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Secretariat of the Committee on Budgetary Control

Brussels, 13 November 2012

**Draft Report  
on the fact-finding mission  
of the Budgetary Control Committee to Rotterdam and Antwerp,  
19-20 September 2012**



*The final programme with the list of participants is to be found in Annex I.*

## **1. BACKGROUND**

The EU budget is funded from the EU's own resources. Own resources are defined as 'revenue allocated irrevocably to the Union to finance its budget and accruing to it automatically without the need for any subsequent decision by the national authorities'<sup>1</sup> even if collected by the individual Member States.

There are three kinds of own resources:

- i) Traditional own resources (i.e. custom duties and sugar levies),
- ii) Own resource from value added tax (VAT) and
- iii) Own resource based on gross national income (GNI).

Other revenue comprises taxes and deductions from staff remuneration, bank interest, fines, third country contributions to certain Community programmes (e.g. research), reimbursement of Community grants not used interest on late payments and balances from previous years. Nevertheless, these other revenues represent only around 1% of the European budget.

Traditional own resources: Custom duties and sugar levies account for 13% of the financial resources to the EU Budget.

## **2. WHAT ARE THE TRADITIONAL OWN RESOURCES?**

Traditional own resources comprise customs duties, agricultural duties, and sugar and isoglucose levies and were introduced in 1970. They are levied on economic operators and collected by Member States on behalf of the EU.

Revenue deriving from traditional own resources are "*levies, premiums, additional or compensatory amounts, additional amounts or factors, Common Customs Tariff duties and other duties established or to be established by the institutions of the Communities in respect of trade with non-member countries, customs duties on products under the expired Treaty establishing the European Coal and Steel Community as well as contributions and other duties provided for within the framework of the common organisation of the markets in sugar*"<sup>2</sup>. Assigning customs duties to the financing of common expenditure is the logical consequence of the free movement of goods within the EU.

Since 2001 Member States have retained, as collection costs, 25 % of the established amounts of traditional own resources. Before 2001, 10 % was retained, but this percentage was increased to 25 % by Council Decision 2000/597/EC.

The Commission has put forward in the proposed Own Resources Decision for the period after 2013 to return to 10 per cent, in keeping with its suggested incorporation of all correction mechanisms into lump sums.

Article 8(1)(a) of Council Decision 2007/436/EC states that the traditional own resources shall be collected by the Member States in accordance with the national provisions imposed by law, regulation

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<sup>1</sup> European Commission 'European Union Public Finance' OPOCE: Luxembourg 4th edition 2008 p 135.

<sup>2</sup> Article 2(1)(a) of Council Decision 2007/436/EC.

or administrative action, which shall, where appropriate, be adapted to meet the requirements of Community rules.

The Commission shall examine at regular intervals the national provisions communicated to it by the Member States, transmit to the Member States the adjustments it deems necessary in order to ensure that they comply with Community rules and report to the budgetary authority.

### **3. IMPORTANCE OF TRADITIONAL OWN RESOURCES IN THE EU BUDGET**

Over the last decade, the share of the traditional own resources in the EU budget has decreased. It was above 16% in 2000 and since 2009 it is now close to 12%. Currently, the decrease in the sugar levies can be seen as the main cause of this declining trend. Custom duties look more or less stable over time.

By contrast, over the same period the share of the GNI resource jumped from around 40% in 2000 to above 71% in 2010. (For more data on the Member States' contributions to the financing of the 2011 EU budget please refer to the dossier prepared for the visit by Policy Department D: Budgetary Affairs).

### **4. RECOVERY OF TRADITIONAL OWN RESOURCES**

#### **4.1 Member States responsibility**

Member States are responsible for making traditional own resources available to the Commission. Member States make available established amounts of customs or agricultural duties, that have been recovered and debts, which have not been recovered yet and that are guaranteed and not under appeal. These amounts are entered in what is called A-account and are made directly available to the EU budget.

If customs debts have been established by a Member State but not yet recovered while no security has been provided, or the secured amount has been disputed, Member States may enter these traditional own resources amounts in an account named the B-account. These amounts of traditional own resources are not made available to the EU budget until actually recovered.

EU legislation requires the Member States to report to the Commission, on a quarterly basis, any irregularities that they may have detected.

The Member States must also inform the Commission whether reported irregularities raise suspicions of fraud.

Most fraud and irregularity cases relate to B-account items. In case of a recovery failure, the Member State is financially liable of the damage done to the EU budget as long as the non recovery is attributable to the Member State in question.

Member States are therefore strongly encouraged to improve their administrative performance and to address weaknesses leading to a loss of traditional own resources. It also prevents that the financial burden of these losses is shared with all other Member States.

It must be highlighted that **over 97% of all amounts of traditional own resources established are subsequently recovered without any particular problem.** These amounts are then entered into the A-account and made available to the Commission.

Given the nature of customs transactions and their relation with underlying trade operations account should be taken of the particular situation of individual Member States. This may qualify for some differences between Member States.

#### **4.2 The European Commission responsibility**

The Treaty states that the Union and the Member States share responsibility for protecting the Union's financial interests and fighting fraud. National provisions determine the method for collecting own resources. The Commission regularly reviews those provisions, while Member States regularly inform the Commission of any anomalies having a financial impact with respect to collection. The Commission exercises overall oversight, sets standards and verifies compliance. Therefore close cooperation between the Commission and the Member States is essential in order to protect the Union's financial interest effectively.

**Reporting of irregularities**<sup>4</sup> to the Commission is done through the electronic reporting system OWNRES managed by the Directorate General for Budget.

**Of all the cases** registered in the OWNRES databases in 2011 **15% are categorised as fraud**, but the **fraud amount represents 34% of the total amount of irregularities**. These two figures are however lower than in 2010, respectively 18% and 43%.

Under Article 6(5) of Regulation No 1150/2000, Member States are required to communicate to the Commission, via the OWNRES system, cases of fraud and irregularity, if the TOR amount exceeds EUR 10 000. The OWNRES database is a key tool for obtaining data for global analyses of fraud and irregularities, and presents valuable information to the Budgetary Authority.

**The Commission monitors** the establishment and the recovery of traditional own resources using:

- i) Overall monitoring of recovery of traditional own resources via the write-off procedure,
- ii) Regular inspection in Member States,
- iii) Specific monitoring of Member States' follow-up of recovery in individual cases, which have a significant financial impact and usually involve Mutual Administrative Assistance.

## **5. BELGIUM AND NETHERLANDS**

Given their specific position in the international trade, Belgium and Netherland enjoy a significant share in the traditional own resources funding.

In the ranking of Member States in providing traditional own resources, **Netherlands** ranks third with a **11.6%** share and **Belgium** ranks fifth with a share of **9.4%** in 2011.

Germany is the biggest contributor to traditional own resources with a share of 20.6% followed by the United Kingdom with a share of 15.2% for the same year.

In comparison, **Belgium** and **Netherlands** contributions to the **total financing of the EU** budget are respectively **4.1%** and **4.9%**.

It should be reminded that Member States retain 25% of the gross traditional own resources as collection costs; therefore, for significant contributors it is also sizeable revenue for their own national budget.

## 5.1 Rotterdam and Antwerp cases

**At EU level**, Rotterdam is the **largest port**. Netherlands is the largest maritime freight transport country in the EU. The 539 million tonnes handled in Dutch ports in 2010 represent close to 15 of the EU-27 total. Rotterdam alone accounted for more than **10% of the total tonnage of the EU-27**.



Antwerp port ranks number 12 as World port for international maritime traffic and number 18 in terms of tonnage while it ranks number 15 for container traffic. **At EU level**, Antwerp port is the **second largest port** for both maritime freight and containers. Antwerp is the number one for processing of fruit, coffee and wood.

As a consequence, the Budgetary Control Committee of the European Parliament decided to send a fact-finding delegation in order to learn more about the system of (traditional) own resources, and the customs control systems in particular, in the ports of Rotterdam and Antwerp and the respective Member States. The questions to be addressed were:

- i) How and on the basis of what rules are the duties collected?
- ii) How are the physical supervision and documentary/electronic controls organized and implemented both by the Ports Authority and the Customs Administrations enforcing Union legislation and regulations?

The purpose of the delegation was to meet the Customs and Port authorities, in order to identify areas where the procedures for collection of own resources may compromise the financial interests of the Union and to discuss possible remedies. The delegation assessed the trend for simplification of customs procedures and its impact on the effectiveness of control systems.

Informal contacts in Belgium and Netherlands, realized before the delegation, underlined that Rotterdam port attracted a lot of ongoing ships thanks to the simplified Dutch data processing system. This generates in a competitive advantage for the Rotterdam port in comparison with its European neighbours.

## 6. MEETING WITH THE PORT OF ROTTERDAM AND DUTCH CUSTOMS AUTHORITIES - TUESDAY 19 SEPTEMBER 2012 – ROTTERDAM



An exchange of views took place with the representatives of the Customs Administration of the Netherlands, **Willy Rovers**, General director **Frank Heijmann** Head of Trade Relations and **René de Vries** the Harbourmaster of Port of Rotterdam.

Although the delegation would look at procedures, corrections and seized goods, the principal objective was to identify possible improvements in the protection of the EU resources, e.g. through improving the effectiveness of control systems or communication tools between different Member States.

Dutch Customs are the third contributor to EU customs duties, behind DE and UK. Dutch Customs receive annually 3.128.000 traditional (electronic) import declarations and 78.973.000 simplified declarations.

The delegation, stressed that this simplification trend of customs procedures should not lead to less effective control systems at European harbours and "simplified procedures" should be effectively controlled by the Member States.

The delegation asked about the concrete results that illustrate the achievements of the control authorities to fight illegal trafficking and smuggling. Dutch Customs stated that the data was not immediately available but could be sent at a latter stage.

The Dutch Customs subsequently provided the delegation with figures on the “number of corrections” for the period 2009 to 2011:

<b>Number of corrections by Dutch Customs (# x 1.000)</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
On physical checks on cargo	2,8	4,4	2,4
On checks on consignments by couriers and mail	21,0	16,0	15,0
On checks on passangers	21,0	17,0	20,0
On ambulant checks at the border or inland	7,3	4,2	1,9
On administrative checks	0,9	0,7	0,7

The Dutch Customs provided also the delegation with data for seized goods including cigarettes, weapons, drugs and counterfeit for the period 2009 to 2011:

<b>Seized goods by Dutch Customs (amounts in Kg, except for Cigarettes, Weapons and Counterfeit)</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Cocaine	4.187	7.177	8.485
XTC	7	2	13
Amphetamine	2	96	553
Heroine	32	62	131
Marijuana	14.573	1.501	4.076
Hashish	3.819	1.793	1.608
Cigarettes (# x 1.000)	209.904	131.979	81.870
Tobacco	483	3.221	28.219
Weapons (numbers, incl. imitation weapons)	28.525	22.434	9.791
Counterfeit/IPR (# x 1.000)	17.965	9.739	3.306

In response to a question about meeting jointly with the delegation and the Dutch Cigarette Manufacturers Association, the Customs authorities indicated it would not have been appropriate.

The delegation made an on-the-spot visit to the port of Rotterdam ECT Delta; Europe’s largest container terminal for container transshipment owned by the Hong Kong based Hutchison Port Holdings Group (HPH).

## 6.1 Exchange of views with the representatives of the Dutch Cigarette Manufacturers Association - Tuesday 19 September 2012 – Rotterdam

In Rotterdam the delegation not only spoke with the Customs and Port authorities but also agreed to meet with the representatives of the cigarettes and other manufactured tobacco industry about the Memorandum of Understanding with the Dutch Customs Administration and an outline of the sequence of events in case of cigarette seizures by Customs.

The Dutch Cigarette Manufacturers Association (Stichting Sigarettenindustrie - SSI) presented the Memorandum of Understanding. In addition to the subjects already indicated in the programme, the BAT representative, Karen Uitenkamp, made a power point presentation on the tobacco market in the Netherlands, and showed a film entitled "This is the Man" suggesting that legislative changes towards plain packaging could increase illicit trade and organised crime.  
<http://www.youtube.com/watch?v=1NSgPzYJzcs>

The Dutch Cigarette Manufacturers representatives **Marco Diekstra** from the Dutch NMA (Stichting Sigaretten Industrie) and **Mario Mueller** from CECCM (Confederation of Community Cigarette Manufacturers) had the opportunity to present their views on the increasing level of counterfeit and smuggled cigarettes year over year.



The industry also stated that smuggling is an illegal activity and Dutch Cigarette Manufacturers Association member companies' position is clear and unequivocal: they are totally opposed to any illicit trade in their products.

The Dutch Cigarette Manufacturers Association is the industry organization that since 1955 supports the interests of the Netherlands-based manufacturers and importers of cigarettes. Its prime function is to represent the views of its members when communicating with the Union institutions, the Dutch Government, and other authorities on issues of shared interest and concern, including taxation and smuggling.

The SSI participants are: British American Tobacco, Japan Tobacco International and Imperial Tobacco Netherlands.

## 7. MEETING WITH THE PORT OF ANTWERP AND BELGIAN CUSTOMS AUTHORITIES WEDNESDAY 20 SEPTEMBER 2012 - ANTWERP

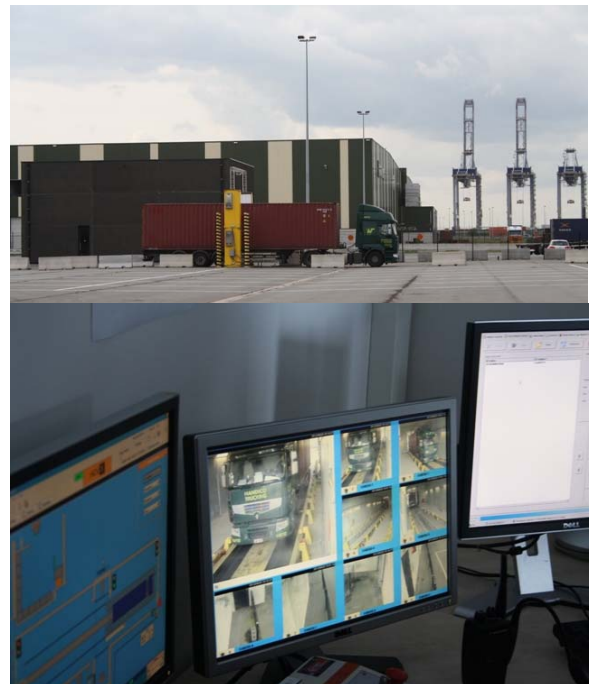


Exchange of views with **Noël Colpin**, Administrator-General of the Belgian Administration of Customs and Excise, **Chris Hoornaert**, Port Ambassador and **Rik Verhaegen**, Manager Vessel Traffic Management of the Antwerp Port Authorities.

The Belgian Customs office made an exhaustive presentation on the Customs Compliance procedures throughout the International Supply Chain. The Chairwoman of the delegation

reaffirmed that although the delegation would look at the procedures, corrections and seized goods, the principal objective was to identify possible improvements in the protection of the EU resources, e.g. through improving the effectiveness of control systems or communication tools between different Member States.

The delegation made an on-the-spot visit to the **Border Inspection Post** where containers were scanned. The delegation asked about the concrete results that illustrate the achievements of the control authorities to fight illegal trafficking and smuggling by the Belgian Customs (total staff of 3700 (2012 figures)).



The Belgian authorities provided the delegation with the following data on drugs and cigarette seizures for the years 2010, 2011 and 2012 (until September):

Cases	Containers			Vessels	General Cargo
	Total	Rip off	other		
2010	53	44	9	8	1 (rip off)
2011	77	68	9	3	1
2012	48	38	10	4	-

Quantities	Cocaine	Cannabis	Heroin
2010	5.435	5.160	257
2011	6.471	8.313	60
2012	8.374	6.052	0

In addition the delegation also obtained data on figures and volumes of smuggled quantities of cigarettes and other goods by the Belgian Customs on the Antwerp port for the period 2010-2012 (until September):



	Total	Seized	Controlled Deliveries	Criminal Substitution
2010	69.025.800	34.565.800	34.460.000	-
2011	160.963.400	140.963.400	10.000.000	10.000.000
2012	85.030.000	85.030.000	-	-

	Total	Counterfeit	Real	Cheap whites
2010	69.025.800	57.509.800	-	11.516.000
2011	160.963.400	151.213.400	-	9.750.000
2012	85.030.000	74.630.000	-	10.400.000

	Total	Container	other	
2010	69.025.800	67.849.800	1.176.000	tin cans from Poland
2011	160.963.400	160.963.400	-	
2012	85.030.000	80.030.000	5.000.000	paper rolls from Greece

	Duties	Money seizures	Arrests	
2010	18.323.000,00 €	-	-	
2011	49.730.000,00 €	70.000,00 €	2	bond of € 50.000
2012	22.572.000,00 €	2.500,00 €	13	still in prison

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## 8. CONCLUSIONS OF THE FACT-FINDING MISSION OF THE CONT COMMITTEE TO THE ROTTERDAM AND ANTWERP HARBOURS

- i) The harbours of Rotterdam and Antwerp in particular, as well as Belgium and The Netherlands, represent major EU gateways and make a significant contribution to the traditional own resources funding to the revenues for the European budget and therefore deserve greater attention.
- ii) Simplification of customs procedures should not lead to less effective control systems at the European harbours and "simplified procedures" should be effectively controlled by the Member States. The delegation had the impression that reduced controls could translate into major economical advantages for a port. A sought for competitive advantage that could damage the financial interest of the Union.
- iii) Reasonable assurance of the correct collection of traditional own resources, or that traders comply with the obligations deriving from the common trade policy, should constantly be obtained. For instance the number of on-the-spot verifications should not be reduced prior to effective verification that the traders comply with the rules.
- iv) Reduced controls carried out by Customs services, while reliance is place on the correctness of import declarations by traders, should be accompanied by increased ex post controls performed on a random basis.

- v) In view of the delegation findings in the two ports for drugs (cocaine, amphetamine, XTC, heroine etc.), counterfeit articles, and weapons (see page 6 and 7 of the report) the delegation concludes that safety and security are of prime importance, including hard security (anti - terrorism) measures, safety of products, health protection of EU citizens and protection of the environment.
- vi) Member states' authorities should do their best to facilitate business but this aim should not be achieved by reducing or compromising controls. The delegation notes that, for instance, the results of the controls against smuggled and counterfeit cigarettes are not clear. While in the larger Port of Rotterdam (in terms of cargo tonnage handled) there is since 2009 a reduction in cigarettes seized (see page 6), the figures show a different up warding trend of more seized cigarettes for Antwerp in the period 2010 to 2012; the amounts of cigarettes seized in the year 2011 were 141.000.000 in Antwerp and 81.900.000 in Rotterdam.
- vii) According to the figures provided by "The Dutch Cigarette Manufacturers Association" the illegitimate (smuggled and counterfeit) cigarettes consumption has been increasing year over year and therefore the EU (and Members States) financial interests are being damaged. EU (and Members States) financial interests should be effectively protected by improving the ex ante risk analysis and by fully fledged operative controls systems and by ex post audits.



## Annex 1

### **Fact-finding delegation of the Budgetary Control Committee to Rotterdam and Antwerp, 19-20 September 2012**

Brussels, 19 September 2012

### **FINAL PROGRAMME**

#### **Members of the delegation:**

1. Iliana Ivanova - EPP (Head of Delegation)
2. Ingeborg Grässle - EPP
3. Georgios Stavrakakis - S&D
4. Jens Geier - S&D
6. Søren Søndergaard - GUE/NGL

#### **Members accompanying the delegation (out of quota)**

7. Bart Staes - Verts/ALE
8. Jan Mulder - ALDE

#### **Political group advisors**

Balazs Szechy - EPP  
Maggie Coulthard - S&D  
Vaclav Mls - S&D  
Hendrik Prummel - Verts/ALE  
Dominykas Mordas - ALDE  
Andreas Wehr - GUE/NGL

#### **CONT Secretariat**

Mauro De Oliveira (AD)  
Sylvana Zammit (AST)  
*(EP mobile as of 19 till 20 September: +32-475-754 668)*

#### **Interpreters**

J. Van Doorn (NL, Team leader)  
A. Kennedy (EN)  
E. Lagemann (NL)  
T. Screech (REQ)

#### **Technician**

Peter Boghe

#### **Languages covered**

EN, NL

#### **In attendance**

Cristina Fancello, assistant to Ingeborg Grässle  
Ioannis Latoudis, assistant to Georgios Stavrakakis  
Mihail Stefanov, assistant to Iliana Ivanova  
Emiel Van Dijk, assistant to Lucas Hartong  
Shai Guttman, assistant to Jan Mulder

### **Commission**

Mr Frank Janssens (Head of Unit DG TAXUD A3, EC)

Katelijne Claes (Unit B2/Risk Management and Security DG TAXUD)

### **Permanent Representation of Belgium at the EU**

Karen Van Vlierberge, Counsellor Interinstitutional Relations  
tel. +32 2 233 21 71

*Members are informed that, according with article 6 of the Bureau decision on travel of the committee delegations, as amended on 13 March 2012, missions should take place during weeks set aside for external parliamentary activities and missions outside these weeks would only be provided with a limited language regime that may not exceed interpretation into one language. Therefore the only interpretation to be provided for this delegation is into English.*

### **Coordination in Rotterdam**

Mr. Leo van Veen  
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Mr. Onno van Elswijk External Relations Officer:  
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### **Coordination in Antwerp**

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### **Accommodation**

Hotel suggested in Rotterdam:

*Inntel Rotterdam Centre*

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3011 EA Rotterdam **T** +31 104 134 139 **F** +31 104 133 222

### **Transportation**

The delegation will have an air-conditioned bus at its disposal from/to Brussels and during the entire duration of the delegation visit. Company: Bergkoning.

**Main objectives of the delegation:** The system of (traditional) own resources and the customs control systems, in particular - situation in the ports of Rotterdam and Antwerp and the respective Member States. Traditional own resources comprise customs duties, agricultural duties, and sugar and isoglucose levies and were introduced in 1970. They are levied on economic operators and collected by Member States on behalf of the EU.

- how and on the basis of what rules they are collected
- how the physical supervision and documentary/electronic controls are organized and implemented both by the Ports Authority and the Customs Administrations enforcing Union legislation and regulations.

### **I. Wednesday 19 September 2012 - Rotterdam**

Departure from Brussels (09h00) to Rotterdam by bus.

- 11:00 Reception and welcome at the World Port Centre (Wilhelminakade 909 3072 AP, Rotterdam) by:
- Mr. René de Vries, the Harbourmaster of Port of Rotterdam
  - Mr. Willy Rovers, the General Director Customs Administration of the Netherlands
- 11:15 Presentations on:
- Port of Rotterdam, Mr. Frans van Keulen
  - Inspection tasks (safety & security), Mr. René de Vries
- 12:00 Embarkation 'MS Henry Hudson' for a tour through the Port of Rotterdam
- Presentation by Mr. Willy Rovers: the Customs Administration and the international supply chain
  - *Lunch*
- 14:00 Disembarkation EIC (Noordzeeweg 6, 3181 ML Rozenburg, Portnummer 5325)

*Transfer to the ECT Delta container terminal organised by Customs*

- 14:15 Visit to the ECT Delta container terminal, Mr. Onno van Elswijk
- 14:45 Transfer to Customs office Maasvlakte (transport organised by Customs)

15:00 Presentation on customs supervision on in-and outbound traffic: management of the EU external border on commodities, Mr. Frank Heijmann, Head of Trade Relations of the Customs Administration

**16:30 End of programme, transfer to the hotel by delegation bus from:**

Address: Bosporusstraat 5, Rotterdam Maasvlakte

18:00 Exchange of views with the Dutch Cigarette Manufacturers Association on the Memorandum of Understanding between the industry and the Dutch Customs Administration and an outline of sequence of events in case customs do cigarettes seizure, Mr. Marco Diekstra from the Dutch NMA (Stichting Sigaretten Industrie) and Mr. Mario Mueller from CECCM (Confederation of Community Cigarette Manufacturers at the delegation hotel: *Inntel Rotterdam Centre, Panoramazaal 9, 16th floor*

*Free dinner arrangements*

## II. Thursday 20 September 2012 - Antwerp

Departure from Rotterdam (8h30) to Antwerp by bus.

- 10.00            Arrival at the Port House, Entrepotkaai 1, B-2000 Antwerpen
- 10.00            Welcome and short introduction by Mr Chris Hoornaert, Port Ambassador
- 10.15            Meeting with Cpt. Rik Verhaegen, Manager Vessel Traffic Management of the Antwerp Port Authorities
- 10.45            Exchange of views with Noël Colpin, Administrator-General of the Belgian Administration of Customs and Excise
- 12.00            Transfer by bus to Kay 62 and boarding on Flandria 16
- 12.30            *Port tour and lunch*
- 14.00            Arrival at Kay 602 and transfer by bus to Antwerp Gateway Terminal
- 14.20            Visit Antwerp Gateway terminal and explanation of working flow process by terminal operator
- 15.00            Transfer by bus to Border Inspection Area
- 15.10            Introduction and visit to the Border Inspection Post (it will be possible for the delegation to choose one or several containers to be scanned)
- 16.40            End of programme
- 17.00            End of delegation visit and return to Brussels.**