

# ECJ Decides on Exemption from Excise Duty Liability in Case of Unlawful Act of Third Party: *KRI* (Case C-323/22) (Excise)

7 September 2023

Report from IBFD Knowledge Centre

On 7 September 2023, the Court of Justice of the European Union (ECJ) gave its decision in *Sistema logistico nord-est Srl v. Agenzia delle dogane e dei monopoli* (Case C-323/22) based on a number of grounds.

"On those grounds, the Court (Tenth Chamber) hereby rules:

The first sentence of Article 14(1) of [Council Directive 92/12/EEC](#) of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products must be interpreted as meaning that the exemption from tax laid down in that provision does not apply to the warehousekeeper, which is liable for the payment of duty, in the case of a departure from the suspension arrangement owing to an unlawful act solely attributable to a third party, even where the warehousekeeper was wholly uninvolved in that unlawful act and had a legitimate expectation that the goods moved in accordance with the rules under the arrangement for the suspension of duty."

For a previous TNS regarding the case, see [Italy-1, News 2 August 2022](#).

A more substantial report containing details of the ECJ's decision will be published in the ECJ Case Law collection in due course.