

Notable points in EU law for Vietnamese exporters

Denis PHILIPPE

Lawyer in Brussels and Luxembourg

Professor at the UCLouvain and ICHEC

Invited professor at the Université of Paris WEST

You need to
be at least
registered for
VAT purposes



In Belgium



FINE ART IN LEGAL PRACTICE

Who can import?



Identification number that
is valid throughout the EU

What is a certificate of origin?

Certificate of origin

You need to provide a proof of the origin of the product, especially now under EVFTA

1 Consignor - Expéditeur - Expeditor	No.	ORIGINAL
2 Consignee - Destinataire - Destinatario	EUROPEAN COMMUNITY COMMUNAUTÉ EUROPÉENNE - COMUNIDAD EUROPEA	
CERTIFICATE OF ORIGIN CERTIFICAT D'ORIGINE - CERTIFICADO DE ORIGEN		
3 Country of Origin - Pays d'origine - País de origen	European Community - Páklad	
4 Transport details - Informations relatives au transport - Datos relativos al transporte (Optional)	5 Remarks - Remarques - Observaciones	
6 Item number, marks, numbers, number and kind of packages, description of goods	7 Quantity	
<p>Subheader serial in bulk NOM. 2022.05.10</p>		
<p>8 THE UNDERSIGNED AUTHORITY CERTIFIES THAT THE GOODS DESCRIBED ABOVE ORIGINATE IN THE COUNTRY SHOWN IN BOX 3. L'autorité soussignée certifie que les marchandises désignées ci-dessus sont originaires du pays figurant dans la case No. 3. La autoridad subscrita certifica que las mercancías designadas anteriormente son originarias del país que figura en la casilla no. 3</p>		
<p>SATKUNTA CHAMBER OF COMMERCE</p> <p>Place and date of issue, name, signature and stamp of competent authority Lieu et date de délivrance, désignation, signature et cachet de l'autorité compétente Lugar y fecha de expedición, designación, firma y sello de la autoridad competente</p>		

This document shall be accompanied by the SAD: this is a common import declaration form for all EU countries

Single Administrative Document (SAD)

EUROPEAN COMMUNITY		A OFFICE OF DISPATCH/EXPORT	
1	2 Consignor/Exporter	3	4 Declaration
5	6 Consignee	7	8 Reference number
9	10 Country of origin	11	12 Country of destination
13	14 Declarant/Representative	15	16 Country of dispatch/Export
17	18 Identity and nationality of means of transport at departure	19	20 Delivery terms
21	22 Identity and nationality of active means of transport crossing the border	23	24 Country and total amount involved
25	26 Mode of transport	27	28 Place of loading
29	30 Office of exit	31	32 Location of goods
33	34 Marks and numbers - Container No(s) - Number and kind	35	36 Net mass (kg)
37	38 Additional information	39	40 Summary declaration/Previous document
41	42 Calculation of taxes	43	44 Identification of warehouse
45	46 Principal	47	48 Office of destination (and country)
49	50 Guarantee	51	52 Place and date
53	54 Signature and name of declarant/representative	55	56 Stamp

Customs

Common Custom Tariffs and Free Movement of Goods

Payment of VAT at the moment of entry into the EU

Excise duty for certain goods to be paid when released for consumption

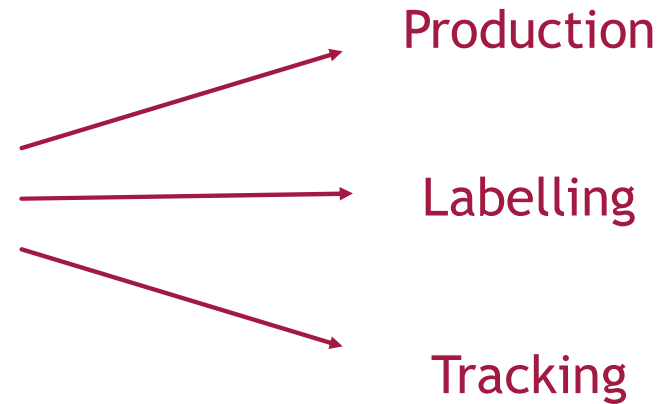
Custom clearance: the Single Administrative Document





Provides advice on food safety issues

Sanitary measures





Product has been assessed and complies with EU requirements.

Mandatory for 25 product groups. If not mandatory, it cannot be used.



For certain substances manufactured or imported in quantities of one tonne or more per year per company.

Substances of very high concern.

Downstreams users must be informed (Safety Data Sheets).

Product safety



EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

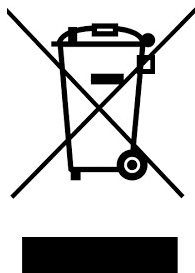
Authorizations granted only to applicants established in the EU.

Companies may submit a single application.

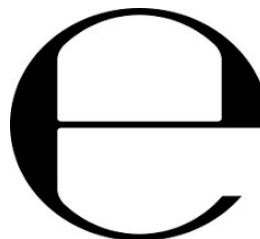


Packaging and labelling

Mandatory marks and labels



Voluntary marks and labels



EU Consumers' rights

Applicable legislation

- Unfair terms directive
- Unfair commercial practices directive
- Misleading advertising directive
- Consumer rights directive

Core principles

- Only applies if habitual residence of the consumer in the EU + the trader pursues in or directs such activities to that country ;
- Precontractual information is essential ;
- Exporters must not engage in unfair commercial practices such as misleading or aggressive practices.



Intellectual property

Protected designation of origin



Agricultural products or foodstuffs from a specific region whose quality or characteristics are essentially or exclusively due to the geographical environment

Must have been produced, processed and put together in that specific geographical area

Protected geographical indication



May be attributed to agricultural products or foodstuff that are from a specific region and for which a specific quality, reputation, or other characteristic may be attributed to that region.

Must have been produced, processed and put together in that specific geographical area

Traditional specialty guaranteed

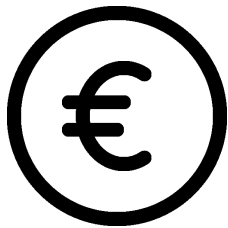


Foodstuffs and agricultural products without a link to specific geographical area.

This recognition is based on the specificity of the product, that is, the characteristics that clearly distinguish it from other products or foodstuffs from the same category.



Carbon Border Adjustment Mechanism



EU importers of goods covered by the CBAM registers with national authorities where they can also buy CBAM certificates. Certificates are priced based on weekly ETS allowances



EU importer declares the emissions embedded in its imports and surrenders the corresponding number of certificates each year



If importers can prove that a carbon price has already been paid during the production of the imported goods, the corresponding amount can be deducted.



Question time

