

## Würzburg Border Crossing Incident

On July 11, 2015, a pilot using a Cessna 182P, accompanied by two fellow pilots, took off from Birrfeld LSZF airfield (Switzerland) for a flight to Würzburg EDFW, he chose for entry customs to Germany. He chartered the plane from the flight group Graziella, of which he was a member at that time. The flight preparation was based on the then current Jeppesen- and AIP Germany publications. On the relevant documents for Würzburg at that time (and still at least one year later) the column "Customs" expressly stated: "Customs non-Schengen AC 24 h PPR". Switzerland belongs to the Schengen area and the pilot interpreted this in a way that Würzburg was still a customs airfield as it had been in the past for arrivals without goods. He also filed an ATC flight plan from Birrfeld LSZF to Würzburg EDFW with the explicit remark under the heading Remarks "Request customs, noncommercial". In addition, the day before, he contacted the air traffic controller of the Würzburg airfield by telephone and explained that he needed entry duty, which was noted without comment. For exiting Switzerland, the pilot filled the usual customs declaration.

At 0830 h, they departed LSZF, opened the flight plan with Skyguide (Swiss ANSP), contacted Langen INFO, Stuttgart Tower for the crossing clearance, and, about 10 min. before landing, reported at Würzburg INFO, where they landed at 0950 h. After the landing, the crew reported to the airfield officer to pay the landing tax and inquired about the customs formalities. The airfield officer explained that everything was in order. The pilot nevertheless demanded that the airfield officer call the police in Würzburg and report the entry. He did this immediately and confirmed credibly that the police had found everything to be in order and legal. Afterwards the flight continued to another destination.

Half a year later, in a letter dated February 18, 2016, the main customs office of HZA Schweinfurt accused the pilot of having made an unauthorized entry into Germany with landing at an airfield not entitled to customs duty. The pilot was told that Würzburg had not been a customs airfield for some time. Apparently, neither the German federal aviation authority (AIP), nor Jeppesen, nor the airfield Würzburg itself were aware of this. The HZA, nevertheless, enclosed an invoice for EUR 5,647.14 customs and EUR 14,529.11 import turnover tax (VAT).

The membership of AOPA Switzerland includes a legal protection insurance via DAS. Thus, the pilot contacted AOPA with confidence. Since the alleged offence happened in Germany, the case was handed over to the German sister organization, which in turn commissioned a well-known law firm via DAS to handle the case. They appealed against the ruling of the HZA. The Munich Finance Court however, rejected the claim without any consideration of the facts presented in the appeal. HZA's claim now amounts to around € 25,000 with the running charges and fees accrued for 3 ½ years. In addition, as DAS's limit for attorneys' fees in such cases has now been reached, they terminated the mandate.

Subsequently, a board member and lawyer of AOPA Germany tried again unsuccessfully to avert the lawsuit at the Munich Finance Court. The reason given by the court: "Had the pilot flown back to Switzerland on the same day, it would have merely been an unauthorized landing. However, since the pilot flew on to another airport, Customs and the Court consider this as an unauthorized trade of untaxed goods." Although the pilot had done everything right with regard to flight preparation, the HZA insists on its demand.

The pilot, being retired, simply lacks the financial means to settle this exorbitant claim. The HZA is now threatening to sue the flight group Graziella, holder of the aircraft used at that time. This the pilot explicitly wants to avoid but cannot prevent, due to lack of financial means. He simply does not have the strength and the financial means to continue this procedure, which in our opinion is utterly unlawful.