



Workshop:

Importing into the EU under new Union Customs Code: Challenges and Opportunities for Trade

Perspective from the European Commission

Klemen Oven

**Directorate – General for Taxation and Customs Union
Unit B2 Risk Management and Security**

**19th November 2015
Port of Antwerp**

Reform of the EU Advance Cargo Information (ACI) System (ICS 2.0)

- Policy and strategic context (EU Strategy for Customs Risk Management)
- Requirements and processes behind
- Policy/legal needs for the IT system to deliver
- State of play of the project progress

Strategy objectives – COM (2014) 527, 218.2014)

1. Improve data quality and filing arrangements – reform of the ACI system

- Legal requirements (ENS) under UCC: ✓
- IT developments: *in progress*

6. Enhance co-operation with trade

- FP7 – CORE – data pipelines for increased supply chain visibility: **consistency with the EU approach**

Reform of the EU ACI system - ICS 2.0

Regulatory requirements

- **ACI/ENS requirement - Article 127** of the Union Customs Code (Reg. 952/2013) – applies on all transport modes
- **Carrier is responsible** to lodge e-ENS to the MS of first entry
- **BUT, other parties may be obliged as well** (if the carrier not able to obtain all necessary data) – Article 127 (6) UCC
- So, UCC introduces possibility of dual/multiple ENS filing
- UCC Implementing Acts (**DAs** and IAs) concretize it



Reform of the EU ACI system - ICS 2.0

Regulatory requirements

UCC Delegated Regulation:

- ENS Data requirements (Annex B)
- Responsibilities of different actors for ENS filing
- Exemptions from ENS filing obligations
- Time-limits

UCC Implementing Regulation:

- Procedural rules for ENS filing
- ENS Data structure and format (Annex B)

Reform of the EU ACI system - ICS 2.0

Regulatory requirements

ENS Data requirements include information:

- contained in the **master bill** (or air waybill) of lading (conveyance)
- Contained in any **house bill** (or air waybill) of lading issued under the master bill (including co-load, lowest BoL)
- Certain **commercial data** (i.e. seller, buyer (owner), HS-6)

Reform of the EU ACI system - ICS 2.0

Regulatory requirements

Parties responsible to file ENS data to the EU customs:

- **Carrier**

In addition and in the case, when more than one bill of lading issued for the same goods (i.e. house bill):

- Any **person issuing** that **bill of lading**, if it does not want to share this information with the carrier

In the case of data not contained in the bill of lading (i.e. commercial data):

- **Consignee** at the **lowest bill of lading level**, if it does not want to share this information with the carrier



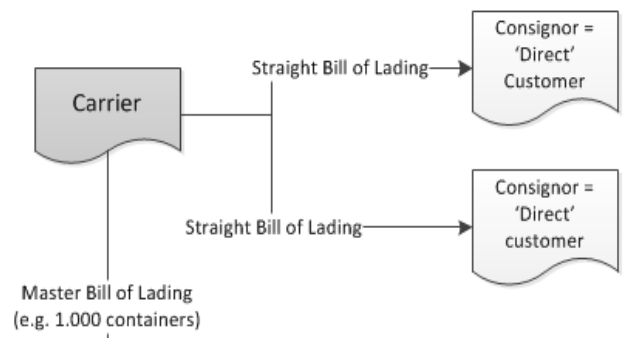
Reform of the EU ~~ACI~~ system - ICS 2.0

ENS multi-filing process

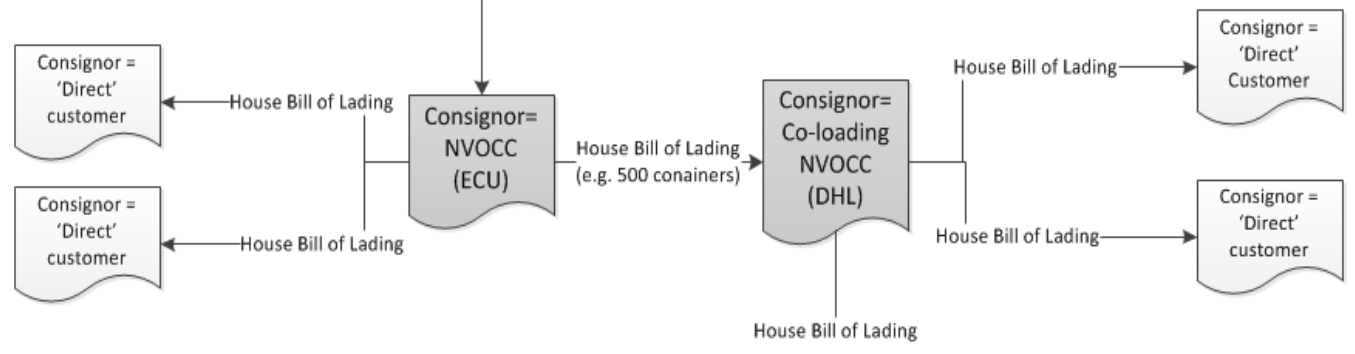
In the case carrier is not able to provide complete ENS, it can delegate obligation for missing data to other party:

- **Carrier obliged** to refer **another filer ID** in its submission (i.e. EORI of FFW, consignee, postal operator)
- **House bill of lading issuing party** and the lowest BoL **consignee obliged** to refer in its filing the carrier's MBoL reference and carrier ID (EORI)
- **House bill of lading issuing party obliged** to refer another filer ID in its submission (e.g. EORI of another FFW issuing house BoL), in the case of co-loading or sub house BoL issued

Carrier (MSC line)



NVOCC (ECU) / co-loading NVOCC (DHL)



Freight Forwarder (Qingdao Waywall International Logistics)





Reform of the EU ~~ACI~~ system - ICS 2.0

ENS filing options

The reformed ACI ICS2.0. will offer flexibility (ex maritime):

- **Single filing by the carrier**
- **Dual filing** by the **carrier** and **consignee**
- **Dual filing** by the **carrier** and **freight forwarder**
- **Multiple filing** by the **carrier**, **freight forwarder(s)** and the lowest BoL **consignee**
- **Single filing by the freight forwarder** or consignee (consent of the carrier needed)



Reform of the EU ~~ACI~~ system - ICS 2.0

ENS filing options

ENS filing options in the air cargo/mail:

- **Single filing** by the **air carrier** (incl express courier)
- **Dual filing** by the **air carrier** and **freight forwarder**
- **Multiple filing** by the **air carrier** and **freight forwarder(s)** (co-loading)
- **Single filing** by the **freight forwarder** (consent of the carrier needed)
- **Dual filing** by the **carrier** and **postal operator**

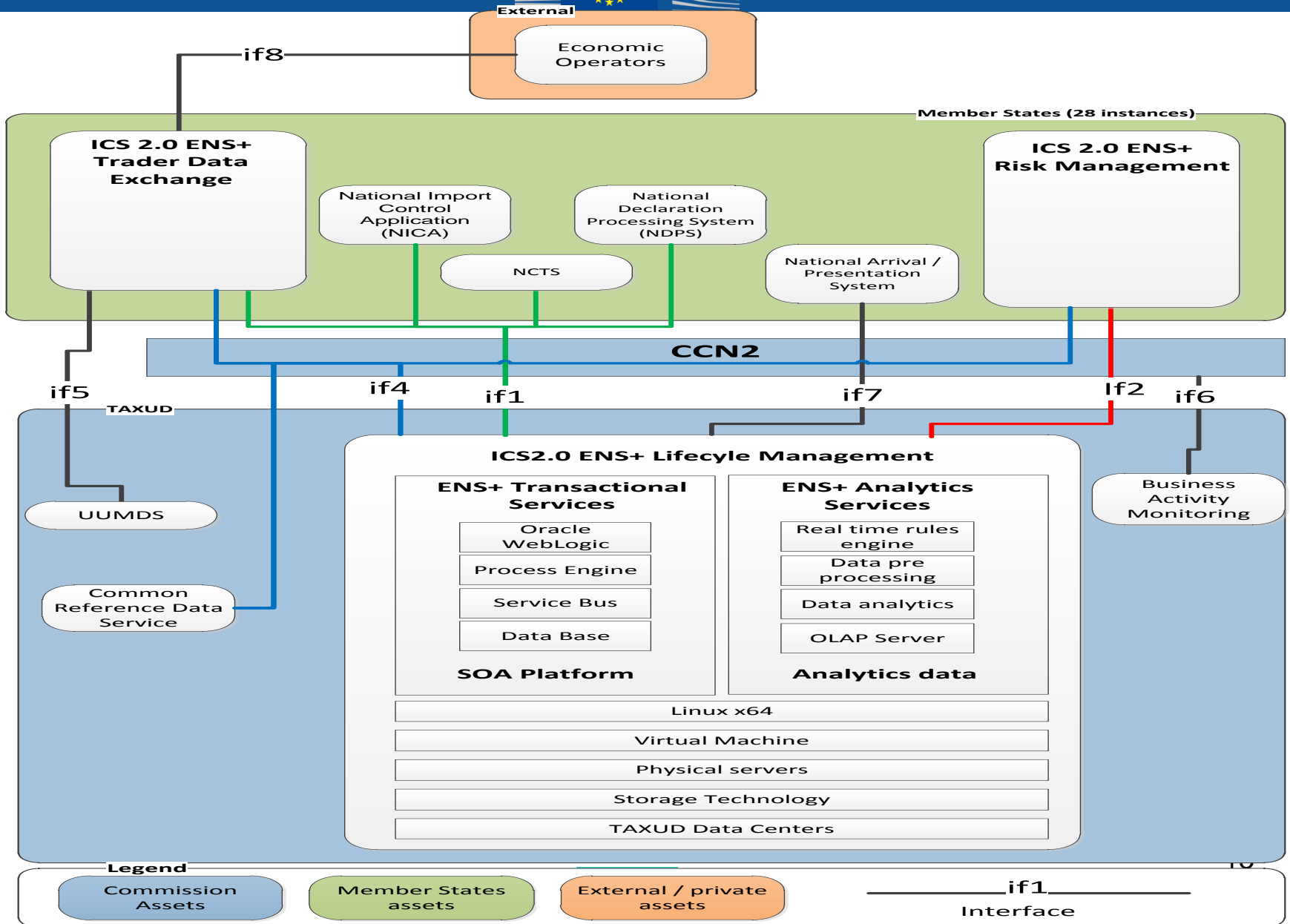
Reform of the EU ACI system - ICS 2.0

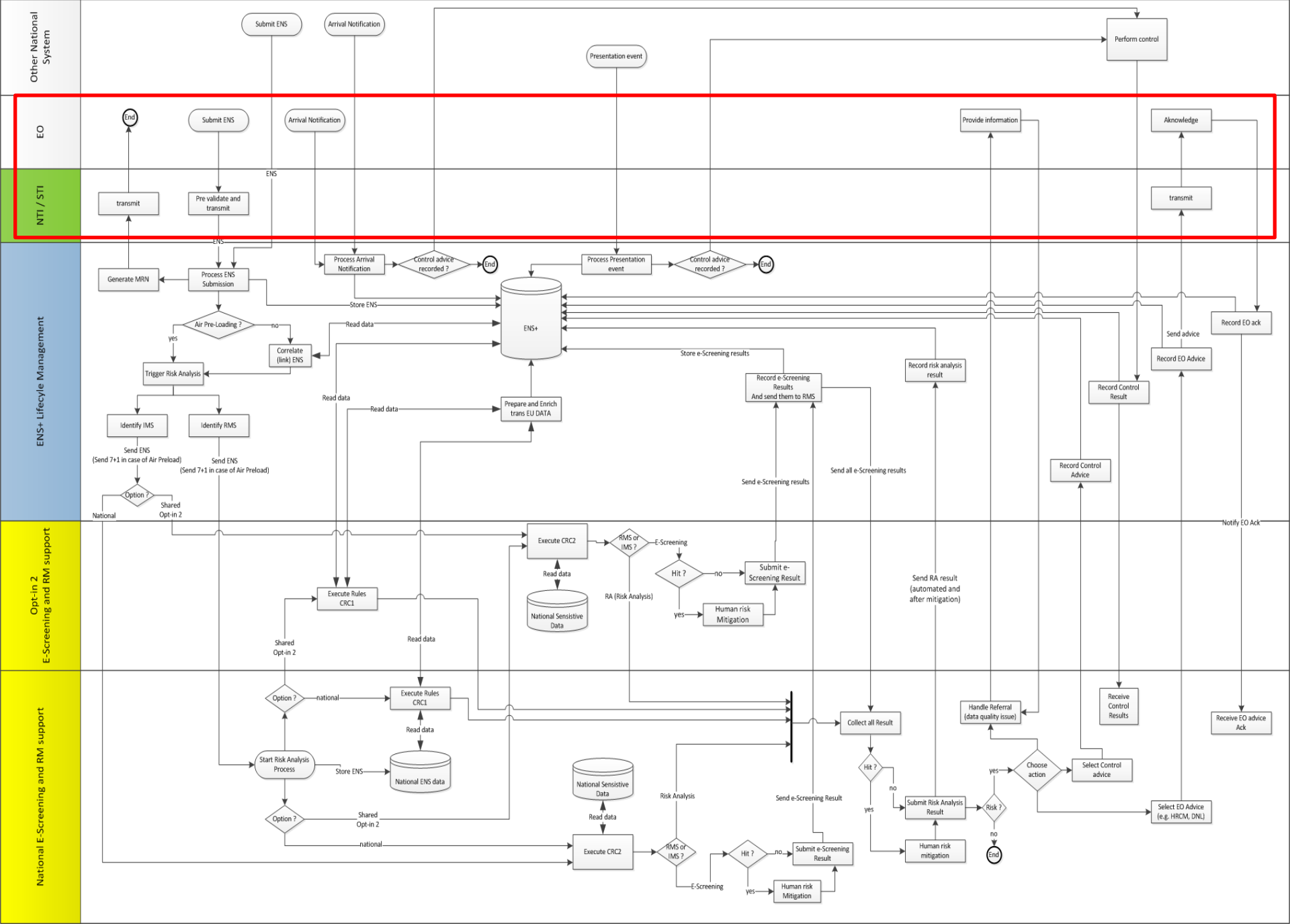
Policy/legal needs for the IT system to deliver

The system needs to ensure:

- ENS filing **flexibility** (single, dual, multiple)
- **Harmonised interface** with the trade (either via national or single access point)
- Very high **availability, scalability, security, usability and maintainability**
- **Matching/linking** of submissions (in case of dual or multiple) by using unique 'merger key' (1 ENS) based on transport documents numbers. ENS filers will need to ensure their:
 - **uniqueness (3 years min), and**
 - **correctness ('hand-over' process)**

ICS 2.0 IT Architecture







Reform of the EU ACI system - ICS 2.0

State of Play of the IT project progress

Current planning:

- Pre-inception phase – Feasibility Study (end 2014)
- Inception phase – Business Case and Vision Document (end 2015) (documentation available to TCG)
- **Elaboration phase – Functional and Technical specs - start 2017- end 2018 (co-created with trade)**
- Construction phase – start 2018- end 2019
- Conformance testing – start 2020
- Start of operations – end 2020 (to be followed by the informed compliance period)

Thank you for your attention!

[*klemen.oven@ec.europa.eu*](mailto:klemen.oven@ec.europa.eu)

*European Commission
DG Taxud
Unit B2 Risk management and security*