



**FONASBA ANNUAL MEETING
2010**

**ECASBA PLENARY MEETING
12th OCTOBER 2010**

**EUROPEAN ADVANCE CARGO
DECLARATION REGIME**

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ADVANCE CARGO DECLARATION/1

- Most important information
- Advance Cargo Declaration (ACD) will apply in addition to existing customs rules;
- ACD will apply to import, export or transit of goods
- Any failure in complying with the obligations laid down in the EU ACD regime will cause penalties for the economic operator

ADVANCE CARGO DECLARATION/2

- IMPORT OF THE GOODS
- The ship operator or its representative must declare cargo information in advance to the customs office of FIRST ENTRY in the form of an ENTRY SUMMARY DECLARATION (ENS)

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ADVANCE CARGO DECLARATION/3

- DESCRIPTION OF THE GOODS
- The Directorate General for TAXUD requires some particular attention to the description of the goods in both entry or exit summary declaration. Guidelines are given in this connection.
- It is important to take note of the fact that **GENERIC DESCRIPTION OF THE GOODS** are not acceptable

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ADVANCE CARGO DECLARATION/4

- For example:
- “APPLIANCES” is unacceptable
- “Refrigerator, stove, microwave oven” are acceptable
- “ELECTRONICS” is unacceptable
- “Computer, television, cd players, monitors etc” are acceptable
- Guidelines will be available as working paper subject to “dynamic change”

ADVANCE CARGO DECLARATION/5

- Special attention to EMPTY CONTAINERS.
- Must be declared in the form of ENS or an EXS, if carried under a transport contract.
- No declaration in case of repositioned empty container.

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ADVANCE CARGO DECLARATION/6

- Since we could meet more problems with EXS than with ENS - owing to the fact that for ENS we will declare information received from third parties (i.e. ship operator\shipowner) here follows a summary up-to-date of EXPORT FORMALITIES AND PROCEDURES
- EXPORT OFFICE: Receives the export declaration, makes risk analysis, verification etc; if everything is OK issues MRN (Movement Reference Number) which is reported in the EAD (Export Accompanying Document)
- EXIT OFFICE: (if different from Export Office and where the goods are loaded on the means of transport)) Presentation of the goods + EAD
- Customs verifies if the goods are the same as those declared at export office, in number, quantity and quality. If OK, once loaded, MRN is communicated to the EXPORT OFFICE

ADVANCE CARGO DECLARATION/7

AFTER THE “EXIT OF THE GOODS”

- EXIT OFFICE forwards exit results msg to the EXPORT OFFICE
- EXPORT OFFICE forwards msg to Exporter\Declarant certifying the exit
- If the EXPORT OFFICE has no confirmation of the EXIT of the goods, may start enquires. The export must be PROVED with alternative evidences.
- If no confirmation of the EXIT occurs within 150 days the EXPORT declaration is invalidated and information is sent to the person that LODGED the Customs declaration.
- Evidently it is important to have reliable partners in order to avoid problems IF THE EXPORT OF THE GOODS IS NOT PROVEN

ADVANCE CARGO DECLARATION/8

- **EORI NUMBERS** MUST BE INCLUDED IN THE DECLARATION
- **MRN** : Unique number allocated by the Customs Office that receives, accepts, validates the electronic customs declaration or EXS

The MRN facilitates the handling of the situations connected with “cargo handling”

The MRN contains 18 digits (alphanumeric) which are:
YEAR\MEMBER STATE OF ORIGIN\MOVEMENT\CHECK DIGIT

- **CUSTOMS DECLARATION** must be issued:
 - BEFORE DEPARTURE
 - BEFORE LOADING CONTAINER ON BOARD
 - ELECTRONICALLY IF IT WORKS (OTHERWISE A PAPER DECLARATION IS ACCEPTED) and must contain safety and security data

ADVANCE CARGO DECLARATION/9

- Art.88.2 Reg. 450/2008 (mutatis mutandis) evidences that the ENS (or EXS) shall be lodged by the person who brings the goods into the customs territory of the Community (or out).
- Can the ship agent lodge the declaration on behalf of the ship operator??
- Who is responsible in the case of delay or incorrect information??

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ADVANCE CARGO DECLARATION/10

- How will it be possible for the new system to work if there is no EU-wide computer system in operation on 01.01.2011??
- Who will pay the penalties in cases of the wrong information being given to customs, given that the ACD MUST include the Economic Operators Registration and Identification (EORI) number of the person lodging the ACD??

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ADVANCE CARGO DECLARATION/11

AEO BENEFITS

- Holders of an AEO certificate may lodge a customs declaration containing reduced safety and security data .
- It is therefore time for shipagent to start application for an AEO certificate in order to have more facilities when lodging the Advance Cargo Declaration to the Customs Office as probably required by the ship operator .
- Obtaining this AEO certificate the shipagent will reinforce his position in the LOGISTIC CHAIN and will have many other possibilities of representation of a ship operator

ADVANCE CARGO DECLARATION

11\bis

- AEO mutual recognition is expected with Japan before the end of 2010, with USA within the end of 2011,
- China is in technical work phase
- South Africa will start its AEO in November 2010 for 12 months
- The AEO mutual recognition program with Switzerland is still not operational

ADVANCE CARGO DECLARATION/12

- In conclusion, clarification is necessary, particularly in relation to the liabilities and possible consequent penalties.

THANK YOU

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CUSTOMS UP TO DATE

- Letters (4.10.2010) have been addressed to TAXUD fm WSC requiring postponement of application of reg. 450\2008 owing to the fact that some MS should not be able to be ready for 1.1.2011
- So far no answer fm TAXUD

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CUSTOMS UP TO DATE\2

- TCG report on meeting 8 oct 2010
- MCCIP draft will be presented in the 1st quarter of 2011
- Will be available in all EU languages, before to be examined and voted in CCC and scrutinized by EU Parliament and Council
- The adoption is expected in the 4^o quarter of 2011

CUSTOMS UP TO DATE/3

- TAXUD advises that 3 meetings on Business Process Modelling are planned for 19th October, 17th November and 15th December with TCG and Member States participating

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