

eLearning module

# ICS2 Process and Data: Rail

Course takeaways

This eLearning module will guide you through the EU's advance cargo information system “**Import Control System 2 (ICS2)**” that supports the implementation of the EU customs **safety** and **security** regulatory regime, aiming to better protect the EU single market and EU citizens. It provides an overall overview of ICS2 **rail** business process from the **economic operator** perspective.

This is a quick and handy summary of the most relevant course information:

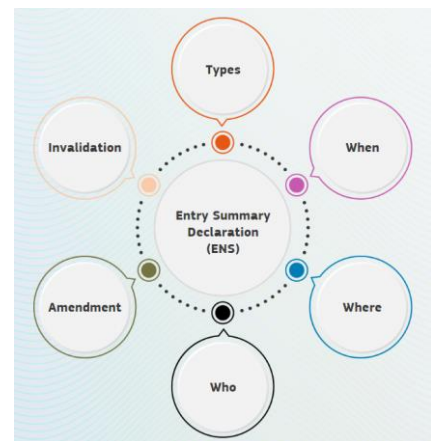
## 1 Did you Know?

The **European Union** has implemented a customs pre-arrival security and safety programme, underpinned by a large-scale **advance cargo information system** – the **Import Control System 2**. Norway, Switzerland and Northern Ireland have also joined this security and safety programme and implemented ICS2. The programme is one of the main contributors towards establishing an integrated EU approach to reinforce customs risk management under the **common risk management framework**.

## 2 Legal Background

Goods **entering, transiting or transhipping** the customs territory of the Union must be covered by an **Entry Summary Declaration** before the means of transport enter the Union, regardless of their final destination.

The **Entry Summary Declaration** contains all the **data elements** necessary for the **risk assessment** for security and safety purposes and allows customs authorities to perform **risk analysis** and ensure that goods constituting a security or safety risk are **controlled** when entering the customs territory of the Union.



### 2.1 Entry Summary Declaration (ENS)

The **ENS** is **electronically** lodged in the **Import Control System 2 (ICS2)**, and it applies to **all goods entering, transiting or transhipped** in the customs territory of the Union.

### 2.2 Types of ENS filings

There are two types of ENS:

- ENS contains **all the particulars** (Columns F51)
- ENS contains **partial particulars** (Columns F52, F53, F54, F55)

The **columns F52, F53, F54 and F55** for rail operations are currently **not included** in the customs legislation. It is foreseen to be included in the **upcoming update** of the UCC, **in 2025**.

#### **Full ENS filing**

The full ENS contains all the required **master level**, the **house level** and **goods shipment level information**:

- **Master level information:** It contains information about a consignment from a **master level transport contract** issued by a carrier to its direct contracting party.
- **House level information:** It contains information about a consignment from a **house level transport contract** issued by a freight forwarder, or agent to its direct contracting party (customer).
- **Goods shipment level information:** It is composed of the **lowest level of buyer/seller** information per house consignment.



### **Partial ENS filing:**

The partial ENS contains **ONLY some particulars**, such as the **master level information** OR the **house level information** AND/OR the **goods shipment level information**.

A **complete ENS** is composed of multiple partial ENS filings that have been submitted by different actors in the supply chain with the respective data particulars that they hold.

## **2.3 Who can lodge an ENS**

In general, the **ENS** shall be lodged by the **carrier**.

The **person filing** should be identified with an **Economic Operator Registration and Identification (EORI)** number that must be included in the ENS.

## **2.4 Where is an ENS lodged**

The ENS shall be lodged at the **customs office of first entry (COFE)** within a specific time-limit, before the goods are brought into the customs territory of the Union.

## **2.5 When is an ENS lodged**

The **ENS** shall be lodged at the customs office of first entry **within a specific time-limit**, before the goods are brought into the customs territory of the Union.

Where the goods are brought into the customs territory of the Union by **rail**, the ENS shall be lodged within the following **time-limits**:

- (a) where the train voyage from the last train formation station located in a third country to the customs office of first entry takes **less than two hours**: at the latest **one hour before arrival** of the goods at the place for which that customs office is competent;
- (b) in all other cases: at the latest **two hours before the arrival** of the goods at the place for which the customs office of first entry is competent.

## **2.6 Amendment**

The **declarant** may, upon application, be permitted to **amend one or more particulars** of the ENS after it has been lodged. **Not all data elements** of the ENS are allowed to be amended (e.g. transport contract number, carrier, declarant etc.).

## **2.7 Invalidation**

Where the goods, for which an ENS has been lodged, are **not** brought into the customs territory of the Union, the customs authorities (ICS2 Common Repository) shall invalidate that declaration **without delay** in either of the following cases:

- a) upon **application** by the declarant; or
- b) after **200 days** have elapsed since the declaration was lodged.

### 3 Arrival and Presentation of Goods

The customs authorities must be informed that **the goods have arrived** and are available for **inspection** by customs through a **presentation notification**.

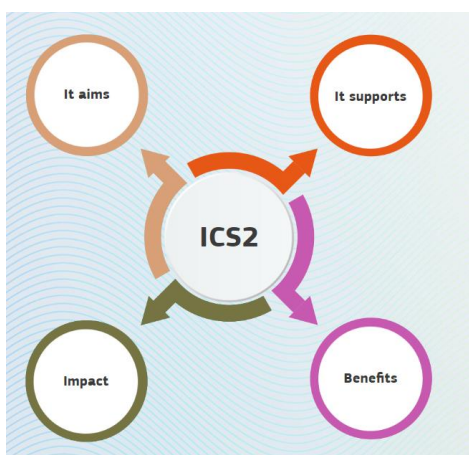
After the goods arrive at the first customs office of entry, an electronic **presentation notification** needs to be lodged to the **national presentation system** by the responsible economic operator, following the national instructions of the **Member State of Presentation**. The aim of this notification is to inform customs about the arrival of goods and their availability for controls. Following this, the Member State of Presentation communicates the presentation to ICS2.

The goods must be presented by the **carrier** or **another party**, such as an express operator, ground handling agent, freight forwarder, consolidator, etc.

If the means of **transport is diverted** from the declared customs office of first entry to another within the customs territory of the Union, a **presentation notification** is dispatched to the presentation system of the country where the goods enter the EU.

## 4 The ICS2 System

### 4.1 What is ICS2



The **Import Control System 2 (ICS2)** serves as an **advance customs cargo information system**. It is mandatory for economic operators to submit **safety and security data** about all goods intended for entry, transit, or transshipment via the **European Union (EU)** to ICS2, utilising the Entry Summary Declaration (ENS).

**ICS2** gathers these data on all goods before they reach the EU's external borders. **Advance cargo information and risk analysis** enable **early identification** of threats and help customs authorities to **intervene** at the most appropriate point in the supply chain.

#### *The aim of ICS2*

**Customs operations** at the EU's external borders serve a **crucial function** in **safeguarding** citizens and the internal market from potential safety and security risks.

The utilisation of the advance cargo information and comprehensive risk analysis facilitates the **early detection of threats**, enabling customs authorities to **intervene strategically** within the supply chain.

#### *What ICS2 supports*

**ICS2** is a **large-scale EU information system** supporting the following processes:

- **lodging** of the ENS (advance cargo information) to customs;
- **security and safety risk analysis** by customs;
- **arrival of means of transport**;
- **presentation of goods** to customs authorities, to a limited extent; and
- **control** of goods performed by the customs authorities, wherever necessary.

**ICS2** is **not an import system**, and it is **not used to process** the customs declarations for release into free circulation.

### **Who is affected by ICS2**

The **Import Control System 2 (ICS2)** significantly influences a wide range of economic operators engaged in the **international movement, transportation, and handling of freight, express, or postal consignments**.

### **ICS2 Benefits**

**ICS2**, through its collection of safety and security data, **brings forth a more efficient and robust set of capabilities for EU customs security and safety**. These capabilities:

- **Enhance the protection** of EU citizens and the internal market against potential security and safety threats.
- **Promote the smooth flow of trade** by improving data-driven customs security processes, which are tailored to fit global business models.
- **Enable EU customs authorities** to better identify high-risk consignments and intervene at the most suitable point in the supply chain.
- **Support balanced and targeted customs measures** at the external borders.
- **Ease cross-border clearance** for legitimate trade.
- **Streamline the exchange of information** between economic operators and EU customs authorities.

These benefits collectively contribute to a **safer and more efficient trade environment** within the EU.

## **4.2 Get Ready**

If you transport goods to or through the **European Union, Switzerland, Norway, and Northern Ireland**, make sure you know how to comply with the rules under **ICS2**.

You should gain understanding of the **requirements**, update **your IT system and** adapt your business processes. As a first step you must obtain an EORI number if you do not have it yet.

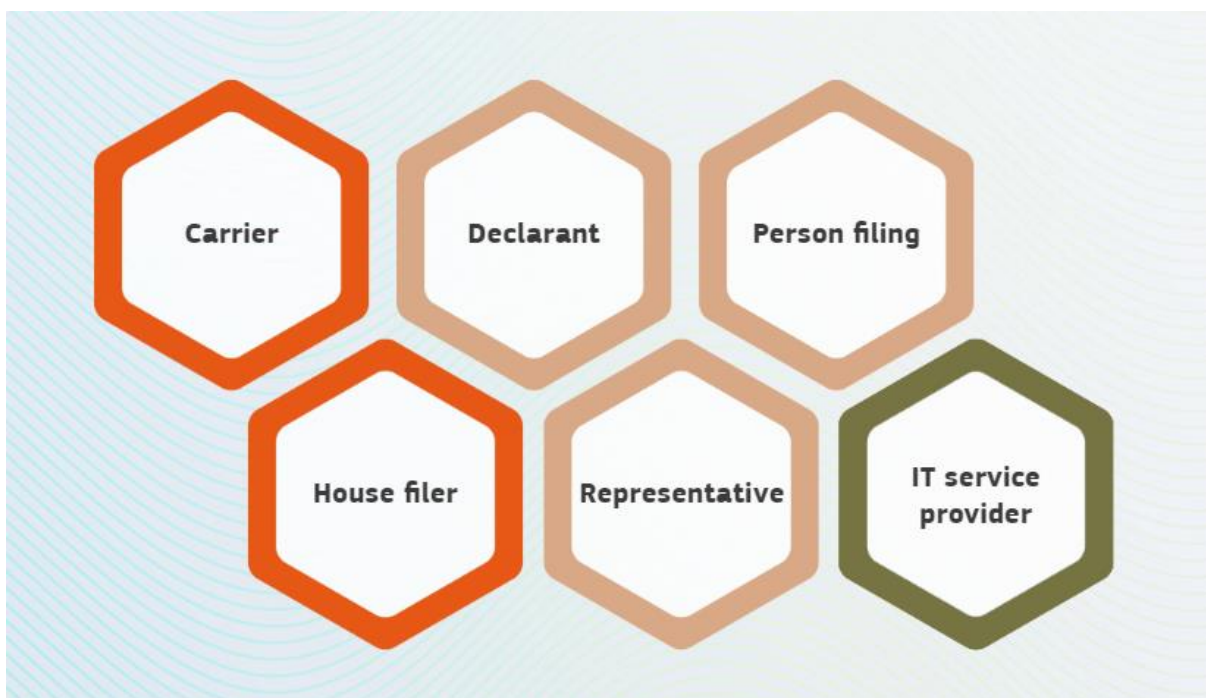
You must provide data in the format of the **electronic ENS**. Accurate and complete data is particularly important to be declared in the ENS.

Make sure you provide **training support** to your staff.

# **5 The Business Process**

## **5.1 Economic Operators' Roles and Responsibilities**

The obligation to lodge the ENS lies in general with the **carrier** being responsible for the transport of the goods into the **EU customs territory**. The declaration can be also lodged by the **importer** or **consignee** of the goods or **by any person** who is able to present or has presented the goods to customs. When **not all particulars** required for an ENS can be obtained from the carrier, **other persons** holding those particulars may be required to provide them to customs.



### *Carrier*

The carrier is the **person who brings the goods**, or who assumes **responsibility** for the carriage of the goods, into the customs **territory of the Union**. When transporting goods by rail, the Railway Undertaking is the rail company that transports the goods, and it usually acts as a carrier. However, in the case of **combined transportation**, "carrier" means the person who operates the means of transport which, once brought into the customs **territory of the Union**, moves by itself as an active means of transport

### *House filer*

The house filer is an entity **handling house consignments** (HC) and/or person(s) having at their disposal all the **necessary data** elements to **lodge ENS** filings. The house filer could be the freight forwarder, ground handling agent, the importer.

### *Declarant*

The declarant in this context is the **person lodging an ENS** or particular ENS filings (partial ENS) in their own name or the person in whose name an ENS **or particular ENS filing** is lodged. The declarant is **legally responsible** for the timely lodgement within the legal deadlines and for the **accuracy** of the content of the **ENS** or particular ENS filing.

### *Representative*

Any person can **appoint** a representative to **create and lodge the ENS** or particular ENS filings in the name and on behalf of the declarant (**direct representation**) or in the representative's name but on behalf of the declarant (**indirect representation**). In case of direct representation, the declarant is held **legally responsible** as if he had lodged the ENS or a particular ENS filing himself.

### *Person filing*

The person who has **created and lodged an ENS** filing. It is either the **declarant** or, in case of representation, the **representative**.

### *IT service provider*

The IT service provider is the person operating an **access point to ICS2** who technically submits and receives **electronic messages** for declarants and representatives.



## 5.2 ENS Lodgement Process

There are **two main phases** of the entry of goods process for rail operations: the **lodgement of the ENS(s)** in the ICS2 and the **lodgement of the Presentation Notification**.

The ENS(s) must be lodged in ICS2 **before arrival of the goods**; customs authorities **assess** the data and **perform risk analysis**, which may lead to referrals and control recommendations.

The **Presentation Notification** is lodged in the national system of the Member State of Presentation.

Economic operators are required to submit a **complete ENS**, which may consist of a **single filing** or **multiple partial filings** that, when linked, provide all necessary data. A **safety and security risk analysis** is then conducted. Upon completion of the **risk analysis**, if no additional action is needed, an **Assessment Complete (AC)** notification is dispatched to the economic operator for each ENS. Once the goods arrive at the customs office of first entry, the risk analysis results may lead to a decision for potential **controls**.

The person(s) filing the ENS may receive risk mitigating **referrals** if risk is identified and risk analyst needs to take risk mitigating actions.

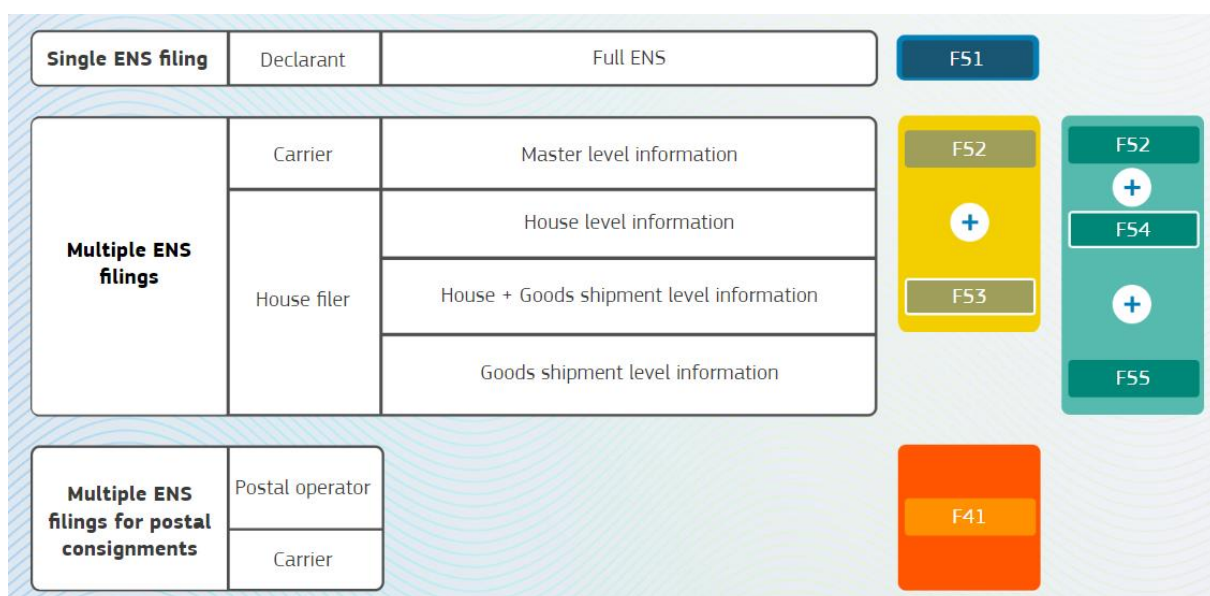
## 6 ENS Filing Types

A **complete ENS** needs to be lodged **before the arrival of the goods** into the EU for security and safety risk assessment.

The **choice of the ENS filing(s)** depends on several factors:

- the **arrangement** between the supply chain actors on who will file an ENS;
- the **role of the party** that is lodging the ENS, which could be the carrier or the house filer; and
- the **data available** to the person filing (complete dataset or partial – master level, house level and/or goods shipment information).

These are the ENS filings that can be lodged prior to arrival of the train into the customs territory of the Union:



## 6.1 Single ENS filing

The **single ENS filing (full ENS)** includes **all necessary data**: master level and house level details, and goods shipment information.

## 6.2 Multiple ENS filings

The **multiple ENS filing** is used when the carrier **does not have** the necessary details to submit a complete ENS filing. In such cases, a **contractual agreement** is established with other participants in the supply chain. This agreement stipulates that **each party** submits their **respective partial ENS** filings (F52, F53, F54, F55).

The type of filing each participant chooses depends on the **information available to them** – this could be master or house shipment details and/or goods shipment information.

Partial ENS filings can be submitted in **any order** and will be **interconnected**. The ENS data is considered **complete** once all the partial ENS filings have been successfully linked.

## 6.3 Multiple ENS filings for postal consignments

**Postal consignments** transported via **railways** have a distinct ENS filing type. In the context of rail transport, multiple filings may be used for postal consignments that are transported in accordance with the rules of the Universal Postal Union (UPU).

# 7 Multiple filings



**Multiple ENS filing** refers to the submission of **two or more partial** ENS filings. The **actors of the supply chain**, depending on their **contractual agreements**, can submit two or more **partial ENS filings**. When these ENS filings are **linked in ICS2**, they constitute a **complete ENS**. This process allows multiple parties to **contribute** relevant data for goods being imported into the EU.

### *Who are involved into multiple ENS filings?*

The following actors of the supply chain can lodge partial ENS filings, based on their contractual agreements:

- **The carrier** issuing the master level transport document/consignment note;
- **House filer(s)**, freight forwarder, consolidator, or importer in the EU issuing the house level transport document/consignment note;
- **The importer in the EU**, issuing the buyer and seller information.

### *Responsibilities of the filing parties*

In the case of **multiple filing**, it is imperative for the carrier and house filer(s) to proactively determine **who will lodge** the partial ENS filings. They must also **exchange** the necessary **information** that will be utilised to **link** the partial ENS filings in ICS2. All parties responsible for ENS filing are **responsible** for the **completeness and accuracy** of the data they provide.



### Consequences

In the case the **ENS is not completed** due to the lack of timely provision of all partial ENS filings or insufficient data filing, **sanctions** may be imposed for non-compliance. The relevant carrier or house filer, depending on which party has failed to meet the requirements, may be subject to these sanctions.

### Economic Operator Registration and Identification (EORI) number

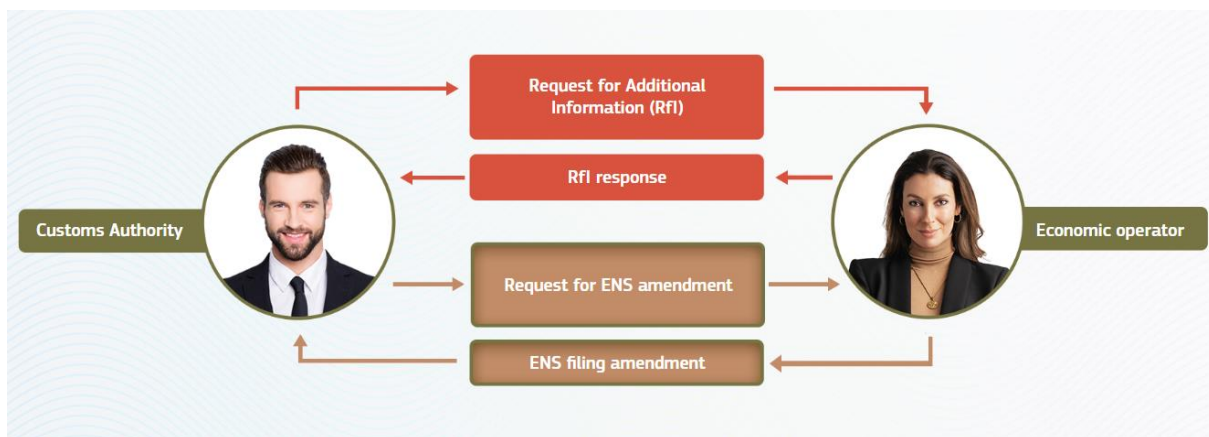
For being able to **connect to ICS2**, each party lodging an ENS filing must have their own **EORI** number. The partial ENS filings are **linked** to each other using the EORI of the carrier, the master transport document reference number, and the EORI of the house filer.

The **EORI** number is **issued** by the **Member State** where the economic operator is established or where EO intends to carry out its first customs operation.

## 8 Risk Analysis results and Referrals

During the **security and safety risk assessment**, customs authorities can notify the person filing about any **unresolved issues** that have arisen from the risk analysis. It is then the person filing's responsibility to take **appropriate measures** to mitigate these risks.

In instances where a comprehensive risk assessment is **not feasible** with the information provided in the ENS filing, the customs authority can decide to issue a **request for additional information** or a **request for an amendment** of the ENS filing.



These requests are **communicated** by the customs authorities to the economic operator that submitted the data during pre-arrival risk analysis via the ICS2. The economic operator is then **obligated to respond** with the requested information as soon as possible.

### Request for Additional Information (Rfi)

In case the information provided in the ENS filing is **incomplete, inaccurate**, or specific threats are identified, a **referral (Rfi)** may be issued. A **Request for Additional Information** is issued when there is a requirement for more comprehensive or precise data, beyond what has already been supplied. These **additional data** provide customs with **further background information** and/or supporting documents. The customs authority may also request **confirmation** of certain data previously provided in the ENS

### Rfi response

The **response** from the economic operator (ENS declarant) to a referral is **mandatory**. Resolving a referral is part of the completion of the risk analysis process. In case the declarant receives a request for amendment, but they **do not have the necessary data** to lodge an ENS amendment, they can use the **Rfi response message** to submit any information they deem necessary.

### **Request for ENS amendment**

An **amendment** to an ENS filing is required when the data provided is **insufficient** or **unsatisfactory** for risk analysis. Upon receiving a **specific type of Request for Information (Rfi)**, the declarant is asked to make the necessary amendments. Once the amendments are made, the **risk analysis process** is reinitiated.

### **ENS filing amendment**

The **reference** from the **Request for Information (Rfi)** must be incorporated into the ENS amendment. Failure to include this reference will be considered by customs as **non-compliance** to the Rfi Request by the economic operator. After the initial amendments to the filings have been made, they can be **further modified** if required.

## **9 Re-Entry**

In case in which for a train enters the EU territory, leaves it, and then **re-enters** the EU, an ENS must be lodged for all the goods **upon every** entry.

However, only one ENS can be lodged with the same master transport document reference. Therefore, for the second and all subsequent ENS(s), it is necessary to indicate that these are **re-entry cases**.

Upon **re-entry** to the EU, if the goods are transported under a new master transport document, a new ENS must be filed. This new ENS should contain the most up-to-date information at both the master and house levels.

*Remember, this is a quick and handy summary of the most relevant course information. Only the European Union legislation published in the Official Journal of the European Union is deemed authentic. The Commission accepts no responsibility or liability whatsoever with regard to the training.*

