

Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code

TITLE V

**GENERAL RULES ON CUSTOMS STATUS, PLACING GOODS UNDER A CUSTOMS PROCEDURE, VERIFICATION, RELEASE AND DISPOSAL OF GOODS**

CHAPTER 1

*Customs status of goods*

Section 2

***Regular shipping service for customs purposes***

Article 120

**Authorisation to establish regular shipping services(Article 155(2) of the Code)**

1 An authorisation may be granted by the customs authority competent to take the decision to a shipping company for the purposes of regular shipping services entitling it to move Union goods from one point to another within the customs territory of the Union and temporarily out of that territory without alteration of the customs status of Union goods.

2 An authorisation shall be granted only where:

- a the shipping company is established in the customs territory of the Union;
- b it fulfils the criterion laid down in Article 39(a) of the Code;
- c it undertakes to communicate to the customs authority competent to take the decision the information referred to in Article 121(1) after the authorisation is issued; and
- d it undertakes not to make any calls on the routes of the regular shipping service at any port in a territory outside the customs territory of the Union or at any free zone in a Union port, and not to make any transshipments of goods at sea.

3 Shipping companies having been granted an authorisation in accordance with this Article shall provide the regular shipping service stated therein.

The regular shipping service shall be provided using vessels registered for that purpose in accordance with Article 121.

Article 121

**Registration of vessels and ports(Articles 22(4) and 155(2) of the Code)**

1 The shipping company authorised to establish regular shipping services for the purposes of Article 119(2)(b) shall register the vessels it intends to use and the ports it intends

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*Status: Point in time view as at 01/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/2446, Section 2. (See end of Document for details)*

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to call at for the purposes of that service by communicating to the customs authority competent to take the decision the following information:

- a the names of the vessels assigned to the regular shipping service;
- b the port where the vessel starts its operation as a regular shipping service;
- c the ports of call.

2 The registration referred to in paragraph 1 shall take effect on the first working day following that of the registration by the customs authority competent to take the decision.

3 The shipping company authorised to establish regular shipping services for the purposes of Article 119(2)(b) shall notify any modification to the information referred to in points (a), (b) and (c) of paragraph 1 and the date and time when that modification takes effect to the customs authority competent to take the decision.

#### *Article 122*

#### **Unforeseen circumstances during the transport by regular shipping services(Articles 153(1) and 155(2) of the Code)**

Where a vessel registered to a regular shipping service for the purposes of Article 119(2)(b) as a result of unforeseen circumstances tranships goods at sea, calls at or loads or unloads goods in a port outside the customs territory of the Union, in a port that is not part of the regular shipping service or in a free zone of a Union port, the customs status of those goods shall not be altered unless they were loaded or unloaded at those locations.

Where the customs authorities have reason for doubt whether the goods fulfil those conditions, the customs status of those goods shall be proven.

#### *[<sup>F1</sup>Article 122a*

#### **RSS information and communications system(Article 155(2) of the Code)**

1 Until the date of deployment of the UCC Customs Decisions system referred to in the Annex to Implementing Decision 2014/255/EU, the Commission and the customs authorities of the Member States shall, using an electronic regular shipping services information and communication system, store and have access to the following information:

- a the data of the applications;
- b the regular shipping service authorisations and, where applicable, their amendment or revocation;
- c the names of the ports of call and the names of the vessels assigned to the service;
- d all other relevant information.

2 The customs authorities of the Member State to whom the application has been made shall notify the customs authorities of the other Member States concerned by the shipping service through the electronic regular shipping services information and communication system referred to in paragraph 1.

3 If the customs authorities notified refuse the application it shall be communicated through the electronic regular shipping service information and communication system referred to in paragraph 1.

4 The electronic regular shipping service information and communication system referred to in paragraph 1 shall be used to store the authorisation and to notify the customs

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authorities of the Member States concerned by the shipping service that the authorisation was issued.

5 Where an authorisation is revoked by the customs authority to whom the application has been made or at the request of the shipping company, that customs authority shall notify the revocation to the customs authorities of the Member States concerned by the shipping service using the electronic regular shipping services information and communication system referred to in paragraph 1.]

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**Textual Amendments**

- F1** Inserted by Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446.

**Status:**

Point in time view as at 01/05/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2015/2446, Section 2.