with companies on how this can be avoided.

39. What measures can be taken to prevent the misuse of an ioss number?

It is important that the supplier ensures that the ioss number is transmitted securely through the supply chain to the customs authorities.

Communication concerning the ioss number should be kept to the minimum necessary, and the number should therefore only be communicated to parties in the supply chain who need it for entry into free circulation in the importing Member State.

40. From when can I apply to use the import regime?

Registration for the import regime is possible from 1 April 2021. Participation then applies from 1 July.

41. What are the consequences for a platform if the ioss number is used by another party without permission?

Sales data from the marketplaces indicated under ioss is the only source.

42. Are there any disadvantages to using the import regime?

You cannot deduct VAT in the declaration (this must be done via a separate application). A non-European trader cannot participate in the import regime himself but must appoint an intermediary.

43. Can a consumer verify whether a platform is using the import regime?

There is no publicly accessible register. A consumer can see on a platform's website whether the ioss is facilitated.

44. What are the conditions for using the import regime?

Registration: the operator can participate in the import regime in the Member State where he is established or has a permanent establishment. A non-established trader must designate an intermediary. The latter may register in the Member State in which he is established or has a permanent establishment.

Performance: the VAT due in the Member States on distance sales imported from third countries.

Administrative obligation: the operator taking part in the import regime must keep records of all transactions falling under the regime. He must be able to provide this information to the Tax Administration electronically on request.

45. Can an ioss number be revoked? If so, in what cases?

Article 369r of the EU VAT Directive No 2006/112 includes the options for removing a taxable person or his representative from the import regime register (ioss).

Examples include the conditions for using the ioss no longer being met or the requirements of the ioss persistently not being met.

46. The new regime looks bureaucratic. Did we not learn from the VAT listings?

The EU has sought to offer simplifications for EU cross-border distance sales.

Compared with the VAT payment on import per shipment and subsequently passing it on to the consumer, this arrangement represents a considerable simplification in terms of taxation for both the supplier and the consumer.

47. How does the declaration process for the import regime take account of the different percentages in each Member State?

The VAT return shows the VAT identification number referred to in Article 369q and, for each Member State of consumption in which VAT is due, the total value, exclusive of VAT, of distance sales of goods imported from third territories or third countries in respect of which VAT is due or has become due during the return period, and the total amount at the corresponding rate of VAT. The declaration must also state the applicable VAT rates and the total VAT due.

48. What is done about returned goods in relation to import and VAT declaration (import regime). What if the goods have already been returned before I file the declaration for the import regime?

The Union Customs Code provides for the possibility to cancel the import declaration if goods cannot be delivered. Regardless of the moment of re-export, the VAT debt on these shipments may be deducted in the IOSS return.

49. What is done about packaging tax in relation to the maximum value of goods under the import regime?

The import arrangements may be applied for goods with a maximum intrinsic value of €150. That is the value of the goods themselves, excluding other costs. This is subject to the condition that these costs are explicitly mentioned on the invoice or other documents.

50. Under what conditions can a user be excluded from the import regime?

Article 369r of the EU VAT Directive No 2006/112 includes the options for removing a taxable person or his representative from the import regime register (IOSS). Examples include the conditions for using the IOSS no longer being met or the requirements of the IOSS persistently not being met.

51. Is the EORI number still important in the context of the import regime?

In principle, the EORI number is not important for the import regime. These import arrangements concern B2C sales and therefore not B2B sales.

52. In which country should the import declaration be made? Will the use of the import regime change this?

Where exemption from customs duties is claimed pursuant to Article 23 or 25 of Regulation (EU) 1186/2009, the import declaration is filed in the Member State of destination, unless the import regime (IOSS) is applied.

If use is made of the special arrangement for declaring and remitting VAT on import, the import declaration must be submitted in the Member State of destination.

Where no exemption from import duties is applied for under those Articles, the import declaration may be lodged where the goods can be presented to Customs.

53. Which goods are not covered by the IOSS scheme and where can I find this information, where is it published?

Goods may not be subject to excise duties harmonised at EU level (typically alcohol or tobacco products according to Article 2, paragraph 3 of the VAT Directive). Please note that the IOSS cannot be used when goods of low value are purchased and/or shipped together with excise goods, regardless of whether the value of the shipment exceeds €150.

54. Do platforms have to be registered in the EU to take advantage of the schemes?

Registration is open to all platforms around the world. But non-EU platforms must assign an intermediary within the EU.

55. In which Member States can the IOSS number be used?

The IOSS VAT number can be used in all member states when importing goods. The VAT return can only be made in the Member State of registration.

56. Can a forwarder or declarant register for the IOSS scheme, and if so, under what conditions?

You can only obtain an IOSS number as an intermediary (for another party) or for your own imports.

57. If we, as the declarant, have requested an IOSS number on behalf of one of our relations (as intermediary), can I use that number for all my relations?

No, each company has its own registration and its own number (belonging to the IOSS declaration).

Questions about the Special Arrangement

58. How are goods that cannot be declared under the SRD handled? Will that not cause significant delays in processing?

Goods that cannot or may not be declared using the SRD cannot be processed in the DECO declaration system. In the Netherlands, these declarations are processed in the AGS declaration system. The processing of declarations in this system is more complex because of the numerous criteria against which the declarations in other systems must be checked.

59. Are there any safeguards/conditions/guarantees attached to the SA?

The Netherlands has adopted a national provision whereby no security need be provided for the monthly payment of the VAT due if the Special Arrangement is used.

60. If a declaration line in the SA does not include VAT, when does the consumer pay VAT?

Under the special arrangement, the consumer pays the VAT on receipt of the goods, e.g. to the courier company or the postal operator.

61. Which parties can make use of the Special Arrangement?

Under this procedure, the customs declaration is filed by the person presenting the goods to Customs on behalf of the person the goods are intended for within the EU. Therefore, the declaration must be filed indirectly by the consumer's representative. The person filing the declaration must have an authorisation to do so.
Questions about taxes and value

62. How is intrinsic value defined?

intrinsic value:

- a. For trade goods: the price of the goods themselves when sold for export to the customs territory of the Union, except for transport and insurance costs, unless they are included in the price and are not shown separately on the invoice, and all other taxes and duties as may be determined by customs authorities based on relevant documentation.
- b. For goods of a non-commercial nature: the price that would have been paid for the goods themselves if they had been sold for export to the customs territory of the Union.

63. If goods are returned when delivered outside the EU, are import duties still payable when they are reimported into the EU?

Yes, unless it can be proved that the goods are being returned.

64. How does Customs determine the value of the goods declared?

The intrinsic value applies to the determination of the exemption. For the determination of the customs value, the last transaction for export to the EU applies.

65. Are all excise goods excluded when using DECO?

Goods subject to excise duty or consumption tax on import cannot be declared in DECO.

General questions

66. Is there space on top of the agreed sales price for additional costs (such as handling costs)?

There is no general answer to this question. This depends in part on agreements made between the supplier and the consumer concerned. Costs charged by the logistic chain or the supplier for transport and the filing of customs declarations fall outside Customs' competence

67. Under what regime are goods moved from the place of import to the country of destination?

When goods are introduced into the EU in a Member State but the consignee is established in another Member State, the goods must be declared in the destination Member State unless the declaration is made using the import regime.

Incoming goods that have not yet been declared for release for free circulation are carried under the transit procedure (T declaration) to the Member State of destination.

68. Does Customs intend to introduce subject-based or periodic supervision (instead of declaration-based)?

Customs will continue to strengthen and develop its enforcement approach. In the coming years, an increase is expected in the analytical capabilities (algorithms and scanning technology) and data on shipments and the parties involved. NL Customs uses stratified enforcement, whereby differentiated enforcement instruments are used depending on the nature of the risk and Customs' knowledge of the actors involved, the chain and the goods. Periodic inspections and a subject-oriented approach are forms of enforcement that can be used within this stratification.

69. What does Customs understand by dropshipping?

The term dropshipping often depends on the context and is explained/applied in different ways in practice. In a generic sense, dropshipping occurs when a seller of goods does not order them until they receive a customer order. He asks his supplier to send the goods directly to the customer. Therefore, the seller in question does not hold stocks of these goods.

70. What does dropshipping mean for the handling of the (import) VAT?

The VAT treatment is based on the actual interpretation of the consecutive transactions in the transaction process. Because these depend on the context and are based on facts and circumstances, no unequivocal answer is possible here. It is often a combination of B2B and B2C transactions, each with their own VAT implications (including with regard to any import VAT).

71. What does abolishing the import exemption mean in concrete terms? Is there any room for exempted imports (such as goods of negligible value)?

Abolition of the import exemption means that every parcel (of whatever value) is subject to VAT on import. There is no VAT threshold for a negligible value package. However, the exemption from customs duties for shipments with a negligible value (intrinsic value not exceeding €150) which are sent directly to a consignee in the Community on the basis of Article 23 and 25 Regulation (EC) 1186/2009.

72. What are DAP deliveries?

In the case of Delivered At Place deliveries, the seller pays for carriage to the named place, except for the cost of import clearance. The seller also assumes all risks before the goods are ready to be unloaded by the buyer.

73. What should LSPs do if the end customer refuses to pay the VAT?

In the case of IOSS, the VAT is collected by the platform from the buyer. In other cases, it is up to each logistics operator or postal service to regulate how taxes and additional charges are collected. For non-deliverable (incl. refused) goods, EU Customs legislation provides for VAT refunds if these have been paid to Customs using the special VAT payment on import regime. IOSS liable persons can deduct taxes on re-exported non-deliverable goods in their summary declaration.

In other cases, no refund is possible.

74. What should be done about goods delivered from a local “bonded” storage location? Is there a relationship here with the SRD?

The legislation only covers goods for which Article 23 or 25 Reg. (EC) 1186/2009 may be applied. This requires direct shipments from third countries to a non-obligated addressee in the EU. This provision cannot be applied to goods imported into the EU from a customs warehouse.

75. What are the responsibilities regarding the payment of VAT for an LSP if the platform concerned defaults on the payment of VAT?

The platform fiction applies when a “qualifying” B-to-C distance sale takes place via a marketplace/platform or when the B-to-C distance sale makes use of a feature/service of the marketplace/platform. In such cases, the EU VAT e-Commerce package provides for the goods to be (notionally) delivered to the platform by the suppliers concerned.

The platform then (fictitiously) delivers the goods to the consumer. The platform must therefore pay the VAT. If the platform wishes to make use of the import regime and is established in the EU, it can do so in the Member State in which it is established.

If the platform is not located in the EU, it must assign an intermediary.

This intermediary is then responsible for submitting the VAT return and paying the VAT. In addition, liabilities apply in the chain when the import regime is used. Customs and the Tax Administration are working on this aspect in a broader framework of questions related to the use of the IOSS number and obligations of distance sellers.

76. If, in the case of drop-shipping, the import regime is not used and VAT is not paid, who is (or are) responsible for the remittance?

If the import regime is not used, the VAT is due on the import.

77. Is there any particular relationship between AEO status and e-commerce shipments?

No, in relation to e-commerce there are no legal provisions included in the AEO concept. However, an AEO is treated differently in general, as there are fewer controls.

78. What is considered a B2B or B2C transaction?

B2C is when a trader delivers goods to an end user, a consumer. If the supplier delivers goods to a trader for VAT purposes, even if that trader is exempt within the meaning of VAT, this is a B2B delivery.

79. Will Brexit have any impact on this?

Brexit also means that the movement of goods to and from the UK is subject to customs procedures and that customs duties and other import taxes are payable. In this sense, the UK has the same status as any other third country.

80. How is Customs implementing the EU’s commitment to faster procedures and simplified logistics processes?

Customs facilitates the business community as much as possible. One way of doing this is to provide the option of using the specific data set when importing goods with an intrinsic value of up to €150. This means that only half of the number of data elements compared to a normal declaration need to be provided.

81. How can enforcement be organised in view of the growing flow of goods?

Will a percentage suffice as cover (declarations in relation to the underlying goods flow)?

Regarding the enforcement efforts of Customs and the Tax Administration regarding compliance with legislation and regulations on small shipments, including the declaration of the correct value, the focus is increasingly being placed on the entrepreneurs who submit these declarations, in addition to checking individual declarations.

Compliant companies are subject to fewer inspections and companies that are not may face more inspections, additional demands, the withdrawal of authorisations or criminal proceedings.

82. Is Customs (including training centres) prepared for these developments?

Customs is preparing itself as well as possible for these new developments. For example, Customs is building a new declaration system for goods with an intrinsic value of up to €150. The capacity of Customs has been expanded. We are working with the Tax Administration to organise the supervision of this flow of goods as efficiently and effectively as possible. Specific attention is paid to these new developments in the training courses.

Colophon

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