

ICS2 Frequently Asked Questions

Date of Issue: Thursday 2nd February 2023

In the lead up to, and during the ICS2 Member Event on Wednesday 1st February, several questions were submitted by Members. Below are the top clarifications requested and their corresponding answers:

1. What are the key differences between ICS and ICS2? Is any additional data required? **The data requirements are detailed in the Presentation**
2. What contingency planning is in place? How many EOs have confirmed readiness? Has TaxUD done enough to ensure global awareness? **The EU will use alternative means of Risk Assessment / Control – automated timers**
3. Can ICS take the information uploaded from other systems, to stop re-keying in of data from one portal to another? **Depending on your chosen provider(s), for Air expectation is it will come from the FWB/FHL or XFWB/XFZB**
4. “Buyer” and “Seller” are commercial elements of the movement. Do they expect the industry to change our systems from Carriage based? **This is for Road/Rail and Maritime Only. For Maritime it is considered this could be provided by the Importer/Exporter as a separate filing otherwise yes, they expect the carrier or house filer to provide it. For Road it is currently a single filing but that may change – main issue seems to be lack of engagement with European haulier associations.**
5. Will dual filing be possible for EO on day 1. **No dual filing is possible from 1st July.**
6. Is it the forwarder or carrier responsibility to provide? **Carrier is responsible unless the holder of the information refuses to provide it, in which case the house filer becomes responsible – the carrier will declare by EORI the supplementary declarant. Carrier is always responsible for MAWB and Transport and not loading with AC**

7. Flight Trucks to EU for onward flight included? **Still to be confirmed but possibly yes as when raising MAWB/HAWB it is unknown actual mode that will be used.**
8. Does it apply to both UK Imports & Exports? **It applies to movements to or via the EU, including NI (for the moment)**
9. Please be specific regarding Carrier and Freight Forwarders responsibilities. **Covered before - if FF does not provide HS code goods going nowhere.**
10. Who will be managing I leading the UK comms plan around implementation? **No one, as it is an EU programme. TAXUD have engaged with:**

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|---|---|---|
| UK | British Chambers of Commerce | www.britishchambers.org.uk |
| | Confederation of British Industry | www.cbi.org.uk |
| | Logistics UK (formerly the Freight Transport Association) | https://logistics.org.uk/ |
| | Federation of Small Businesses | www.fsb.org.uk |
| | British International Freight Association (BIFA) | https://www.bifa.org/home |
| | Airlines UK | https://airlinesuk.org/ |
| | British Exporters Association | https://www.bexa.co.uk/ |
| | UKWA (United Kingdom Warehousing Association) | https://www.ukwa.org.uk/ |
| | National Courier and Despatch Association | https://www.thencda.co.uk/ |
| | Association of International Couriers and Express Services | https://aices.org/ |
| | ACITA | https://www.acita.org/ |
| | Customs Practitioners Group | http://www.thecpg.org/info/home.php |
| | United Kingdom Warehousing Association | https://www.ukwa.org.uk/ |
| | Association of Freight Software Suppliers | https://www.afss.org.uk/ |
| | The CCS-UK Cargo Community User Group | https://www.ccs-uk-ug.org/ |
| | Business Application Software Developers Association | https://www.basda.org/ |
| Institute of Export & International Trade | https://www.export.org.uk/ | |

11. Most companies in Switzerland are not registered with EORI Numbers. Instead, they use UID Numbers for importing into Switzerland? **Is possible to us TCUID if has been made available to EU but for an EORI as declarant or carrier they would need to get an EU EORI**

12. Are consignments to private individual s exempted from the provision of HS codes? **No only C2C shipments, IF 'CONSIGNMENT (HOUSE LEVEL)/CONSIGNOR/Type of person' and 'CONSIGNMENT (HOUSE LEVEL)/CONSIGNEE/Type of person' is '1 (Natural person)', THEN attribute is O, ELSE it is M.**

13. If goods are handed to an airline in the UK. Then the routing of the cargo is that it is loaded onto a truck by the airline from LHR to AMS before being loaded onto an aircraft from AMS to another destination would ICS2 information need to be completed. I ask as truck movements to the EU are not covered in ICS2 but the following faze. **Conflicted views about Roadfeeder services, some forwarders correctly identified how would someone categorically know the routing before they cut the HAWB/MAWB so TAXUD are still to give guidance but my feeling is flying trucks will be considered as Air because there is a risk of change of Mode of Transport, TAXUD were going to raise with trade bodies.**

14. For instance, if we have a third-party vendor as importer(IOR), but different company as consignee(DDP for said customer), do you need customer EORI? Or importer (IOR)'s EORI is sufficient? **Also, worth noting the EU Guidance**

Consignee

Data requirements table columns F11, F20, F27, F28, F29, F31, F50, F51:

Party to whom goods are actually consigned must be provided at the master consignment level.

Party receiving the goods as stipulated in the lowest House Bill of Lading or in the lowest House Air waybill must be provided at house consignment level. This person must be different from the freight forwarder, (de)consolidator, postal operator, or customs agent.

Data requirements table columns F12, F21, F40, F41, F42, F45:

Party to whom goods are consigned must be provided at the master consignment level.

Data requirements table columns F10, F13, F14, F15, F22, F23, F24, F26, F30, F32, F33, F43:

Party receiving the goods as stipulated in the lowest House Bill of Lading or in the lowest House Air waybill must be provided at house consignment level. This person must be different from the freight forwarder, (de)consolidator, postal operator, or customs agent.

Buyer

Data Requirements table columns F10, F11, F15, F16, F50 and F51:

The buyer is the last known entity to whom the goods are sold or agreed to be sold. If the goods are to be imported otherwise than in pursuance of a purchase, the details of the owner of the goods shall be provided.

So to me the IOR and Terms is irrelevant for anything but the Import Declaration and person responsible for paying the taxes and arranging completion of the import declaration formalities.

The data element Importer is only used on H1-H7 and I1 declarations

All relevant data requirements table columns used, except H6 and H7:

Party who makes, or on whose behalf an import declaration is made.

Data requirements table columns H6 and H7:

Party to whom goods are consigned

15. Does a full export entry have all the information required for ICS2? 2) Are we now required to upload export entries into the ICS2 system, and will this be a portal we can log into just like GVMS? **The two are unrelated we are talking about ICS2 into Europe although the Export Data theoretically could be re-used; there is a European Portal UUD&MS but you would need an EU EORI.**
16. Are you able to share contact details for EU Customs detailing with ICS2? **Information can be found via that CIRCAB link – ICS2 NSD Contact List updated on 2023 Jan 4, 15:21**
17. I understand some EU member states are not ready for ICS2. Do you know the position with Cyprus? **Not specifically**
18. We understand there will be some ICS2 exemptions – HS6 codes, EORI. For Dip Priv goods, post and 'Natural Persons' [private importers], possibly personal effects. Can you advise where we can read the precise terms of such exemptions?
The rules on HS codes is a condition to the completion rules

C3025 IF 'CONSIGNMENT (HOUSE LEVEL)/CONSIGNOR/Type of person' and 'CONSIGNMENT (HOUSE LEVEL)/CONSIGNEE/Type of person' is '1 (Natural person)', THEN attribute is O, ELSE it is M.

So if C2C then HS is Option if B2C or B2B the mandatory

For EORI then the EU Data Model states Rule 47 for Pre-Arrival and Rule 66 for Pre-Loading

[47] Where an EORI number or third country unique identification number (TCUIN) was assigned it shall be declared.

[66] EORI number or third country unique identification number (TCUIN) shall be declared, where available.

Exceptions to ENS filings is in the Implementing Regulation

Waiver from the obligation to lodge an entry summary declaration (Article 127(2)(b) of the Code)

1. The lodging of an entry summary declaration shall be waived in respect of the following goods:

(a) electrical energy.

(b) goods entering by pipeline.

(c) items of correspondence.

(d) household effects as defined in Article 2(1)(d) of Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty⁽¹⁾, provided that they are not carried under a transport contract;

(e) goods for which an oral customs declaration is permitted in accordance with Article 135 and Article 136(1) provided that they are not carried under a transport contract;

(f) goods referred to in Article 138(b) to (d) or Article 139(1) which are deemed to be declared in accordance with Article 141 provided that they are not carried under a transport contract;

(g) goods contained in travellers' personal baggage.

(h) goods moved under cover of the form 302 provided for in the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on 19 June 1951;

(i) weapons and military equipment brought into the customs territory of the Union 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;

(j) the following goods brought into the customs territory of the Union directly from offshore installations operated by a person established in the customs territory of the Union:

(i) goods which were incorporated in those offshore installations for the purposes of their construction, repair, maintenance or conversion;

(ii) goods which were used to fit or equip the offshore installations;

(iii) provisions used or consumed on the offshore installations.

(iv) non-hazardous waste from the said offshore installations.

(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, other consular conventions or the New York Convention of 16 December 1969 on special missions;

(l) the following goods on board vessels and aircraft:

(i) goods which have been supplied for incorporation as parts of or accessories in those vessels and aircraft.

(ii) goods for the operation of the engines, machines and other equipment of those vessels or aircrafts.

(iii) foodstuffs and other items to be consumed or sold on board.

(m) goods brought into the customs territory of the Union from Ceuta and Melilla, Gibraltar, Heligoland, the Republic of San Marino, the Vatican City State, the municipalities of Livigno and Campione d'Italia, or the Italian national waters of Lake Lugano which are between the bank and the political frontier of the area between Ponte Tresa and Porto Ceresio;

(n) products of sea-fishing and other products taken from the sea outside the customs territory of the Union by Union fishing vessels;

(o) vessels, and the goods carried thereon, entering the territorial waters of a Member State with the sole purpose of taking on board supplies without connecting to any of the port facilities;

(p) goods covered by ATA or CPD carnets provided they are not carried under a transport contract.

19. Can you confirm if there is a transition period of 3 months where shipments can continue to move as per existing regulations? Does this relate to JUST imports into UK or are EXPORTS from UK transiting through EU to final destination also applicable? Does required information need to be provided on HAWB or MAWB? If the information is required on the MAWB, what happens if there are multiple HAWB's with no space to complete data? What is the rule for B2C e-commerce shipments where multiple consignments are consolidated? What is the rule for B2C e-commerce shipments where individuals do not have an EORI?

The "transition period" or deployment phase is for carriers or house filers to migrate, once migrated there is no dual running. This only applies to imports into the EU (plus Northern Ireland depending on the outcome of UK-EU talks) including goods transiting the EU.

The data can be provided on MAWB or HAWB and will be expected to by the airlines unless you self-file. If you are using CIMP and it is not possible to include all the data, then you should consider getting your provider to move to CXML or self-filing and sending via other means. This data has to be provided digitally I doubt carriers will be manually entering data.

Each shipment will still need to declare consignee and HS code either at MAWB item level or at HAWB item level. If Consignees are natural persons and have no EORI then none can be declared (some EU countries apparently require regular private importers to get EORIs)

20. I understand transshipment is included, but whose EORI is to be used, please?
Only declared if there is one, if not nothing to declare.
21. Will a Single HS code or for all Items declared on supplier documents be required?
The number of HS codes depends on the number of different items; normal classification rules apply – if multiple 6 digits HS codes apply then they should all be declared.
22. Does Phase Two also cover Air-Trucks (Airline trucking moving under transit guarantee) Airport to Airport? As discussed still open but last impression was yes as forwarders would not necessarily know if on a flight or Road Feeder service. Currently NCTS does not remove the need for an ENS.
23. How does the ICS2 MRN interact with Smart border 'pre-lodgement EU import Customs declarations, please? ICS2 MRN may need to be declared as a previous document on the entry into temporary storage or if pre-lodged import declaration removes the need for entry into temporary storage, then possible declare on the import declaration but this will vary Member State by Member State.
24. So does this mean we cannot use Entry Into Declarants Records anymore?
Has nothing to do with EIDR this is for imports into the EU, EIDR does not remove the need to comply with the Entry into EU Safety & Security Requirements.
25. Pre-Arrival - is the commodity code needed for C2C? No but if using C-IMP / C-XML there is no way to currently define C2C in the standard schema.
26. Will Descartes 're-use' Declaration data to submit ICS2 to EU system? Yes, this was something we were planning for Phase 3 (Road, Rail and Maritime), if this is something you are looking for Air (instead of using Air Messaging please let us know as soon as possible).

27. Is EORI data required at MAWB level or just HAWB level when consolidation? **Both MAWB would be expected to be consolidator to consolidator, HAWB consignor and consignee. As above only where an EORI has been issued.**
28. For Ecommerce shipments most consignees are private individuals how would they be shown on HAWB? **Not sure I follow exactly because a private individual can still be the consignee. This is perhaps an example where companies are looking to self-file though with each parcel being a House Consignment, as the standard IATA model does not easily fit unless you have a HAWB per parcel.**