PROJECT SHEET

SECURITY - SAFETY: ICS 2

1. Did you say ICS?

Following the terrorist attacks in the United States on 11 September 2001, the European Union introduced an import control system (ICS). Set up on 1 January 2011, this system is based on the communication of information to European customs authorities before the arrival of the goods or before the loading of goods for long-distance containerised transport into the territory of the Union. This information is transmitted via an entry summary declaration (ENS) at the first point of entry into the EU customs territory.

2. Who is concerned by ICS 2?

As submitters of the ENS, carriers or their representatives remain at the heart of the system.

But ICS 2 also involves all actors in the supply chain of the import goods flow: handlers, shippers, air cargo carriers, maritime, road, rail and inland waterway carriers, express freight companies, postal services, freight forwarders, registered customs representatives, final consignees of the goods (importers).

3. Why ICS 2?

ICS 2 is progressively replacing the ICS1 system.

ICS 2 strengthens the existing protection arrangements at the EU's external borders for the introduction of non-EU goods. It consolidates risk management on all flows of economic operators and on all modes of transport. It increases risk analysis and control capacities of the Member States to detect and stop dangerous goods and to enhance security at the entry of the customs territory of the EU. It ensures better cooperation between the different Member States involved in risk analysis.

4. What are the changes?

Data to be provided in the entry summary declaration (ENS) is increased and must come from all economic operators (under the responsibility of the carrier crossing the border).

The main changes are as follows:

* the mandatory transmission of eight data items before loading consignments onto an aircraft for aviation security purposes (ENS PLACI), with the possibility of a do not load (DNL) in case of a threat,
* the extension of the system to postal consignments and low value items (up to €22) which are no longer exempted from ENS,
* the provision of more accurate shipment data,
* the possibility of multiple filing of the same ENS by several operators for sea and air transport modes,
* the possibility for customs to request additional information or checks (referrals) following the submission of an ENS,
* the possibility of invalidating the entry summary declaration,
* privileged treatment of AEOs, in particular through notification of controls prior to the arrival of goods in the customs territory of the Union,
* the impossibility of clearing imported goods through customs if a security check is still in progress or has been found to be non-compliant.

In addition to these regulatory changes, there is a major IT change. Operators will now file their ENS via a shared European portal (STI or Shared Trader Interface) in a central European database (CR or Common Repository) and no longer via the computer system of the Member State through which the goods are brought into the European Union. Finally, France has chosen to ask carriers to file their notifications of arrival of the means of transport (for aircraft and ships only) in this central European database.

5. What is the timetable?

The deployment of ICS 2 is taking place in three phases. Each phase concerns various operators and modes of transport (air, sea, road and rail).

Release 1 started on 15 March 2021 in France. It concerns some express freight companies and postal operators operating in the air mode. It covers only the research of air security risk (analysis of postal and express items on the basis of a PLACI ENS before loading the aircraft).

Release 2 starts on 30 June 2023 in France. It concerns postal operators, express freight companies and air carriers, which will have to transmit, in addition to the PLACI ENS, a complete pre-arrival ENS to the European Central Base (CR) before the arrival of the goods at the first point of entry into the EU customs territory for safety/security purposes. In the meantime, ICS 1 rules still apply to these vectors.

Release 3 takes place on 1 June 2024 [1] in France. It concerns the other modes of transport (maritime, rail, road and inland waterway). In the meantime, ICS 1 rules still apply to these modes.

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1 pending validation by the European Commission.

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6. For further information

You may wish to consult the information material prepared by the European Commission, particularly related to the connection to the European STI portal and CR (Common Repository) database.

The Business Consultancy Unit (Pôle d'Action Economique) of your regional customs directorate is also at your disposal to provide you with any additional information on this project. It will explain the practical consequences for your business and how to prepare for the changes announced.