

ARA bunkering

Supplying bunkers to sea going vessels is exempt from import duties and customs duties.

A legal entity can be set up to make these tax exempt marine bunker supplies. This requires customs licenses and registrations to make use of the cross border bunker regime between The Netherlands and Belgium (Zeevaartbunkerprocedure 2019).

Customs and excise licenses / registrations

The following customs licenses and registrations are required:

1. License "Erkend bunkeraar". This is a general license to apply the cross border bunker regime.
2. License "Fictieve accijnsgoederenplaats bunkerhandelaar in minerale olie". This is a license to operate a fictitious excise warehouse. The bunker barge represents the excise warehouse. This license enables the supply EU goods (T2) under excise duty suspension as bunkers.
3. License "Douane entrepot". This is a license to operate a floating customs warehouse. The bunker barge represents the customs warehouse. This license enables the supply non-EU goods (T1) under import duty and excise duty suspension as bunkers.
4. Registration "elektronisch berichtenverkeer". This is a generic registration that every economic operator needs in order to be able to exchange electronic messages with customs. It's also needed when these messages are exchanged by a representative. To bunker this registration is needed in order to be able to make the advance notifications of each bunker supply in The Netherlands.
5. License "Doorlopende zekerheid" (comprehensive guarantee). This license is required to maintain a permanent guarantee for the suspended import and excise duties. Without this license a separate bank guarantee would need to be arranged for each individual transaction.
6. EORI Number. This is the generic registration with Dutch customs that is valid in all EU Member States.
7. C-point registration. This is a registration with the C-point portal that is used to make the advance notifications of bunker supplies in Belgium.

Products typically involved

High aromatic fuel oil	2707.9999
Low aromatic fuel oil with a Sulphur content not exceeding 0.1% by weight	2710.1962
Low aromatic fuel oil with a Sulphur content exceeding 0.1% by weight but not exceeding 0.5% by weight	2710.1966
Low aromatic fuel oil with a Sulphur content exceeding 0.5% by weight	2710.1967
Fuel oil containing by weight max 30% biodiesel and with a Sulphur content not exceeding 0.5% by weight	2710.2032
Fuel oil containing by weight max 30% biodiesel and with a Sulphur content exceeding 0.5% by weight	2710.2038
LNG	2711.1100
Bio-LNG not processed to LNG quality	2711.1900

Transactions that can be performed under the Dutch permits

The table below lists the transactions that are allowed under the Dutch permits.

non-Union goods (T1 goods)	The Netherlands	The Netherlands	
non-Union goods (T1 goods)	The Netherlands	Belgium	
non-Union goods (T1 goods)	Belgium	Belgium	
non-Union goods (T1 goods)	Belgium	The Netherlands	
Union goods (T2 goods) under excise duty suspension	The Netherlands	The Netherlands	
Union goods (T2 goods) under excise duty suspension	The Netherlands	Belgium	
Union goods (T2 goods) under excise duty suspension	Belgium	Belgium	(2)
Union goods (T2 goods) under excise duty suspension	Belgium	The Netherlands	(1)
Union goods (T2 goods) not subject to excise duties	The Netherlands	The Netherlands	
Union goods (T2 goods) not subject to excise duties	The Netherlands	Belgium	
Union goods (T2 goods) not subject to excise duties	Belgium	Belgium	(3)
Union goods (T2 goods) not subject to excise duties	Belgium	The Netherlands	(3)

(1) Loading T2 goods excise duty suspended in Belgium with a view to making bunker supplies in The Netherlands is not possible and is very unlikely to become possible on the short to mid term. For this to be possible a similar set of licenses must be obtained from Belgian customs. In order to obtain these permits we need a Belgian legal entity that operates an actual Belgian office including having Belgium based employees on the payroll.

(2) To be investigated whether Belgium has a national bunker procedure and if so what conditions have to be met for making use of it.

(3) The classic example of T2 goods that are not subject to excise duties are lubricants. We believe that high aromatic fuels (2707.9999) and LNG, including bio-LNG processed to LNG quality (2711.1100) also fall under this category. This must be clarified first because of the fact that non-excisable goods become excisable goods as soon as they are destined for use as road fuel or heating fuel. When this happens is not specified in the law and is very much subject to the interpretation of local customs. The risk to manage here is applying the wrong bunker procedure resulting in an excise duty claim over the entire cargo.
