

INTRASTAT GUIDE FOR OILSEED ARRIVALS

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This guide has been produced by AHDB Cereals & Oilseeds, with the guidance and support of HM Revenue and Customs to assist companies in completing the statutory requirements for Intrastat oilseed arrivals.

All UK VAT registered companies are required by law to complete Intrastat declarations if their trade with other EU Member States exceeds an annual value threshold. This document outlines your responsibility.

UK Intrastat Declarations for Oilseed Arrivals

This guidance only refers to arrivals (purchases) of oilseeds from other EU Member States to UK VAT registered companies.

Intrastat reporting of oilseed sales between EU Member States has often presented problems to those involved, particularly in deciding who is responsible for reporting the arrival of oilseed from another EU country and which Member State is the partner country in the transaction. AHDB Cereals & Oilseeds, HM Revenue and Customs (HMRC) and the trade have produced this guide to aid those involved in the purchase of oilseed from other EU member states.

NB. Although Intrastat is a common system throughout the EU, this guidance is only applicable in the UK.

If you require guidance on the reporting of Intrastat dispatches (sales) of oilseed please refer to our guide 'Intrastat Guide for Oilseed Dispatches'.

Why do I have to do Intrastat declarations?

All UK VAT registered businesses must complete boxes 8 and/or 9 on their VAT returns showing the total value of any goods supplied to other EU countries (dispatches) and the total value of goods acquired from other EU countries (arrivals). This information has to be supplied each month on a supplementary declaration (SD) when the value of a business's EU trade in dispatches and/or arrivals exceeds the Intrastat assimilation threshold. The current thresholds are published in the Intrastat General Guide (Notice 60). The requirement to report Intrastat data is compulsory and is detailed in EU regulations 638/2004 (as amended by Reg 222/2009) and 1982/2004 (as amended by Regs 1915/2005, 91/20010 and 96/2010). The main details of these regulations and other guidance are published in the Intrastat General Guide which is available on line at www.gov.uk.

Note: Intrastat is only applicable to trade between the 28 EU Member States, not goods traded to or from non-EU countries. (Details of EU Member States and their associated territories are shown in the Intrastat General Guide (Notice 60).

When should Intrastat declarations be filled in?

EU legislation allows the Intrastat reference period (that is the month during which the transaction is deemed to have occurred) to be either the date on which the goods actually arrive in or leave the UK, or the VAT tax point. Businesses may decide which method will best enable them to meet the accuracy and timeliness requirements of the Intrastat system. Whichever method is used, the data must be reported to HMRC by the end of the month following the reference period (it is recommended that only one method is used, for consistency) and it is mandatory to declare arrivals on a monthly basis, irrespective of when the goods may be sold on or used for processing.

Although 'nil returns' are not a legal requirement, unnecessary contact from HMRC can be avoided by submitting them for any month in which you do not have intra-EU trade. This is particularly easy to do if you submit data electronically.

Who is responsible for completing the Intrastat declaration?

This has been an area of confusion in grain and oilseed arrivals and the intention of this guidance is to clarify where the responsibility for reporting intra-EU arrivals lies. The explanations and examples below are intended to make your Intrastat responsibilities clearer, but you should **never** assume that reporting Intrastat data is not your responsibility; it is your legal obligation to check. The party responsible for completing the SD is normally **the UK VAT registered business who concluded the contract which gave rise to the physical movement of the oilseeds across the UK frontier from another EU Member State (the 'partner country')**. This includes transport across the frontier between Ireland and Northern Ireland. This may or may not be a UK based company, since non-UK companies may be registered for VAT in the UK.

Intrastat legislation allows three basic variations on the question of who is responsible for reporting arrivals. These are the VAT registered company:

- which concluded the contract which gave rise to the delivery of the goods (in the UK), or
- which takes delivery of the goods, or
- which is in possession of the goods which were the subject of the delivery.

For example, if the company which arranges the transaction giving rise to the arrival of a consignment of oilseeds is a UK company (and VAT registered in the UK) then this company is responsible for the Intrastat declaration. If the company which arranges the transaction is a UK company, but not registered for UK VAT, or is a non-UK company that is not registered in the UK, the UK VAT registered company that the oilseed is delivered to is responsible for the Intrastat declaration (see example 5 for more clarification on this).

To summarise: If you are the first UK VAT registered company (even if you are a non-UK company) selling to another UK VAT registered company, OR the first receiver of the goods in the UK, having bought from a non-UK VAT registered company **you are liable for the Intrastat declaration**. If in doubt, check with your supplier as to who is in the supply chain and always ask for VAT numbers on commercial invoices.

It is the responsibility of the companies involved in the transaction to ensure that only one Intrastat declaration is made for the transaction. If there is any doubt about the responsibility for the Intrastat declaration, companies should contact the Trade Statistics unit via the contact details at the end of this leaflet.

If VAT acquisition tax is involved, it is usual for the company accounting for the tax to report the Intrastat arrival. In cases of doubt, HMRC will apply the legislation, so you must ensure that your Intrastat obligations have been correctly discharged.

What is the partner country for grain arrivals?

In most cases, the partner country will be the Member State in which the oilseed has been harvested.

For Customs cleared extra-EU origin oilseeds however, the partner country for Intrastat purposes is the Member State from which it has been dispatched prior to arrival in the UK (usually the country in which it was customs cleared).

Some oilseed of EU origin passes through other EU Member States before arrival in UK. However, if the oilseed only passes through other Member States for transport purposes (which may include storage* for a period) the partner country remains the country where the oilseed was harvested. For example, a consignment of oilseed is harvested in Germany and trucked across the intervening EU Member States to France where it is put into storage to await sea transport to the UK. The oilseed is ultimately loaded onto sea transport and delivered to a UK port.

The partner country would only change from the country of harvest to another country if the oilseed were sold and delivered to a company in another Member State (e.g. France), or if some operation was carried out on the oilseed which wasn't inherent in the transport to the UK.

To determine whether or not you are liable for completing the SD, you need the following information (all of which should appear on a commercial invoice):

- 1) Confirmation of arrival of the goods in the UK (discharge port for shipments/point of arrival for lorries). A UK arrival has only occurred when a physical shipment to the UK has occurred.

- 2) Tonnage (Bill of Lading weight, discharge weight or weighbridge ticket (for lorries))
- 3) Origin of the goods prior to dispatch to UK. If they are of third country origin and have been customs cleared in another Member State, they are deemed to be in free circulation, and have the same status as Community goods (see example 8) Note: It is important to declare the actual EU partner country from which the grain has been transported to the UK. This may differ from the nationality of the company from whom you are buying it (see example 2 below).
- 4) The VAT number of your seller. (NB: This is not required for Intrastat but may assist in identifying the EU partner country in the transaction.)

* The length of time that oilseeds may be stored 'in transit' is not defined. As long as the storage is part of the transport arrangement, the partner country, i.e. the country of harvest, does not change.

Practical Examples:**Key for the following examples:**

VR = VAT registered

B/L = Bill of Lading

ESL = EC Sales List

= Sells to



= Shipped to



= Trucked to

UK = United Kingdom

PT = Portugal

DE = Germany

FR = France

ES = Spain

IE = Ireland

NI = Northern
Ireland

All traders in these examples are assumed to be registered for VAT.

For simplicity, companies involved in the 'string' are designated 'A', 'B', 'C' etc. Thus 'B' FR (VR in France) indicates a French company registered for VAT in France, 'C' ES (VR in Spain) a company registered for VAT in Spain etc. Whereas 'B' FR (VR in the UK) indicates a French company registered for VAT in the United Kingdom.

Example 1

Company 'B' purchases the oilseed from Company 'A' and is responsible for the Intrastat declaration as the UK VAT registered company which concluded the contract giving rise to the movement of the oilseed across the UK frontier. The partner country is Germany as this is a direct shipment of oilseed from Germany.

'A' DE (German oilseed)

**'B' UK (VR in UK)****Example 2**

Company 'B' purchases the oilseed from Company 'A' and sells it on to Company 'C' who arranges shipment to the UK. Company 'C' is responsible for the Intrastat declaration. The oilseed is delivered direct from Germany, so Germany is the partner country.

'A' DE (German oilseed)

'B' FR

**'C' UK (VR in UK)****Example 3**

Company 'B' purchases the oilseed from Company 'A' in France. Company 'B' then sells this on to Company 'C', a German company, which in turn sells to Company 'D', a VAT registered UK company. Company 'D' arranges shipment of the oilseed direct from France to the UK. Company 'D' is therefore responsible for the Intrastat declaration. The partner country remains France because the oilseed travelled directly from France to the UK.

'A' FR (French oilseed)

'B' UK (VR in UK)

'C' DE

**'D' UK (VR in UK)**

Example 4

Company 'B' purchases the oilseed from Company 'A' and ships it to the UK, selling it to Company 'C'. Company 'B' is responsible for the Intrastat declaration because they arranged for the goods to come into the UK.

'A' FR (French oilseed)

'B' UK (VR in UK)

'C' UK (VR in UK)

Example 5

Company 'B' purchases the oilseed from Company 'A' and ships it to the UK, selling it to Company 'C'. However, Company 'B' is not registered for VAT in the UK and therefore Company 'C' is responsible for the Intrastat declaration because the consignment has been delivered to them. France remains the partner country.

'A' FR (French oilseed)

'B' UK (Not VR in UK)

**'C' UK (VR in UK)****Example 6**

Company 'B' purchases oilseed from Company 'A' and sells it on to Company 'C' who in turn sells the oilseed to Company 'D'. Company 'D' then sells the oilseed to Company 'E' which is in turn purchased by Company 'F'. The oilseed is shipped directly from France to the UK, so France is the partner country. Company 'C' was responsible for arranging the shipment of the oilseed to the UK, even though two other, intermediate, companies were involved and a third received the oilseed. Company 'C' is therefore responsible for the Intrastat declaration as the company responsible for the goods arriving in the UK.

'A' FR (French oilseed)

'B' DE (VR in DE)

'C' UK (VR in UK)

'D' UK (VR in UK)

'E' UK (VR in UK)

**'F' UK (VR in UK)**

Example 7

Company 'B' purchases the oilseed from Company 'A' and sells it on to Company 'C' who in turn sells it to Company 'D'.
There is **NO** Intrastat liability, as the goods have remained in the UK.

'A' UK (UK oilseed)

'B' FR

'C' ES



(shipped to N Ireland)

'D' NI (VR in UK)

Example 8

Company 'B' purchases the oilseed from Company 'A' and sells it on to Company 'C' who arranges shipment to the UK. Company C is responsible for the Intrastat declaration and the partner country is the Netherlands, as goods cleared customs and are in free circulation in the EU.

'A' USA (USA oilseed)

'B' NL (customs cleared in NL)



'C' UK (VR in UK)

Example 9

Company 'B' purchases the oilseed from Company 'A' who sells it on to Company 'C'. The oilseed is transhipped in the Netherlands without clearing customs. There is **NO** Intrastat liability, but at the UK port, the goods are subject to customs import control from a non-EU country.

'A' USA (US oilseed)

'B' NL (transhipped without customs clearance)



'C' UK (VR in UK)

Example 10

Company 'B' in the UK purchases oilseed from Germany, but sells on to Poland. Goods are shipped direct from Germany to Poland so there is **NO** UK Intrastat liability involved.

'A' DE (German oilseed)

'B' UK



'C' Poland (VR in Poland)

Example 11

Company 'B' in Sweden purchases oilseed from company 'A' in UK. Company 'C' in the UK purchases the grain and processes it, so no shipment of grain takes place. In this case there is NO Intrastat liability for this movement.

'A' UK (UK oilseed)

'B' SE



'C' UK (VR in UK)

Finally, remember

1. Ensure the partner country is declared as the country from which the oilseed is arriving, NOT just the nationality of the company from whom it is purchased. It is important to note it must be a physical shipment.
2. Be careful to declare it using the correct eight digit commodity code for the type of oilseed involved, i.e. low erucic acid rapeseed not for sowing (12051090) or other rape seed (12059000). **NB: These codes should be checked each year as they may change.**
3. Remember, if you are the first UK receiver and are putting goods into store to re-sell, you are still normally responsible for declaring the arrival of those goods on Intrastat in the month of their arrival. (See 'Who is responsible for completing the Intrastat declaration?' above)
4. Enter the tonnage that has arrived in the UK correctly – check your figures and enter the requested information in net kilograms to the nearest whole kilogram above. Do not enter any decimal places.
5. If the origin on your contract states "EU", it is your obligation to determine the partner Member State in the transaction. (See 'What is the partner country for oilseed arrivals').

Contact Details

For general enquiries, please email uktradeinfo@hmrc.gsi.gov.uk putting 'Oilseed Arrivals' in the subject box.

Alternatively contact:

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