



WORLD SHIPPING COUNCIL
PARTNERS IN TRADE

IMPORTING INTO THE EU UNDER THE NEW UNION CUSTOMS CODE: CHALLENGES AND OPPORTUNITIES FOR TRADE

***PERSPECTIVE FROM THE WORLD SHIPPING COUNCIL
HAVENHUIS, ANTWERP, 19 NOVEMBER 2015***

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Agenda

- 1. The World Shipping Council**
- 2. Current Advance Cargo Security Rules**
- 3. Perspectives on key changes and challenges:**
 - I. Multiple Filing**
 - II. Buyer and seller**
 - III. Implementation**
 - Reflections on the EU / US experience**



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Changes and Challenges

➤ **Current Entry Summary Declaration (ENS):**

- ENS Cargo Security Filing established in 2011 for all goods brought into the Union.
- Filing by carriers to EU first port of entry 24 hours before loading in a non-EU port.
- Information drawn from carriers bill of lading.

➤ **Changes Under the Union Customs Code (UCC):**

- EU wants to know more for risk assessment. *'Who is moving, what, to whom, from where?'*
- Switch from carrier based single filing to a multiple filing system collecting more data from more parties incl. shippers.
- Maritime ENS to include Buyer & Seller information (not air).
- Changes to be implemented between 10/2020 (?) – 31/12/2020

I. The Switch to Multiple Filing

Key Elements from the new Legal Framework:

- Carrier will continue to file ENS information available to them.
- Freight forwarders acting as NVOCCs (i.e. issuing 'House Bills of Lading') must submit their own ENS part filing and will need to inform the carrier they have contracted with, if they are acting in that capacity and whether they will file.
- The Carrier in its ENS must identify the NVOCC.
- So must the NVOCC with respect to any of *its* direct customers that are part filing also.
- No party filing is responsible for the accuracy or completeness of any ENS part filing made by another party.
- The carrier is not obliged to be aware of ENS part filings by anyone other than its direct customer.

This system could work for obtaining 'Lowest House bill' data.



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II. Buyer and Seller Information

- EC taking an unprecedented step in seeking buyer and seller data without a separate Importer Security Filing.
 - EC proposes to obtain buyer & Seller information from carrier, freight forwarder or 'consignee' as indicated on Bill of Lading
 - Inclusion of 'Buyer & Seller' Jointly opposed by CLECAT, ESC, WSC.
 - Carriers and NVOCCs do not have 'Buyer' and 'Seller' information from sales contract. Not relevant / not named in transport contracts.
 - The 'Consignee' may not know the buyer and seller.
- ❖ **EC Proposals may practically require cargo owners to:**
1. Pass buyer and seller info to the freight forwarder or carrier to file
 2. Pass buyer and seller info to the 'consignee' to file

? What would shippers prefer to do ?



III. Implementation

1. The EU Plan:

- CLECAT, ESC and WSC called for a single mandatory ICS 2 implementation date applicable across all MS.
- **Variable MS start dates on top of already very complex new filing systems risks heavier workloads, confusion and poor compliance.**
- Draft UCC Work Programme introduces a staggered MS roll-out between October and December 2020.

2. What must be avoided and what's needed?:

- MS must not widen the implementation window any further!
- **MS must not unilaterally require ICS 2 data sets before EU ICS IT components are fully deployed.**
- A suitable voluntary testing period for new ENS filing, outreach and an initial enforcement tolerance period is needed.



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What should Industry do?

- **Maintain political pressure at EU and national level for a coordinated, appropriate EU wide roll out.**
- **Carriers and other economic operators need to prepare, adapt processes and IT systems to capture the new information.**
- **Familiarise themselves with new roles and obligations.**
- **Start dialogue to ensure effective compliance and adaptation with the new requirements.**



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Thank you for your attention

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