

Information on imposing and collecting a customs administration fine on the spot in an accelerated administrative proceeding, and on the confiscation of the seized non-Union goods

I hereby inform you that the act you perpetrated is a violation of law infringing Point b) of Subsection (1) of Section 84 of Act CLII of 2017 on the Implementation of the Union Customs Law (hereinafter referred to as the Customs Act) by breaching your obligation related to the customs control specified in Point 3 of Article 5 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (hereinafter referred to as the Customs Code), or your obligation related to the customs supervision specified in Point 27 of Article 5 thereof, in relation to non-Union goods.

1. Provisions on the customs administration fine

Due to the violation of law, a customs administration fine must be paid, the base of which shall be the shortfall in customs duties caused by such violation of law. With regard to imposing the customs administration fine, pursuant to Point 6 of Section 2 of the Customs Act, shortfall in customs duties shall mean the total amount of the incurred import customs duties for the goods seized and confiscated due to a failure to comply with the regulations, together with any other related charges (such as excise tax, VAT).

Pursuant to Subsection (8) of Section 84 of the Customs Act, if a shortfall in the amount of customs duty is the result of an infringement or a related omission, the amount of the fine shall be 50% of the amount of the shortfall in the customs duty.

However, if the violation of law specified in Point b) of Subsection (1) of Section 84 of the Customs Act is committed by transporting excise goods into the customs territory of the European Union and which are not presented after entry to customs, the amount of the customs administration fine shall be the total of 200% of the amount of customs duties and other charges payable on the goods but no less than HUF 40,000 [Subsection (12) of Section 84 of the Customs Act]

The violation of law you perpetrated is of minor significance, i.e. the shortfall in customs duties generated as a consequence of bringing non-Union goods into the territory of the European Community remains below HUF 50,000, and therefore it is possible to apply an accelerated administrative proceeding, pursuant to Subsection (1) of Section 89 of the Customs Act. In order to satisfy the preconditions for conducting an accelerated administrative proceeding you have to

- a) admit to having perpetrated the violation of law,
- b) acknowledge the information on the legal consequences,
- c) waive your rights to legal remedy, and
- d) pay the amount of the established customs administration fine on the spot.

When conducting an accelerated administrative proceeding, a reduced amount of fine is imposed, so only 50 % of the customs administration fine which can be determined according

to Subsection (8) or (12) of Section 84 of the Customs Act has to be imposed but the minimum amount of such fine is 4000 HUF, in the case of violation of law involving excise goods the minimum amount of fine is 25000 HUF.

Should the former preconditions not concur, the accelerated administrative proceeding may not be conducted, and the violation of law shall be judged, and the related sanctions shall be established according to the general rules. In this case, the customs administration fine shall not be imposed immediately on the spot, but in the official premises of the customs authority within 90 days as defined in Subsection (1) of Section 79 of the Customs Act.

The legal consequence of the accelerated administrative proceeding is that you may not appeal against the proceeding, and thus the decision may not be challenged at a superior authority or court. I hereby inform you that the statement containing the waiver of the rights to appeal may not be withdrawn, and therefore the accelerated administrative proceeding may not be applied, should you dispute the violation of law.

2. Seizure and confiscation in the accelerated administrative proceeding

I hereby inform you that in the event of infringement as specified in Subsection (12) of Section 84 of the Customs Act the customs authority shall mandatorily seize the excisable goods concerned as well as the means used for their transportation pursuant to Subsection (1) of Section 90 of the Customs Act.

Pursuant to Subsection (2) of Section 90 of the Customs Act, if the violation of law specified in Point b) of Subsection (1) of Section 84 of the Customs Act is committed in a way that non-Union goods are admitted to the customs territory of the EU, the customs authority may seize the goods that are involved in the infringement as well as the means used for their application, storage and transportation as customs security until payment of the disclosed customs duties, other fees and the imposed customs administration fine. Indispensable stuff as well as perishable goods and livestock – the latter two in the absence of any other offence – are exempt from seizure and confiscation.

Seizure and confiscation may especially occur if

- a) it is likely that the subsequent settlement of the claim is at risk,
- b) the customer has a debt of customs duty, other fee or customs administration fine, or
- c) the costs likely to be incurred by seizure, storage, transportation or sales are not disproportionate to the debt or to the value of the goods or assets.

An appeal against a decision taken in the customs administration procedure concerned by the seizure shall be submitted to the seizure customs office within eight days of the date of notification of the decision, which must then send it to the second instance office within 3 days of receipt. The appeal against a decision taken in the customs administration procedure concerned by the seizure shall be adjudicated by the second-instance office within 15 days of sending. The appeal against the decision taken in the customs administration procedure concerned by the seizure has no suspensive effect on the implementation of the seizure.

In an accelerated administrative proceeding, the seizure procedure shall be terminated pursuant to Subsection (5) of Section 90 of the Customs Act, if

- a) the disclosed customs duties, other fees and the imposed customs administration fine that is based on a final decision have been paid [*this provision does not apply to excisable goods and the means used and transformed to their transportation as stipulated in Subsection (1) of Section 90 of the Customs Act*]
- b) the seized means of transport used are not the property of the perpetrator and the owner makes a written statement that he/she at the time of the infringement in question, has not known that the instrument would be used for infringements of customs legislation, and the facts could then be resolved without the need to maintain seizure.

Pursuant to Subsection (11) of Section 90, excisable goods shall be confiscated in parallel with seizure, and then they shall be destroyed, if customs administration fine has been assessed based on a final decision. On the basis of Subsection (13) of Section 90 of the Customs Act the transformed means used for transport shall be confiscated simultaneously with the seizure. Such means shall be sold provided that the buyer commits itself at the time of sale to terminate the condition making it possible to infringe within 3 months from the sale and to present it to the customs authorities.

Furthermore, I hereby inform you that in the case of foreign citizens not speaking Hungarian, the use of an interpreter during the accelerated administrative proceeding may be waived if, following receipt of the this information, the person concerned waives the assistance of an interpreter in writing by signing the attached statement.

STATEMENT

I, the undersigned
(name), domiciled at
..... citizen,
(number of personal identification document) hereby state that:

- **I have taken receipt of the present information** yes /no *;
- **I have understood the contents of the information** yes /no *;
- **I admit to having perpetrated the violation of law** yes /no *;
- **I acknowledge the information provided on the conditions and legal consequences of conducting the accelerated administrative proceeding** yes /no *;
- **I waive my rights to legal remedy** yes /no *
- **I shall pay the imposed customs administration fine on the spot.** yes /no *
- **I understand the Hungarian language.** yes /no *.
- **I request that an interpreter be applied**

Date and place:, day, month, year 20.....

.....
signature of the perpetrator

* to be underlined as appropriate