

General arrangements for excise duty. Recast

2018/0176(CNS) - 27/02/2020 - Final act

PURPOSE: to improve the system of excise duties applicable in Europe.

LEGISLATIVE ACT: Council Directive (EU) 2020/262 laying down the general arrangements for excise duty (recast).

CONTENT: given that Council Directive 2008/118/EC has been substantially amended several times, the Council decided, on the occasion of further amendments and for the sake of clarity, to recast it.

Excise duty

The Directive modernises the existing framework for excise goods by improving the conditions for fair competition in the single market and reducing the administrative burden on businesses.

In concrete terms, the Directive establishes the general arrangements for excise duties directly or indirectly affecting the consumption of products such as tobacco, energy and alcohol. In particular, it lays down guidelines on the quantities of excise products that private individuals are allowed to acquire for their own use and to transport from one Member State to another without being subject to tax.

The main areas highlighted concerned the improvement of the alignment between excise and customs procedures and the partial or full automation of intra-EU movements of excise goods that have been released for consumption.

The Directive addresses, inter alia, the following areas:

Intra-EU movements of excise goods released for consumption

Where excise goods that have been released for consumption in the territory of one Member State are moved to the territory of another Member State to be delivered there for commercial purposes or used there, they shall be subject to excise duty in the Member State of destination.

Within the scope of the arrangements, excise goods shall only be moved from a certified consignor to a certified consignee.

The consignor shall submit a draft electronic administrative document to the competent authorities of the Member State of dispatch using the computerised system. The competent authorities of the Member State of dispatch shall carry out an electronic verification of the data provided in the draft electronic administrative document.

Where those data are not valid, the consignor shall be informed thereof without delay. Where those data are valid, the competent authorities of the Member State of dispatch shall assign to the document a unique administrative reference code and shall communicate it to the consignor. The certified consignor shall provide the carrier with the unique administrative reference code which must be provided to the competent authorities, upon request, during the movement.

Production, processing, holding and storage

Each Member State shall determine its rules on the production, processing, holding and storage of excisable products in compliance with the Directive. The production, processing, holding and storage of excise goods, where the excise duty has not been paid, shall take place in a tax warehouse

The opening and operation of a tax warehouse by an authorised warehousekeeper shall be subject to authorisation by the competent authorities of the Member State where the tax warehouse is situated.

Such authorisation shall be subject to the conditions that the authorities are entitled to lay down for the purposes of preventing any possible evasion or abuse.

Distance Selling

The Directive introduces the choice for the consignor to use a tax representative to comply with the requirements of the Member State where the consignor, who carries out an independent economic activity, wants to move excise goods released for consumption in one Member State to a person not carrying out any independent economic activity in another Member State. The possibility to require the use of a tax representative shall be deleted.

Other amendments

The Directive shall lead to uniform application and transparency and simplification in the following exceptional situations:

- a common solution for partial natural losses (e.g. evaporation) during movement;
- the automation of the exemption certificate and its treatment for movement of excise goods to consignees exempt from paying excise duty;
- a guarantee waiver for energy products circulating through pipelines.

ENTRY INTO FORCE: 18.3.2020.

TRANSPOSITION: from 31.12.2021.

APPLICATION: from 13.2.2023.