

**October 2024**

**CUSTOMS ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN THE EU  
MANUAL FOR THE COMPLETION OF APPLICATIONS FOR ACTION,  
AMENDMENT AND EXTENSION REQUESTS**

**Regulation (EU) No. 608/2013 of the European Parliament and of the Council  
of 21 June 2013**

**&**

**Commission Implementing Regulation (EU) No. 1352/2013 of 4 December 2013**

**DISCLAIMER:**

Only the provisions in the Regulations mentioned above are legally binding.

**Contents**

INTRODUCTION ..... 4

APPLICATIONS FOR ACTION ..... 6

    TO WHOM THE APPLICATION MUST BE SUBMITTED..... 6

    TYPES OF APPLICATION..... 6

    PERSONS ENTITLED TO SUBMIT AN APPLICATION FOR ACTION ..... 6

    SUBMISSION OF AN APPLICATION BY MEANS OF A REPRESENTATIVE ..... 8

    SYSTEMS FOR RECEIVING AND PROCESSING APPLICATIONS FOR ACTION  
    IN ELECTRONIC FORMAT (eAFAs) (IPEP for COPIS and national portals) FROM Q4-  
    2024 ..... 8

    APPLICATION FORMS: COPIES, CONTENT AND ATTACHMENTS..... 10

    UNDERTAKINGS BY THE APPLICANT (BOX 29)..... 12

    USE OF INFORMATION BY THE HOLDER OF THE DECISION..... 13

    PERSONAL DATA PROTECTION ISSUES ..... 14

    INCOMPLETE APPLICATIONS..... 14

    HOW WILL THE APPLICATION BE PROCESSED..... 15

    PROCEDURE FOR "EX OFFICIO" ACTION..... 16

    EXPLANATIONS OF THE BOXES TO BE FILLED IN THE PAPER APPLICATION FORM  
    ..... 16

    Box 1. Applicant ..... 17

    Box 2: Union/National Application/National Application under Article 5(3) (“*ex officio*  
    application”)..... 17

    Box 3: Status of the applicant..... 18

    Box 4: Representative submitting the application in the name of the applicant ..... 18

    Box 5: Type of right to which the application refers ..... 19

    Box 6: Member State or, in the case of a Union application, Member States in which  
    customs action is requested ..... 19

    Box 7: Representative for legal matters..... 20

    Box 8: Representative for technical matters..... 21

    Box 9: Representatives for legal and technical matters in Union applications. .... 22

    Box 10: Small consignment procedure. .... 22

    Sub-box “restricted handling” in boxes 11 to 28. .... 23

    Box 11: List of rights to which the application refers..... 23

    Information on authentic goods (boxes 12 to 19) and information on infringing goods  
    (boxes 20 to 27) ..... 23

|  |    |
|--|----|
| Box 12: Goods details (authentic goods).....   | 24 |
| Box 13: Goods distinctive features (authentic goods) .....   | 25 |
| Box 14: Place of production (authentic goods) .....  | 25 |
| Box 15: Involved companies (authentic goods).....  | 25 |
| Box 16: Traders (authentic goods).....   | 25 |
| Box 17: Goods clearance details and distribution information (authentic goods).....                                | 25 |
| Box 18: Packages (authentic goods).....  | 26 |
| Box 19: Accompanying documents (authentic goods).....  | 26 |
| Box 20: Goods details (infringing goods).....  | 26 |
| Box 21: Goods distinctive features (infringing goods) .....  | 26 |
| Box 22: Place of production (infringing goods) .....   | 26 |
| Box 23: Involved companies (infringing goods).....   | 27 |
| Box 24: Traders (infringing goods).....  | 27 |
| Box 25: Goods clearance details and distribution information (infringing goods).....                               | 27 |
| Box 26: Packages (infringing goods).....   | 27 |
| Box 27: Accompanying documents (infringing goods).....   | 28 |
| Box 28: Additional information.....  | 28 |
| Box 29: Undertakings.....  | 28 |
| Box 30: Signature.....   | 28 |
| <b>REQUEST FOR AMENDING THE DECISION WITH REGARD TO IPRs UPON REQUEST<br/>BY THE HOLDER OF THE DECISION;</b> ..... | 28 |
| <b>OTHER AMENDMENTS TO THE DECISIONS GRANTING APPLICATIONS<br/>FOR CUSTOMS ACTIONS</b> .....                       | 29 |
| <b>EXTENSION REQUESTS</b> .....  | 31 |
| <b>EXTENSION OF THE PERIOD DURING WHICH THE CUSTOMS AUTHORITIES ARE<br/>    TO TAKE ACTION</b> .....               | 31 |
| <b>EXPLANATIONS OF THE BOXES TO BE FILLED IN IN THE EXTENSION REQUEST<br/>    FORM</b> .....                       | 32 |
| Box 1: Holder of the decision.....   | 32 |
| Box 2: Representative of the holder of the decision. ....  | 32 |
| Box 3: Request for extension of the period during which the customs authorities are to take<br>action.....         | 33 |
| Box 4: Signature. ....   | 33 |

## INTRODUCTION

Customs enforcement of intellectual property rights (IPR) at the border is governed in the EU by Regulation (EU) No 608/2013<sup>1</sup> (hereafter Regulation 608). The customs authorities in the EU may detain goods under their control which are suspected of infringing an IPR. The intervention of the customs authorities usually takes place upon prior request by the right holders, even though customs may also detain those goods without a request made beforehand, in order to give right holders the opportunity to make such a request.

The applicant requests the customs authorities to take action with respect to goods suspected of infringing an IPR. The request is called an *application for action* ('*application*' as defined in Article 2(4)(9) of Regulation 608). When granting the application, the customs authorities specify the period during which they are going to take action, which shall be no more than one year (Article 11(1) of Regulation 608). The applicant will be called the holder of the decision once customs have granted the application. The request to extend the period of validity of an application on its expiry is called "*extension request*". A request to modify the list of IPRs in a decision granting the application is referred to as "*amendment request*".

Please note that now that computerised systems for filing the application are available in all Member States, it is mandatory to submit applications to the competent customs department using these systems (Art. 5(6) Regulation (EU) No 608/2013).

As from 3 October 2024, applications, amendment or extension requests must be submitted electronically via one of the following trader portals in place<sup>2</sup>:

- IP Enforcement Portal (IPEP for COPIS) from all MS:

<https://www.euipo.europa.eu/en/enforce-ip/ip-enforcement-portal>

or

- the German portal if submitted to the German customs authorities:

<https://www.zoll-portal.de/>

- the Spanish portal if submitted to the Spanish customs authorities:

<https://sede.agenciatributaria.gob.es/Sede/procedimientoini/DB07.shtml>

---

<sup>1</sup> Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (OJ L 181, 29.6.2013, p. 15.)

<sup>2</sup> Pursuant to Commission Implementing Regulation (EU) No 2024/2399 which entered into force on 3 October 2024.

- the Italian portal if submitted to the Italian customs authorities before 10 December 2024<sup>3</sup>:

<https://www.adm.gov.it/portale/dogane/operatore/aree-tematiche/lotta-alla-contraffazione/progetto-falstaff>

In the Member States where the IPEP for COPIS and a national trader portal are both available, applicants or their representatives have the choice between the two trader portals.

If an application is submitted through a national trader portal, the amendment or extension requests related to this application must be submitted through the same national portal. If an application is submitted through the IPEP for COPIS, the related amendment or extension requests must be submitted through the IPEP for COPIS.

The information to be provided in an application for action (AFA) and amendment or extension requests is specified in the amended Commission Implementing Regulation (EU) No 2024/2399<sup>4</sup>. When preparing to file an AFA, an amendment or extension request, please take into account the notes on completion set out in Annex III of that Regulation.

In case of temporary failure of one or more of the IT systems, please refer to explanations in [p. 10](#) of this manual.

The purpose of this manual is to assist you in the completion of application, amendment or extension requests.

---

<sup>3</sup> As from 10 December 2024 Italian customs will no longer use the national trader portal and will only accept and grant eAFAs lodged via IPEP.

<sup>4</sup> Commission Implementing Regulation (EU) No 2024/2399 amending Commission Implementing Regulation (EU) No 1352/2013 (O.J.: [Implementing regulation - EU - 2024/2399 - EN - EUR-Lex \(europa.eu\)](#)).

## APPLICATIONS FOR ACTION

### TO WHOM THE APPLICATION MUST BE SUBMITTED

The application must be submitted to the competent customs department designated by the Member States via one of the trader portals listed above. The list of **competent customs departments** is published on the website of the Commission:

[https://ec.europa.eu/taxation\\_customs/sites/taxation/files/resources/documents/customs/customs\\_controls/counterfeit\\_piracy/right\\_holders/defend-your-rights\\_en.pdf](https://ec.europa.eu/taxation_customs/sites/taxation/files/resources/documents/customs/customs_controls/counterfeit_piracy/right_holders/defend-your-rights_en.pdf)

### TYPES OF APPLICATION

There are two types of application:

- **National application:** an application submitted in a Member State requesting customs authorities to take action in that Member State.
- **Union application:** an application submitted in a Member State requesting customs authorities of that Member State and customs authorities of one or more other Member States to take action in their respective territories.

### PERSONS ENTITLED TO SUBMIT AN APPLICATION FOR ACTION

The persons and entities entitled to submit an application are those listed in Article 3 of Regulation 608/2013.

Those persons and entities are entitled to submit an application requesting action of the customs authorities of a Member State only when they are entitled to initiate proceedings in order to determine whether an IPR has been infringed in that Member State. A person who is not entitled to initiate legal proceedings for the formal determination of an IPR infringement is not entitled to request the customs authorities to take action on goods suspected of being involved in an IPR infringement.

Article 3 of Regulation 608 lists the persons and entities that may submit an application, as well as the kind of applications they may submit, as follows:

|  | National application | Union application |
|--|----------------------|-------------------|
| Right-holders  | X                    | X                 |
| Intellectual property collective rights management bodies of | X                    | X                 |

|   |   |   |
|---|---|---|
| Article 4(1)(c) Directive 2004/48/EC <sup>5</sup>   |   |   |
| Professional defence bodies Article 4(1)(d) Directive 2004/48/EC <sup>6</sup>   | X | X |
| Groups of producers of products with a geographical indication provided for in Union law or representatives of such groups, operators entitled to use a geographical indication as well as inspection bodies or authorities competent for such a geographical indication    | X | X |
| Persons or entities authorised to use IPRs, formally authorised by the right-holder to initiate proceedings in order to determine whether the IPR has been infringed  | X |   |
| Groups of producers of products with a geographical indication provided for in National law or representatives of such groups, operators entitled to use a geographical indication as well as inspection bodies or authorities competent for such a geographical indication | X |   |
| Holders of exclusive licenses covering the entire territory of two or more Member States, formally authorised formally in those Member States by the right-holder to initiate proceedings in order to determine whether the IPR has been infringed                          | X | X |

The application must be accompanied by documents providing evidence to satisfy the competent customs department that the applicant is entitled to submit the application. Documents can be written, printed or electronic documents. In all cases, they now have to be attached to the application, amendment and extension requests electronically.

Even if the representative has been identified in IPEP with a code transmitted by the right holder, Member States customs will check the power of attorney for each representative and its validity for the Member State where the application is made.

Applicants are required to provide evidence of their entitlement, for example by providing certified roll extracts, register extracts or copies of the rights in question, if

---

<sup>5</sup> Intellectual property collective rights-management bodies which are regularly recognised as having a right to represent holders of intellectual property rights, in so far as permitted by and in accordance with the provisions of the applicable law;

<sup>6</sup> Professional defence bodies which are regularly recognised as having a right to represent holders of intellectual property rights, in so far as permitted by and in accordance with the provisions of the applicable law.

these are not available online at the different trademark offices etc. In case of copyright or related rights and design rights which are not registered, the right-holders have to demonstrate credibly that a claim to a right may be made (e.g. affidavit, declarations concerning the authorship, where available certificates of registration of copyrights).

If the applicant is not the owner of the rights, but a person authorized to use the rights, then the applicant must prove his or her authorization to use the rights. This can generally be done by submitting the appropriate contracts. It is also possible to submit a separate proxy from the right-holder without the use of any special form.

## **SUBMISSION OF AN APPLICATION BY MEANS OF A REPRESENTATIVE**

A person or entity entitled to submit an application may submit it directly in his own name. Obviously, a person or entity entitled to submit an application may also empower a representative to submit the application in the name of that person. The applicant is, in both cases, the person or entity in whose name the application is submitted.

## **SYSTEMS FOR RECEIVING AND PROCESSING APPLICATIONS FOR ACTION IN ELECTRONIC FORMAT (eAFAs) (IPEP for COPIS and national portals) FROM Q4-2024**

From the entry into force of the Commission Implementing Regulation (EU) No 2024/2399 amending the Implementing Act No 1352/2013, i.e. as from 3 October 2024, all AFAs, as well as amendment or extension requests, shall be submitted electronically either via a national portal of one of the Member States (Germany and Spain)<sup>7</sup> or via the IPEP for COPIS.

- IP Enforcement Portal (IPEP for COPIS) for all MS:

<https://www.euipo.europa.eu/en/enforce-ip/ip-enforcement-portal>

- the German portal:

<https://www.zoll-portal.de/>

- the Spanish portal:

<https://sede.agenciatributaria.gob.es/Sede/procedimientoini/DB07.shtml>

---

<sup>7</sup> As from 10 December 2024, Italian customs will only accept and grant eAFAs lodged via IPEP.



- the Italian portal (only if submitted before 10 December 2024):

<https://www.adm.gov.it/portale/dogane/operatore/aree-tematiche/lotta-alla-contraffazione/progetto-falstaff>

In Germany and Spain (and Italy until 10 December 2024) applications have to be submitted according to the national provisions of those MS.

The forms established in Annexes I and II of Implementing Regulation (EU) No 1352/2013 are without prejudice to the obligation to submit the application and its attachments using electronic data processing techniques where computerised systems are available for the purposes of receiving and processing such application (Article 5(6) of Regulation 608).

In countries other than Germany and Spain (Italy only until 10 December 2024), or in those countries if the right-holder chooses so, the IP Enforcement Portal (IPEP) for COPIS can be used to submit an application to any of the 27 MS.

The national portals can be used to submit a national AFA in that Member State or a Union AFA when that Member State is the issuing one.

The IPEP for COPIS can be used to submit the eAFAs to any of the 27 Member States for both national and Union AFAs.

In order to use the IPEP for COPIS, the right-holder needs an account in IPEP. For details, please refer to the '[Step-by-step user guide for right holders](#)'.

## HOW IT WORKS

Economic operators need to possess an [Economic Operators Registration and Identification number \(EORI\)](#) and the appropriate roles assigned to access the system.

In order to obtain an EORI number and role, economic operators and other persons need to contact the competent authority for EORI registration in the country where they are established<sup>8</sup>. After being authenticated in UUM&DS, end-users will be able to:

- interact with customs via the central IT system COPIS;
- manage tasks and notifications through a trader portal;
- register their email address in order to receive notifications also by email from the trader portal;
- have a complete view on submitted applications and requests;

---

<sup>8</sup> [EORI National implementation.pdf \(europa.eu\)](#)

- save a draft of an application or request for later submission, and manage these drafts through a trader portal;
- manage attachments, which are used in the applications and requests.

Authentication to access the IPEP for COPIS trader portal takes place through the “Uniform User Management & Digital Signature” system (UUM&DS) or a user profile in IPEP (which is linked and federated to UUM&DS, i.e. the authorised user has a single identity/credentials to access UUM&DS and IPEP).

## **CENTRAL UNIFORM USER MANAGEMENT and DIGITAL SIGNATURE SYSTEM (UUM&DS)**

The portals and the national customs systems can be accessed after authentication through the UUM&DS (a system for EU traders to manage authorisation assignments (delegations)), please see: [UUM&DS additional information - European Commission \(europa.eu\)](https://europa.eu/eu-portal/content/uum&ds-additional-information).

As regards the digital signature, there will be two options offered for IPEP users:

- The AFA request is signed manually: If the user selects this option, after the pre-AFA message is sent electronically to COPIS, the pdf with the pre-AFA can be downloaded from IPEP. The user can print and sign it manually in paper and then send the signed document to the appropriate customs authority by post/mail. Alternatively, in IPEP, the right holder can upload the signed version of AFA in the ‘Document Portfolio’.
- Use the digital signature: the pdf of the AFA request is downloaded and signed with a valid certificate. Once signed, the user uploads the pdf again in IPEP and it is sent electronically within the AFA request message to COPIS. Then COPIS validates the signature with EU Sign/UUM&DS certificates.

THE DIGITAL SIGNATURE FEATURE IN IPEP IS CURRENTLY DISABLED, AWAITING A CORRECTIVE RELEASE. THE IPEP TEAM WILL INFORM IPEP USERS THE MOMENT THIS OPTION IS ACTIVATED AGAIN.

## **APPLICATION FORMS: COPIES, CONTENT AND ATTACHMENTS**

In case of temporary failure of one or more of the IT systems, as provided in Implementing Regulation (EU) No 2024/2399, the paper forms specified in Annexes I and II of this Regulation can be exceptionally submitted to the [designated customs department](#) by means other than electronic data-processing techniques. They can be found on the following webpage:

[https://taxation-customs.ec.europa.eu/customs-4/prohibitions-and-restrictions/counterfeit-piracy-and-other-ipr-violations/defend-your-rights\\_en](https://taxation-customs.ec.europa.eu/customs-4/prohibitions-and-restrictions/counterfeit-piracy-and-other-ipr-violations/defend-your-rights_en).

In case of paper application, both the application and its attachments must be submitted in two copies: one for the competent customs department and another one

for the applicant in one of the languages of the Union which is acceptable to the customs authorities of the Member State where the application is submitted. In case of a Union application, a translation can be requested by any of the Member States indicated in box 6. Be aware that implementation of the decision in those Member States may depend on the availability of the translation.

In case of electronic submission, translated descriptions in applications can also be inserted by the applicant through a trader portal and accessible to customs authorities in COPIS (please note that not all fields can be translated). If an applicant would like to provide a full translated preAFA, he can upload it through the trader portal as attachment.

Where annexes (photos, documents, excel or PDF files, etc.) to the application form are filed electronically, the size of each separate attachment must not be greater than 5 MB. The applicant should split bigger files into separate files not exceeding this size in order for the information to be uploaded in the central database (COPIS).

In summary, the information that should be provided within the application is as follows:

- a) Details concerning the applicant (box 1);
- b) Indication whether the application is a Union application, a national application or a national application submitted as a result of *ex officio* detention (cf. Article 5(3) of Regulation 608) (box 2);
- c) The status of the applicant which entitles him to submit the application (box 3);
- d) Documents providing evidence to satisfy the competent customs department that the applicant is entitled to submit the application;
- e) Where the applicant submits the application by means of a representative, details of the person representing him and evidence of that person's power to act as representative, in accordance with the legislation of the Member State in which the application is submitted (box 4);
- f) The IPR(s) to be enforced (boxes 5 and 11);
- g) The Member State, and in case of a Union application, the Member States in which customs action is requested to act (box 6);
- h) Specific and technical data on the authentic goods, including markings such as bar-coding and images where appropriate (boxes 12 to 19 and 28);
- i) The information needed to enable the customs authorities to readily identify the goods in question (boxes 12 to 19 with regards to authentic goods and boxes 20 to 27 with regards to IPR infringing goods);
- j) Information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR or the IPRs concerned, such as the authorised distributors (boxes 12 to 19 and 28 with regards to authentic goods and boxes 20 to 27 with regards to IPR infringing goods);
- k) Whether information provided in accordance with point (g), (h) or (i) above is to be marked for restricted handling and, therefore, must be considered restricted to the

customs authorities of the Member States where action is requested (sub-boxes within boxes 11 to 28);

- l) The details of any representative designated by the applicant to take charge of legal and technical matters (boxes 7 and 8 or 9);
- m) The applicant's request to use the procedure for the destruction of goods in small consignments referred to in Article 26 of the Regulation 608/2013 and his agreement to cover, where requested by the customs authorities, the costs related to destruction of goods under that procedure (box 10).

In order for the application for action to be effective in the context of good cooperation between customs and right holders and for risk analysis, boxes 1 to 16 must be completed with information that is relevant and useful to the customs authorities.

Subsequently, you will find detailed information relating to the completion of each single [box](#) in the form.

## **UNDERTAKINGS BY THE APPLICANT (BOX 29)**

By signing the application, the applicant commits to a number of undertakings listed in box 29. Those undertakings are as follows:

- a) Notification of obligations of the holder of a decision (Article 15 of Regulation 608).

The applicant undertakes to immediately notify the competent customs department after the granting of the application of any of the following situations:

1. an IPR covered by the application ceases to have effect;
2. the holder of the decision ceases for other reasons to be entitled to submit the application;
3. modifications to the information included in the application.

- b) Obligation of the holder of the decision to update information relevant to risk analysis.

The applicant undertakes to forward to the competent customs department and update any information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR(s) concerned;

- c) Liability of the holder of a decision.

The applicant undertakes to assume liability in the following cases:

1. where a procedure duly initiated is discontinued owing to an act or omission on the part of the holder of the decision,
2. where samples handed over to the holder of the decision in the framework of a detention's procedure are either not returned in due time or are damaged and beyond use owing to an act or omission on the part of the holder of the decision, or

3. where the goods duly detained on the basis of a granted application are subsequently found not to infringe an IPR.

In the cases listed above, the holder of the decision shall be liable towards any holder of the goods or declarant who has suffered damage, in accordance with the specific applicable legislation.

#### d) Costs

The applicant undertakes to bear the following costs:

1. Where requested by the customs authorities, the holder of the decision shall reimburse the costs incurred by the customs authorities, or other parties acting on behalf of customs authorities, from the moment of detention or suspension of the release of the goods, including but not necessarily limited to:

- costs of storage and handling of the goods detained by the customs authorities in connection with the decision granting this application,
- costs of providing samples of the goods detained to the holder of the decision granting this application, and
- costs of the destruction (including, where appropriate, recycling or disposal of goods outside commercial channels) of goods detained following an agreement in accordance with Article 23, concerning the standard procedure of destruction of goods, and Article 26, concerning the procedure for destruction of small consignments, of Regulation 608.

This undertaking shall be without prejudice to the right of the holder of the decision to seek compensation from the infringer or other persons in accordance with the legislation applicable in the Member State where the goods were detained.

2. Cost of translations: the holder of a decision granting a Union application shall provide and pay for any translation required by the customs authorities which are to take action concerning the goods suspected of infringing an IPR (Article 29(3) of Regulation 608).

In case the holder of the decision does not fulfil his obligations, the competent customs department can suspend the period during which the customs authorities of that Member State are to take action.

### **USE OF INFORMATION BY THE HOLDER OF THE DECISION**

In accordance with Article 16 of Regulation 608, where the holder of the decision uses the information provided by the customs authorities for purposes other than mentioned here below, the competent customs department of the Member States where the information was provided or misused may revoke the decision or suspend it.

As provided in Article 21 of Regulation 608, the received information may be disclosed or used only for the following purposes:

- (a) to initiate proceedings to determine whether an IPR has been infringed and in the course of such proceedings;
- (b) in connection with criminal investigations related to the infringement of an IPR and undertaken by public authorities in the Member State where the goods are found;
- (c) to initiate criminal proceedings and in the course of such proceedings;
- (d) to seek compensation from the infringer or other persons;
- (e) to agree with the declarant or the holder of the goods that the goods be destroyed in accordance with Article 23(1);
- (f) to agree with the declarant or holder of the goods of the amount of the guarantee referred to in point (a) of Article 24(2).

## **PERSONAL DATA PROTECTION ISSUES**

Customs enforcement of IPRs entails the exchange of data on decisions relating to applications. Such processing of data covers also personal data and shall be carried out in accordance with Union law, as set out in:

- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and

- Regulation (EU) 2018/1725 of the European Parliament and of the Council of 18 December 2018 on the protection of natural persons with regard to the processing of personal data by Union institutions, bodies, offices and agencies and on the free movement of such data.

The exchange of information related to decisions on applications shall be made via the central electronic database (COPIS).

The applicant should be aware of the following:

1. By signing the application, the applicant agrees that the data provided by him may be processed by the Member States but also by the Commission acting as a processor on behalf of the Member States, and by the EUIPO (box 29)
2. The application form contains information related to data protection (see page 5) which should be read carefully.

## **INCOMPLETE APPLICATIONS**

In accordance with Article 7 of Regulation 608, where, on receipt of an application, the competent customs department considers that the application does not contain all the information required by Regulation 608, the competent customs department

shall request the applicant to supply the missing information within 10 working days of notification. The time-limit of 30 working days for the competent customs department to grant or reject the application shall be suspended until the relevant information is received.

Where the applicant does not provide the missing information within the above period of 10 working days, the competent customs department shall reject the application and notify the applicant accordingly.

## **HOW WILL THE APPLICATION BE PROCESSED**

In accordance with Article 9 of Regulation 608, the competent customs department shall notify the applicant of its decision granting or rejecting the application within 30 working days of the receipt of the application.

In case the application cannot be granted for all IPRs identified within it, the competent customs department shall grant the application only for those IPRs that fulfil all conditions. In case of partial granting, a list of IPRs for which the application is granted will be included in the decision.

In case of partial or complete rejection, information on the grounds of the rejection and on the appeal procedure will be provided by the competent customs department.

A decision granting a national application shall take effect from the day following the date of adoption.

A decision granting a Union application shall take effect as follows:

- a) in the Member State in which the application was submitted, on the day following the date of adoption;
- b) in all other Member States where action by the customs authorities is requested, on the day following the date on which the customs authorities are notified of such decision in accordance with the Regulation, provided that the holder of the decision has fulfilled his obligations with regard to translation requests.

The competent customs department to which a Union application has been submitted shall forward the decision granting the application to the competent customs department of the Member State or Member States indicated in the Union application.

When granting an application, the competent customs department shall specify the period during which the customs authorities are to take action.

In accordance with Article 11 of Regulation 608, that period shall begin on the day the decision granting the application takes effect and shall not be more than one year

from the day following the date of adoption. The period can be extended, in principle an unlimited number of times, as long as all conditions remain fulfilled.

In accordance with Article 12 of Regulation 608, the request for extension of the period during which customs are to take action should be submitted at least 30 working days before the period expires, otherwise the competent customs department may refuse that request. Once the period has expired the application cannot be extended anymore and a new application for action must be submitted.

## **PROCEDURE FOR "EX OFFICIO" ACTION**

When customs detain goods suspected of infringing an IPR that are not covered by a valid application, they will try to identify the person or entity entitled to submit an application ("*ex officio action*"). Once the person or entity is notified of the detention the following procedure shall apply in accordance with Article 5(3) of Regulation 608:

- a) the application must be submitted to the competent customs department within four working days of the notification;
- b) the application must be a national application;
- c) the application must contain the information referred to in this manual. However, the information relating to boxes 12 to 18 and 20 to 27 may be omitted in the application.

In accordance with Article 9(2) of Regulation 608, the competent customs department shall notify the applicant of its decision of granting or rejecting the application within two working days of the receipt of the application.

In cases where the information specified in boxes 12 to 18 and 20 to 27 is not submitted, the application will only be granted in connection with the particular case of detention of goods notified by customs. Should the applicant wish his application to be valid for the standard 12-month period, the information regarding those boxes must be supplied within 10 working days following the notification by the customs authorities.

## **EXPLANATIONS OF THE BOXES TO BE FILLED IN THE PAPER APPLICATION FORM**

Please note that boxes as described below are part of the paper form. In case of electronic submission, the layout and order of fields to be completed may be different. When printing the preAFA from the IPEP for COPIS, the information provided in the application appears in a similar format as on the paper form. Optional and mandatory fields: It is mandatory to fill in all fields in the boxes marked with an asterisk (\*). Where within a given box several fields are marked with the sign (+), at least one of them shall be filled in.



In order for the application for action to be effective in the context of good cooperation between customs and right holders and for risk analysis, boxes 1 to 16 must be completed with information that is relevant and useful to the customs authorities.

Do not enter data in the boxes marked "for official use".

### **Box 1. Applicant**

Details concerning the applicant shall be entered in this box.

It shall contain information on the name and complete address of the applicant and his telephone, mobile phone or fax number.

It is required that Economic Operator Registration and Identification Number (EORI-No) of the applicant is entered.

The [EORI-No](#) is a number, unique throughout the Union, assigned by the customs authorities of a Member State to economic operators involved in customs activities.

The applicant shall indicate his or her email address.

It is also recommended, but not required, that the applicant's Taxpayer Identification Number or any other national registration number is provided, as well as the address of his or her website.

The applicant is the person or entity in whose name the application is submitted. Where the application is submitted by a representative acting in the name of the applicant, box 1 should contain the information concerning the applicant in whose name the application is submitted and box 4 should contain the information of the representative.

### **Box 2: Union/National Application/National Application under Article 5(3) (“*ex officio* application”)**

The appropriate sub-box shall be ticked to indicate whether the application is a national or a Union application.

- national application: an application submitted in a Member State requesting its customs authorities to take action in that Member State.

- Union application: an application submitted in a Member State requesting the customs authorities of that Member State and the customs authorities of one or more other Member States to take action in their respective territories.

Union applications, which are intended to apply in more than one Member State, may be submitted only with respect to IPRs based on Union law applicable throughout the Union, such as the European Union trade mark (EUTM) or the Community design.

National applications, which apply only in the Member State where they are submitted, may be filed both with respect to IPRs based on Union law applicable throughout the Union and with respect to other IPRs based on law applicable in that Member State.

- national application under Article 5(3) of Regulation 608: an application filed after notification to the right holder by the customs authorities of the suspension of the release or detention of goods suspected of infringing an IPR (see [PROCEDURE FOR "EX OFFICIO" ACTION](#)).

### **Box 3: Status of the applicant**

The appropriate box shall be ticked to indicate the status of the applicant within the meaning of Article 3 of Regulation 608. The application shall include documents providing evidence to satisfy the competent customs department that the applicant is entitled to submit an application.

The persons and entities entitled to submit an application are those mentioned in Article 3 of Regulation 608.

### **Box 4: Representative submitting the application in the name of the applicant**

Where the application is submitted by the applicant by means of a representative, details concerning that representative shall be entered in this box. The application shall include evidence of his power to act as a representative in accordance with the legislation of the Member State in which the application is submitted and the corresponding box shall be ticked.

The box shall contain information on the name and complete address of the representative and his telephone, mobile phone or fax number and email address. It is also required that Economic Operator Registration and Identification Number (EORI-No) of the representative is entered.

Please be aware that the representative (box 4) submitting the application in the name of the applicant and the representatives designated in the application to take charge of legal and technical matters (boxes 7, 8 and 9) may be different. The representative in box 4 is the one submitting the application in the name of the applicant and who is duly empowered beforehand by the applicant; the representatives in boxes 7 and 8 or 9 in charge of legal or technical matters become representatives of the applicant by virtue of the application submitted and have the role of contact persons for the customs administrations with regard to detentions of goods under the decision granting an application in which they have been designated as representatives.

### **Box 5: Type of right to which the application refers**

In box 5, the types of rights applicable must be ticked. In one application more than one right can be ticked. However, in a Union application only rights based on Union law applicable throughout the Union can be ticked.

The full list of types of rights is laid down in Article 2 of Regulation (EU) No 608/2013.

Intellectual property rights based on Union law applicable throughout the Union are currently:

- European Union trade marks (EUTM)
- Trade marks registered under international arrangements which have effect in the Union (ITM)
- Registered Community Designs (CDR)
- Designs registered under international arrangements which have effect in the Union (ICD)
- Unregistered Community designs (CDU)
- Geographical indications or designations of origin protected for agricultural products and foodstuff (CGIP)
- Designations of origin or geographical indications for wine (CGIW)
- Geographical designations for aromatised drinks based on wine products (CGIA)
- Geographical indications or designations of origin for spirit drinks (CGIS)
- Community plant variety rights (CPVR)
- Patent as provided for by Union law (UPT)<sup>9</sup>.

### **Box 6: Member State or, in the case of a Union application, Member States in which customs action is requested**

In the case of a national application:

- only one sub-box must be ticked: the sub-box corresponding to the Member State where the application is submitted and in which customs action is requested.

In case of a Union application:

- Tick the sub-box corresponding to “all Member States” if customs action is requested in all Member States or only the sub-boxes of the Member State(s) in which customs action is requested.

---

<sup>9</sup> This refers to European patents with unitary effect based on Regulation (EU) No 1257/2012 (unitary patents). They are European patents, granted by the European Patent Office (EPO), to which, at the patent proprietor's request, unitary effect is given for the territory of the EU Member States participating in the Unitary Patent system that have ratified the Agreement on a Unified Patent Court (currently 18 EU MS and up to a maximum of 25 EU MS).

In case of a Union application for a unitary patent:

- Tick the sub-box corresponding to the Member State(s) where customs action is requested. Currently, the applicant can select up to 18 Member States which are part of the unitary patent system.

### **Box 7: Representative for legal matters**

In box 7, details of any representative designated by the applicant to take charge of legal matters must be entered.

When suspected goods are detained, the customs authorities will contact the representative for legal matters concerning the legal obligations and rights of the holder of the decision granting the application and, in particular, concerning the legal aspects of the administrative procedures for detention of suspected goods. The representative for legal aspects shall be considered by the customs authorities as entitled to act on behalf of the holder of the decision. The representative for legal aspects must be easily contactable at short notice and should be able to speak the language(s) of the Member State in which the request for customs action is made. Furthermore, the person should be accessible, at least, during the normal working hours of that country. However, it is not required that the representative is established in the Member States where customs action is requested but establishment inside the Union is highly recommended.

Box 7 of the application shall contain information on the name and complete address of the representative and his telephone, mobile phone<sup>10</sup>, email address or fax number.

It is possible to designate more than one representative for legal matters in a MS. Please note that customs administrations in some MS suggest not to have more than one representative for legal matters in a MS. At the same time, customs authorities in other MS strongly advise to designate more than one representative for legal matters and for technical matters for each Member State in case the first one is not available. An authorisation to act on behalf of the holder of the decision must be submitted for each of the designated representatives.

It is recommended to indicate a functional mailbox which will be attended to even in the event of a short-term absence of a representative.

---

<sup>10</sup> In Denmark it is recommended to provide a mobile phone number to which a pin code will be sent for secure mail.

It is recommended, but not required, to include information on the following:

- where the representative for legal matters works for a company, identification of the company.
- information on the website address of the representative for legal matters.

### **Box 8: Representative for technical matters**

In box 8, details of any representative designated by the applicant to take charge of technical matters must be entered.

The representative for legal matters and the representative for technical matters may be the same person.

When goods are subject to customs control for the purpose of IPR enforcement, the customs authorities may contact the representative for technical matters concerning information on specific and technical data on the authentic goods, information needed to enable the customs authorities to identify infringing goods and information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR(s) concerned. In particular, the customs authorities may contact the representative for technical matters before detaining goods in cases where more information is needed from the holder of a decision to assess a potential infringement of his IPR. The representative for technical aspects shall be considered by the customs authorities as entitled to act on behalf of the holder of the decision.

The representative for technical aspects must be easily contactable at short notice and should be able to speak the language(s) of the Member State in which the request for customs action is made. Furthermore, the person should be accessible, at least, during the normal working hours of that Member State. However, it is not required that the representative is established in the Member State where customs action is requested but establishment inside the Union is highly recommended.

Box 8 of the application shall contain information on the name and complete address of the representative and his telephone, mobile phone, email address or fax number.

It is recommended to indicate a functional mailbox which will be attended to even in the event of a short-term absence of a representative.

It is recommended, but not required, that it includes information on the following:

- where the representative for technical matters works for a company, identification of the company.
- information on the website address of the representative for technical matters.

**Box 9: Representatives for legal and technical matters in Union applications.**

In case of a Union application, the details of the representative or representatives designated by the applicant to take charge of technical and legal matters in the Member States indicated in box 6 shall be provided in a separate annex which shall contain the elements of information requested in boxes 7 and 8. In case a representative has been designated for more than one Member State, it shall be clearly indicated for which Member States he has been designated.

**Box 10: Small consignment procedure.**

Where the applicant wishes to request the use of the procedure for destruction of goods in small consignments set out in Article 26 of Regulation 608, this box shall be ticked.

The specific procedure for small consignments of counterfeit and pirated goods is meant to reduce the administrative burden and costs to a minimum both for the customs authorities and the right holders. The procedure allows for such goods to be destroyed without the explicit agreement of the applicant in each case.

The procedure for the destruction of goods in small consignments applies only when all the following conditions are met:

- a) the goods are suspected of being counterfeit or pirated goods;
- b) the goods are not perishable goods;
- c) the goods are covered by a decision granting an application;
- d) the holder of the decision has requested the use of the procedure set out in this Article in the application;
- e) the goods are transported in small consignments as defined in Article 2(19) of Regulation 608.

By requesting the small consignment procedure (and therefore selecting box 10), the applicant undertakes to bear the costs related to the destruction of goods under this procedure, where customs authorities request it.

In case of a Union application, where the applicant does not wish to request the small consignment procedure to be used in all Member States indicated in box 6, the applicant should tick the sub-boxes of Member States where the small consignment procedure is requested.

Where the applicant does not request the use of small consignment procedure in his application, the customs authorities will use the standard procedure with regard to goods contained in small consignments.

### **Sub-box “restricted handling” in boxes 11 to 28.**

In accordance with Article 31 of Regulation 608, the decisions concerning applications (granting, extending, revoking, amending and suspending of a decision) shall be notified by the competent customs departments of the Member States to the Commission. The transmission of that information and all exchanges of data concerning applications between the customs authorities of the Member States shall be made via the central database of the Commission (COPIS). The information and data shall be stored in COPIS.

The customs authorities of the Member States and the Commission shall have access to the information contained in COPIS.

Nevertheless, by ticking the sub-box “restricted handling” in boxes 11 to 28, the applicant may ask that information contained in these boxes, including attachments, be only visible to the customs authorities of the Member States where action is requested, that is, those ticked in box 6 by the applicant.

### **Box 11: List of rights to which the application refers.**

Information on the right or rights to be enforced shall be entered in this box.

In the column “No”, sequential numbers shall be entered for each of the IPRs to which the application refers.

In the column “Type of right”, the type(s) of IPR shall be indicated by using the appropriate abbreviations which appear in box 5 in brackets.

In the column “Registration number”, shall be put the reference number of registered IPR(s) in an IP register.

In the column “Date of registration”, date of registration of IPR(s) in an IP register.

In the column “Expiry date”, the date in which the IPR(s) cease(s) to have effect.

In the column “list of goods to which the right refers”, the type of goods which are covered by the relevant IPR and with regard to which the applicant wishes to request customs enforcement shall be entered. If an IPR has been granted for several categories of goods, the applicant may include in this column all or part of them: the list of the goods in the application may be shorter than the list of goods that are covered by the IPR; however the list of goods in the application cannot go beyond the list of goods covered by the IPR.

### **Information on authentic goods (boxes 12 to 19) and information on infringing goods (boxes 20 to 27)**

The application must contain specific and technical data on the authentic goods, information needed to enable the customs authorities to readily identify goods

suspected of infringing IPRs and information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR or the IPRs concerned.

Boxes 12 to 27 are intended for specific and accurate information which enables the customs authorities to target suspected shipments for the purposes of enforcing IPRs using risk analysis techniques, thus identifying the suspected infringing goods correctly and avoiding unnecessary detentions of goods which are not infringing IPRs or do not fall under the scope of Regulation 608. Where such detailed information is not provided, the application may be rejected.

Pursuant to Article 15 of Regulation 608 and the corresponding undertaking by the applicant included in box 29 of the application, this mandatory information must be updated where there is any change.

Providing detailed information is particularly important in cases where the applicant requests the procedure for the destruction of goods in small consignments.

Various types of information should be entered in these boxes to help improve customs intelligence on related products.

The relevant information on authentic goods must be comprehensive and be contained in the application; it may not be enough if replaced by:

- a reference to a public internet address;
- a general ordering catalogue without further technical description;
- images without further technical description.

### **Information on authentic goods (boxes 12 to 19)**

#### **Box 12: Goods details (authentic goods)**

Box 12 must contain product-related information about the authentic goods. Please give a description of the goods and explain what they look like. Add pictures of the authentic goods, where appropriate.

If there is more than one type of goods (e.g. clothes, shoes) or different assortments of goods, please describe them separately.



It is especially important to give the code of the combined nomenclature<sup>11</sup> and information on the different values of the goods to facilitate the use of IT tools for risk analysis.

**Box 13: Goods distinctive features (authentic goods)**

Enter information on the specific features of the authentic goods e.g. labels, security threads, holograms, buttons, hangtags, etc.

Explain where the exact position of the features on the goods is and what they look like.

Provide pictures of the goods and their distinctive features.

**Box 14: Place of production (authentic goods)**

Enter information on where the authentic goods are produced.

**Box 15: Involved companies (authentic goods)**

Enter information on any authorised importers, suppliers, manufacturers, carriers, consignees or exporters, and for which goods they are authorised.

**Box 16: Traders (authentic goods)**

Enter information on persons or entities authorised to trade in products involving the use of the IPR(s) for which enforcement is sought. The information shall refer to name, address and registration numbers, such as EORI numbers, of those persons or entities. Likewise, the information shall comprise information on how licensees may demonstrate their authorisation to use the IPR(s) in question.

**Box 17: Goods clearance details and distribution information (authentic goods)**

If the customs clearance of authentic goods is carried out only at certain customs offices, list the offices concerned.

Enter information on specific customs procedures (e.g. simplified customs procedure, customs warehousing, etc.) used to clear the authentic goods, if that is known.

Enter information on any specific channels of distribution (e.g. general agencies, central warehouses, dispatch departments).

Enter information on traffic routes like countries and places of provenance, transit and entry. Which means of transport are being used?

---

<sup>11</sup> [https://taxation-customs.ec.europa.eu/customs-4/calculation-customs-duties/customs-tariff/combined-nomenclature\\_en](https://taxation-customs.ec.europa.eu/customs-4/calculation-customs-duties/customs-tariff/combined-nomenclature_en)

### **Box 18: Packages (authentic goods)**

Explain how the authentic goods are packaged (in single packages, on boards, in bulk, palletised...) and what the packages look like. If possible, add pictures of the packages.

Where the packaging of the authentic goods shows specific features e.g. particular identification markings (name of the manufacturer, order number, colour, etc.), or where there are special package designs (colour, mould), or labels, security threads, holograms, enter the appropriate information concerning the exact position on the goods and what the features look like.

### **Box 19: Accompanying documents (authentic goods)**

Provide information on specific documents accompanying the authentic goods, such as brochures, enclosures, letters of guarantee, package instructions or instructions for use.

## **Information on infringing goods (boxes 20 to 27)**

### **Box 20: Goods details (infringing goods)**

Box 20 must contain any known product-related information about the infringing goods.

Give a description of the goods and explain what they look like. Add pictures of the infringing goods, where appropriate.

If there is more than one type of goods (e.g. clothes, shoes) or different assortments of goods, please describe them separately.

Please enter the code of the combined nomenclature and information on the value of the goods to facilitate the use of IT tools for risk analysis and for the collection of statistics.

### **Box 21: Goods distinctive features (infringing goods)**

Enter information, if known, on the specific features of the infringing goods e.g. labels, security threads, holograms, buttons, hangtags, etc.

Explain where the exact position of the features on the goods is and what they look like. Add pictures of the features on the goods, where appropriate.

### **Box 22: Place of production (infringing goods)**

Enter information, if known, on where the infringing goods are produced.

### **Box 23: Involved companies (infringing goods)**

Enter information (names and addresses) on any known importers, suppliers, manufacturers, carriers, consignees or exporters who have been identified in the past as infringers or are suspected of being involved in infringements concerning your IPRs.

### **Box 24: Traders (infringing goods)**

Enter information on persons or entities not authorised to trade in products involving the use of the IPR(s) for which enforcement is sought and who have been trading in the products in the Union in the past.

### **Box 25: Goods clearance details and distribution information (infringing goods)**

Enter any known information about the distribution channels of the infringing goods e.g. how and where do the goods enter the EU, what means of transport are being used.

If the customs clearance of infringing goods is carried out at certain customs offices, list the offices concerned. Enter information on specific customs procedures (e.g. simplified customs procedure, customs warehousing, etc.) used to clear the infringing goods, if known.

Should you have any information concerning planned deliveries (name of the ship, name and address of importers, suppliers, manufacturers, carriers, consignees or exporters, container numbers, shipping companies, airlines, flight numbers, forwarding departments, registration plate number of the lorries, international customs pass numbers, etc.), please, in addition to entering the information here, provide that information by using a [red alert](#), which should be sent directly to the relevant customs authorities (please see [Urgent contacts for infringement](#) and the [red alert form](#)).

### **Box 26: Packages (infringing goods)**

Explain, if known, how the infringing goods are packaged (in single packages, on boards, in bulk, palletised) and what the packages look like. If possible, add pictures of the packages.

Where the packages of the infringing goods show specific features e.g. particular identification markings (name of the manufacturer, numbers, colour, etc.), special package designs (colour, mould), or labels, security threads, holograms, enter the appropriate information concerning the exact position on the goods and what the features look like.

### **Box 27: Accompanying documents (infringing goods)**

Provide details of any specific documents accompanying the infringing goods, such as enclosures, letters of guarantee, package instructions or instructions for use and if such documents contain specific mistakes.

### **Box 28: Additional information.**

Enter any other information you consider relevant for the purposes of your application.

### **Box 29: Undertakings.**

Do not amend the wording or enter any information in this box. The [undertakings](#) in box 29 that the applicant is committing to by signing the application are explained earlier in this manual.

### **Box 30: Signature.**

Applicants must enter the place and date of signature of the application and sign it. In the case of an application submitted by a representative, the application must be signed by the representative. The signatory should add, after its signature its full name in block capitals and the capacity in which he is signing.

## **REQUEST FOR AMENDING THE DECISION WITH REGARD TO IPRs UPON REQUEST BY THE HOLDER OF THE DECISION;**

According to Article 13 of Regulation 608, the holder of a decision granting an application may request the modification of the list of IPRs in that decision (box 11 of the application form).

Modification of a Union application can only be requested with respect to IPRs based on Union law applicable throughout the Union.

Where the holder of the decision requests the addition of an IPR to the list in Box 11, the request must contain the following information:

- documents providing evidence to satisfy the competent customs department that the applicant is entitled to submit an application with regard to the new IPR, in case they are not available online.

- information on the new IPR as requested in box 11 of the application form:

“No”, sequential numbers shall be entered for each of the IPRs to which the request refers.

“Type of right”, the type of IPR shall be indicated by using the appropriate abbreviations which appear in box 5 of the application form in brackets.

“Registration number”, the reference number of a registered IPR in an IP register.

“Date of registration”, date of registration of an IPR in an IP register.

“Expiry date”, the date on which the IPR ceases to have effect.

“list of goods to which the right refers”, the type of goods which are covered by the relevant IPR and with regard to which the applicant wishes to request customs enforcement shall be entered.

The request must contain specific and technical data on the authentic goods and information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR or the IPRs concerned. This information is needed to enable the customs authorities to readily identify goods suspected of infringing IPRs.

Therefore, the request must include, with regards to the new IPR, the information required in boxes 12 to 27 of the application form. This information is intended to enable the customs authorities to target suspected shipments using risk analysis techniques, thus identifying the suspected infringing goods correctly and avoiding unnecessary detentions of goods which are not infringing IPRs or do not fall under the scope of Regulation 608. Without providing such detailed information, the request may be rejected.

Amendment requests must be submitted through the same trader portal through which the original application was filed. If an application was submitted through a national trader portal, the amendment requests related to this application must be submitted through the same national portal. If an application was submitted through the IPEP for COPIS, the related amendment requests must be submitted through the IPEP for COPIS.

Note that in those Member States where computerised systems for the submission of applications exist (DE and ES (and IT until 10 December 2024)), the request to amend the decision have to be submitted according to their national provisions.

## **OTHER AMENDMENTS TO THE DECISIONS GRANTING APPLICATIONS FOR CUSTOMS ACTIONS**

According to Article 15(c) of Regulation 608, the holder of the decision is required to immediately notify the competent customs department that granted the application of any modifications to the information contained in the application, referred to in Article 6(3).

These modifications may include, among others, information on the authentic or infringing goods or change of a representative, and they should be done by requesting an amendment to an application for customs action.

These amendment requests should also be submitted through the same trader portal through which the original application was filed.

## EXTENSION REQUESTS

### EXTENSION OF THE PERIOD DURING WHICH THE CUSTOMS AUTHORITIES ARE TO TAKE ACTION

When granting an application, the competent customs department specifies the period during which the customs authorities are to take action within a box reserved for official use in the bottom of page 4 of the application form ('Expiry date of the application'). The period of validity of an application shall not exceed one year from the day following the date of adoption.

The competent customs department which granted the decision may, at the request of the holder of the decision, extend that period.

Right holders or their representatives shall keep in mind that extension requests must be submitted at least 30 working days before the expiry of the period of validity of the application for action, otherwise the competent customs department may refuse the extension request (Article 12(2) of Regulation (EU) No 608/2013).

Extension requests must be submitted through the same trader portal through which the original application was filed. If an application was submitted through a national trader portal, the extension requests related to this application must be submitted through the same national portal. If an application was submitted through the IPEP for COPIS, the related extension requests must be submitted through the IPEP for COPIS.

This form established in Annex II of Implementing Regulation (EU) No 1352/2013 remains valid without prejudice to the obligation to submit now the extension request using electronic data processing techniques, i.e. via the IPEP for COPIS or the national systems in Germany and Spain where extension requests have to be submitted according to their national provisions<sup>12</sup>.

In case of temporary failure of one or more IT systems, lasting at least 24 hours, applicants may exceptionally submit extension requests on paper forms subject to MS approval. If accepted by customs authorities, the extension is requested using the official form established in Annex II of Regulation (EU) No 1352/2013. The form can be found on the following webpage:

[https://taxation-customs.ec.europa.eu/document/download/da8049bc-b25b-487d-b5bc-f35eb679f535\\_en?filename=defend-your-rights-REQUEST%20FOR%20EXTENSION\\_EN.pdf](https://taxation-customs.ec.europa.eu/document/download/da8049bc-b25b-487d-b5bc-f35eb679f535_en?filename=defend-your-rights-REQUEST%20FOR%20EXTENSION_EN.pdf).

---

<sup>12</sup> As from 10 December 2024 Italian customs will no longer use the national portal. As from that date Italian customs will only accept and grant eAFAs lodged via IPEP.

The competent customs department shall notify its decision on the extension to the holder of the decision within 30 working days of the receipt of the request.

The competent customs department shall specify the period during which the customs authorities are to take action 'Expiry date of the application'.

The extended period during which the customs authorities are to take action shall run from the day following the date of expiry of the previous period and shall not be more than one year.

In this section, you will find information on the completion of the boxes of the extension request form.

## **EXPLANATIONS OF THE BOXES TO BE FILLED IN IN THE EXTENSION REQUEST FORM.**

Please note that boxes as described below are part of the paper form. In case of electronic submission, the layout and order of fields to be completed may be different. When printing the preAFA from the IPEP for COPIS, the information provided in the application appears in a similar format as on the paper form. Optional and mandatory fields: it is mandatory to fill in all fields in the boxes marked with an asterisk (\*). Where within a given box several fields are marked with the sign (+), at least one of them shall be filled in.

Do not enter data in the boxes marked "for official use".

### **Box 1: Holder of the decision.**

Details concerning the holder of the decision shall be entered in this box.

It shall contain information on the name, EORI-No, complete address and email address of the holder of the decision.

It is also recommended, but not required, that information on his or her telephone, mobile phone or fax number and email address is given.

### **Box 2: Representative of the holder of the decision.**

Where the request is submitted by the holder of the decision by means of a representative, details concerning that representative shall be entered in this box. Those details shall contain information on the name and complete address of the representative, his or her EORI-No, and his or her email address. The representative may also enter his or her telephone, mobile telephone or fax number and, where appropriate, the name of the company where he or she works and the address of the company's website. If not submitted with the initial application, the request shall include evidence of his or her power to act as a representative in accordance with the legislation of the Member State where the initial decision was adopted and the corresponding box shall be ticked.



**Box 3: Request for extension of the period during which the customs authorities are to take action.**

Enter the registration number of the decision granting the application to which the extension request refers to.

If the information, including annexes, concerning the decision to which the extension request refers to is up to date and no changes are to be notified to the customs authorities, tick the sub-box “I confirm that there are no changes in the information concerning the application and its annexes”.

Otherwise, tick the sub-box “I provide the following information concerning the application for action” and enter the modifications to the information.

**Box 4: Signature.**

Enter the place and date of signature of the request and sign it. In the case of a request submitted by means of a representative, the request must be signed by the representative. The signatory should add after his signature his full name in block capitals and the capacity in which he is signing.