



EU Entry Summary Declaration – Frequently Asked Questions

Version 0.3

Q1. Does the grace period uniformly apply to all EU Member States or can an individual Member State determine its own grace period?

A. The 'grace period' is offered by the Member States in case of need and each Member States defines own rules.

Q2. When will the end of the grace period be determined - at the end of the 2-month monitoring period?

A. The Commission, in close collaboration with the Member States (in the framework of the ECG), will take a view on when the 'grace period' for penalties will be terminated; such period shall not exceed 6 months as from 1.1.2011. The Commission will inform both the national administrations and the trade community through the Electronic Customs Group and the Trade Contact Group, respectively, of the date when the 'grace period' for penalties will be terminated.

Q3. Is it correct that during the grace period no penalties will be applied at all?

A. The 'grace period' concerns only the waiver of penalties in case the carriers cannot comply with their ENS/EXS obligations because of delays in the deployment of the national IT by the Member States.

Q4. What would happen to traders in the following scenarios:

a. unable to file because the Member State has not implemented the ENS acceptance function

A. This case is covered by the 'grace period'. No penalties would be applied for not lodging the ENS.

b. submits ENS with incomplete information to Member States that have implemented the acceptance function

A. Since the carrier in such case is connected to the IT system of the Member State, 'grace period' does not apply. Such ENS will be rejected. Penalties may apply.

c. submits ENS with incorrect information to Member States that have implemented the acceptance function

A. Since the carrier in such case is connected to the IT system of the Member State, 'grace period' does not apply. Such ENS will be rejected. Penalties may apply.



- d. **late submission of the ENS to Member States that have implemented the acceptance function**

A. Deadlines must be respected; otherwise there can be a delay in processing of the ENS. Penalties may apply.

- e. **no submission of the ENS at all to Member States that have implemented the acceptance function**

A. If the carrier is connected to the system it will have to lodge an ENS upon arrival of the goods. Penalties may apply.

Q5. We already have an EORI number issued by UK Customs - HMRC. Can we use this single EORI for all EU Member States that we file with?

A. Each economic operator concluding business with the customs in the EU should be registered once. If the economic operator has an EORI number issued in UK, this EORI number should be accepted by the customs in other EU Member States.

Q6. Is it true that Switzerland does not require an EORI?

A. As confirmed by Swiss Customs Authorities, they will not assign an EORI number but they will assign to each trader an identification number (IDI) as from January 1st 2011. This number is similar to the EORI and the details are provided on their web site: <http://www.bfs.admin.ch/bfs/portal/fr/index/news/00/09.html.html>

Q7. Should the airline send House data to EU customs in the case of 3rd party filing by forwarder/agent? The understanding regarding 3rd party filing direct with EU Customs is that the carrier is not required to file the HAWB data. And the first data from forwarder/agent is given to priority even if carrier sent some data to EU customs again.

A. The forwarder, with the consent of the airline, may file his ENS that containing his HWB information. In that case the carrier should not lodge the ENS again with the HWB data as there is only supposed to be one ENS filed.

However, as per the "Guidelines on entry and summary declarations in the context of Regulation (EC) No 648/2005" on the EC website:

"In cases where dual filings for the same consignment nonetheless occur, i.e. the carrier and a 3rd party both file an ENS for the same shipment, customs authorities may decide to use both filings for safety and risk analysis. Otherwise they will consider that the ENS lodged by the carrier is the valid one."

Q8. What is the status of mail and courier with regard to EU ICS? Are they included for declaration to ICS or exempt?

A. As per EU Customs Code Article 181c:



'An entry summary declaration shall not be required for the following goods:

- (a) electrical energy;
- (b) goods entering by pipeline;
- (c) letters, postcards and printed matter, including on electronic medium;
- (d) goods moved under the rules of the Universal Postal Union Convention;
- (e) goods covered by customs declarations made by any other act in accordance with Articles 230, 232 and 233, except pallets, containers and means of road, rail, air, sea and inland waterway transport carried under a transport contract;
- (f) goods contained in traveler's personal luggage;

A post takes a courier shipment and assigns a mail delivery bill to it then it becomes mail and is moved under the UPU regulations.

Courier shipments moving under a passenger ticket as accompanied baggage are not considered as cargo and so are exempt.

Other courier shipments are not exempt and would have to be moved under an air waybill and would be subject to EC control systems. The principle is that courier shipments that did not accompany passenger bags or mail should be reported.

Q9. Do Swiss Customs authorities request airlines to report the Entry Summary Declaration as from January 1 2010?

A. As confirmed by Switzerland, they will not assign an EORI number but they will assign to each trader an identification number (IDI) as from January 1st 2011. This number is similar to the EORI and for more details are provided on their web site: <http://www.bfs.admin.ch/bfs/portal/fr/index/news/00/09.html.html>

Q10. A forwarder wants to act as direct ICS filer. But Swiss Customs has only authorized the ground handlers in Switzerland to do so. Swiss Customs is not ready with their e-declaration application before 1st July 2011. Is there information whether other member states have already started to accept direct filing of ICS-data by e.g. integrators like DHL, TNT or UPS?

A. The carrier is legally responsible for the lodging of ENS. As per Reg. 648/05, Art. 36b 3 & 4, a forwarder can only file with the consent and knowledge of the carrier.

Q11. Do Norway Customs authorities request airlines to report the Entry Summary Declaration as from January 1 2010? What kind of information do they require? Who is responsible for proving the information? Which kind of information is requested? Is there a web site for Norway customs that provides more information?

A. Norwegian customs will as from 1 January 2011 request summary declarations for all cargo transported directly to and from third countries (i.e. outside Norway and EU). The following website gives some information in English on this subject: http://www.toll.no/templates_TAD/Article.aspx?id=197173&epslanguage=en



Further information can be found in the Norwegian Customs website www.toll.no under the subject “Transport og vareførsel, Forhåndsvarsling og AEO”.

Norway is not an EU-country, and as such is not connected to EORI.