



CLIENT SERVICES & POLICY DIVISION Legal Assistance Office



APO Shipments: Common Customs Questions

Under the regulation, milk and milk products are listed. Does this include any food that contains milk or milk products? For instance, many chocolates contain milk. Would chocolate be included in this case or other holiday cookies /treats that likely contain milk products?

Bread, cakes, biscuits, waffles and wafers, rusks, toasted bread and similar toasted products containing less than 20 % of processed dairy and egg products and chocolate and confectionery (including sweets) containing less than 50 % of processed dairy and egg products, which are shelf-stable at ambient temperature or have clearly undergone in their manufacture a complete cooking or heat treatment process throughout their substance, so that any raw product is denatured may be imported thru the APO. However, if ingredients and percentages are not properly displayed on the item they may still be confiscated/questioned by GC authorities. Keep in mind that in order to battle infectious diseases, there are strict procedures and veterinary controls on the introductions of products of animal origin into the EU, same as there are for import into the US.

Coffee products are regulated. Would chocolate covered espresso beans qualify or other coffee flavored items?

Coffee and coffee by-products are **prohibited** from import through APO. They are rationed items! Since there is no way to control rations via private imports, all are forbidden for import via APO. Any coffee or coffee by-product containing 10-900 grams per kilo fall under the coffee tax law. Examples would be Cappuccino, Iced Coffee, Café au lait, and candy products with coffee.

Why can I not ship Velveeta cheese to myself - yet I can buy it at the commissary?

Commercial shipments by the Forces are imported under exceptional standards and are customs cleared with appropriate certificates, IAW applicable international or European import rules, following applicable procedures and veterinary controls. The clearance (customs and vet) of those commercial shipments are conducted at the port of entry to the EU or Germany. In this case the cheese has already been imported legally, which is not the case through the APO for personal shipments.

Individual mail shipments follow different import procedures and control measures therefore other/stricter rules apply when imported through the APO.

If someone receives a flagged package that has multiple items in it and only one item is cause for concern, can the individual accept part of the package but not all of it?

For example, someone orders a book, collagen powder, and markers from Amazon. Only the collagen powder would be flagged in the package. Could the book and markers be accepted by the recipient but not the collagen powder? Similar issues may arise if family

sends a care package with cheese gift box or a favorite coffee, along with other items not restricted. Does the whole package need to remain unopened to return to sender and not be in violation of the customs regulations?

In cases where GC confiscates a package, the recipient has to report to German customs. GC will either destroy the prohibited item (i.e. medicinal products, meats, cheese), or charge duties on restricted items (i.e. coffee). Items of no concern are usually released to the recipient.

Same applies when a package was flagged by USACA-E and the recipient reports to the local military customs office. Alternatively the recipient has the option to decline the shipment at the postal facility and return it to sender as refused.

Return to sender is highly recommended especially on commercial shipments containing prohibited items. Once taken out of the APO system return to sender is in general no longer an option.

If a package is accepted and contraband is found, the individual is placed in a local database. Who has access to the database? Many soldiers are concerned that they will get flagged and reported to their chain-of-command or, at PCS time, their file will be flagged, which would impact their ability to PCS in a timely manner.

Any incident is handled and documented by USACA-E personnel/MP Customs IAW with ECI 8701.01A, AER 550-175 (para. 6 and 15) and appropriate DOD law enforcement procedures.

Severe violations or repeated violations may trigger further investigative action. If a Service Member were to be cited for a postal import violation, the investigators would use Art. 92, UCMJ Failure to Obey a Lawful Order or Regulation; AER 550-175, Customs Controls in Germany, Paragraph 6a - e(1). Department of Defense Civilians / Family Members, would be titled IAW AER 27-9, Misconduct by Civilians.

Therefore, if a police report is generated then the violator's chain of command or the Garrison Commander determines the type of action to be taken against the violator.

At what point will an individual be reported to German authorities for customs violations?

IAW the SOFA and the European Command Instruction (ECI) 8701.01A USF postal facilities are regularly spot checked by German Customs ICW USACA-E (joint inspections) to ensure the forces are upholding host nation Laws. In addition and to fulfill the force's obligation of self-enforcement, the USACA-E is responsible for regular unilateral checks as well.

Consequently, if a package is confiscated during a joint inspection, any further action is taken as deemed appropriate by GC authorities.

If a package is flagged during a unilateral inspection, first time offenders receive a warning and a briefing, regarding items that are restricted / prohibited for importation into the Federal Republic of Germany. Unless the incident requires further host nation involvement (i.e. weapons, drugs, etc.) it is handled within USF channels only.

Is there a three strikes and you're out type of policy where you would either be reported to your chain of command or lose access to the APO? Are there consequences if you are a repeat offender?

Corrective action per se is not within customs enforcement purview, therefore we cannot provide a definite answer. In some cases Command's or Sponsor's on second or repeated offenses are being notified if it appeared to be willful in order to correct the situation without titling. However, in general it also depends how egregious the offense is/was. As with any offenses, the prerogative to administer actions lies with the Commander or Civilian Misconduct Authority. Usually prior to removing APO privileges, the offence and recommended removal of APO privileges would be routed from the APO through IMCOM-E (if it is a Garrison APO) through USAREUR-AF G1 Postal, DA Postal, to the Military Postal Service Agency. For details you may visit the DoD Postal Manual. Para AP1.3.24 through AP1.3.24.3. (PDF page 347 - 348).

If you have further questions, please email us at: USARMY.WIESBADEN.USAREUR.MBX.OJA-WLC-LEGAL-ASSISTANCE-CALENDAR@ARMY.MIL.