

USAGE OF IMPORT CONTROL SYSTEM FUNCTIONALITY (ICS)

MANUAL FOR ECONOMIC OPERATORS (VERSION 1.0)

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Annex No 144

I. General Information

I. 1. Import Control System (ICS) – Basic Assumptions

The Import Control System (ICS) will enable economic operators to perform their tasks under the community customs regulations; the said regulations provide for the obligation to **send** the so-called **Entry Summary Declarations, hereafter referred to as “ENS”, electronically** for the goods entering the customs territory of the Community from third countries. Entry Summary Declarations include the so-called "security data" that should be sent to **the border customs offices before goods have entered the customs territory of the Community**. Customs offices will use ENSs to perform the **risk analysis**, first of all, in terms of security and proper application of customs inspections.

ICS does not merely take over the existing functionalities offered by the Polish operating systems, and notably the ones of the CELINA system related to processing customs declarations or summary declarations for temporary storage. It is a brand-new system, whose functionalities have not been provided by any system available so far.

ICS will allow for electronic exchange of messages with the so-called “security data” between the economic operator and the customs office and for exchange of risk analysis results messages between the customs offices within the Community. Courtesy of standardisation of ENS data, a common basis for risk analysis will be established within the Community. Consequently, customs inspections will be faster and better oriented.



I. 2. Legal basis for “safety amendment” and ICS implementation

Changes in the European Community customs regulations – the so-called “safety amendment” – which constitute the basis for implementation of ICS were made with the following amending regulations:

- a) Council Regulation (EEC) No. 2913/92 dated 12 October 1992 establishing the Community Customs Code (Official Journal of the European Union L 302 of 19.10.1992, page 1), hereafter referred to as “CCC” and
- b) Commission Regulation (EEC) No. 2454/93 dated 2 July 1993 laying down provisions for the implementation of *Council Regulation (EEC) No. 2913/92* establishing the Community Customs Code (Official Journal of the European Union L 253 of 11.10.1993, page 1), hereafter referred to as “CCCIP”.

These include:

- 1) Regulation (EC) No 648/2005 of the European Parliament and of the Council of 13 April 2005 amending Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Official Journal of the European Union L 117 of 4.5.2005, page 13),
- 2) Commission Regulation (EC) No 1875/2006 of 18 December 2006 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Official Journal of the European Union L 360 of 19.12.2006, page 64),
- 3) Commission Regulation (EC) No 312/2009 of 16 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Official Journal of the European Union L 98 of 17.4.2009, page 3),
- 4) Commission Regulation (EC) No 414/2009 of 30 April 2009 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Official Journal of the European Union L 125 of 21.5.2009, page 6),
- 5) Commission Regulation (EC) No 169/2010 of 1 March 2010 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation



of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Official Journal of the European Union L 51 of 2.3.2010, page 2), and
6) Commission Regulation (EC) No 430/2010 of 20 May 2010 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Official Journal of the European Union L 125 of 21.5.2010, page 10).

In keeping with Article 181d of CCCIP, international treaties concluded by the Community with a third country with the objective of mutual recognition of security inspections made in the exporting country can form another legal source for the matters discussed herein. In that case, the operation of transporting goods between the contractual parties is governed by the contractual terms and conditions. Two European countries have employed that solution so far:

- 1) Switzerland under the agreement with the European Community and the Swiss Confederation on the facilitation of inspections and formalities in respect of the carriage of goods and on customs security measures (Official Journal of the European Communities L 199 z 31.7.2009, page 24) and
- 2) Norway under the EEA Joint Committee Decision No. 76/2009 of 30 June 2009 amending the Protocol 10 on the facilitation of inspections and formalities in respect of the carriage of goods and Protocol 37 including the list provided for in Article 101 (Official Journal of the European Communities L 232 of 3.09.2009, page 40).

I. 3. ICS implementation

In view of the time that both economic operators and EC members need to build ICS, a so-called “transitional period for ICS” has been introduced with the Community Regulation (EC) No. 273/2009 of 2 April 2009 *laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, derogating from certain provisions of Commission Regulation (EEC) No. 2454/93 (Official Journal of the European Communities L 91 of 3.4.2009, page 14)*, whereby the obligation to send entry summary declarations to ICS has been suspended from 1 July 2009 to 31.12.2010.



Hence, the Import Control System functionality will become obligatory **as of 1 January 2011**. By that date, economic operators may (after the operational launch of the said system by the customs administration), but do not have to send electronic messages to ICS.

I. 4. Entry Summary Declaration (ENS) institution versus the declaration for temporary storage/ customs declaration

It should be underlined that the entry summary declaration institution is independent from the customs declaration institution or the declaration for temporary storage. By fulfilling the obligation to deliver the "security data" the economic operator is not exempted from the obligation to determine the legal status of the goods reported in the said declaration. In other words: **the declaration replaces neither the declaration for temporary storage nor the customs entry declaration.**

This means that in case an economic operator has fulfilled their obligations using ICS and the result of the risk analysis performed using ENS data makes it possible to import the goods into the customs territory of the Community, the said economic operator should still determine the legal status of goods on general terms and conditions, by placing them under temporary storage or by filing a customs declaration under a relevant customs procedure (and notably using the appropriate operating system – CELINA/NCTS). S/he should include a reference to the MRN number of the entry summary declaration in the summary declaration or in field 40 of the customs declaration.

I. 5. Entry Summary Declaration (ENS) institution versus the transit customs declaration

The European Community customs regulations provide for optional declaration of "security data" as part of the transit customs declaration using the NCTS system. **By using the option of sending a transit customs declaration with the "security data" to NCTS, the economic operator is exempted from the obligation to send the entry summary declaration; i.e. the IE315 message to ICS.** It is the economic operator to decide which system they will use.



A transit customs declaration:

- a) may not include the security data (and then the obligation to declare the “security data” as a IE315 message sent to ICS will arise); or
- b) may include, besides the data characteristic for the transit procedure, the “security data” (and then they do not have to be declared as an IE315 message sent to ICS; such a transit customs declaration is sufficient from the viewpoint of economic operator’s obligation in the field of “security and safety”).

I. 6. Terms and conditions of ICS functionality use

An economic operator may use the ICS functionality on condition that:

1. **they have an application** providing for sending electronic messages to the said system built in line with the technical specifications XML for economic operators;
2. **they have registered the company in the Reference Data Sub-System (in Polish: PDR);**
3. **a natural person** to send messages to ICS on behalf of the economic operator has obtained the **key for secure data transmission.**

The specifications for economic operators and information

- **how to register company in PDR, and**
- **how to obtain the key for secure data transmission**

are available on the website:

<http://www.mofnet.gov.pl/index.php?const=2&dzial=1962&wysw=84&sub=sub6>

The messages sent to ICS should be **completed in accordance with the assumptions of the aforementioned “Technical Specifications XML for Economic Operators”** and in line with **Annex 30A to CCCIP** – for ENSs and route change requests.



I. 7. Forms of communication

For ICS needs, messages can be sent via:

- <http://e-clo.pl/> website,
- electronic mail,
- a non-visual interface,
- an external data carrier.

Messages have to be signed with the key for secure data transmission, referred to in I. 6 hereabove.

Messages sent to ICS are automatically validated by the system. If the message is correct in formal and structural terms, it will be accepted for processing. A PWK1 message will be sent to the economic operator's e-mail address with the information on message submission to ICS.

Otherwise, a PWK2 message will be sent to the email address of the entity, with the reasons for rejection of the document sent by the economic operator.

I.8. ICS functionality (economic operator-related messages)

The ICS functionality provides for exchange of the following messages between the customs office and the economic operator:

PWK1	Confirmation of message submission to ICS
PWK2	Communication of message rejection by ICS
IE304	Message sent by ICS with information on IE313 message acceptance
IE305	Message sent by ICS with information on IE313 message rejection
IE313	Message sent by the economic operator with amended data declared initially in IE315 message
IE315	Message sent by the economic operator with the entry summary declaration data

IE316	Message sent by ICS in case of rejection of the entry summary declaration
IE322	Message sent by ICS in case of rejection of goods entry into the customs territory of the Community
IE323	Message sent by the economic operator with the route change request
IE324	Message sent by ICS with information on IE323 message rejection
IE325	Message sent by ICS with information on IE323 message acceptance
IE328	Message sent by ICS with information on assignment of the MRN number to the entry summary declaration
IE329	Message sent by ICS with information that as a result of control there were discrepancies identified between the actual condition and the ENS data, but that the said irregularities do not affect release of goods for entry into the customs territory of the Community. The message also provides for the entry summary declaration data amendment by the customs office
IE330	Message sent by ICS with information that the inspection result is in accordance with the ENS data or that the inspection will not be performed and providing at the same time for the consent to entry of goods into the customs territory of the Community and assigning a proper customs-approved treatment or use thereto
IET13	Message sent by the economic operator with amended data declared initially in IE347 message
IET04	Message sent by ICS with information on IET13 message acceptance
IET05	Message sent by ICS with information on IET13 message rejection
IE347	Message sent by the economic operator with notice of arrival at the customs office of the first or subsequent entry
IE348	Message sent by ICS with information on registration or rejection of IE347 message

IE349	Message sent by ICS with information on rejection of an IE347 message item
IE351	Message sent by ICS with information: a) on goods selection for inspection (sent before arrival of goods and only to AEO certificate holders) or b) information “do not load” in deep-sea transport
IE361	Message sent by ICS with information on goods selection for inspection
IEST1	Message sent by the economic operator with inquiry about the status of ENS processing
IEST2	Message sent by ICS with information concerning the status of ENS processing

I. 9. ICS Helpdesk data

1. E-mail address:

helpdesk@ecs.mofnet.gov.pl

2. Phone numbers:

0801-457-900 – general number – 24/7

012 62-90-335 – technical administrator (on duty) – 24/7

3. Fax number:

033 / 8576210 (24/7)

012 / 6290128 (Mo-Fri: 07:00-15:00)

II. Entry Summary Declaration – IE315 Message

II. 1. Exclusions from the obligation to file ENS

1. The rule is that the goods entering the customs territory of the Community have to be covered by ENS (IE315 message), safe for the goods carried with the means of transport which are only travelling through the territorial waters or the



airspace of the customs territory of the Community, without stoppage within the said area.

2. The following goods do not have to be listed in the IE315 message:

- 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 of CCCIP, , except pallets, containers, and means of road, rail, air, sea and inland waterway transport carried under a transport contract;
- f) goods contained in travellers' personal luggage;
- g) goods for which an oral customs declaration is permitted in accordance with Articles 225, 227 and 229 para. 1 of CCCIP, except pallets, containers, and means of road, rail, air, sea and inland waterway transport carried under a transport contract ;
- h) goods covered by ATA and CPD Carnets;
- i) goods moved under cover of the form 302 provided for in the Convention between the Parties to the North Atlantic Treaty regarding the Status of their Forces signed in London on 19 June 1951;
- j) goods carried on board vessels of regular shipping services, duly certified in accordance with Article 313b, and goods on vessels or aircraft which are carried between Community ports or airports without calling at any port or airport outside the customs territory of the Community;
- k) goods entitled to relief pursuant to the Vienna Convention on diplomatic relations of 18 April 1961, the Vienna Convention on consular relations of 24 April 1963 and other consular conventions, or the New York Convention of 16 December 1969 on special missions;
- l) weapons and military equipment brought into the customs territory of the Community by the authorities in charge of the military defence of a



Member State, in military transport or transport operated for the sole use of the military authorities;

m) the following goods brought into the customs territory of the Community directly from drilling or production platforms operated by a person established in the customs territory of the Community:

- goods which were incorporated in such platforms, for the purposes of their construction, repair, maintenance or conversion;
- goods which were used to fit to or to equip the said platforms;
- provisions used or consumed on the said platforms and
- non-hazardous waste products from the said platforms;

n) goods in a consignment the intrinsic value of which does not exceed EUR 22 provided that the customs authorities accept, with the agreement of the economic operator, to carry out risk analysis using the information contained in, or provided by, the system used by the economic operator.

For the goods that do not have to be listed in ENS, the risk analysis will be made when the goods are presented to the customs authorities after unloading – based on the customs declaration or summary declaration for temporary storage.

3. Notwithstanding the foregoing, there are specific regulations, which result from the agreements between the European Community and Switzerland and Norway, referred to in I. 2 hereof. These are the agreements concluded by the Community with a third country with the objective of mutual recognition of security inspections made in the exporting country. In that case, the operation of transporting goods between the contractual parties is governed by the contractual terms and conditions.

For the said agreements, it means that the goods entering the territory of contracting parties (i.e., Switzerland and the European Community and Norway and the European Community), by and large should be covered by ENS. The contracting parties refrain from application of security measures while transporting goods



between them and the customs territory and, at the same time, they recognise the inspections performed and the documents developed by the competent customs authorities of the other contracting party.

As far as the matters discussed herein are concerned, the foregoing means that Switzerland and Norway will be considered as if they formed a part of the customs territory of the Community. Transport of goods between the European Community and Switzerland/ Norway will be exempted from the obligation to submit ENS.

Example:

Goods from China enter Switzerland by air transport. Later, they are directly carried by road transport to Germany. In that case, the Swiss customs office of the entry will carry out a risk analysis for the goods from the viewpoint of security and safety, while the entry of goods through the Swiss-German border will be exempted from the obligation to cover goods with ENS. The risk analysis and the inspections performed by Switzerland will be recognised within the territory of the European Community.

Note

At present, there has been adopted another CCCIP amendment on the Community level. With the said amendment the catalogue of goods which do not have to be listed in the entry summary declaration, among other things, will be changed. The designed amendment provides for exemption from the obligation to submit ENS for the goods, referred to in II.1 (2e) and II.1 (2g) hereabove, but excludes from the exemption the household movables transported under the transportation agreement referred to in Article 2 para. 1 (d) of the Council Regulation (EC) No. 1186/2009.

The exemption from the obligation to submit ENS will also apply to the goods imported from the territories within the customs territory of the Community, which are not subject to the Council Directive 2006/112/EC or the Council Directive 2008/118/CE as well as goods entering the customs territory of the Community from the Helgoland Island, the Republic of San Marino and Vatican.

The amendment will come into force as of 1 January 2011.



II. 2. Party obliged to send ENS (IE315 message)

1. By and large, the party importing goods or assuming the responsibility for their transportation into the territory of the Community, and thus **the carrier**, is obliged to send the ENS message (IE315). At the same time, it should be remembered that:

- a) **for combined transport**, referred to in Article 183b of CCCIP, **the carrier signifies** the party driving or flying the means of transport which upon entry into the customs territory of the Community will be moving on its own as an active means of transport;

Combined transport – an active means of transport entering the customs territory of the Community carries another active means of transport only, which upon entering the customs territory of the Community will be moving on its own as an active means of transport.

It is, however, essential that for a combined means of transport the **time** for submission of ENS be compatible with the time applicable to the active means of transport entering the customs territory of the Community.

Example

A lorry transported by train that upon entering the customs territory of the Community will be an active means of transport – the lorry carrier will be the party obliged to submit ENS. The time for submission of ENS – counted as for the train (and not the lorry); i.e. at least 2 hours before arrival at the customs office of entry.

- b) **while for maritime or air traffic, where a vessel sharing or contracting agreements are in place**, as referred to in Article 183c of CCCIP, **the carrier signifies** the party who has undertaken a contract and issued a bill of lading or air waybill for the actual carriage of the goods to the customs territory of the Community.

2. **Another entity** may also fulfil the obligation to send an ENS **instead of the carrier**. **Article 36b of CCC** lists the parties that may fulfil the said obligation. In practice, it can be **an importer, a goods consignee or even a representative of the carrier or goods importer/ consignee**.

3. If the obligation to send ENS is fulfilled by a party other than the carrier, it is assumed (unless other evidence is present in a given case), that the obligation is met **with the knowledge and upon the consent of the carrier**. The arrangement that the IE315 message will be sent by a party other than the carrier is the sole concern of the economic operator concerned. The customs authority is not to be presented with any arrangements, authorisations or any other documents providing for the fact that an entity other than the carrier is eligible to send ENS. Unless other evidence occurs in a given case, the customs authorities will base their work on the supposition that the carrier has the knowledge of and has consented to fulfilment of the obligation to send ENS by another party.

The fact that ENS has been sent by a party other than the carrier makes this party fully responsible for the content as well as for the authenticity and correctness of the data given in the ENS message (IE315).

II. 3. Responsibility of the party lodging ENS (IE315 message) and consequences of failure to fulfil the obligation to send ENS

1. The party lodging ENS is obliged to declare the data in the IE315 message to their best knowledge at the time of message dispatch. **This party bears full responsibility as set forth in Article 199 para. 1 of CCCIP; i.e. the responsibility that:**
- the information given in ENS is true;
 - the documents enclosed therewith are authentic documents and
 - that any and all obligations resulting from the coverage of given goods with the said declaration are observed and that the obligations relating to admission of the goods declared for entering the customs territory of the Community are met.
2. **Failure to fulfil the obligation to send ENS** at the time set forth in the regulations necessitates **immediate** submission of the said declaration at the time of goods presentation to the customs authority. The obligation rests with the party

importing goods or assuming responsibility for their carriage into the customs territory of the Community, and thus with **the carrier**.

IMPORTANT:

Another entity may send the IE315 message instead of the carrier. Should the said entity not send the IE315 message (despite relevant arrangements with the carrier), **the customs authority will request ENS from the carrier at the time of goods presentation.**

II. 4. The customs office the IE315 message should be lodged and the time limits

1. ENSs should be sent to the customs offices **of entry**; i.e. the border customs offices via which the goods will enter the customs territory of the Community.

It is essential that the **IE315 message be sent to the customs office of the first entry only. All goods carried by a given means of transport** (not only the ones entering the customs territory of the Community via the customs office of the first entry) should be given in ENS. In that manner – in air and maritime transport – if there appear subsequent customs offices of entry on the route of a means of transport (and, at the same time, the said means of transport does not arrive at the airport or port located in a third country while moving between the first and the subsequent customs offices of entry), no new IE315 message – in which the goods to be imported into the territory of the European Community by the subsequent customs offices would be given – has to be sent thereto. In that case, the goods are only presented to the customs authority at a subsequent airport or port of entry, which will make it possible to:

- a) state that the obligation to declare the “security data” was met at the customs office of first entry; and
- b) obtain by the customs authority from that office the information about the potential risk relating to the goods carried by a given means of transport.

The customs authorities will base their work on the result of the analysis made by the customs office of first entry forwarded to the subsequent airport or port of entry via ICS.

2. The IE315 message should be sent before entry of the goods into the customs territory of the Community.

The time limits were determined considering the specific nature of a given type of transport.

A. In road transport ENS should be lodged at least one hour before arrival at the customs office of entry into the customs territory of the Community.

B. In maritime transport ENS should be lodged:

- a) for **containerised cargo** other than where point (c) or (d) applies, **at least 24 hours before loading at the port of departure;**
- b) for **bulk/break bulk cargo**, other than where point (c) or (d) applies, **at least four hours before arrival at the first port in the customs territory of the Community;**
- c) for movement between Greenland, the Faeroe Islands, Ceuta, Melilla, Norway, Iceland or ports on the Baltic Sea, the North Sea, the Black Sea or the Mediterranean, all ports of Morocco and the customs territory of the Community, with the exception of the French overseas departments, the Azores, Madeira and the Canary Islands, **at least two hours before arrival at the first port in the customs territory of the Community;**
- d) for movement, other than where point (c) applies, between a territory outside the customs territory of the Community and French overseas departments, the Azores, Madeira or the Canary Islands, where the duration of the voyages less than 24 hours; **at least two hours before arrival at the first port in the customs territory of the Community.**

C. In the case of air traffic ENS should be lodged:

- a) for short haul flights **at least at by the time of the actual take-off** of the aircraft;



b) for long haul flights, at least **four hours prior to arrival at the first airport in the customs territory of the Community.**

NOTE

A short haul flight means a flight that duration of which is less than 4 hours from the last airport of departure in a third country till the arrival to the first Community airport of the first entry. All other flights are considered long haul flights.

D. In the case of rail and inland waters traffic ENS should be lodged at the customs office of entry at least two hours prior to arrival at the customs office of entry in the customs territory of the Community.

The time limits set forth hereabove are minimum time limits. If the economic operator has relevant data earlier, the IE315 message can be sent much in advance. Nevertheless, attention should be paid to the legal consequences of failure to present the goods within 200 days following the date of ENS lodgement. In that case, **ENS** is deemed **not to be lodged**. In other words: the IE315 message can be sent before the time limits set forth in the Community regulations; however, should it be sent so early so that the above period of 200 days would be exceeded at the time of the goods presentation, the declaration would be deemed not to be lodged. The later (after the lapse of 200 days) presentation of goods to the customs authority will necessitate lodgement of another ENS.

The time limits determined for the needs of risk analysis from the viewpoint of security and safety take into account the specific nature of postage, whereby the goods are to enter the customs territory of the Community. The general assumption is that the result of the risk analysis made using the data given in the IE315 message should be available at the time of arrival of a means of transport at the customs office of entry. At the same time, the goods presented to the customs authority can be released to determine their legal status (assignment of customs-approved treatment or use) as soon as the risk analysis makes it possible for the goods to enter the customs territory of the Community.



II. 5. ENS (IE315 message) processing at the customs office of entry

1) The economic operator is obliged to send to ICS an IE315 message via the following communication channels:

- a) www service,
- b) e-mail,
- c) a non-visual interface DTI or
- d) an electronic carrier.

The message has to be signed with the key for secure data transmission and **should be completed in accordance with the data and explanations listed in Annex 30A to CCCIP and the assumptions of the “Technical Specifications XML for Economic Operators”**.

IMPORTANT

a) Attention should be paid to the following: Annex 30A defines different data to be given in ENS, conditioned by the means of transport, with which the goods will be carried into the customs territory of the Community and considering the specific nature of goods movement (express consignments or priority postage, parcels sent by post or AEO certificate).

The data to be declared in ENS in accordance with Annex 30A to CCCIP were defined in individual tables given in the said Annex:

- a) **Table 1** – the data to be declared in air, sea and inland waters traffic as well as in other types of transport or cases not governed by tables 2 through 4;
- b) **Table 2** – the data to be declared for postal and express consignments;
- c) **Table 3** – the data to be declared in road transport;
- d) **Table 4** – the data to be declared in rail transport;



- e) **Table 5** – the data to be declared by the economic operators being AEO certificate holders.

To use **the different data given in the IE315 message** (as defined in the above tables of Annex 30A to CCCIP), the economic operator should indicate the applicable symbol into the field (attribute) of the said message that is designated for the element “Code of specific circumstances”. The following symbols can be indicated:

A – Postal and express consignments

C – Road mode of transport

D – Rail mode of transport

E – AEO - Authorised Economic Operator

Failure to select one of the above symbols in the field “Code of specific circumstances” signifies that the data applicable under Table 1 will be used in the IE315 message.

- b) One of the elements given in the IE315 message is an **EORI number** of individual participants of the supply chain covered by ENS.

Inclusion of the EORI number can be **obligatory or optional**, conditional on the party the identification concerns:

- a) consignor, consignee and contact persons – the EORI number is given when known to the party lodging ENS;
- b) the party lodging ENS and their representative – inclusion of the EORI number is obligatory in each case;**
- c) **the carrier** (whose data are given additionally, if a party other than the one lodging ENS) – the EORI number is given when known to the party lodging ENS, and thus it is optional by and large. The EORI number of the carrier **shall** be given in the following cases:
- if ENS is lodged in deep-sea or containerised cargo 24 hours before loading of goods at the port of departure and the carrier is connected to ICS (their e-mail address is given in the IE315 message);

- if ENS is lodged by a person other than the carrier, but the carrier is connected to ICS (their e-mail address is given in the IE315 message), in order to send them an IE328 message with the MRN number of ENS;
- if ENS is amended (i.e., the IE313 message) by a person other than the carrier, but the carrier applied for the functionality of notification thereof of the said amendment being made and they are connected to ICS therefor (their e-mail address is given).

2) The system validates the IE315 message in formal and structural terms. If the IE315 message is correct, the system will assign an identification number thereto – the MRN number that will signify registration of ENS in ICS. In that case **the entity which sent the IE315 message will be forwarded an IE328 message with information on ENS acceptance and assignment of the MRN number thereto.**

The IE328 message **will be also sent to the carrier**, provided the following conditions are jointly met:

- the carrier is an entity other than the party lodging ENS;
- the carrier is given in ENS and has a valid EORI number (is recorded in the EORI database),
- the carrier has met the conditions of electronic communication with ICS in Poland, where the customs office of the first entry is located (the e-mail address of the carrier has been given in the IE315 message).

The carrier will consider the notification of MRN number assignment (along with the reference to the number of the transport document) as a proof of lodgement of the IE315 message by another party, and thus a proof of fulfilment of the obligation to notify of entry of goods in advance, whereby they are released from the same.

3) Should the IE315 message fail the formal validation (and notably should the IE315 message number not be unique), the entity sending the IE315 message will be forwarded an **IE316 message with information on ENS rejection.**

The message will be also sent if the IE315 message provided for a wrong/ incorrect EORI number whose validity/ authenticity could not be verified by the customs authority “alternatively” in the EORI database.

III. IE351 Message

The IE351 message has a twofold function:

- 1) via the IE351 message, the customs authority may send the economic operator the message “do not load”;
- 2) inform the AEO certificate holder (type security and safety and customs facilities/ security and safety) about goods selection for inspection.

1) The former refers to the situation where the result of the risk analysis performed based on the ENS data provides grounds for stating that security and safety of the Community was exposed to a serious risk, that immediate intervention was required and that the entry of goods as declared in a given message should be prevented. In that case, the customs authority sends the IE351 message with information “do not load” to the entity that previously sent either the IE315 or IE313 message.

The IE351 message with information “do not load” will be additionally sent to the carrier, provided the following conditions are jointly met:

- the carrier is given in ENS and has a valid EORI number (is recorded in the EORI database),
- the IE315 message includes the e-mail address of the carrier,
- the carrier is not the party lodging ENS.

IMPORTANT

The IE351 message with information “do not load” can be sent in containerised cargo/ deep-sea transport for which the time to send the IE315 message is at least 24 hours before loading at the port of departure only.

The IE351 message should be also sent within the above time; i.e. 24 hours after receipt of ENS by the customs authority.



2) The latter refers to the economic operator being an AEO certificate holder (type security and safety and customs facilities/ security and safety). In that case, lodgement of the IE351 message is a notification for the economic operator that their goods have been selected for inspection (for details see V.1. Facilities for AEO Certificate Holders hereof).

It is essential that – by contrast to the former case – this situation not refer to the deep-sea transport only, but apply to all types of transport instead, provided the ability of the customs authority to make an inspection is not impaired and provided the above entity-related conditions are met.

IV. ENS amendment (IE313 Message) at Customs Office of Entry

IV.1. Terms of ENS amendment at the customs office of entry

1) The IE315 message can be amended with the **IE313 message sent to ICS**. The data originally given in ENS can be amended by the party that sent the IE315 message earlier or by their representative.

The IE315 message should be sent to **the customs office of entry being earlier the addressee of the ENS message (IE315)**.

The amendment can be also made by the customs officer, at the written request of the eligible entity, in that they edit the ENS document.

2) The amendment can be made by a given moment of time only. **No amendment shall be possible after the customs authorities:**

- a) have informed the person who lodged the summary declaration that they intend to examine the goods; or
- b) have established that the particulars in questions are incorrect; or
- c) have allowed the removal of the goods.

It is further explained that the following IE315 message elements cannot be amended:

- a) the party lodging ENS;
- b) the representative;
- c) the declared first customs office of entry.

IMPORTANT

If at the time the amendment message (IE313) is being sent, the ship has left the port of departure (in deep-sea or containerised cargo) and the result of the risk analysis performed based on the new data given in the IE313 message provides the grounds for sending of the IE351 message (“do not load”), the message should not be sent to the parties concerned.

IV. 2. Processing of ENS amendment (IE313 message)

When the customs authority has accepted the amendment, the ENS data will be modified and the entity that sent IE313 or lodged a paper amendment request will be forwarded an **IE304 message with information on amendment acceptance**.

The IE304 message will be also sent to the carrier, provided the following conditions are jointly met:

- the carrier is given in ENS and has a valid EORI number (is recorded in the EORI database),
- the carrier is an entity other than the party lodging the amendment (IE313),
- the IE313 message provides for the e-mail address of the carrier,
- the carrier has applied for the said functionality.

Should the customs authority not accept the amendment sent, the entity that sent the IE313 message will be forwarded an **IE305 message with information on amendment rejection**.



IMPORTANT

1. In case when the amended message IE313 has been sent (and accepted by the customs authority as stated above), the data given in the IE313 message will form the basis for performing the risk analysis for the goods entering the customs territory of the Community. The amendment may impact the date of release of goods for assignment of a proper customs-approved treatment or use, if sent just before arrival of goods at the customs office of entry. Hence, the customs authorities may need an additional period of time to make a risk analysis for the goods covered with the IE313 message.

2. The amendment procedure is governed by the explanations given in II.4.1 hereof accordingly. In maritime and air traffic, if there are subsequent customs offices of entry present on the carriage route, and the customs office of the first entry is sent the amendment message (IE313), customs offices will exchange the risk analysis results with the other offices concerned. Thus, the subsequent customs office does not have to be presented with a new ENS (IE315) or an amendment message (IE313).

V. ENS – Specific Nature of Goods Trade- or Economic operator-related simplifications

V. 1. Simplification for AEO Certificate Holders (type security and safety and simplifications/ security and safety)

a) Reduced volume of data given in IE315

The entities holding **one of the above certificates** may submit entry summary declarations (send IE315 messages) with reduced volume of data. The data are defined in Table 5 of Annex 30A to CCCIP. In order to use the reduced volume of data in the IE315 message, the economic operator should input the E symbol into the

field (attribute) of the said message that is designated for the element “Code of specific circumstances”.

Use of that facility is conditioned by the following:

- the above certificate is held by the party lodging ENS and all consignees are given in ENS;
- if ENS has been lodged by the representative – the holder of the AEO certificate should be the representative and all consignees given in ENS.

Since the fact of holding/ validity of the AEO certificate is verified by the customs authorities in the EORI base, **the EORI number of the above entities has to be given in the IE315 message** so as to use a reduced volume of data in ENS.

Additionally – in that case a relevant code showing the role of the economic operator holding the AEO certificate in a given import operation should be given in the ENS message (IE315) (in the *node IE315/Entry Summary Declaration/ Goods/ Requisite document*), followed by the AEO certificate number.

The following codes can be used:

Y023 – Consignee

Y024 – Party lodging ENS

Y025 – Representative

Example: Y023PLAEOF440000080001

b) A lower number of physical and documentary inspections and priority inspection approach

In principle, the economic operators holding **the above certificate** are subject to a lower number of physical and documentary inspections than the other economic operators.

If as a result of the risk analysis performed, the parcel belonging to a given economic operator is selected for inspection, the customs authorities will perform it following the top priority approach.

c) Possibility of notification of parcel selection for inspection in advance

The entity that sent the IE315 or IE313 message and is the holder of **one of the above certificates** can be forwarded an IE351 message with information on parcel selection for inspection. The message can be sent before arrival of goods at the customs territory of the Community; it is, however, possible that the customs authority assess that sending the said message does not pose risk to performing a customs inspection.

Failure to send the IE351 message with information on parcel selection for inspection does not signify that the customs authority cannot perform the inspection. In other words, the customs authority may perform the physical inspection even if the economic operator holding the above AEO certificate was not notified thereof in advance.

If the economic operator does not want to or cannot use the facility being the declaration of a reduced volume of data, but wants to use the facilities referred to in (b) or (c) hereabove, they may refer to the status of an Authorised Economic Operator in the ENS message (IE315) by giving in the node *IE315/ Entry Summary Declaration/ Goods/ Requisite document* a relevant code showing the role of the economic operator holding the AEO certificate in a given import operation, followed by the AEO certificate number.

The following codes can be used:

Y022 – Consignor Exporter

Y023 – Consignee

Y024 – Party lodging ENS

Y025 – Representative

Y028 – Carrier

Example: Y023PLAEOF440000080001

In this node, any of the Authorised Economic Operators listed in a given trading operation being the basis for submission of ENS can be given.

If one entity performs more than one role in a given operation being the basis for ENS submission; e.g. if they are concurrently a Consignee and a Party lodging ENS, they may give (but do not have to) all the codes referring to their role in the supply

chain, along with the AEO certificate number. In that case, despite the fact that each code will be followed by the same AEO certificate number, for each code the same certificate number should be given separately. In other words, the entry like “Y023, Y024, Y027 – certificate number” is not acceptable.

Since the fact of holding/ validity of the AEO certificate is verified by the customs authorities in the EORI database, in order to apply for the said facilities, **the EORI number of the entities for which the status of Authorised Economic Operators is declared has to be given in the IE315 message.**

V. 2. Simplifications in express couriers consignments

The regulations covered by the so-called “safety and security amendment” take into account the specific nature of goods entering the customs territory of the Community in express courier consignments.

1) First of all, Article 181c (c) of CCCIP reads that letters, postcards and printed matter, including on electronic medium, do not require inclusion in ENS. Further, Article 181c (n) of CCCIP provides for exemption from the obligation to submit ENS for the goods in a consignment the intrinsic value of which does not exceed EUR 22 provided that the customs authorities accept, with the agreement of the economic operator, to carry out risk analysis using the information contained in, or provided by, the system used by the economic operator..

2) Notwithstanding the above exclusions, Table 2 of Annex 30A to CCCIP defines the data required in ENSs lodged for express consignments. The data were defined considering the specific nature of such consignments. Their scope is lower than for ENSs lodged in “standard” circumstances.

Attention should be also paid to the following: Annex 30A to CCCIP (4.2 Introductory notes to tables) defines the express consignment – in the said Annex an express consignment means an individual item carried via an integrated service of expedited/time – definite collection, transport, customs clearance and delivery of



parcels whilst tracking the location of, and maintaining control over such items throughout the supply of the service.

V. 3. Simplifications in postal consignments

The regulations covered by the so-called “safety and security amendment” take into account the specific nature of consignments entering the customs territory of the Community by post, provided under the provisions of the Universal Postal Union Convention (in Poland, the services are rendered by a public operator providing universal postal services; i.e. Poczta Polska S.A.).

1) First of all, Article 181c (d) of CCCIP reads that the goods moved under the rules of Universal Postal Union Convention are not subject to inclusion in ENS.

2) Notwithstanding the said exclusion, Table 2 of Annex 30A to CCCIP defines the data required in ENSs lodged for postal consignments. The data were defined considering the specific nature of postage. Their scope is lower than for ENSs lodged in “standard” circumstances.

It is the postal authorities to take a decision whether they would like to apply an exemption from the obligation to submit ENS for the goods transported in postage service or whether they would inform the customs authorities in advance about the goods entering the customs territory of the Community (using the reduced volume of data given in such declarations) in order to perform a risk analysis in terms of security and safety.

Attention should be also paid to the following: Annex 30A to CCCIP (4.3 Introductory notes to tables) defines the postal consignment – in the said Annex postal consignment means an individual item of a maximum weight of 50 kg, conveyed via the postal system in accordance with the rules of the Universal Postal Union Convention, when the goods are carried by or on behalf of holders of rights and obligations under such rules.



VI. Route Change Request – IE323 Message

The ICS functionality of the route change request for an active means of transport (IE323 message) applies to the situation where **the customs office of the first entry is changed in international terms**, the fact which the economic operator did not know of at the time of sending the IE315 message. It is the case when **an active means of transport arrives at the customs office of entry located in a Member State which was not declared** in the ENS sent earlier by the economic operator.

The obligation to send the IE323 message rests with the person having in disposal the means of transport changing the route or their representative. The economic operator requesting a route change has to have a valid **EORI number**.

The IE323 message is sent to the declared customs office of the first entry; i.e. the office the initial ENS was filed with.

The message is completed in accordance with Annex 30A to CCCIP, explanations thereto and the Technical Specifications XML for Economic Operators.

If the IE323 message is correct, ICS will send the entity the IE325 message with information that the route change request is correct.

Otherwise, ICS will send the entity the IE324 message with information that the IE323 message was not correct.

As a result of sending of the IE323 message to the declared customs office of entry (provided ENS is available at this office and has an appropriate status; e.g., the goods has not been released yet), the office will send the actual customs office the message with information on changing the route of a means of transport and the results of the risk analysis performed in security and safety terms.

In that manner, the economic operator who will arrive at the customs office of entry other than the initially selected one will not have to send another IE315 message thereto.

IMPORTANT

The **route change request** functionality is not used when the actual customs office of the first entry is other than the one initially declared, but:

- a) the office has been selected as the subsequent customs office of entry in air or maritime transport; or
- b) the initially selected customs office of entry and the actual customs office of entry (even is not selected as the subsequent customs office of entry) are in Poland.

Under these circumstances, the customs authorities will exchange relevant information about the potential risk without the need to send the IE323 message.

VII. Arrival Notification – IE347 Message

VII. 1. Processing of arrival notification at the customs office of the first and subsequent entries

1) The said functionality is used **by the actual customs office of the first entry as well as by the subsequent customs offices of entry** (if present in air/ maritime transport on the route of a means of transport).

At the time of arrival of a means of transport at the customs office of entry, the carrier (or their representative) is obliged to send to ICS a IE347 message (an arrival notification of the goods), in which they declare (by reference to the ENSs previously lodged) the goods which arrived with a given means of transport. At the customs office of the first entry all goods present on the said means of transport are declared, while in the subsequent offices of entry – in the IE347 message – the goods to be presented to the customs authority and to be unloaded for the purpose of assigning a proper customs-approved treatment or use thereto are declared only.



If the goods declared in the IE347 message are at the same time entering the customs territory of the Community via the customs office being the addressee of the IE347 message, in the said message the goods should be appropriately marked with the digit “1” in the field “Entry”. The field pertains to each type of transport with the use of which the goods are carried and signifies that the economic operator declares their intention to enter goods into the customs territory of the Community via the customs office being the addressee of the IE347 message.

ICS also provides (by analogy to ENS) for an option of uploading arrival notification of goods from the electronic storage device (e.g. a CD, a pen drive).

The arrival notification makes it possible to determine **whether the obligation to submit ENS has been fulfilled earlier and verify the result of the risk analysis for the goods covered with the IE347 message**. This applies to both the situation where the IE315 message has already been sent to the Polish customs office of entry and dispatch of the IE315 message to the customs office of entry in another Member State of the Community.

Upon registration of the arrival notification message, ICS will search for ENSs indicated there to link the said messages with one another. The declarations are given in the arrival notification message using the MRN numbers or the special key (the so-called Entry Key), for which ICS based on the three attributes entered in the message – <Arrival Date><Type><Digits> – will verify existence of the declarations with the said attributes.

If ICS does not find ENS, but the declared customs office of the first entry is in a Member State of EU other than Poland, the system will send an inquiry thereto about ENS and the risk analysis results.

2) The system will validate the IE347 message. When the message is correct, arrival notification will be recorded in ICS based thereon.

When the IE347 message is incorrect, it will be rejected by ICS and the system will notify thereof the entity that has sent it. The notice will be forwarded as an **IE348**



message with a negative decision (which means that another IE347 message has to be sent).

If validated with a positive result, the IE347 message will be registered in ICS (the system will assign a unique number thereto). The system will notify the entity that has sent the IE347 message of notice registration. The notice will be sent as an **IE348 message with a positive decision (and the IE347 will be assigned an MRZ number)**.

3) Submission of an arrival notification of goods means that ICS will link the said document with ENSs given in the IE347 message.

After sending of the IE348 message with the MRZ number assigned to the economic operator, they may also receive an IE349 message (information on rejection of individual goods items) in case when ICS fails to link some goods items given in the arrival notification with the ones listed in ENS. This will happen when ENS cannot be found in ICS (in case when the declared customs office of the first entry is in Poland) or when a response from another Member State to the IE302 message is negative.

The said rejection means that there is no valid ENS with an applicable status in ICS. Accordingly, a separate ENS should be immediately lodged for the goods covered with the IE349 message along with the goods presentation indicator.

VII. 2. Processing of arrival notification amendment at the customs offices of the first and subsequent entries – IET13 message

The IE347 message can be amended in that an IET13 message is sent to ICS with the data mandatory for the IE347 message, including the amended data and the unique number of arrival notification assigned by ICS upon acceptance of the IE347 message.

A customs officer may – at the written request of the party – amend the data declared, in that they edit the arrival notification .

The amendment can be made by the entity that sent the IE347 message only.

The arrival notification can be amended **as long as the entity has not been sent the IE361 or IE330 message (if the IE361 message has not been sent).**

When the amendment is **accepted**, the data in the original arrival notification message are amended and the **economic operator is forwarded an IET04 message**. Otherwise, the **economic operator** is sent an **IET05 message**.

VIII. Risk analysis-based processing at the customs office of entry

VIII. 1. Decision to inspect – IE361 message

When a customs authority takes a decision to inspect, the economic operator that has sent the arrival notification message is forwarded an **IE361 message (with the information on inspection intention)**. Should some goods be selected for inspection only, an IE330 message is sent for the other goods presented to the customs authority with the information that they may enter the customs territory of the Community.

The IE330 message will apply to the goods which in the IE347 message have been marked with the digit “1” in the field “Entry”. This field means that the economic operator declares their intention to carry goods into the customs territory of the Community via the customs office being the addressee of the IE347 message.

VIII. 2. Goods release for entry – IE330 or IE329 message

In the final phase of ENS and the arrival notification processing, ICS will send the economic operator:

- 1/ an IE330 message (with information that the inspection result is compliant with the data declared in ENS or that the inspection will not be conducted), which, at the same time, provides for the consent to entry of goods into the customs territory of the Community and assignment of a proper customs-approved treatment or use thereto, or
- 2/ an IE329 message with information that as a result of control there were discrepancies identified between the actual condition and the ENS data, but that the said irregularities do not affect release of goods for entry into the customs territory of the Community. The message will also include the ENS data amended by the customs officer as a result of inspection at the customs office of entry and, at the same time, the consent to entry of goods into the customs territory of the Community and assignment of a proper customs-approved treatment or use thereto.

The messages will refer to the goods which in the IE347 message were marked with the digit “1” in the field “Entry”. This field means that the economic operator declares their intention to carry goods into the customs territory of the Community via the customs office being the addressee of the IE347 message.

VIII. 3. Refusal of goods entry into the customs territory of the Community – IE322 message

If the results of the inspection make it impossible for the goods to enter the customs territory of the Community (e.g. the data inconsistencies or the risks related to a given customs transaction are so important that the goods cannot enter the customs territory of the Community), the economic operator will be forwarded an **IE322 message with the lack of consent to goods entry into that area.**

IX. Inquiry about ENS Processing Status

ICS enables entities within a given country to obtain information about the ENS processing status.



ICS receives an inquiry about the processing status of the document indicated with the reference number MRN from the entity. The XML-format inquiry (**IEST1 message**) can be sent to the System via the www interface or e-mail.

If the inquiry is not correct, the entity is sent information about the fact that the inquiry has not been correct.

Otherwise, the inquiry is registered in ICS. Later the system finds the document with the specific MRN given in the inquiry, creates a response message (**IEST2 message**) and sends it to the entity. The response includes the processing status of the declaration or the error message (e.g. when the System has not found the document with the defined MRN number).

ICS sends a response to the entity via e-mail or www site, depending on the communications channel used by the latter to send their inquiry. In case of the inquiry sent via www site, the message status is displayed on the www site of the entity.

X. Fallback Procedure

X. 1. Unavailability of application or internet connection on the part of the party lodging ENS/ arrival notification

1. In case of breakdown of application/ internet connection on the part of the entity lodging ENS/ arrival notification, if the economic operators **may generate an IE315/IE347 message** and save it on the electronic storage device (a CD, a pen drive), they should deliver ENS/ arrival notification (signed with the key for secure data transmission) to the customs office, upon obtaining prior assurance that the said electronic storage device can be read by a given office.

The procedure does not require obtainment of consent of the customs office.

2. Application of the fallback procedure referred to herein requires consent of the customs office.



A) When a breakdown of the application is declared, the economic operator requests consent for application of a fallback procedure from the first line of ICS Helpdesk by sending thereto a form set forth in **Annex no. 1** hereto by e-mail or fax.

It is recommended that the first line of ICS Helpdesk be contacted by phone prior to form dispatch to explain the reasons of system unavailability and eliminate the ones resulting from the incorrect operation of the application and not its breakdown.

If after form dispatch, the ICS Helpdesk does not contact the economic operator who lodged the request for application of fallback procedure within 15 minutes, the economic operator may acknowledge that they have been granted consent to application of fallback procedure for 24 hours following the form dispatch.

B) In the case discussed herein, the economic operator may send ENS after solving the problem preventing sending of the IE315 message within the time set forth by the customs regulations – it should be only remembered that the message **has to be sent at the time of arrival of the means of transport at the customs office of entry at the latest.**

C) If the economic operator cannot send the IE315 message using the communications channels set forth in I. 7 hereof, then ENS should be lodged on paper to the customs office using the Security and Safety Document (compliant with the template set forth in Annex 45i to the Commission Regulation (EC) No. 414/2009 dated 30 April 2009, Official Journal of the European Communities L No. 125 dated 21.5.2009) at the time of goods presentation at the latest. If the consignment for which ENS is developed covers more than one item of goods, the Security and Safety Document is supplemented with the list of goods items compliant with the template set forth in Annex 45j. The list of goods items constitutes an integral part of the Security and Safety Document.

In that case, the period of risk analysis by the customs authorities is extended. The period lasts at least 4 hours – for ENS lodged in the transport, referred to in II.4 2A, II.4 2B (c) and (d), II.4 2C (a) and in II.4 2D hereof.



By analogy, the above explanations governing paper ENSs also apply to arrival notifications; the arrival notification form is, however, not defined by the customs regulations (the paper form with the data as set for the IE347 message applies).

In that case, the customs officer inputs the data from ENS/ arrival notification into ICS and processing takes place in the system.

The documents should obtain the MRN/ MRZ number respectively and should be processed in the same manner as ENSs/ arrival notifications delivered electronically.

X. 2. Unavailability of ICS on the part of the customs authority

1. Economic operators are informed of a local breakdown of the system via the site: www.e-clo.pl. Additionally, this information is sent to all ICS users to the addresses of the outlets or persons, including ICS coordinators. In the said communication, economic operators are notified of the scope of breakdown, among other things, and namely that ICS does not work, but that the Risk Analysis Module is operational or that the Risk Analysis Module is also broken.

2. The information about defect removal and cancellation of the fallback procedure is rendered available to all entities concerned in the manner described in 1 hereabove.

3. The following fallback procedure scenarios are possible:

A. ICS does not work, which prevents sending the IE315 message in due time by the economic operator (the Risk Analysis Module is, however, operational)

In that case, the information about system breakdown sent to economic operators is accompanied by the information about the need to switch to the fallback mode of ENS submission.

Economic operator may use the following options:

- a) send the IE315 message “with violation of the deadline” defined in II. 4. hereof (it should be only remembered that the message has to be sent at the time of arrival of the means of transport at the customs office of entry at the latest), or
- b) decide to send the IE315 message at the time of goods presentation at the customs office of entry along with the goods presentation indicator, or
- c) send (at the time of goods presentation, if the system breakdown has not been cancelled so far) the **IE315 message using the fallback mode to the e-mail address**, given in the information about system breakdown (in this case the same IE315 message as for ICS should be generated, but it should be sent to another e-mail address to make automated risk analysis based on the said message via the Risk Analysis Module), or
- d) submit a paper ENS using the template referred to in X.1.2.C hereof.

Application of the fallback procedure referred to in (c) and (d) hereabove does not involve assignment of the MRN number to ENS or exchange of messages available in ICS. The information about the potential actions of the customs authority following the risk analysis for the goods covered by the ENS lodged in fallback mode will be sent to the economic operator outside ICS.

B. ICS does not work, which prevents sending the IE315 message in due time by the economic operator (nor is the Risk Analysis Module operational)

In that case, the information about system breakdown sent to economic operators is accompanied by the information about the need to switch to the fallback mode of ENS submission.

Economic operator may use the following options:

- a) send the IE315 message “with violation of the deadline” defined in II. 4. hereof (it should be only remembered that the message has to be sent at the time of arrival of the means of transport at the customs office of entry at the latest), or
- b) decide to send the IE315 message at the time of goods presentation at the customs office of entry along with the goods presentation indicator, or



- c) submit a paper ENS using the template referred to in X.1.2.C hereof.

Application of the fallback procedure referred to in (c) and (d) hereabove does not involve assignment of the MRN number to ENS or exchange of messages available in ICS. The information about the potential actions of the customs authority following the risk analysis for the goods covered by the ENS lodged in fallback mode will be sent to the economic operator outside ICS.

C. ICS does not work, but the economic operator has sent the IE315 message before communication of system breakdown (system breakdown occurs before arrival of the economic operator at the customs office of entry)

- If the economic operator has sent the IE315 message and received in return a PWK2 or IE316 message before the communication of system breakdown – ENS has not been successfully delivered in ICS. In that case the economic operator is obliged to switch to the procedure referred to in X.2.3. (A) or (B) – depending on whether or not the Risk Analysis Module is operational on the part of the customs office).
- If the economic operator has sent the IE315 message and received in return a PWK1 or IE328 message – ENS has been successfully delivered in ICS. In that case the economic operator is not obliged to switch to the procedure, referred to in X.2.3. (A) or (B). The following procedure applies in that case:

a) If the breakdown has been removed before the arrival of the means of transport at the customs office of entry – ENS will be processed in a standard manner; i.e., at the time of goods presentation the economic operator should send electronically the IE347 message with reference to the MRN number of ENS.

b) If the breakdown has not been removed before the arrival of the means of transport at the customs office of entry, the economic operator presenting the goods should notify the customs authority of arrival of a means of transport. The notice should be sent in writing with the data set forth for the IE347 message. If the



economic operator received a PWK1 message only – in the document of presentation they should refer to their own ENS number granted to the consignment in the IE315 message.

The customs authority makes a risk analysis using the data/ information available in the goods presentation phase.

The information about the potential actions of the customs authority following the risk analysis will be sent to the economic operator outside ICS.

D. ICS does not work at the time of goods arrival at the customs office of the first or subsequent entry, but the economic operator has sent the IE315 message before communication of system breakdown and ENS has been processed by ICS

The economic operator should notify the customs authority of arrival of a means of transport. The notice should be made in writing with the data set forth for the IE347 message.

- If ICS does not work, but the Risk Analysis Module is operational, the customs authorities – based on the data resulting from that module – will take potential actions to inspect or release goods for entering the customs territory of the Community.

The information about the potential actions of the customs authority following the risk analysis will be sent to the economic operator outside ICS.

- If neither ICS nor the Risk Analysis Module works, the customs authorities will make a risk analysis using the data/ information available in the goods presentation phase.

The information about the potential actions of the customs authority following the risk analysis will be sent to the economic operator outside ICS.

E. ICS does not work at the time of goods arrival at the customs office of the first entry and the economic operator has not fulfilled the obligation to send the IE315 message in advance (at the time of correct ICS functioning)



If the economic operator has not fulfilled the obligation to send the IE315 message in advance (at the time set forth in II.4.2 hereof) and ICS was working correctly at that time, but the system is unavailable only at the time of arrival of a means of transport at the customs office of entry, then the fallback procedure described in X.2.3. (A) or (B) – depending (on whether or not the Risk Analysis Module is operational on the part of the customs office) applies.

Annex 1

Fallback Procedure Request

Economic operator:	
Economic operator's address:	
EORI:	Date:
E-mail address:	Phone no.:
	Fax no.:
Rationale:	
Author (person authorised in the PDR records)	
Name and surname:	
E-mail address¹:	
Phone no.¹:	
Fax no.¹:	
Signature:	

¹ Fill in if other than the contact data of the economic operator.