Foreign Military Sales Shipments Through the European Union: It's Not Just a Ramstein Air Base Issue

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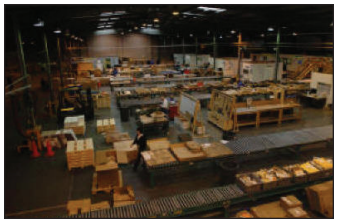
For many years, the Department of Defense has used Ramstein Air Base (AB) Germany as an in transit point for foreign military sales (FMS) shipments. These shipments carry U.S.-produced or provided military equipment to the armed forces of another country or international agency through sales or grant transfer. FMS equipment can include any military supplies: uniforms, small arms, aircraft parts, munitions, and even "big ticket" items such as armored personnel carriers, tanks, or aircraft. The equipment carried on these shipments legally belongs to the foreign purchaser; ownership transfers from the U.S. Government to the foreign purchaser at the point of origin (the U.S. depot or vendor facility). Thus, the equipment belongs to the foreign purchaser when it arrives in Ramstein, not to the United States or Germany. These shipments typically travel to Ramstein via the Defense Transportation System (DTS) (U.S. Air Force [USAF] flights or chartered commercial flights) and from there would move overland to their final destinations throughout Europe.

Until October 2007 these FMS shipments into Ramstein were handled in the same way as shipments of any U.S.-owned equipment into the airbase in keeping with the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA). Although this was incorrect according to both German law and U.S. FMS shipment procedures, German customs authorities at the time were not focused on differentiating American-owned and FMS equipment and had previously accepted the *U.S. Customs Clearance Form 302*—detailed below—as a means of transshipping the third party equipment into and out of Ramstein AB. In October 2007, however, German authorities began enforcing customs inspections of U.S. flights into Ramstein AB. The customs authorities noted that FMS equipment being carried on these flights was not American-owned and subsequently refused to accept the U.S. Form 302 as an appropriate method of customs clearance for flights entering German territory carrying FMS equipment. The United States was notified by the German Ministry of Finance (which controls German customs) that the current method of conducting FMS shipments through Ramstein would not be acceptable in the future. Citing emerging concerns about compliance with European Union (EU) customs regulations, the German Ministry of Finance enforced this decision and refused a number of U.S. flights carrying FMS equipment to the foreign purchaser (Timm 2009).

Up to October 2007, deliveries of FMS equipment via Ramstein AB were handled identically to shipments of U.S.-owned material into Ramstein. Shipments of American-owned equipment or any other NATO member territory are normally customs cleared and moved under the NATO SOFA adopted by the NATO signatories 19 June 1951 which regulates the conditions for the presence of

NATO forces in the territory of other NATO members. According to Article XI, Paragraph 4 of the NATO SOFA, member nations' forces "may import . . . equipment for the force and reasonable quantities of provisions, supplies, and other goods" into and out of other member nations "free of duty." Article XI, Paragraph 4 states in full:

> A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies, and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorized by the sending State for that purpose. The designation of the person authorised to sign the certificates, as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving state.



This provision allows the United States to move materiel and supplies for U.S. forces use into Germany without paying the customs duties normally associated with such shipments, nor with the normal customs declarations and other requirements made of private individuals or businesses. The SOFA requires "a certificate in a form agreed between the receiving State [in this case, Germany] and the sending State [the U.S.]" in order for the material being shipped to be SOFA-acceptable and therefore to clear customs duty-free.

The European Union Rule

The EU, which under the *Treaty of Rome and Regulation European Economic Community* (EEC) Number 2913/92 is treated as a single entity for purposes of customs and import/export regulations, executes this requirement of the SOFA through Regulation EEC Number 3690/86 Article 4 and Regulation EEC Number 4283/88 Article 5, which establish what is known as the "Form 302" as the means of customs clearance for SOFA shipments to any of the European Union's NATO members. Regulation EEC 3648/91 Article 2 Paragraph 1 provides for the entire EU to be treated internally as a single entity for the purposes of the Form 302, allowing military equipment with an approved Form 302 to be moved to any point in the EU so long as it has cleared customs in one other point. When properly completed and used, Form 302 allows, under the SOFA, the United States, or any other NATO country, to ship material for its military forces customs-free into Germany or any other EU NATO member and to transfer that equipment from one EU/NATO member's territory to another without the need to clear customs a second time.

Article XI Paragraph 4 of the SOFA provides only for equipment "for the exclusive use of the force" (emphasis added)—in this case the United States'—to be shipped customs free. No part of the SOFA makes any mention of equipment destined for a third party being exempt from customs or duties. This means that FMS shipments, since they are by definition not for the exclusive use of American forces, cannot use the SOFA or the implementing Form 302 to be shipped duty-free into the European Union NATO member states. The U.S. European Command (USEUCOM or EUCOM) Judge Advocate General (JAG) Office notes the German refusals to accept U.S. Form 302 on FMS cases is, indeed, legally correct and the U.S. Form 302 could not be used by the United States to ship FMS material duty-free. In fact, under Regulation EEC 3648/91 Articles 3-4, EU member states are

required to collect any duties or customs avoided by another nation's shipment of equipment under an inappropriate Form 302. USEUCOM JAG opined that it may be possible that a Country Specific Form 302 would be acceptable if provided to the German authorities by the party receiving the FMS shipment, provided they are a NATO member eligible under the SOFA (Timm 2009).

Current Status: Shipments via Ramstein, Germany's Ministry of Finance, and European Union Law

The German Ministry of Finance (MoF) and USEUCOM have met to sort out the details of U.S. FMS shipments through Ramstein AB. A March 2008 meeting of EUCOM and the German MoF resulted in arms, ammunition, and explosives (AA&E), cryptic materials, and classified or otherwise sensitive FMS shipments being shippable through Ramstein when their final destination was another NATO country[1] or a non-NATO member country deemed acceptable by the Ministry of Finance.[2] Under this MoF agreement, other types of cargo or cargo being shipped to a destination other than those explicitly listed cannot be moved through Ramstein AB.

The current process of shipping FMS material through Ramstein—limited again to AA&E, cryptic, and sensitive materials—is a complicated one. Because the German MoF now requires the purchasing country to be on hand to customs clear its material, a great deal of close coordination is required between a number of U.S. actors and the purchasing country. When FMS material is ready to be shipped, a Notice of Availability (NOA) must be sent to the purchasing country and copied to the 21st Theater Sustainment Command (TSC), which "provides theater sustainment throughout European Command in support of U.S. Army Europe [USAREUR] and Seventh Army and as directed in support of Africa Command's area of operation", see: www.21tsc.army.mil, for more information. The purchasing country must then confirm receipt of the NOA and coordinate transportation with 21st TSC. Once transportation from Ramstein has been coordinated, the 21st TSC must send an NOA response back to the shipper and to the Ramstein Air Base Airlift Clearance Authorities (ACA). The shipper must then answer the NOA response by arranging shipment details with the ACA/Cape Forecasting, who must coordinate with relevant air bases, including Ramstein, regarding transshipment. When this coordination is complete, the ACA will clear the FMS material for shipment. The material may then be shipped into Ramstein, where the purchasing country is responsible for picking it up in accordance with the pre-established movement and security plan created with 21st TSC. The purchasing country must then customs clear the material with German authorities, at which point they may deliver it to their territory (EUCOM CONOPS 2009).

Imports-Exports, Tariffs, and Taxes

In the meantime, this exposes the FMS shipments to EU customs duties. The EU provides for a common system of customs and tariffs through *Council Regulation*, EEC Number 2913/92, which establishes the Community Customs Code (CCC), a universal guide to import and export regulations for all EU member states. Originally little more than a compilation of the relevant regulations scattered throughout EU law, the CCC is now the definitive registry of all EU import-export

1. These countries are Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Turkey, and United Kingdom.

2. These countries are Austria and Switzerland. The decision to add these countries seems to stem from existing EU law which regards them as part of the same customs union as the EU (despite, in the Swiss case, its lack of EU membership) and, in the case of Austria, because of conditions built into some EU laws—particularly EEC Number 2913/92—which consider portions of Austrian territory as EU members tied to Germany for customs and trade purposes before Austria was granted EU membership.

guidelines. The CCC defines the boundaries of the community—including Germany—for its purposes (Article 3, Section 1) and defines "community goods" and "non-community goods" (Article 4, Section 7-8). "Community goods" are defined as goods produced entirely within the EU or imported to the EU and released for "free circulation" (i.e., to be sold by EU companies on an open market) or any combination of the two. "Non-community" goods are defined as any goods that do not fall explicitly into the definition of community goods. Clearly, FMS shipments fall into the non-community goods category. Article 20 of EEC Number 2913/92 provides for non-community goods to be subjected to tariffs. Since EEC Number 2913/92 is binding for all EU members, these tariffs would be the same if FMS material was imported via Germany, Italy, France, or any other EU member state.

The Principle of Subsidiarity

Laws passed by the EU are applied to the member states by what is called the "Principle of Subsidiarity," a legal theory of EU treaties which essentially holds that laws should be implemented and executed by the lowest subdivision that has the legitimacy and resources to do so (in this case, the member states of the EU). The EU implements and executes its power through its member states. That is, when the EU's legislative body passes a regulation, member states must pass that regulation in their own national legislatures and enforce it within their borders, using their agencies and resources. A somewhat analogous example is the United States' federalism (though the EU's takes place on a larger scale and not a direct parallel). For example, the U.S. drinking age, a federal law passed in 1984 mandates each state set their minimum drinking age at 21; and each state is required to enact through their legislature and enforce through their law enforcement bodies a law containing that requirement. The EU system of what is sometimes called "supranational law" works in much the same way.

Germany's membership in the EU is regulated through a series of treaties, the most important of which for the consideration of economic matters is the *Treaty of Rome*, which established the EU's predecessor, the EEC, as a single entity for the purposes of imports, exports, duties, and interstate trade. Under the EEC, its member states agreed to a common customs code much like the CCC currently in use throughout the EU. The provisions of the *Treaty of Rome* and the EEC, though re-codified and updated, are still the foundation of interstate commerce in the EU: http://www.internetratgeber-recht.de, "Introduction into the German Law System—European Law".

Tax Variability

The actual rate of tariffs or duties applied to goods entering the EU varies. Imported goods can have three categories of duties placed on them. The first is ad valorem, or Value Added Tax (VAT), in which the tariff is a fixed percentage of the good's total value. The second, called specific tariffs, are tariffs based on the weight or volume of a good or any of its components or on the number of completed units being imported (for example, milk imports may be taxed on the volume in gallons, the absolute number of containers of milk, or have a tax placed on its fat content by percent of its total composition). The final method of applying a tariff for EU imports is a combination of ad valorem and specific tariffs—i.e., a tariff on the total value of the shipment of milk and on its fat content percentage (useu.usmission.gov, "EU Import Duties"). There is no universal formula for determining which tariff applies to which good, nor what the rate of the tariff is once the exact type of tariff has been determined. Rather, each code category of the Community Customs Code can have its own tariff, sometimes with a different rate per sub-heading, although this is generally only the case with agricultural or some chemical products. The VAT is by far the most common. The EU VAT is

set by Council regulations. EU member states may adjust their own VATs; but by Council law any import VAT is required to be set at least at 15 percent and may be as high as 25 percent, with certain exceptions being charged as little as 0 percent. Germany charges a flat rate of 19 percent as a VAT on all imports, except for certain agricultural or cultural items, which receive a reduced 7 percent tax (www.german-business-portal.info, "Tax and Duty"). Germany implements these EU requirements through the *Implementing of the Foreign Trade and Payments Act of 1986* (*Federal Law Gazette 1*, 1934, 2493), amended 1993 and 2007, is a comprehensive regulation of all German import and export laws and procedures.

Some FMS material, however, seems to be tariff-exempt regardless of the method in or location to which it is shipped. EU Regulation EEC Number 150/2003 suspends import duties on certain types of military equipment. Adopted so that EU members can "procure for their military forces the most technologically advanced and suitable weapons and military equipment," much of it, the legislation concedes, produced in "third countries," EEC Number 150/2003 provides for "the suspension of import duties on certain weapons and military equipment imported by or on behalf of the authorities in charge of the military defence of the Member States from third countries" (Article 1). Like in American federalism, EU Council law supersedes the laws of its member states; so this would appear to say that such materials as listed in EEC Number 150/2003 may be imported by the United States as FMS to an EU member state with no customs or duty obligations, despite the tariffs imposed on imports by individual member states. According to EU legal theory, these provisions should be overridden by EEC 150/2003. Items listed in EEC Number 150/2003 include "tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicles"; firearms and ammunition; helicopters and fixed-wing aircraft; clothing (including helmets); and radar and radio equipment, to name only a few. (See Table "CCCs Provided in Annex I of EEC 150/2003" for a full list of items).

Possible Legal Solutions: Foreign Military Sales Material Shipment via Ramstein for the Future

There are currently limited amounts of FMS material that can be shipped through Ramstein AB. However, it would be beneficial to work out an agreement with the German government allowing duty-free shipping of FMS materials and, more importantly, at least more types of—if not all of—FMS shipments to be routed through German territory when necessary. There seems to be a limited number of options that could allow for such a situation.

- As EUCOM's JAG section observed, while a U.S. Form 302 is not acceptable from the United States, the EU/NATO foreign purchaser receiving the equipment may be eligible to file a country specific Form 302 with German customs for the receipt of U.S.-delivered FMS materials. If this were the case, after receiving the NOA, the purchasing country would be required to process their Form 302 and take delivery (which they already do for EU and NATO countries) of the FMS equipment on arrival at Ramstein. This would require that the purchasing country be a NATO member in order to be eligible under the SOFA; it would further require the purchasing country to be an EU member in order for EEC 3648/91 to be applicable. If this were the case, however, the purchasing country would theoretically be able to pick up the FMS material from Ramstein AB without the purchasing country paying customs on the material under the purchasing country's Form 302 and move the material overland without further customs requirements. It is possible that the

Form 302 would cover the U.S. shipment of material into Ramstein, meaning the only U.S. responsibility for clearing customs would be to deliver the material since it is owned by the EU/NATO purchasing country and covered by their Form 302.

- For EU/NATO purchasing countries, an option that has been suggested is for the U.S. to change its FMS regulations such that the U.S. legally retains title to the material until it is picked up by the purchasing country in Ramstein. This would allow the U.S. to ship the material into Ramstein AB as though it were any other U.S. owned equipment after all, with the U.S. still holding the title, it would be exactly that duty-free under Form 302. The receiving nation would only take title of the equipment after delivery into its own country.

A note of caution with this approach, when material is shipped DTS on an AMC channel mission and the mission number changes upon landing, German customs considers this a terminating mission. Any onward movement is then subject to EU/German customs regulations. This possible solution will only work if the Channel Sequence List does not modify the aircraft/mission number when it arrives in Ramstein. This check must be made prior to shipment.

If the purchasing country is an EU/NATO member, it seems plausible they would be able to file their own Form 302 for the equipment with the German government at such time as they received the title to the material and move the material back to their territory without having to pay duties. If this was not acceptable, the customs clearance burden would seemingly be shifted from the U.S. to the purchasing country, who would then have to pay duties on such FMS equipment. It appears doubtful such a workaround would be acceptable to the EU or the German MoF.

- Perhaps the most fruitful alternative would be a closer examination of EU law regarding the import of military equipment. As has already been briefly discussed, EEC 150/2003 provides for the complete exemption of a great deal of military equipment from EU customs, covering virtually anything that could be sold under FMS by the U.S. It seems possible at first reading that this provision would allow the U.S. to move FMS equipment into EU member states without the need to worry about duties or ways to avoid them so long as normal commercial customs procedures were completed. Furthermore, import under EEC 150/2003 would require no changes to how the legal status of FMS material is handled. In fact, since EEC 150/2003 states clearly such imports must be conducted either by the state or under its authority, it may actually be advantageous to retain the current system of the legal change of title occurring at point of origin. This way the U.S. would only be the agent importing material on behalf of the EU state—American responsibility for clearing customs for the FMS material would end as soon the equipment enters the DTS. Sections 1 and 2 of Article 2 of EEC 150/2003 state in full:
  - The duties of the Common Customs Tariff applicable to imports of the goods listed in Annex 1 shall be totally suspended when they are used by or on behalf of the military forces of a Member State, individually or in cooperation with other States, for defending the territorial integrity of the Member State or in participating in international peace keeping or support operations or for other military purposes like the protection of nationals of the European Union from social or military unrest.
  - Such duties shall also be totally suspended for:

    (a) parts, components, or subassemblies imported for incorporation in or fitting to goods included in the list in Annex I and II or parts, components, or subassemblies thereof, or for the repair, refurbishment, or maintenance of such goods;

(b) goods imported for training or testing of goods included in the list at Annex I and II.

[See Table "CCCs Provided in Annex I of EEC 150/2003," on page 128.]

The remainder of EEC 150/2003 provides for end-use monitoring of equipment imported under this regulation for a period of three years after importation, the necessary documentation and certificates that member states are required to submit to the EU for the purposes of customs-free imports, and the requirement that member states notify EU authorities within six months of any equipment imported duty-free under EEC 150/2003. It is possible that EEC 150/2003 applies only directly to the territory of a member state—for example to import FMS equipment destined for Poland duty-free under EEC 150/2003, the equipment must be shipped directly into Poland, not into Ramstein for Polish pickup. It would appear prudent to examine the possibility that EEC 150/2003 could make duties when shipping FMS equipment via Ramstein a non-issue and perhaps more importantly would allow the U.S. to ship any type of equipment listed under EEC 150/2003 into Ramstein.

The rationale for this argument stems from variance in how other business imports and exports are regulated under German law, as commercial imports under EEC 150/2003 seem to follow a different track. In order for commercial goods, especially those which may have a military or civilian application regarded as "dual-purpose," to be imported to Germany, the importer must obtain a license from German customs. Since under EEC 150/2003 the EU state itself is importing the goods, there is no licensing requirement. The normal customs declaration required under standard German law may be replaced by a certificate, which is required under the law regardless of how it enters, certifying the goods are being imported on behalf of an EU member state. Only the member state is required to process such forms, and only the importing state must be a member. EEC 150/2003 makes no mention of requirements for the exporting state or body, provided the receiving nation is a member state of the EU. In addition to the certificates required when the goods are imported, the receiving nation/member state is required to submit documentation twice a year detailing a summary of all certificates issued and submitting to end-use monitoring for a three-year period after the import of the goods. The burden of complying with these EU requirements falls squarely on the shoulders of the receiving nation/member state—it appears the agent selling and delivering goods to the EU member is under no obligation to do anything but fulfill its contract with the member state. If this rule was equally applied to FMS material, the U.S. Government would have no responsibilities but delivering the FMS material under the agreement with the purchasing EU/NATO country.

About the Author

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Community Customs Code in Annex I of Regulation European Economic Community 150/2003

These are the codes provided in Annex I of EEC 150/2003, which provides for duty-free import of certain defense-related articles. The corresponding code descriptors come from those provided at the Intrastat Combined Nomenclature (ICN) online database at uktradeinfo.com.

Number	Description
2804	Hydrogen, rare gases, and other non-metals
2825	Hydrazine and hydroxylamine and their inorganic salts; other inorganic bases; other metal oxides, hydroxides, and peroxides
3601	Propellant powders
3602	Prepared explosives other than propellant powders
3603	Safety fuses, detonating fuses, percussion or detonating caps, igniters, electric detonators
3604	Fireworks, signaling flares, rain rockets, fog signals, and other pyrotechnic articles
3606	Ferro-cerium and other pyrophoric alloys in all forms, articles of combustible materials
3701	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard, or textiles; instant print film in the flat, sensitised, unexposed, whether or not in packs
3702	Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard, or textiles; instant print film in rolls, sensitized, unexposed
3703	Photographic paper, paperboard, and textiles, sensitized, unexposed
3705	Photographic plates and film, exposed and developed, other than cinematographic film
3707	Chemical preparations for photographic uses (other than varnishes, glues, adhesives, and similar preparations); unmixed products for photographic uses, put up in measured portions or put up for retail sale in a form ready for use
3824	Prepared binders for foundry molds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included
3926	Other articles of plastics and articles of other materials of headings 3901 to 3914
4202	Trunks, suitcases, vanity cases, executive-cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters, and similar containers; traveling-bags, insulated food or beverages bags, toilet bags, rucksacks, handbags, shopping-bags, wallets, purses, map-cases, cigarette-cases, tobacco-pouches, tool bags, sports bags, bottle-cases, jewelry boxes, powder boxes, cutlery cases, and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber or of paperboard, or wholly or mainly covered with such materials or with paper
4911	Other printed matter, including printed pictures and photographs
5608	Knotted netting of twine, cordage, or rope; made-up fishing nets and other made-up nets, of textile materials
6116	Gloves, mittens, and mitts, knitted or crocheted
6210	Garments, made up of fabrics of heading 5602, 5603, 5903, 5906, or 5907
6211	Tracksuits, ski suits, and swimwear; other garments
6217	Other made-up clothing accessories; parts of garments or of clothing accessories, other than those of heading 6212
6305	Sacks and bags, of a kind used for the packing of goods
6307	Other made-up articles, including dress patterns
6506	Other headgear, whether or not lined or trimmed
7308	Structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections; lock-gates; towers; lattice masts; roofs; roofing frameworks; doors and windows and their frames; and thresholds for doors, shutters, balustrades, pillars, and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes, and the like, prepared for use in structures, of iron or steel
7311	Containers for compressed or liquefied gas, of iron or steel

Community Customs Code in Annex I of Regulation European Economic Community 150/2003 (Continued)

Number	Description
7314	Cloth (including endless bands), grill, netting and fencing, of iron or steel wire; expanded metal of iron or steel
7326	Other articles of iron or steel
7610	Aluminium structures (excluding prefabricated buildings of heading 9406) and parts of structures (for example, bridges and bridge-sections; towers; lattice masts; roofs; roofing frameworks; doors and windows and their frames; and thresholds for doors, balustrades, pillars, and columns); aluminum plates, rods, profiles, tubes, and the like, prepared for use in structures
8413	Pumps for liquids, whether or not fitted with a measuring device; liquid elevators
8414	Air or vacuum pumps, air or other gas compressors and fans; ventilating or recycling hoods incorporating a fan, whether or not fitted with filters
8415	Air-conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated
8418	Refrigerators, freezers, and other refrigerating or freezing equipment, electric or other; heat pumps other than air-conditioning machines of heading 8415
8419	Machinery, plant or laboratory equipment, whether or not electrically heated (excluding furnaces, ovens, and other equipment of heading 8514), for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilizing, pasteurizing, steaming, drying, evaporating, vaporizing, condensing, or cooling, other than machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electric
8421	Centrifuges, including centrifugal dryers; filtering or purifying machinery and apparatus, for liquids or gases
8424	Mechanical appliances (whether or not hand-operated) for projecting, dispersing, or spraying liquids or powders; fire extinguishers, whether or not charged; spray guns and similar appliances; steam or sandblasting machines and similar jet projecting machines
8427	Fork-lift trucks; other works trucks fitted with lifting or handling equipment
8472	Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, automatic banknote dispensers, coin-sorting machines, coin-counting or -wrapping machines, pencil-sharpening machines, perforating or stapling machines)
8479	Machines and mechanical appliances having individual functions, not specified or included elsewhere
8502	Electric generating sets and rotary converters
8516	Electric instantaneous or storage water heaters and immersion heaters; electric space-heating apparatus and soil-heating apparatus; electrothermic hairdressing apparatus (for example, hairdryers, hair curlers, curling tong heaters) and hand dryers; electric smoothing irons; other electrothermic appliances of a kind used for domestic purposes; electric heating resistors, other than those of heading 8545
8518	Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; headphones and earphones, whether or not combined with a microphone, and sets consisting of a microphone and one or more loudspeakers; audio-frequency electric amplifiers; electric sound amplifier sets
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner
8525	Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras, and video camera recorders
8526	Radar apparatus, radio navigational aid apparatus, and radio remote control apparatus
8527	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock
8528	Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus

Community Customs Code in Annex I of Regulation European Economic Community 150/2003 (Continued)

Number	Description
8531	Electric sound or visual signaling apparatus (for example, bells, sirens, indicator panels, burglar or fire alarms), other than those of heading 8512 or 8530
8535	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, fuses, lightning arresters, voltage limiters, surge suppressors, plugs and other connectors, junction boxes), for a voltage exceeding 1000 V
8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp holders and other connectors, junction boxes), for a voltage not exceeding 1000 V; connectors for optical fibers, optical fiber bundles or cables
8539	Electric filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps
8543	Electrical machines and apparatus, having individual functions, not specified or included elsewhere
8544	Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electric conductors or fitted with connectors
8701	Tractors (other than tractors of heading 8709)
8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars
8704	Motor vehicles for the transport of goods
8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries, crane lorries, fire fighting vehicles, concrete-mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radiological units)
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas, or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles
8710	Tanks and other armored fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars
8716	Trailers and semi-trailers, other vehicles, not mechanically propelled, parts thereof
8801	Balloons and dirigibles, gliders, hang gliders, and other non-powered aircraft
8802	Other aircraft (for example, helicopters, airplanes); spacecraft (including satellites) and suborbital and spacecraft launch vehicles
8804	Parachutes (including dirigible parachutes and paragliders) and rotochutes; parts thereof and accessories thereto
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles
8901	Cruise ships, excursion boats, ferry-boats, cargo ships, barges, and similar vessels for the transport of persons or goods
8903	Yachts and other vessels for pleasure or sports; rowing boats and canoes
8906	Other vessels, including warships and lifeboats other than rowing boats
8907	Other floating structures (for example, rafts, tanks, coffer-dams, landing stages, buoys, and beacons)
9004	Spectacles, goggles, and the like, corrective, protective, or other
9005	Binoculars, monoculars, other optical telescopes, and mountings therefor; other astronomical instruments and mountings therefor, but not including instruments for radio-astronomy
9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than discharge lamps of heading 8539

Community Customs Code in Annex I of Regulation European Economic Community 150/2003 (Continued)

Number	Description
9008	Image projectors, other than cinematographic; photographic (other than cinematographic) enlargers and reducers
9013	Liquid crystal devices not constituting articles provided for more specifically in other headings; lasers, other than laser diodes; other optical appliances and instruments, not specified or included elsewhere
9014	Direction finding compasses; other navigational instruments and appliances
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological, or geophysical instruments and appliances, excluding compasses; rangefinders
9020	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters
9022	Apparatus based on the use of X-rays or of alpha, beta, or gamma radiations, whether or not for medical, surgical, dental, or veterinary uses, including radiography or radiotherapy apparatus, X-ray tubes and other X-ray generators, high tension generators, control panels and desks, screens, examination or treatment tables, chairs and the like

Glossary

North Atlantic Treaty Organization Status of Forces Agreement (NATO SOFA) – A 1951 agreement establishing conduct and disposition of a NATO member's forces in the territory of another NATO member. Article XI Paragraph 4 of the agreement allows NATO members to move equipment into another NATO member state's territory without customs fees or duties. This equipment must be specifically for the use of the force importing it.

United States Custom Clearance Form 302 – A country-specific form which the European Union uses to execute the provisions of Article XI Paragraph 4 of the SOFA; equipment for a force deployed in an EU NATO member state shipped under a Form 302 allows it to be brought into the EU duty-free.

European Economic Community (EEC) Number 3690/86 – EU legislation adopted in 1986 that, together with EEC Number 4283/88, establishes Form 302 as the EU's SOFA documentation.

EEC Number 3648/91 – EU legislation adopted in 1991 that regulates the use of Form 302 to transfer equipment from the territory of one EU member state to another, also articulates the duty of member states to ensure the proper use of Form 302 and collect any fees avoided by its improper use or as punitive measures.

EEC Number 2913/92 – EU legislation adopted in 1992 that establishes all EU member state territories as a single entity for the purposes of customs and tariffs and any other import/export regulations. It also defines what goods may be subjected to tariffs upon entering the EU.

EEC Number 150/2003 – EU legislation adopted in 2003 that exempts certain items, when imported by the military or security forces of an EU member state, from normal customs or duties.

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