EU Customs pre-arrival security and safety programme supported by the Import Control System 2 (ICS2)

The EU customs pre-arrival security and safety programme, underpinned by a large-scale information system - ICS2, is one of the main contributors towards establishing an integrated EU approach to reinforce customs risk management under the common risk management framework (CRMF). It will support effective risk-based customs controls whilst facilitating free flow of legitimate trade across external borders through improved data-driven customs security processes, adapted to global business models.

Its implementation represents a core EU customs instrument for managing entry security and safety border controls and is the first line of defense in terms of protection of the EU internal market and the EU consumers.

It involves a complete overhaul and reform of the existing regime from IT, legal, customs risk management/controls and trade operational perspectives.

The programme introduces more efficient and effective EU customs security and safety capabilities that will:

- Strengthen **protection of EU citizens** and the **internal market** against security and safety threats;
- Allow EU Customs authorities to better **identify high-risk consignments** and **intervene** at the most appropriate point in supply chain;
- Support proportionate, targeted customs measures at the external borders in **crisis response** scenarios;
- **Facilitate cross-border clearance** for the legitimate trade;
- Simplify the **exchange of information** between Economic Operators (EOs) and EU Customs Authorities.

Who does ICS2 affect

ICS2 will directly affect all Economic Operators involved in handling, shipping and transporting of cargo, express or postal consignments, such as:

- Postal operators within/beyond EU;
- Express delivery services;
- Air cargo carriers;
- Freight forwarding logistics companies;
- Ultimate consignees established in EU (for goods received via maritime transport);
- Maritime, railway and road carriers;
- Representatives of above.

These economic operators will need to provide the safety and security data to ICS2.

POSTAL OPERATORS WITHIN/BEYOND EU

EXPRESS DELIVERY SERVICES

AIR CARGO CARRIERS

FREIGHT FORWARDING LOGISTICS COMPANIES

ULTIMATE CONSIGNEES ESTABLISHED IN EU
(for goods received via maritime transport)

MARITIME, RAILWAY AND ROAD CARRIERS

REPRESENTATIVES OF AFFECTED EOs
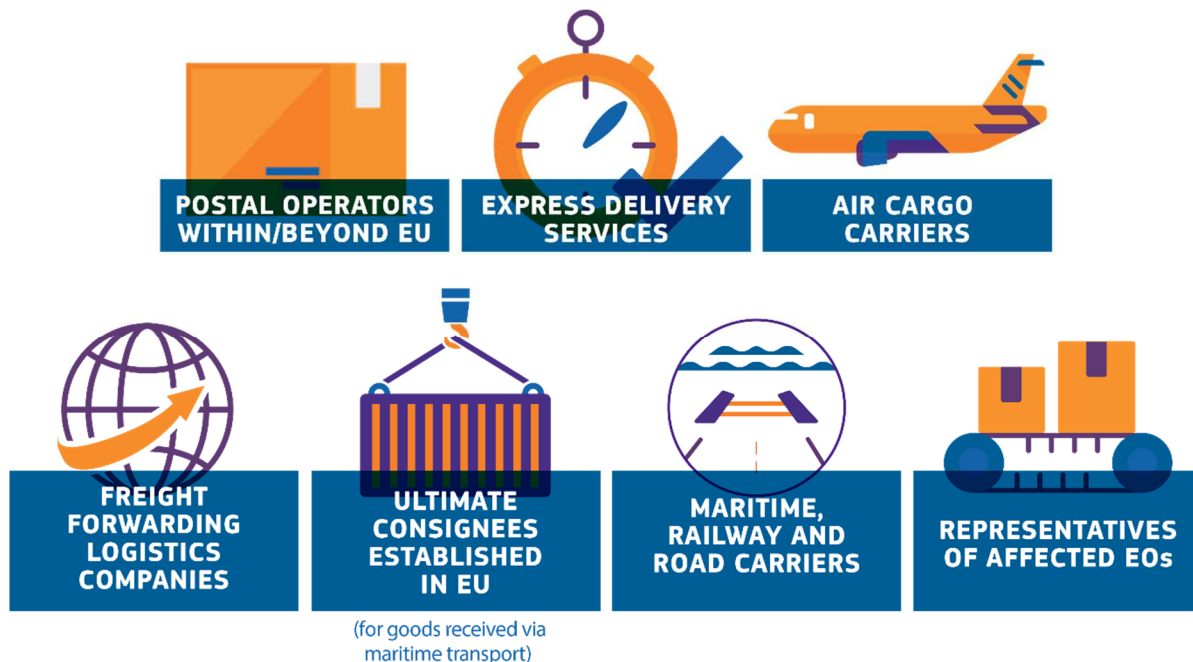
ICS2 will indirectly affect all manufacturers, exporters, and individuals from outside the EU, wishing to send goods to or through the EU. They will have to provide the necessary information to the directly affected stakeholders.

ICS2 Timeline
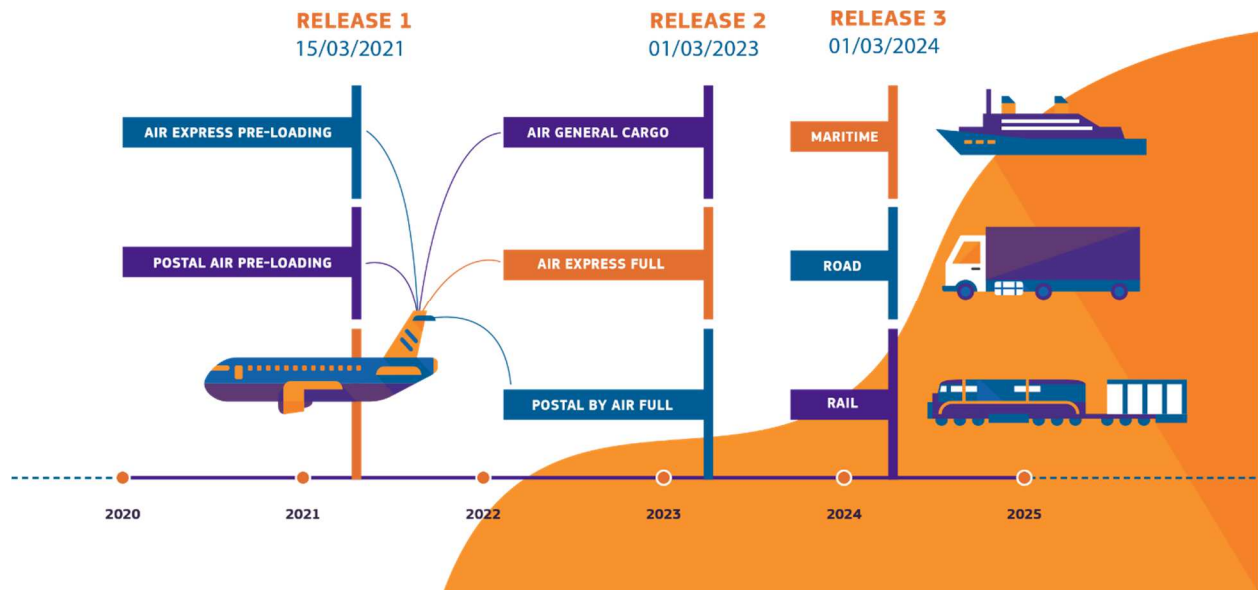
The system will become operational **in three releases,** in accordance with the UCC – Union Customs Code work programme (Commission Implementing Decision (EU) 2019/2151 - UCC Work Programme). Economic Operators will begin declaring safety and security Entry Summary Declaration (ENS) data to ICS2 in phased approach based on the type of services they provide in relation to international movement of goods.

Each release affects different Economic Operators (EOs) and modes of transport. EOs will begin declaring to ICS2 depending on the type of services they provide.

Postal Operators > **Release 1, 2 & 3**

Express Carriers > **Release 1, 2 & 3**

Third-Country Postal Operators > **Release 1, 2 & 3**

Freight Forwarding Logistics Providers > **Release 2 & 3**

Air Carriers > **Release 2**

Martitime, Rail and Road Carriers > **Release 3**

Businesses Receiving Goods in EU (e.g. consignees, importers) > **Release 3**

Releases

Release 1

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As from 15. March 2021 express carriers and designated postal operators established in the European Union (destination posts) will be required by the Union Customs Code to provide the minimum set of advance electronic data, in the format of the electronic Entry Summary Declaration (ENS) to the ICS2, for all goods in consignments they are responsible to bring into the EU Customs territory.

ENS will be mandatory for all express and postal consignments destined to enter the Union customs territory. The aim is to provide an extra security layer to the existing civil aviation security requirements. Pre-loading advance cargo information – PLACI, as a subset of the ENS will be used by the EU customs authorities to perform air cargo and mail security risk assessment.

The scope of this assessment is to detect immediate threats to aviation security i.e. bringing on board an aircraft articles that could lead to destruction of the plane and/or loss of lives – improvised explosive (IED) or incendiary device (IID) a.k.a. 'bomb in the box'.

Where necessary, in course of carrying out risk assessment, an EU customs authority will trigger risk mitigation procedures. These will need to be implemented by express carriers and by designated operators in the origin country (origin post). The following risk mitigation measures will be triggered by a competent EU customs authority (based on the legal provisions under the Union Customs Code Implementing Regulation (EU) 2015/2447):

- **Request for Additional Information** on the particulars (data quality and accuracy referral); known as RFI notification, and corresponding response to the request for information;
- **Request for High Risk Cargo and Mail screening** by making use of EU Civil Aviation measures; known as RFS and corresponding response in form of the outcome of the screening;
- '**Do Not Load**'; known as DNL instruction that require triggering of the aviation security protocols to address instances of imminent threat to aircraft presented by an air cargo shipment.

Customs will inform economic operators about completion of risk analysis by providing Assessment Complete notifications.

Further details can be consulted in the 'EU guidance on air cargo security referral protocols for ICS2'.

Release 2

Click here

As from **1 March 2023**, all goods by air in postal, express and general cargo consignments will be subject, in addition to pre-loading filing requirements, to complete pre-arrival ENS data requirements. Furthermore, air carriers and other parties such as freight forwarding logistics providers, will become liable to submit minimum pre-loading and complete pre-arrival data to ICS2. More information coming soon.

Release 3

Click here

As from **1 March 2024**, maritime, road and rail carriers, including postal and express carriers that transport goods via those modes, and other parties, such as logistic providers, and in certain circumstances also final consignees

established in the EU, will have to submit ENS data to ICS2. More information coming soon.

If I am not ready in time

- If the necessary data have not been submitted to ICS2, consignments/cargo will be stopped at EU Customs border.
- Customs will not proceed with goods clearance.
- Poor quality declarations will either be rejected or subject to unnecessary interventions, and may result in sanctions for non-compliance.

How can I prepare for ICS2?

- Adapt your business processes.
- Take steps to ensure high-quality, precise data is provided.
- Develop or update your IT systems for exchange of information.
- Provide training and support to your staff.

ICS2 background information

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Security aspects were introduced into the EU customs legislation in year 2005 and 2006 (Regulation (EC) 648/2005, 1875/2006) as a response to the aftermath of the terrorist attacks in September 2001 in the United States.

The purpose of these measures went beyond strict sense of terrorism related security threats that emerged to the international goods supply chains in new millennia. This measures allow customs authorities of the Member States in fulfilling its mission (Article 3 of the Union Customs Code) to ensure protection of the Union and its residents from a wider range of security and safety risks posed by illicit trade. The measures also aim to strike a proper balance between customs controls and legitimate trade.

Integral to the measures were:

- The requirement to submit electronic data prior to the arrival of goods in the EU (the so called Entry Summary Declaration - ENS) to analyse and identify security and safety risks before goods arrive at the external borders;
- Setting up of advance cargo information system (Import Control System – ICS);
- The introduction of the Authorised Economic Operator (AEO) programme;
- Deployment of a common risk management framework with controls based on electronic risk analysis techniques;
- Control focus on high-risk goods movements while identifying and facilitating cross-border movements of goods involving legitimate trade.

As the new regime was just entering into operation, new security threats emerged. The Yemen Incident in October 2010, where a shipment containing improvised explosive devices was found on-board of an airplane transiting the EU towards the United States, exposed certain structural weaknesses and gaps of the system.

This prompted a comprehensive review of the ICS and of the entire risk management framework with a view to reinforce the framework and to be more responsive, efficient, effective and adaptable to new emerging threats.

It has led to adoption of the EU customs risk management strategy and action plan, endorsed by the Council in year 2014 that laid the ground for further reform of the legislative, IT and operational framework.

The cornerstone of the reform in the field of protection of safety and security is a complete overhaul of the ICS into a new large-scale advance cargo information programme underpinned by the ICS2. It will be developed, deployed and operationalised within time-period of 2021 and 2025. It aims to further strengthen the "first line of defence" for customs.

FAQ

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Where does customs action at the external border help protect citizens and internal market against safety and security threats?

Advance cargo information and risk analysis will enable early identification of threats and help customs to intervene at the most appropriate place in supply chain.

For customs purposes, security and safety risks cover a range of issues including explosives in air cargo, narcotics, precursors, dangerous fake medicines, dangerous toys or electronics, contaminated foods, weapons, and all kinds of organised smuggling.

New threats (like postal delivery of lethal synthetic opiates) continue to emerge. Organised groups use entry point shipping and arrange their supply chains to evade detection, innovating on a continuous basis.

At the same time, the volume of consignments supervised by customs is multiplying due to changes of global trade business models generated by e-commerce. New advance data for goods in postal consignments will bring big opportunities, and challenges.

What is ICS2?

It is a large scale EU information system supporting the following processes:

- lodgement of the Entry Summary Declaration - ENS (advance cargo information) to customs;
- security and safety risk analysis by customs;
- arrival of means of transport;
- presentation of goods to customs, and
- control by customs of goods, where required.

What is ICS2 not?

ICS2 is not an import system and it is not used for the processing of the customs declarations for release into free circulation.

How does ICS2 fit into the customs domain?

Entry of the goods into the EU can be described as a 5-step process, consisting of:

1. The lodgement of the Entry summary declaration (ENS);
2. Notification of the arrival of the means of transport;
3. Presentation of goods;
4. Temporary storage of goods and;
5. Placing the goods under a customs procedure.

ICS2 business process scope covers three steps out of five: lodgement of the ENS, notification of the arrival of the means of transport and presentation of goods.

What are the business models/transport modes affected by ICS2?

ICS2 will support the communication of advance cargo information for safety and security risk analysis on the entry of goods into the EU for the following transport modes and business models: maritime, air, road, rail and inland waterways; general cargo, express and postal business models.

Is ICS2 an upgrade of ICS1?

No. It will fully replace ICS1 and introduces an entirely new business process in accordance with the Union Customs Code legal requirements and the strategic operational needs expressed in the EU Customs Risk Management Strategy and Action Plan (adopted in 2014). Furthermore, it enables multiple filing of advance cargo information for application of Article 127 (6) of the Union Customs Code and involves more supply chain actors and business models as Article 127 (4) of the Union Customs Code with an objective to collect better quality and timely data related to the supply chains of goods movement.

Are ICS1 and ICS2 going to run in parallel?

Yes, they will operate in parallel for a period of time. After the roll-out of ICS2 Release 3 on 1 March 2024, ICS1 will phase out after a transitional period of 200 days.

What are ICS2 Releases?

The ICS2 Transition Strategy and Plan foresees implementation of the new system and consequently new Entry Summary Declaration requirements and related business and risk management processes in three operational releases.

- **Release 1**: Air postal and express consignments – Pre-Loading Advance Cargo Information (PLACI) minimum ENS dataset;
- **Release 2**: Goods in Air traffic – complete ENS dataset for all goods in air transport;

- **Release 3**: Goods in Maritime and inland waterways, Road and Rail traffic – complete ENS dataset for all goods in these sectors, including postal goods.

What is the scope of different ICS2 Releases?

Release 1:

- Lodgement of pre-loading minimum data set (PLACI) for air express and postal consignments;
- Presentation process for postal consignments.

Release 2:

- Lodgement of the complete ENS for all goods in air traffic;
- Lodgement of the arrival notification for all goods in air traffic;
- Presentation process for air express consignments and general air cargo.

Release 3:

- Lodgement of the complete ENS for maritime and inland waterways, road and rail traffic (this includes goods in express and postal consignments transported in these means of transport);

- Lodgement of the arrival notification for maritime and inland waterways;
- Presentation process for all goods on all modes of traffic.

What is an express consignment?

An express consignment means an individual item conveyed by or under the responsibility of an express carrier.

Who is an express carrier?

An express carrier means an operator providing integrated services of expedited/time-definite collection, transport, customs clearance and delivery of parcels whilst tracking the location of, and maintaining control over, such item throughout the supply of the service.

What is an ENS?

Entry Summary Declaration (ENS) means the act whereby a person informs the customs authorities, in the prescribed form and manner and within a specific time limit, that goods are to be brought into the customs territory of the Union.

What is a multiple filing?

A multiple filing means that an ENS is composed of two or more partial ENS filings (i.e. two or more prescribed data sets), which together form an ENS declaration.

What is an ENS filing?

ENS filing means either partial or full ENS data set required by the legislation per specific mode of transport or business model.

What is PLACI?

PLACI refers to a specific type of partial ENS filing, which is the mandatory minimum dataset ('7+1') to be filed as soon as possible prior to loading of the goods onto the aircraft in a third country. It is limited to air traffic only and covers all goods (i.e. general cargo, express consignments and postal consignments).

What is pre-loading?

Pre-loading means before the goods are loaded onto the means of transport that will bring them into the customs territory of the European Union.

What is pre-arrival?

Pre-arrival means before the means of transport arrives in the customs territory of the European Union.

Who has to file an ENS and when?

In general the carrier bringing the goods into the customs territory of the European Union is obliged to lodge an ENS for those goods [Article 127 (4) UCC]. In cases where the carrier does not have all legally required particulars of the ENS at its disposal those particulars are to be filed by the person who holds those particulars and did not share them with the carrier thus enabling the carrier to lodge a complete ENS [Article 127 (6) UCC; case of multiple filing].

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 Union 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 enter the customs territory of the Union, 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 customs territory of the Union.

Transport by air

e)   The ENS, or where that is not possible the minimum data set for air pre-loading, shall be lodged as early as possible but at the latest before the goods are loaded onto the aircraft which will bring them into the customs territory of the Union;

f)   Where only minimum data set was lodged under (e), the complete ENS shall be lodged at the time of actual departure of the aircraft when the duration of the flight is less than four hours;

g)   For other flights than mentioned under f) the complete ENS is to be lodged four hours before the arrival of the aircraft at the first airport in the customs territory of the Union.

Transport by rail

h)   Where the train voyage takes less than two hours from the last train formation station outside the customs territory of the Union to the first point of entry into the customs territory the ENS is to be lodged at the latest one hour before the train arrives at the border entry point of the Union;

i)   In other cases than mentioned under h) the ENS is to be lodged at the latest two hours before the train arrives at the entry point of the Union.

Transport by road

The ENS shall be lodged at the latest one hour before the goods arrive at the entry point of the Union.

Transport by inland waterways

The ENS shall be lodged at the latest two hours before the goods arrive at the entry point of the Union.

ICS2 project documentation

- [CIRCABC groups ICS2 Release 1](): air pre-loading postal and express
- [CIRCABC groups ICS2 Release 2](): air cargo general, postal and express pre-arrival
- CIRCABC groups ICS2 Release 3: maritime, road, rail and postal and express goods transported via those modes (link available soon)