

## UPDATED BRIEFING

### Guidance for freight forwarders on ICS2 Release 3

The third release of the European Union’s customs pre-arrival safety and security system – Import Control System 2 (ICS2) – **goes live on 3 June 2024 at 12:00 pm (CET)**. Under ICS2 Release 3, all goods transported by **maritime/inland waterways, roads, and rail** to or through the EU, (including postal and express consignments), will need to electronically submit a range of **mandatory and more detailed information about the goods being transported** in the ICS2 system in the form of a complete Entry Summary Declaration (ENS).

Maritime, road, and rail carriers (including postal and express) using these transport modes, as well as other entities like logistics providers issuing transport documents and, in specific situations, final consignees within the EU, are required to submit ENS data to ICS2. Economic Operators (EOs) will have to send safety and security data to ICS2 through an ENS and will need to connect to the system to do so.

Information must be presented to the carrier, the import agent, or an authorised freight forwarder, or submitted directly to the ICS2 system by a **specified time before the goods are loaded or arrive at the EU border** (depending on the mode of transport and type of journey).

#### Deployment window by transport mode



As with ICS2 Release 2 (Air), **no deployment window will be granted by default**, meaning that EOs who require one, must request it from the National Customs Authority of the Member State in which they are based.

This includes freight forwarders, who are house level filers. They, too will need to **contact the National Service Desk** (NSD) of the Member State where their EORI number is registered to request a deployment window. This must be done **at least one month before the go-live date** scheduled for their transport mode. The NSDs are the first point of contact for EOs and if the NSD cannot resolve the issue faced by the EOs, they will contact the Central Service Desk (CDS).

If an EO does not request a deployment window to its National Customs authority, they should start filing ENS in ICS2 from **day one, based on the scheduled go-live date for their specific transport mode.**

**Maritime house filers can request a deployment window until 01/11/2024 (but can already do so as of now)**

If EOs operate in different modes of transport, Member States should allow them to **go live once for all the modes of interest**, instead of at different times. However, **this date should not be later than the earliest end date of the deployment windows for their modes of transport.** For example, if operating as maritime house level and road carriers, the go-live date should be no later than the end of the maritime house level filer deployment window – April 1, 2025.

#### Description of goods

As declarants, all types of EOs are legally responsible for the accuracy, completeness and timeliness of the ENS data. Therefore, attention should be given to the data requirements including:

- 6-digit Harmonised Community Codes (HS codes) and **meaningful description for each item in a consignment.**
- The EORI of the consignee established in the EU.
- Detailed buyer and seller information (or alternatively owner of the goods in case the consignment does not involve a commercial transaction) for goods with the final destination in the EU.

Data filing can be provided in one complete ENS filing if all necessary data is available to the party that files.

#### Multiple Filing

**Freight forwarders have the possibility to make use of multiple filing**, where more than one partial ENS filing is submitted by different actors in the supply chain.

**At the Trans-European Coordination meeting on ICS2 in May DG TAXUD informed EOs and Member States that the *multiple filing option* will be available for Maritime, Rail and *also Road (following an amendment).***

There are a number of advantages of multiple filing, including:

- **Prevent delays** for customs and prevent supply chain disruptions by submitting filings at the earliest possible time.
- **Safeguarding confidential information** from other parties.

Freight forwarders who choose to use the multiple filing option can use:

1. **Inhouse technical integration into their systems (large LSPs/freight forwarders).**
2. **Intermediary / technical IT service provider**
3. **Shared Trader Interface / Shared Trader Portal**

### Intermediary / technical IT service provider (ITSP)

If you decide to file the ENS yourselves you can make use of an IT Service Provider (ITSP). The party filing the data to ICS2 is the Sender. An ITSP is any party that delivers IT Services to a declarant/representative by operating an AS4 access point as a Sender.

An ITSP must be identified (EORI & digital certificate) and registered in UUM&DS to be authorized to exchanges messages with the Shared Trader Interface (STI).

(UUM&DS = Uniform User Management and Digital Signatures system (system-to-system interface) for identification and authentication of economic operator systems (EOSs))

Below you find a short list of ITSP's offering their services to freight forwarders in ICS2 release 2 and release 3:

- [Conex](#) has developed a solution to manage advance security declarations that must be lodged prior to the importation of goods into certain customs territories and countries. The solution 'SAFE via conex™' provides a work interface, completely free from the technical constraints associated with the transmission of security messages.

Users benefit from a single interface for all security declaration formalities, also adapting to all supply chain EOs in order to constitute the ENS (both for single and multiple filing options). A brochure is available [here](#).

- [Dakosy](#) is a Hamburg-based software company that offers digital solutions for international freight forwarding, customs clearance, and supply chain management. Dakosy operates the Port Community System (PCS) for the Port of Hamburg and the Cargo Community System for Frankfurt and Hamburg Airports, which are accessible to any company via open and flexible EDI interfaces and web applications.

Dakosy's in-house IT platform communicates directly with the European Commission's Shared Trader Interface. See the detailed [presentation](#) on Dakosy's ICS2 solutions, including information on possible EDI interfaces and communication channels.

- [Descartes](#) Import Control System™ enables ICS customs compliance by offering a wide range of solutions to comply with the latest mandates such as ICS2.

Watch the [webinar](#) on **ICS2 Maritime requirements for freight forwarders** in which Descartes provides a detailed explanation of its ICS2 solutions.

### Shared Trader Interface (STI) / Shared Trader Portal (STP)

Shared Trader Interface – STI (system-to-system interface between EOs and national customs via the common domain)

If you as an Economic Operator want to access the Shared Trader interface / Portal STI-STP of DG TAXUD you need to follow some instructions with the following link: <https://conformance.customs.ec.europa.eu/euctp/> - to go to the ICS2 **Conformance test** environment

An Economic Operator can access STI-STP through the following link: <https://customs.ec.europa.eu/gtp/> - to go to the ICS2 **Production** environment

You may also find the presentation of the French government of interest as it explains the concept quite well: see link to the [user guide](#).

#### Entry Summary Declaration (ENS) submission

Depending on the mode of transport, the ENS is to be filed within the following time limits:

##### **Transport by sea:**

- a. At the latest **two hours before the arrival of the vessel** at the first port of entry into the EU in case of goods coming from **Greenland, Faeroe Islands, Iceland, ports on the Baltic Sea, Black Sea, Mediterranean Sea or Morocco**.
- b. The **same two hours** apply in cases where the goods are coming from **other third country territories** and enter the EU customs territory, the **French overseas departments, the Azores, Madeira or the Canary Islands** and the **duration of the vessel's journey is less than 24 hours**.
- c. At the **latest four hours** before the arrival of the vessel **for bulk cargo** in other cases than a) or b) above.
- d. For **containerised cargo** in other cases than a) and b) **24 hours before the goods are loaded onto the vessel** which will bring them into the EU customs territory.
  - a. *NOTE: some carriers deviate from this minimum and are asking for 24 hr before ETA of ship in the relevant port!*

##### **Transport by rail**

- e. When the **train voyage takes less than two hours** from the last train formation station outside the EU customs territory to the first point of entry into the EU customs territory, the ENS is to be lodged at the **latest one hour before** the train arrives at the border entry point of the EU.
- f. **In other cases** than those mentioned under e), the ENS is to be lodged at the latest **two hours before** the train arrives at the entry point of the EU.

##### **Transport by road**

- g. The ENS shall be lodged at the latest **one hour before** the goods arrive at the entry point of the EU.

##### **Transport by inland waterways**

- h. The ENS shall be lodged at the latest **two hours before** the goods arrive at the entry point of the EU.

### What happens in case of non-compliance?

**Accurate data is essential.** Submitting incorrect data may lead to EU customs **authorities to reject ENS declarations due to lack of complete data** or **issue risk mitigating referrals** in the pre-loading or pre-arrival phase. This leads to a **request for additional data** to the declarant, which must respond to the risk mitigating referrals and provide the requested information before the risk assessment can resume and be completed. **This may cause delays** in processing ENS declarations upon the arrival of the consignments and in the entry process, causing disruptions.

**Apart from the delays that this will cause, customs can decide to impose administrative sanctions for non-compliance** with ENS data requirements.

### How to prepare

To meet their ENS data filing obligations, **EOs will need to update their IT systems and business process** and provide adequate **training to their staff**. They will also have to run the **mandatory self-conformance testing** before their start of operation.

The following are the prerequisites for all types of EOs acting as declarants:

- Providing a **EO Self-Conformance Testing plan** to Member States NSDs.
- Designating an **EO Single Point of Contact (SPOC)** as a focal point in the coordination with the National Customs Authority.
- Following the national procedures **to obtain an EORI number** from the responsible Member State.
- Obtaining **ICS2 Message Sealing Certificate**, which must be provided by Certificate Authority from the EU Trust Services Dashboard.
- Obtaining the **Transport Layer Security (TLS)** certificate or verifying that the certificate owned by EO is listed in the list provided in Conformance Test Organisation Document.

### To do list for freight forwarders, acting as house filers

- Establish reliable communication channels and set **clear protocols for exchanging information with your customers (consignors)**.
- Agree with customers **whether you will send partial filing, or whether consignment details will be sent to the carrier**.
- If the carrier is responsible for submitting full ENS filing, **agree on how and when the required consignment information will be sent** to them for each consignment.
- **Establish internal procedures** to ensure that the ICS2 filings are submitted within the specific deployment window, based on the mode of transport, and journey length.

- Agree with the carrier whether to directly submit partial ICS2 filing (**multiple filing**) or provide the information to the carrier for a full ICS2 filing. **Avoid duplicate entries** to reduce shipment delays.
- **Ensure that customers (consignors) provide accurate and detailed descriptions**, including Harmonised Commodity Codes (minimum first 6 digits of the HS Code) for each article. Also, ensure the **inclusion of EORI numbers** for the identity of the consignee in the EU.

#### Further information and materials

The following documents have been provided by the Commission to facilitate practical arrangements in preparation for the launch of ICS2 Release 3:

- [ICS Transition from R2 to R3 strategy](#).
- [ICS2 Release 3 Go-live procedure for Economic Operators](#).
- [ICS2 Pre-arrival Referral Guidance](#)

Additionally, the Commission has published the following factsheets:

- [ICS2 Release 3 Maritime factsheet](#).
- [ICS2 Release 3 Technical factsheet](#).
- [ICS2 Release 3 Rail factsheet](#).

For further information, visit the Commission's [webpage on ICS2 Release 3](#).

The Commission has created a webpage with the most [Frequently Asked Questions](#) related to ICS2.