

FAQ's: Import Control System (ICS) – Information for Irish Traders

- 1. What is the Import Control System (ICS)?**
- 2. What legislation supports the introduction of ICS?**
- 3. What is the timetable for the introduction of Phase 1 of ICS in Ireland?**
- 4. Who is responsible for submitting the ENS?**
- 5. Can someone other than the “carrier” submit an ENS?**
- 6. What are the main elements of ICS Phase 1?**
- 7. What is an Entry Summary Declaration (ENS)?**
- 8. What happens to the ENS data received by ICS?**
- 9. How will the risk analysis be undertaken in Ireland?**
- 10. What is a “Do Not Load” message?**
- 11. What is an “International Diversion Request”?**
- 12. What is a Movement Reference Number (MRN)?**
- 13. When must an ENS be lodged?**
- 14. Why must ENS be lodged at the first port of entry?**
- 15. Is an ENS required for goods coming from Norway or Switzerland?**
- 16. Must an ENS be lodged for each port of loading?**
- 17. What is the definition of first port of entry and subsequent port of entry?**
- 18. What happens if the vessel calls at a different Community port first**
- 19. How will traders and carriers be identified on the ENS?**
- 20. What messaging system will ICS use?**

LEGAL NOTICE

This document contains guidelines explaining the obligations on advance cargo information resulting from the implementation of Regulation (EC) No. 648/2005 and how to fulfil them. However, users are reminded that the Customs Code and the Customs Code Implementing Provisions are the only authentic legal basis.

1. What is the Import Control System (ICS)?

The Import Control System (ICS) is an electronic system which will enable Customs Administrations in all Member States of the EU to electronically handle Entry Summary Declarations (ENS) and to risk analyse the ENS declarations in advance of the goods arriving into the Community.

When goods enter into the European Union (EU) community for the first time, they do so via the Office of First Entry. If goods remain on the same mode of transport and are imported into another Member State of the community, they do so via an Office of Subsequent Entry. For ICS purposes, Ireland can act as both Office of First Entry and Office of Subsequent Entry.

2. What legislation supports the introduction of ICS?

The Import Control System is being introduced across the European Union (EU) as part of the safety and security amendment to the Customs Code set out in European Parliament and Council Regulation (EC) No. 648/2005 and Commission Regulation 1875/2006/EC.

3. What is the timetable for the introduction of Phase 1 of ICS in Ireland?

The legislation requires ICS to be introduced across the EU on 1st July, 2009. However, it was recognised that this implementation date was not achievable for a number of trade sectors and the Commission and Member States agreed a transition period to the end of December 2010.

4. Who is responsible for submitting the ENS?

The operator of the active means of transport on or in which the goods are brought into the customs territory of the Community (e.g. the vessel, aircraft, train or road vehicle) commonly known as “the carrier”, is responsible for ensuring an ENS is filed. The operator is the person who brings, or who assumes responsibility for the carriage of the goods into the customs territory of the Community.

5. Can someone other than the “carrier” submit an ENS?

Yes, someone other than the carrier may lodge the ENS. However, as it is the carrier’s responsibility to ensure that it is submitted within the legal time limits, it must only be done by a representative **with the carrier’s knowledge and consent.**

6. What are the main elements of ICS Phase 1?

The main functionality to be provided in ICS is the following:-

- As Office of First Entry, accept Entry Summary Declarations from traders
- Record information such as diversions and amendments
- Interface with the Risk Engine to handle common safety and security analysis risk results.
- Notify the Office of Subsequent Entry that goods for which risks have been identified will be arriving in their office.
- As Office of Subsequent Entry, act on data received from other Member States to control goods coming into Ireland.
- Allow Entry or Reject Entry of goods into the EU or Ireland.
- Provide for requests of ENS data from other Member States.

7. What is an Entry Summary Declaration (ENS)?

An ENS is an electronic declaration of goods being carried into the customs territory of the EU. The declaration is made to the customs Office of First Entry (OoFE) in the EU and will be required for all goods carried on-board the means of transport, including goods to be discharged at (air)ports in the EU and those remaining on board and destined for (air)ports outside of the EU.

8. What happens to the ENS data received by ICS?

Once the ENS is received in ICS, customs administrations will undertake risk analysis against an agreed set of criteria and, where a positive risk is identified, will take appropriate action. This may include forwarding positive risk assessment information to subsequent Member States.

9. How will the risk analysis be undertaken in Ireland?

Where an Irish (air)port is to be the Office of First Entry, all data on the Entry Summary Declaration as provided to the Irish ICS application will be run against the EU risk criteria.

10. What is a “Do Not Load” message?

This message only applies to deep-sea containerised shipping and not for air or other types of freight movement. The time limit for submission of the ENS is at least 24 hours before loading the vessel. This is to allow for customs to perform risk assessment and decide if a consignment causes such a threat to the EU that a ‘Do Not Load’ message needs to be issued.

11. What is an “International Diversion Request”?

Where the active means of transport (vessel/aircraft) is to be diverted to a Member State (MS) which is different from the MS where the declared Office of First Entry is located and also different from where any of the declared Offices of Subsequent Entry are located, the operator for the active means of transport must lodge a “Diversion Request” to the declared Office of First Entry. This office then sends the ENS data and any positive risk information to the actual Office of First Entry.

12. What is a Movement Reference Number (MRN)?

The MRN is a number issued by a Member State’s ICS once the ENS has been successfully validated, accepted and registered. The MRN will be notified to the Declarant and, where different, the carrier.

13. When must an ENS be lodged?

EU legislation requires that an electronic ENS **must** be lodged before arrival at the first point of entry into the customs territory of the Community but the time limits vary by mode of transport.

Additionally, in the case of maritime deep sea containerised shipments, it is required that the ENS is submitted before loading onto the vessel that will carry the goods into the customs territory of the Community.

14. Why must ENS be lodged at the first port of entry?

The Community legislation applies the principle that the customs office of first entry shall undertake the cargo risk assessment for all shipments, including FROB, carried on a conveyance due to arrive in the Community and initiate any preventative action against identified risk. Action will be based upon three separate categories of risk:

In deep sea containerised shipments (where the ENS must be submitted at least 24 hours before loading) where a very serious threat to security and safety is identified, a “Do Not Load” message will be issued to the declarant and, if different, the carrier

In cases where a serious risk is identified, the customs office of first entry will take action against the goods upon arrival at the first port of entry and also informs the customs offices in subsequent ports of the risks identified.

In other cases, the customs office of first entry will inform the customs offices in subsequent ports of the risks identified so that the results can be considered along with the national risk analysis undertaken where the goods are discharged.

15. Is an ENS required for goods coming from Norway or Switzerland?

An Entry Summary Declaration shall not be required in cases provided for in international agreements concluded by the EU with a third country in the area of security. Such agreements currently exist with Norway and Switzerland (including Liechtenstein). They foresee the following: The Contracting Parties shall introduce and apply to goods entering their customs territories the customs security measures, ensuring thus an equivalent level of security at their external borders. The contracting Parties shall waive the application of the customs security measures where goods are carried between their respective customs territories e.g. A vessel, operated by Company M, the carrier, loads cargo in St. Petersburg in Russia for carriage to Bergen in Norway, and then to Rotterdam in the Netherlands. An ENS must be lodged electronically before the arrival, for all cargo carried by the vessel, at the customs office of Bergen. The customs office at Bergen will carry out risk analysis on the ENS(s) upon their receipt, in accordance with Article 3(1) of Annex I of Protocol 10 to the Agreement on the European Economic Area. Any positive results of the risk analysis will be communicated to the subsequent ports in the EU. No ENS nor Arrival Notification needs to be lodged with the customs office in Rotterdam. However, if the vessel, after having called in Bergen, makes a call at a non-EU port and then calls at Rotterdam, a new ENS and an Arrival Notification must be lodged with the customs office in Rotterdam.

16. Must an ENS be lodged for each port of loading?

Yes. The reporting requirements apply to each foreign load port, not just the last foreign port of call before entering the Community. So, for example, goods feedered between a port in Indonesia to Hong Kong to be loaded on to the main haul vessel destined for the EU would not need to be declared to EU customs by the feeder company before loading at the Indonesian port. The reporting requirement applies when the goods are to be loaded on to the main haul vessel in Hong Kong. In example above, if the main haul vessel is also to load cargo in e.g. Singapore, then an ENS must be lodged to customs in the intended first port of entry in the EU no later than 24 hours before commencement of loading in Singapore for the containerised shipments that will be brought into the Community on the main haul vessel.

17. What is the definition of first port of entry and subsequent port of entry?

The first port of entry is the first port in the Community at which the vessel is scheduled to call when coming from a port outside the Community. Subsequent port(s) mean any port in the Community on the vessel's itinerary that the vessel will call at after its call at the first port in the Community without an intervening call at any port outside the Community.

If the vessel calls at any port outside the Community in between Community ports then the vessel has left the Community and a subsequent arrival at a Community port makes that port of entry, not a subsequent port; a new ENS must be lodged prior to arrival, within the prescribed time limits, for all of the cargo carried.

18. What happens if the vessel calls at a different Community port first?

The ENS must always be lodged at the intended first port of call in the Community within the prescribed deadline. Provided that has been done, the vessel may be diverted to a different first port of call. The automatic passing on of risk information to all declared subsequent ports of call within the Community allows that a vessel may divert to any other declared subsequent port of call without advice to customs. However, if the actual first port of entry is in a Member State that was not included among the declared ports of call in the Community, the vessel operator must advise the intended first port of call of the diversion as soon as diversion is planned, by use of a “diversion request” message. The intended port of first entry will advise the actual port of first entry of any risk information.

20. How will traders and carriers be identified on the ENS?

From 1st July, 2009 it became mandatory for anyone involved in Customs activities in the EU to become registered for an Economic Operator Registration and Identification (EORI) number.

The carrier or their representative submitting an ENS will need to ensure that they have a valid EORI number. In addition, EU consignees’ declared on the ENS will also be identified by their EORI number, if they have one. Consignors outside the EU will be identified by their EORI number, if they have one, or by their name and address.

21. What messaging system will ICS use?

The ENS is submitted to ICS using an XML or EDIFACT message called an IE (Information Exchange) 315.