



MSC Mediterranean Shipping Company S.A. wishes to inform / remind its customers that the European Union (EU) regulation to provide **Advance Cargo Declaration will become mandatory on 1st January 2011**, for all goods arriving or transiting in the European Community. (For full list of Countries please refer further down in this notice)

What are the regulations?

This additional Customs requirement is part of the “safety and security amendment” to the “Customs Code” (Council Reg 2913/1992) set out in the European Parliament and Council Regulation (EC) No 648/2005 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:117:0013:0019:EN:PDF>) and Commission Regulation 1875/2006/EC (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:360:0064:0125:EN:PDF>) & appropriate amendments.

What goods / shipments are covered?

The details on this notice below refer purely to import cargo (exports handled separately at the end of this notice), for which these regulations apply to all import cargo entering the EU **regardless of the eventual destination of the cargo**; this will include all freight remaining on board to non EU destinations and transshipments. (Articles 181b&c of reg 1875/2006 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:360:0064:0125:EN:PDF>) provide coverage & exemptions – but please check with your local MSC office before invoking an exemption).

How must it be declared?

For non EU import cargo, the safety and security legislation is being implemented by the introduction of the “Import Control System” (ICS) across the European Union (EU). ICS requires carriers (or their authorised representatives / 3rd parties) to provide electronic pre-arrival information, in a specified format.

This pre-arrival information is submitted in a declaration, known as an “Entry Summary Declaration” (ENS) and will include, amongst other things, details which identify; the cargo, the traders involved in the movement, the vessel and the envisaged route into and across the EU (see below for further details).

Where / who must it be declared to?

The Entry Summary Declaration (ENS) must be sent to the Customs at the first port of entry into the EU (the “Office of First Entry” or (OoFE), irrespective if those goods are due to be discharged at that port or not.

When must the information be declared?

For deep sea containerised cargo the ENS must be submitted at least 24 hours prior to loading to the vessel that will bring the cargo into the EU (i.e. the Mother vessel). Shorter time limits exist for “short sea” sailings (non EU ports with short transit time to EU) and road/rail movements (see article 184a of 1875/2006/EC (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:360:0064:0125:EN:PDF>)).

What action will Customs take?

This time frame will allow Customs to use agreed EU wide common risk rules to perform risk analysis on the pre-arrival information, contained in the ENS, and any appropriate safety and security data being passed to other EU Member States where they are identified as being included in the itinerary of the means of transport. Subject to the outcome of that risk assessment, Customs will decide if a consignment causes such a threat to the EU that the goods will be issued with one of the following Risk categories:

- Risk A – Loading of cargo refused (Do not load message - DNL)
- Risk B – Risk handled in the first EU port (e.g. Unloading for exam, irrespective if this shipment was due to discharge at that port or not)
- Risk C – Risk handled in the intended port of discharge (e.g. Examination)

Who is responsible to submit the declaration?

The legal responsibility for ensuring an ENS is submitted (& within the time limits) lies with the carrier or “operator of the active means of transport”, however it can also be made by a representative or third party, but only **with the carrier’s knowledge and consent**, where a third party is authorised by the carrier to submit ENS’s on their behalf. (See article 36b (3&4) of reg 648/2005 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:117:0013:0019:EN:PDF>))

Can I submit the declaration myself?

Should you wish to make your own ENS filing you will need prior contractual agreement with Mediterranean Shipping Company S.A. and ensure accuracy & completeness. (Note: you will need to ensure the MSC Economic Operators Registration & Identification Number (EORI) is duly inserted inside your filings and ensure that MSC will receive the Movement Reference Number (MRN) involved)

Who is responsible for the information & what must be declared?

The accuracy and completeness of the ENS filing lies with the declarant of the ENS, who is entitled to base their ENS filing on data provided by its trading or contracting parties. E.g. the booking information you provide to MSC when we are to file ENS; below is a list of key items required (the complete list of all data elements can be found in annex 30a of reg 1875/2006 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:360:0064:0125:EN:PDF>))

- Clear, accurate description of goods
- 6 Digit Harmonised System Commodity code (must be one for each separate item & not amalgamated under one)
- UN dangerous goods code (as applicable)
- EORI number (see below) of all appropriate parties
- Package description or code (as detailed in Annex 38)

If your company is a holder of an Authorized Economic Operator (AEO) Certificate please contact us and we will assist you to see if you are entitled to use reduced data requirements.

Additional Information / links

An EORI number is a number, unique throughout the European Community, assigned by a customs authority in a Member State to economic operators (businesses) or persons, by registering for customs purposes in one Member State. More information available on this link: http://ec.europa.eu/taxation_customs/dds/eorinumval_en.htm

A movement reference number (MRN) is automatically issued to the declarant of the ENS (& carrier if different) by an acknowledgement message from Customs ICS system upon successful validation of the ENS.

The “Entry Key” consists of the below two items, which will be available from your local MSC office:

- IMO (International Maritime Organization) number – used as identification reference of the **mother vessel** bringing goods in to the EU
- First anticipated date of arrival at Office of First Entry(OoFE) – this is purely a “reference” date, and once set by MSC it will not change for the purposes of the ENS irrespective of changes to the vessels actual due date of arrival (when requesting this date for your own 3rd party ENS filing please ensure you differentiate from the actual ETA of vessel)

A full list of EU member states

Austria	Germany	Netherlands
Belgium	Greece	Poland
Bulgaria	Hungary	Portugal
Cyprus	Ireland	Romania
Czech Republic	Italy	Slovakia
Denmark	Latvia	Slovenia
Estonia	Lithuania	Spain
Finland	Luxemburg	Sweden
France	Malta	United Kingdom

Whilst Norway and Switzerland are not EU member states they have adopted these EU regulations to be included in the ICS process of sending & receiving risk, safety & security information by, for example, including safety & security information on existing customs declarations used (e.g. Transit / NCTS) for arrivals from EU member states. At time of publishing, specific details for the ICS process of arrivals direct from other non EU member states has yet to be verified by Customs.

Regulation 648/2005 is available from:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:117:0013:0019:EN:PDF>

Regulation 1875/2006 is available from:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:360:0064:0125:EN:PDF>

Exports

The safety & security legislation for Exports from the EU has already been implemented by the introduction of the “Export Control System” (ECS); where all goods leaving the EU require electronic lodgement of pre-departure information (similar to the data for imports) with Customs, usually at port of Export 24 hours prior to loading to vessel / mode of transport that will take goods out of EU. (As with imports shorter time limits may apply).

Many member states have been compliant with ECS since the EU Commissions legislated date of 1st July 2009 (last member state complying January 2010) by, for example, simply adding ECS data fields onto the existing export declarations to create a dual export declaration and ECS safety & security information declaration.

Currently, most of the safety & security information is not submitted for goods that do not require an export declaration (for example: shippers own empty containers or transhipments on quay over 14 days) as, in the absence of an export declaration there are no means to lodge such

information. Therefore from 1st January 2011 it will become mandatory to lodge safety & security information on such shipments by the submission of a safety & security information only declaration (not a full export declaration) known as a pure “Export Summary declaration” (EXS).

As Customs of each EU member state are handling the ECS process differently, we respectfully request that you refer to your local MSC office who will be able to advise you directly how this is being implemented in that country.

Glossary of Terms

AEO - Authorised Economic Operator

EORI - Economic Operators Registration & Identification

MRN - Movement Reference Number

ICS - Import Control System

ECS - Export Control System

EXS - Exit Summary Declaration

ENS - Entry Summary Declaration

OoFE - Office of First Entry