

Montreuil, 17 novembre 2020

Memorandum to operators

Object : Brexit – ICS Procedures
Ref. : Circular no. 7052 of 15 February 2015 – Import Control System (ICS) safety/security
NA no. 20000160 of 17 November 2020 “Brexit – The Smart Border”
Encls : Appendix 1 – List of EDI-certified operators

This document is a courtesy translation of the official French note on the subject which is indicated in reference.

This memorandum sets out the customs procedures prior to the entry of goods into the Union Customs Territory (UCT), namely the electronic filing of an entry summary declaration (ENS) in the Import Control System (ICS) to manage safety/security risks irrespective of the type of means of transport crossing the border (sea, land, rail and air).

ENS exemptions:

- Postal shipments
- Travellers' personal luggage
- Empty packaging not covered by a contract of carriage
- Road vehicles registered in France or in another EU Member State other than passenger vehicles
- Road vehicles registered in a non-EU country other than passenger vehicles which are, theoretically, under the temporary admission procedure simply as a result of crossing the border

The ICS system¹ can only be used by operators that have an EDI-certified solution or through a certified solution service provider (see Appendix 1: List of EDI-certified operators).

The ENSs are filed by the person responsible or his/her/its representative using the “Automate de Sûreté” (AS). Safety/security inspections are conducted at the point of entry into the Union Customs Territory (UCT-FR).

1 The ICS system comprises two online services: 1) the “Automate de Sûreté” (AS) – ENS processing and 2) Delta P – processing arrival and customs presentation notices.

Lastly, as regulatory and IT developments currently stand, the customs import or transit declaration cannot represent an ENS.

1. Person responsible for the ENS, by transport vector

Pursuant to Article 127(4) of the Union Customs Code (UCC), the carrier crossing the border of the UCT (point of entry) is obliged to lodge an entry summary declaration (ENS).

Notwithstanding the obligation binding on the carrier, the ENS may be lodged by its representative. In this respect, the ENS should be filled in as follows:

- “Filer” field: representative’s Economic Operator Registration and Identification (EORI) number
- “Carrier” field: its EORI

1.1. Combined transportation

Combined transportation means successive carriage by two or more means of transport: road/rail/road or road/sea/road to forward goods. In the case at hand, hauliers or commercial vans which use the rail shuttle or ferries are deemed to represent combined transportation.

Article 5(40) a) i) of the UCC defines “carrier” as “*the person who operates the means of transport which, once brought into the customs territory of the Union, moves by itself as an active means of transport*”. This means that hauliers or commercial vans using the Eurotunnel shuttle or ferries are responsible for lodging an ENS.

1.2. Specific case of unaccompanied trailers (RNA)

For transportation of unaccompanied trailers, the person responsible for the ENS is the maritime or rail company (NB: Eurotunnel does not accept unaccompanied trailers).

1.3. Other means of transport

- Rail freight in Calais: the rail carrier is responsible for the ENS
- Conventional or bulk container transportation: the maritime company (or its representative – maritime agent) is responsible for the ENS
- Air vector: the airline (or its representative) is responsible for the ENS

These types of transport are excluded from the Smart Border (Brexit IS).

1.4. Table summarising the person responsible by type of vector and lead times for the ENS

Transport vector	ENS transmission lead time	Person responsible	Smart Border/Brexit IS Yes/No
Maritime (unaccompanied trailers)	At least two hours prior to the ferry’s arrival in Calais, Dunkerque, Dieppe, Le Havre, Ouistreham, Cherbourg, Saint-Malo or Roscoff	Maritime company (P&O, DFDS and Brittany Ferries)	Yes

Maritime (container, bulk, conventional)	At least two hours prior to the vessel's arrival (point of entry FR)	Maritime carrier	No
Combined transportation (road/sea/road)	At least two hours prior to the ferry's arrival	Haulier	Yes
Combined transportation (road/tunnel/road)	At least one hour prior to the rail shuttle's arrival in Calais	Haulier	Yes
Air	Short haul flight (less than four hours duration), when the aircraft takes off (UK territory)	Airline	No
Rail	At least one hour prior to the train's arrival in Calais	Rail carrier	No

2. Conditions for completing an ENS

An ENS has a general segment and an item segment (which is not the same as the item referred to in a customs declaration: an item may be a container, an unaccompanied trailer or a receptacle). The electronic message representing an ENS contains 29 data items (see above-referenced circular).²

2.1. Combined transportation Smart Border (SI Brexit)

Rail

Hauliers must fill in the ENS with the following information:

- Identity of the active means of transport crossing the border: the carrier must provide its lorry's registration number
- Means of rail transport: code "2"
- Number of transport document: number of CMR
- Office of entry into the territory
- Date and estimated time of arrival at the first point of entry in France

Sea

Hauliers must fill in the ENS with the following information:

- Identity of the active means of transport crossing the border: vessel's generic IMO identification number "1111111"
- Means of sea transport: code "1"
- Conveyance reference number: XFER code + (semi-)trailer's registration number

2.2 Unaccompanied trailers, Smart Border (SI Brexit)

Maritime companies (ferries) must fill in the ENS with the following information:

- Identity of the active means of transport crossing the border (ferry): vessel's generic IMO identification number "1111111"
- Means of sea transport: code "1"
- *Conveyance reference number: XFER code + (semi-)trailer's registration number*

² This circular, which was published under the aegis of the Community Customs Code, will remain in force until rollout of the ICS2 programme.

3. Specific case of express freight

Express freight companies must fill in the ENS with the following information:

Combined transportation (road/ferry/road)

- Identity of the active means of transport crossing the border (ferry): vessel's generic IMO identification number "1111111"
- Means of sea transport: code "1"
- Conveyance reference number: XFER code + (semi-)trailer's registration number
- Specific circumstance indicator (Code "A" – set of express freight data)

Combined transportation (road/Eurotunnel/road)

- Identity of the active means of transport crossing the border (ferry): the carrier must provide its lorry's registration number
- Means of rail transport: code "2"
- *Specific circumstance indicator (Code "A" – set of express freight data)*

4. Processing road vehicles, trailers and packaging at the entry to the UCT

Road vehicles or trailers registered in France or in another Member State, and road vehicles or trailers registered in a non-EU country, which are, theoretically, under the temporary admission procedure simply as a result of crossing the border, are exempt from lodging an ENS.

Packaging:

- Filled packaging is listed in the ENS relating to goods
- *Empty packaging and that covered by a contract of carriage (e.g. CMR) are subject to an ENS*

5. Notices of arrival of the means of transport and presentation of the goods to customs

For flows using Eurotunnel and the ferries, these notices are automated via the Smart Border: exchange of messages between the Brexit IS and the Delta P online service instead of and in the place of the operators.

For other flows, the notices of arrival of the means of transport and presentation must be filed by the carrier crossing the border using the Delta P online service (see above-referenced ICS circular).

Flows that do not present a risk and are not subject to a safety/security inspection at the border follow the nominal customs process.

6. Absence of an ENS

In the event of failure to lodge an ENS, the means of transport will be directed into the "Orange" lane when it disembarks for the situation to be regularised and a penalty to be handed down (Article 410 of the French Customs Code).

The Directorate General's Clearance Policy Bureau (dg-comint1@douane.finances.gouv.fr or veille-ics-dg@douane.finances.gouv.fr) is at your disposal to provide any further information.

The Brexit Project Manager
Signed

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