

For Official Use Only

BTI Ref. No: _____

APPLICATION FORM



EUROPEAN UNION



CUSTOMS DEPARTMENT

BINDING TARIFF INFORMATION (BTI)

Binding Tariff Information

What is BTI?

Binding Tariff Information (BTI) is a Community-wide system which provides traders with tariff classification decisions which are legally binding throughout the EU.

BTI decisions are issued by the Customs administrations in the various Member States. The legislative provisions governing BTI are contained in Council Regulation (EEC) No. 2913/92 and Commission Regulation (EEC) No. 2454/93.

Benefits of BTI for Traders

- it gives traders legal certainty regarding decisions,
- where a BTI is invalidated due, for example, to a change in Community legislation traders may be entitled to a period of grace in order to complete any binding contracts entered into on the basis of that BTI,
- it promotes uniform application of the rules of classification throughout the Community for traders regardless of the Member State in which they operate,
- traders will be informed if any classification changes occur which affect their BTI.

Obtaining BTI

An application for BTI should be made on the application form attached to this leaflet. Applications should only be made where an import or export operation is actually envisaged.

An application must be in respect of only one type of goods e.g. goods, product or item relating to a single nomenclature code.

Information supplied for the purposes of obtaining BTI will be stored on a database of the Commission of the European Communities and may be used by Customs authorities throughout the Community to ensure uniform application of the Customs Tariff. However, any information in respect of which confidentiality is sought will not be included in the database.

If you disagree with the classification given on the BTI you may apply to the Customs authorities to have the decision reviewed.

Using BTI

BTI may be invoked only by the holder or an agent acting in the name and on behalf of the holder making a customs entry in respect of goods covered by that BTI.

Where the holder or agent wishes to invoke BTI, it should be declared on the Single Administrative Document (SAD) to which it relates by inserting code "D 22" and the "BTI Reference No." in Box 44. In addition, a copy of the BTI document should be attached to the hard copy of the SAD.

Validity of BTI

In the ordinary course, BTI will be valid for a period of six years from the date of issue. It may, however, be invalidated earlier in circumstances where, for example, it is affected by EU or international Customs tariff measures or by a judgement of the European Court of Justice.

Where the validity of BTI is affected in this way, there is provision whereby it may continue to be invoked, for a period of up to six months, to take account of binding contracts entered into by the holder and for the duration of any import licence or advance-fixing certificate. Temporary extensions of application of BTI in such cases must be approved by Customs authorities.

A BTI will be treated as void if it is found that it was provided on the basis of inaccurate or incomplete data from the applicant.

Application for Binding Tariff Information (BTI)

General Information

Please read the following information carefully before completing your BTI application.

1. For specific guidance on the completion of this form, please see the general information on the following page.
2. BTI is issued in accordance with Council Regulation (EEC) No. 2913/92 of 12 October 1992 and Commission Regulation (EEC) No. 2454/93 of 2 July 1993. In Malta they may be obtained from the Government Publications Section, Department of Information, 3, Castille Place, Valletta. The relevant articles in those Regulations can also be found on DG TAXUD's website at: http://europa.eu.int/comm/taxation_customs/databases/bti_en.htm.
3. An application for BTI may only be made in respect of an import or export operation actually envisaged.
4. A BTI cannot be used for importations or exportations that have already taken place or where customs formalities are still in progress.
5. A separate application must be made for each product.
6. BTI may only be used by the holder on an agent acting in the name and on behalf of the holder.
7. Information entered in boxes 2 and 9 of the application form will be treated as confidential and covered by the obligation of professional secrecy.
8. BTI is provided free of charge. Where customs have incurred specific costs in analysis, obtaining expert advice on samples or returning samples, these may be passed on.
9. You may be requested to supply a translation of any attached document into the official language or one of the official languages of the Member State concerned.
10. In cases where the application contains incorrect or incomplete information, the BTI based on such indications may be annulled.
11. Further information may be obtained from the Binding Tariff Information Unit, Customs Department, Customs House, Valletta. Tel: 25685170/5 Fax: 25685222. E-mail: btu.customs@gov.mt or at any other customs authority listed at DG TAXUD's website at: http://europa.eu.int/comm/taxation_customs/databases/bti/lca_en.pdf.



GENERAL INFORMATION ON THE COMPLETION OF THE APPLICATION FOR BINDING TARIFF INFORMATION (BTI)

The following general information provides specific guidance on the completion of the application for BTI, as contained in Annex 1B of Commission Regulations (EEC) No. 2454/93 of 2 July 1993. Please read the following information carefully before completing your application.

BOX 1. Applicant: (full name and address) - Mandatory

For the purposes of binding tariff information, *applicant* means a person who has applied or a person in whose name an application has been made for binding tariff information with the Customs authorities. Please complete this box before moving to Box 2.

Name and address of the applicant (including e-mail address, if available): five lines with a maximum of 175 characters. E-mail address should be preceded by the term “mailto”.

Telephone Number (optional): one line with a maximum of 25 characters.

Fax Number (optional): one line with a maximum of 25 characters.

Customs ID (optional): enter your unique identification number issued by the customs authority – enter one line with a maximum of 25 characters.

BOX 2. Holder: (full name and address) - Mandatory

For the purposes of binding tariff information, *holder* means the person in whose name the binding information is issued. Please complete this box before moving to Box 3.

Name and Address of the designated Holder of the BTI (including e-mail address, if available): five lines with a maximum of 175 characters. E-mail address should be preceded by the term “mailto”.

Telephone Number (optional): one line with a maximum of 25 characters.

Fax Number (optional): one line with a maximum of 25 characters.

Customs ID (optional): enter your unique identification number issued by the customs authority – enter one line with a maximum of 25 characters.

BOX 3. Agent or Representative: (full name and address) - Optional

Complete this box if you wish to nominate an agent or representative who will present the BTI at importation/exportation on behalf of the holder, otherwise leave blank and move to Box 4.

Name and Address of the Agent or representative (including e-mail address, if available): five lines with a maximum of 175 characters. E-mail address should be preceded by the term “mailto”.

Telephone Number (optional): one line with a maximum of 25 characters.

Fax Number (optional): one line with a maximum of 25 characters.

Customs ID (optional): enter your unique identification number by the customs authority – enter one line with a maximum of 25 characters.

BOX 4. Reissue of a BTI – Optional (When this box is completed, all the fields are Mandatory)

A BTI is currently valid for six years. If you are already the holder of a BTI the validity of which has expired or will shortly do so, and you wish it to be reissued, you should complete this box, otherwise leave it blank and move to Box 5.

BTI Reference Number: enter the reference of the BTI which the Holder would like reissued. The first two characters indicate the ISO Code of the country where the BTI was issued (a list of ISO Country Codes can be found at **Footnote 1**), while the remaining 20 characters make up the unique reference assigned by the competent customs authority.

Valid from: enter the date from which the BTI was valid by entering a 4 digit number for the year, followed by a 2 digit number for the month and a 2 digit number for the day.

Nomenclature Code: enter a maximum of 22 characters.

BOX 5. Customs Nomenclature – Mandatory

Please indicate in which nomenclature the goods are to be classified, by inserting “x” in one box only. If the nomenclature is not one of those listed, you should specify the nomenclature concerned. Please note that BTIs can only refer to a nomenclature based on the Harmonised Commodity Description and Coding System (HS).

The Harmonised System (HS) is applied worldwide at the 6-digit level. The Combined Nomenclature (CN) is applied in the EU at 8-digit level. TARIC is the 9th and 10th digit applied at EU level to tariff and non-tariff measures such as suspensions, quotas, anti-dumping duty etc. The Export refund nomenclature is linked to the refund of agricultural subsidies. Should you have any doubts regarding nomenclature, you should not hesitate to inquire with the appropriate customs offices.

BOX 6. Type of Transaction – Mandatory

You should indicate if your application is in respect of an import or export actually envisaged by inserting “x” in one box only.

BOX 7. The Classification Envisaged – Mandatory

Please indicate the heading/subheading under which the goods must be classified. This field has a maximum of 22 characters.

BOX 8. Description of the Goods – Mandatory

Please provide a detailed description of the goods permitting their identification and the determination of their classification in the customs nomenclature. You should give details of the composition of the goods and any methods of examination used for its determination where the classification depends on it. This field contains free text with a maximum of 32,768 characters. Any details which the holder considers to be confidential should be entered in Box 9.

BOX 9. Commercial denomination and additional information – Optional

Please include here any particulars which you wish to be treated as confidential including the trademark and model number of the goods.

In certain cases, including those where samples are provided, the administration concerned may take photographs (e.g. of the samples provided) or ask a laboratory for an analysis. Please state clearly, if such photographs, analysis results etc. as a whole or partially are to be treated as confidential. Please note that any such information not designated as confidential will be published on the EBTI Database accessible on the Internet.

This field contains free text with a maximum of 32,768 characters.

BOX 10. Samples etc – Optional

You should indicate here whether you are providing a description, samples, brochures, photographs or other documents which may assist the customs authorities in considering this application. You should indicate this by inserting “x” in the appropriate box(es). If you are providing samples, you should indicate here how the samples are to be disposed of by inserting “x” in the appropriate box.

BOX 11. Other BTIs held and Other Applications for BTI – Mandatory

You should provide here details of other applications for BTIs made by the holder at other customs offices or in other Member States, as well as BTIs already issued to the holder, in respect of identical or similar goods. Use a separate sheet of paper where more space is required.

You should indicate “x” in the appropriate box when you have made other applications. If you indicate the box “yes”, you should enter:

- a **mandatory** part: *Country of Application:* enter the ISO Code of the country (2 characters) (see **Footnote 1**)
Place of Application: enter the name of the customs office (Enter a maximum of 35 characters)
Date of Application: enter a 4 digit number for the year, followed by a 2 digit number for the month and a 2 digit number for the day.
- an **optional** part: (as you may have applications for which there has not yet been issued BTI). This part is **mandatory** if you have received BTIs following the application.
BTI Reference: enter the reference number of the BTI. The first two characters indicate the ISO Code of the country where the BTI was issued, while the remaining 20 characters make up the unique reference assigned by the competent customs authority.
Date of Start of Validity: enter a 4 digit number for the year, followed by a 2 digit number for the month and a 2 digit number for the day.
Nomenclature Code: enter a maximum of 22 characters.

BOX 12. BTI issued to other Holders – Mandatory

If you are aware of BTIs issued to other holders for identical or similar goods, please give any details here. Use a separate sheet of paper where more space is required. Information concerning existing BTI can be consulted at the EBTI database on:
http://europa.eu.int/comm/taxation_customs/dds/en/ebticau.htm.

You should indicate “x” in the appropriate box if you are aware of other BTIs.

If you indicate the box “yes”, the following information is *optional*.

Issuing Country: enter the ISO Code for the country (2 characters) (see **Footnote 1** below).

BTI Reference: the first two characters indicate the ISO Code of the country where the BTI was issued, while the remaining 20 characters make up the unique reference assigned by the competent customs authority.

Date of Start of Validity: enter a 4 digit number for the year, followed by a 2 digit number for the month and a 2 digit number for the day.

Nomenclature Code: enter a maximum of 22 characters.

BOX 13. Date and Signature – Mandatory

After you have checked the application for accuracy and completeness, sign and date it. All separate sheets should also be signed and dated.

Your reference (optional): if you have a reference insert it here (one line with a maximum of 35 characters)

Date: enter a 4 digit number for the year, followed by a 2 digit number for the month and a 2 digit number for the day.

Footnote 1: ISO Country Codes: AT = Austria, BE = Belgium, CY = Cyprus, CZ = Czech Republic, DE = Germany, DK = Denmark, EE = Estonia, ES = Spain, FI = Finland, FR = France, GB = United Kingdom, GR = Greece, HU = Hungary, IE = Ireland, IT = Italy, LT = Lithuania, LU = Luxembourg, LV = Latvia, MT = Malta, NL = Netherlands, PL = Poland, PT = Portugal, SE = Sweden, SI = Slovenia, SK = Slovakia.

