
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Commissioners for Her Majesty's Revenue and Customs and Treasury under the Taxation (Cross-border Trade) Act 2018 (c. 22). This is an EU Exit statutory instrument.

Regulation 1 provides for citation and commencement. These Regulations come into force on 1st January 2022, apart from regulation 3 which comes into force on 31st December 2021.

Regulation 2 amends the Customs (Import Duty) (EU Exit) Regulations 2018 (S.I. 2018/1248) (the "Import Regulations") and paragraphs (1) and (2) of regulation 3 amends and the Customs and Excise Border Procedures (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2021 (S.I. 2021/1347) so that the transitional EIDR simplified Customs process provided for in the Import Regulations may continue to be used for Union goods that were in the Republic of Ireland or Northern Ireland immediately before importation into the United Kingdom.

Paragraphs (1) and (3) of regulation 3 amend the Customs and Excise Border and Procedures (Miscellaneous Amendments) (EU Exit) (No.2) Regulations 2021 (S.I. 2021/1347) and regulation 4 amends the Excise Duties (Miscellaneous Amendments) (EU Exit) (No.3) Regulations 2019 (S.I. 2019/474) so that the time at which excise duty is required to be paid continues to align with the notification procedures used for the arrival of excise goods into the United Kingdom.

Regulation 5 makes provision relating to value added tax (VAT) in consequence of, or otherwise in connection with, the withdrawal of the United Kingdom from the EU, including such provision as might be made by an Act of Parliament. The regulation makes consequential amendments to the Value Added Tax (Miscellaneous and Transitional Provisions, Amendment and Revocation) (EU Exit) Regulations 2020 (S.I. 2020/1495) to ensure that, where appropriate, the use of a VAT return for postponed import VAT accounting continues to be mandated for VAT registered businesses when using the transitional EIDR simplified Customs declaration process.

A Tax Information and Impact Note covering this instrument will be published on the website at <https://www.gov.uk/government/collections/tax-information-and-impact-notes-tiins>.