

eLearning module

ICS2 Process and Data: Road

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 **road** business process from the **economic operator** perspective.

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

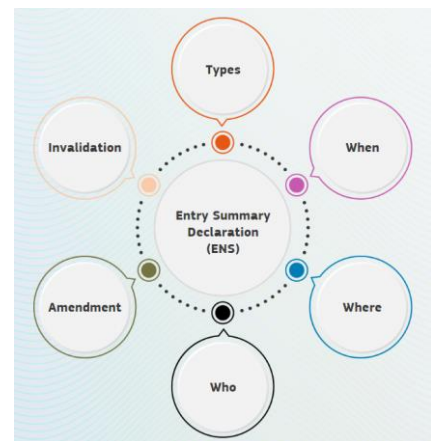
1 Did you Know?

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**
- ENS contains **partial particulars**

For transportation by road the necessary data are provided to the customs authorities for **security and safety risk analysis**, in the form of **one full F50 ENS filing**.

Multiple filing is foreseen **only for postal consignments** transported under the rules of the **Universal Postal Union (UPU)**. Currently, all other cases of road transport are **not legally supported**.

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.

2.3 Who can lodge an ENS

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

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 **road**, the entry summary declaration shall be lodged at the **latest one hour** 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

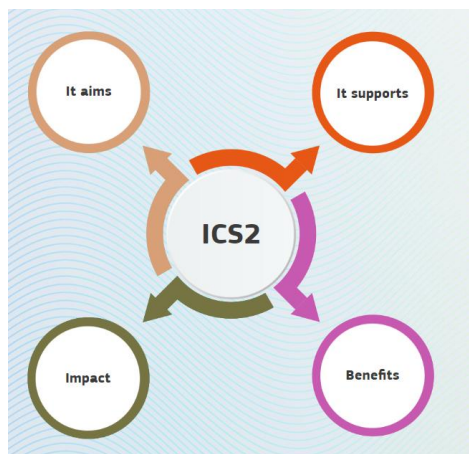
The customs authorities must be informed **without delay** that **the goods have arrived** and are available for **inspection** by customs through a **presentation notification** containing the **details** of the goods.

The **presentation notification** is to be lodged by the carrier or other relevant party directly to the **national presentation system** of the given EU Member States.

The person presenting the goods shall make a **reference to the ENS**, which has been lodged in respect of the goods, except where the obligation to lodge an ENS has been waived.

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.

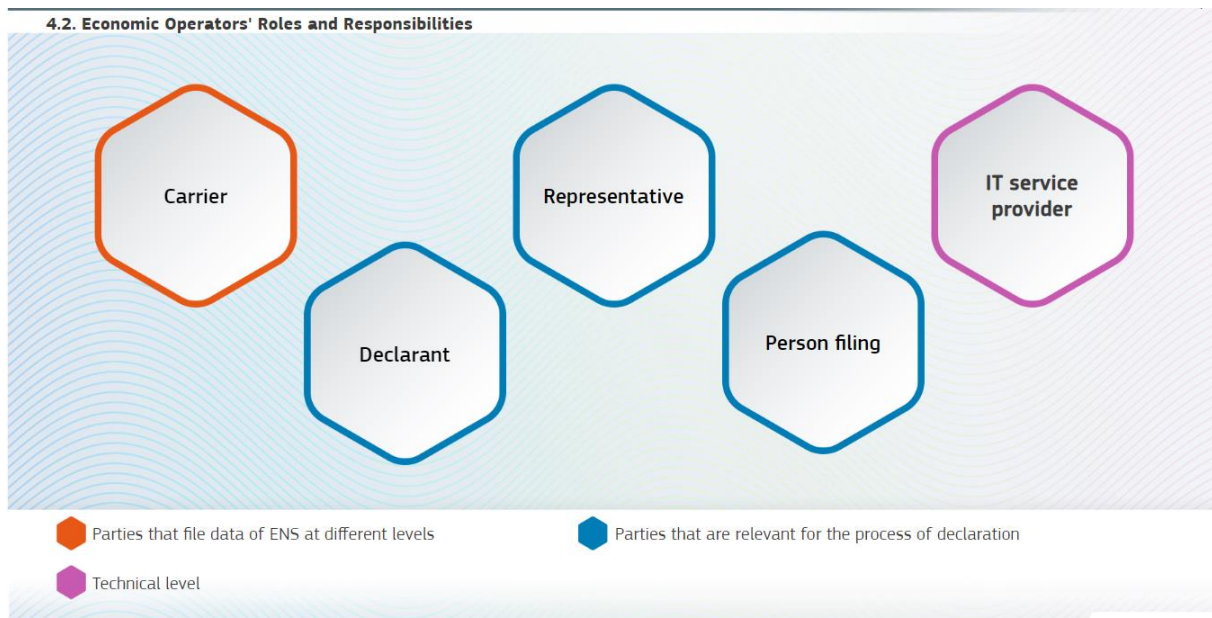
You must provide data in the format of the **electronic ENS**. Accurate and complete data is particularly important to be declared in the ENS.

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

5 The Business Process

5.1 Economic Operators' Roles and Responsibilities

The **road mode of transport** is used by express carriers, postal operators and other economic operators, such as logistic integrators, freight forwarders, transport consolidators, haulage companies etc. Drivers operate either **independently** – working directly for the client – or through **freight carriers or shipping agents**.



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**. 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.

Declarant

The **declarant** in this context is the **person lodging an ENS** in their own name or the person in whose name an ENS 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**.

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 they had lodged the ENS or a particular ENS filing themselves.

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 Overview

There are **two main phases** of the entry of goods process for road 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.

With regard to **road transport** economic operators must lodge **one single ENS filing** that contains all required data particulars.

Multiple filing is foreseen **only for postal consignments** transported under the rules of the **Universal Postal Union (UPU)**. Currently, all other cases of road transport are **not legally supported**.

After the lodgement of ENS filing, **safety and security risk analysis** is carried out. When the **risk analysis process** is completed and no further action is required, an **Assessment Complete (AC)** notification is sent to the person filing.

After the arrival of the goods at the customs office of first entry, the result of the risk analysis might trigger further processing of the ENS regarding possible 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.

5.3 Advance cargo information

The carrier has the obligation to lodge the ENS at the Customs Office of First Entry before the goods are to be brought into the customs territory of the Union. The ENS for road cargo should be lodged in the form of a full ENS filing.



F50 ENS filing lodged prior to arrival

UCC provides one type of ENS filing for road mode of transport: **full F50 ENS filing**.

This type of ENS filing requires that the **carrier** receives **all mandatory** data elements (from consignor or/and potential other parties) in order to file the full ENS. The information part of the F50 ENS filing contains all data particulars.

Where the goods are brought into the customs territory of the Union by road, **F50 ENS filing** shall be lodged at the latest **one hour before** the arrival of the goods at the place for which the customs office of first entry is competent.

The economic operator submits ENS must be identified with an **Economic Operator Registration and Identification (EORI) number** that must be included in the ENS.

Assessment Complete (AC)

The **Assessment complete** notification is sent after safety and security assessment is complete and no further action is required. An **assessment complete notification** is generated **per ENS** and **sent to the carrier**.

AEO Control Notification

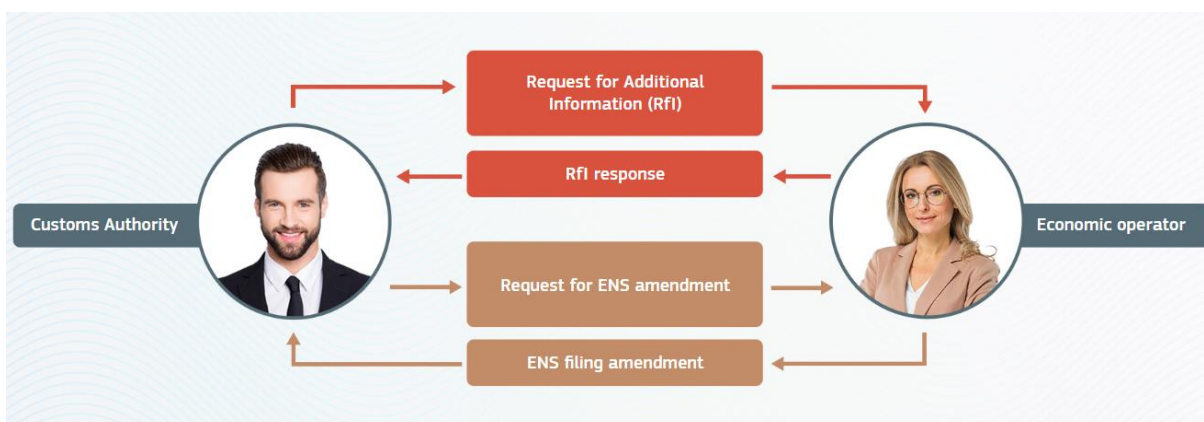
Customs authorities of the Responsible Member State (RMS) can decide to notify in advance the economic operator in case they decide to perform **controls**. If the person filing the ENS is a holder of an AEOS/AEOF authorisation, then an **Authorised Economic Operator (AEO) control notification** is received.

6 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.

7 Re-Entry

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

Since only **one ENS** can be lodged under **one master transport document**, the second and all subsequent ENS(s) must indicate that this is a **re-entry**.

Upon **re-entry** to the EU, if the goods are transported under a new master level document, then a new ENS with the actual information at master and house level needs to be filed.

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.

