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EU's 24-Hour Advance Security Manifest Maritime Shipments

Background Briefing



*Hong Kong
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European Union vs. Europe

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



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Background (1)

Changes to EU Customs Code 2005

- Security risk assessment before goods arrive in or are brought out of the EU
- Electronic submissions by a single filer
- Uniform data set
- Risk assessment done by a single Member State (MS) for all goods, irrespective of port of discharge, based on common criteria to be accepted by all other MS.

Background (2)

Information exchanges to and between Member States and with the Commission:

- Traders to provide customs with information on goods prior to import to or export from the EU
- Providing reliable traders with trade facilitation measures (Authorised Economic Operators)
- Uniform Community risk-selection criteria for controls for goods brought into, or out of, the EU customs territory
- Introducing EORI; **E**conomic **O**perators **R**egistration and **I**dentification number

Any economic operator established in the EU needs to have an EORI number. Economic operators established outside the EU only have to be assigned an EORI number if they lodge a customs declaration, an Entry or an Exit Summary Declaration.

Background (3)

Implementation

- AEO: 01 January 2008
- EORI: 01 January 2009 (effective 01 July 2010)
- EU export goods: 01 July 2009
- Entry Summary Declarations (ENS) & Exit Summary Declarations (EXS)
Scheduled for 01 January 2011

Entry Summary Declarations (1)

Basic principles:

- (1) An ENS must be lodged for all goods that are to arrive in the EU.
 - To be **imported** or **transshipped** in the EU
 - To be **re-loaded** in an EU port for transit
 - Remaining on Board (**FROB**).
- (2) Filing deadlines*
 - Deep sea containerized shipments: no later than **24 hours before vessel loading** in each foreign load port.
 - Short Sea containerized Shipments: no later than **2 hours before arrival** in EU
- (3) The ENS must be lodged at the Customs office of first entry in the EU.

* Other filing deadlines apply for other modes

Entry Summary Declarations (2)

(4) The "Carrier" is legally responsible for lodging the ENS within the deadline.

o Carrier:

The person who brings or assumes responsibility for bringing the goods into the EU.

- o VSA** or similar contracting agreements, e.g. space or slot charter, to provide regular, scheduled service in to the EU - **Bill of lading issuing Carrier is responsible**

No dual Carrier/NVOCC filing requirement!

Customs Office of First Entry

Responsibilities of Customs Office of First Entry (OoFE)

- Register and validate the ENS.
- Issue Movement Reference Number (MRN)
- Perform security risk analysis for **all** ENS.
- Forward positive risk results, if any, to subsequent ports on vessel's itinerary
- May impose penalties (per national law) for example:
 - Inaccurate ENS
 - Filing deadline not met
 - No ENS

Risk Types

Risk Analysis performed by the Office of 1st entry and communicated to customs of subsequent ports.

Different risk types and consequences

- **A:** No load notification to be sent (*will be communicated back to lodging party and Carrier, if different*)
 - **within 24 hour window after receipt of the ENS**
- **B:** Common risk analysis result for which an immediate action is required at the Office of First Entry (*may be communicated back to lodging party & Carrier but only if AEO certified*)
- **C:** Common risk analysis result to be communicated to the Office(s) of Subsequent Entry in other EU Member States *

* = *Only communicated amongst Member States, not to lodging party and/or Carrier*

3rd Party Filing

- 3rd parties may lodge the ENS **instead** of the Carrier, but only with the Carriers **"knowledge and consent"**.
- "Knowledge and consent" should be pursuant to a contractual agreement, which should address:
 - Shipments involved and duration of agreement
 - Point of time 3rd party filing must be made before loading
 - Responsibility for lodging amendments to ENS
 - Indemnification clause (Omission to lodge ENS may result in vessel and/or cargo delays and Customs penalties on the Carrier).
 - Data elements to be provided by the Carrier to 3rd party for ENS filing
 - Data elements the 3rd party **must** include in ENS so Carrier can confirm filing has been made and to respond to Do Not Load messages:
 - Carrier EORI number
 - Carrier (master) B/L number
 - Container number

Summary

- Changes to EU Customs Code 2005 are scheduled to become effective January 1, 2011.
- Changes will require earlier submission of cargo manifest information by ocean Carriers.
- Shippers need to provide cargo data elements by Carriers' Shipping Instruction "cut-off."
- Do-Not-Load or other controls may be ordered.
- Penalties may be imposed.

Arrival Notification & Diversion

Arrival Notification & International Diversion request to be sent by the Vessel Operator to the Office of First Entry

- **After Arrival Notification / International Diversion request, no more amendments to the ENS can be sent**



ENS data elements (1)

ENS Data Elements:

- Number of items contained in the ENS
- Unique consignment reference number assigned to the goods
- Transport document number
- Consignor (EORI number if available)
- Person lodging the ENS
- Consignee (EORI number if available)
- Carrier
- Notify party (mandatory for "To order B/L")
- Identity and nationality of active means of transport entering the EU
- Conveyance reference number

Underlined = Data to be supplied by shippers



ENS data elements (2)

- Code for the first place of arrival in the EU
- Date and time of arrival at the first place in the EU
- Code(s) for the country(ies) of routing (including the countries of departure and destination) to the extent known
- Mode of transport at the border
- Code for the place of unloading
- Acceptable goods description (not necessary if the 4 digits HS code is provided) *Because of national language and other issues, 6 digit HS Code is recommended*
- Code for the type of packages
- Number of packages
- Shipping marks for packaged goods (not necessary for containerised goods)

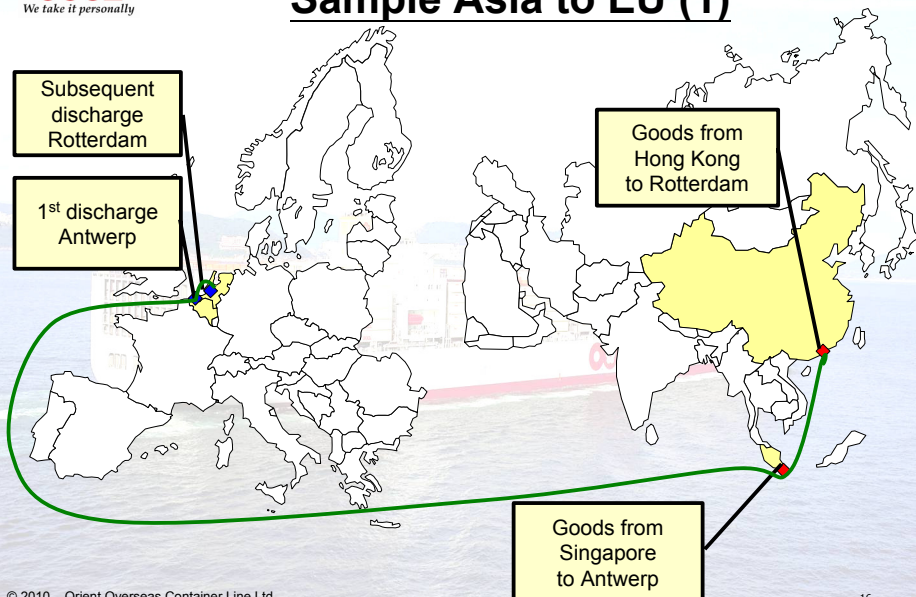
Underlined = Data to be supplied by shippers

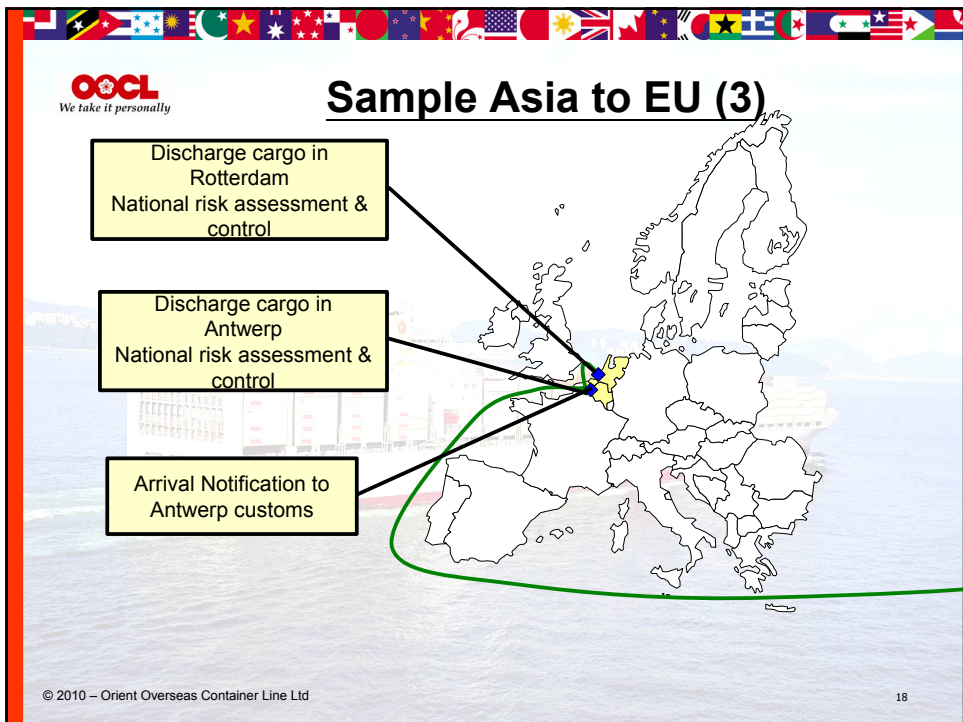
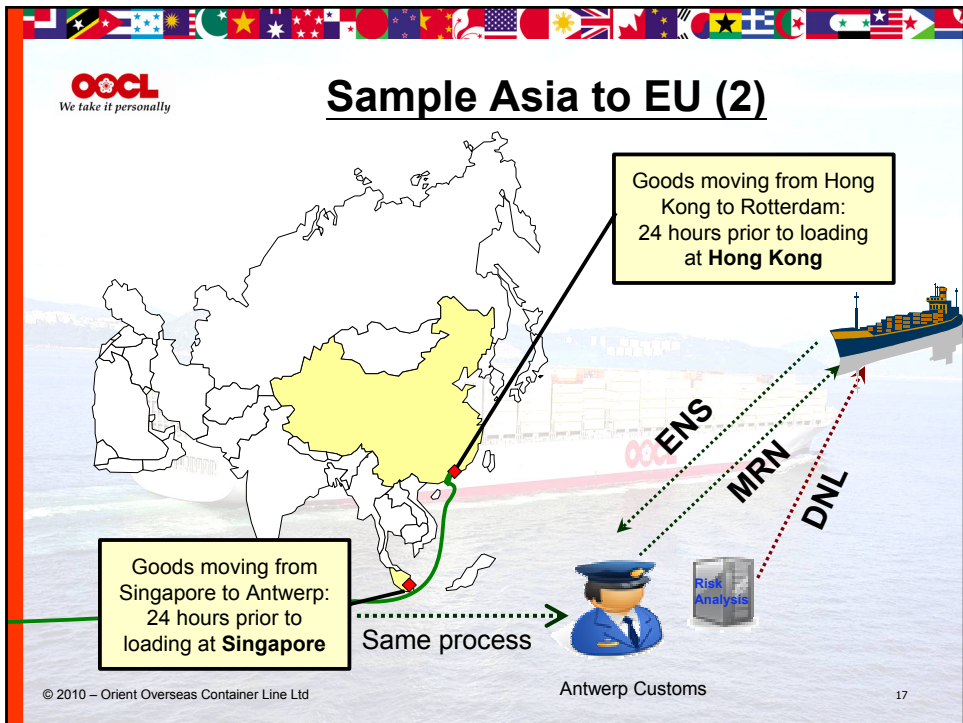
ENS data elements (3)


- Container identification marks
- Number of the item in relation to the total number of items
- 4 digit HS code (not necessary if a goods description is provided) .
- Gross mass (kg)
- UN code for dangerous goods
- Seal number
- Code for the method of payment for transport charges (to be provided where available)
- Declaration date
- Signature/authentication
- Code for special circumstances (postal/express consignment, ship/aircraft supplies, road/rail transport, AEO) if applicable

Underlined = Data to be supplied by shippers

Sample Asia to EU (1)



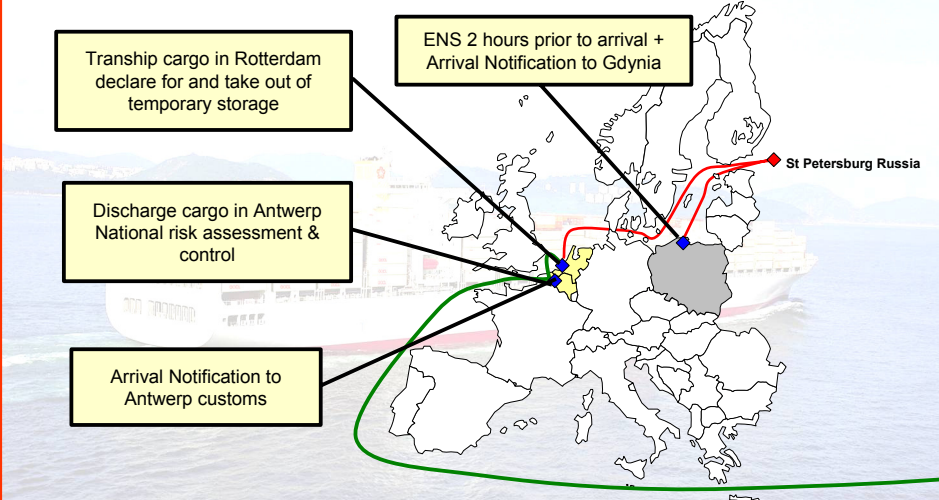




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Sample scenario

Destination Gdynia, transshipment at Rotterdam



Transship cargo in Rotterdam declare for and take out of temporary storage

ENS 2 hours prior to arrival + Arrival Notification to Gdynia


Discharge cargo in Antwerp National risk assessment & control

Arrival Notification to Antwerp customs

St Petersburg Russia

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ENS "pilot" production status

Up till the end of September 2010 approx. 5,258* ENS' were sent to EU customs production environments:

- Netherlands – 4,343* (mode sea & air).
 - Mode sea – only OOCL; 2,015 ENS'
- Estonia – 877* (mode road)
- Other Member States - 38

* Source: Taxud

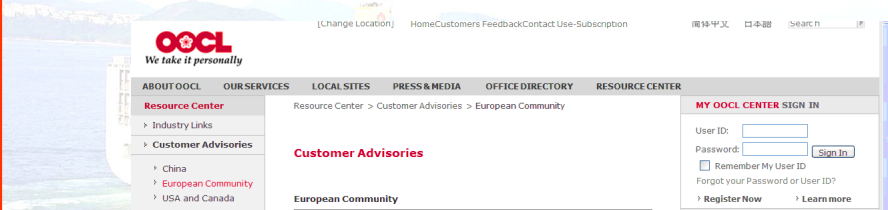
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More Information

- OOCL.COM - Customer Advisories
<http://www.oocl.com/eng/resourcecenter/customeradvisories/europeancommunity/>



- The official European Commission website http://ec.europa.eu/ecip/index_en.htm

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EU Advance Manifest vs. other Advance Manifests

EU	USA	Canada	China
27 countries	Single country	Single Country	Single country
Single filing	Dual Filing	Dual Filing	Dual Filing
Security only	Security and inbound manifest	Security and inbound manifest	Security and inbound Manifest
Filing with 1 st EU port	Filing with actual Port of Discharge	Filing with actual Port of Discharge	Filing with actual Port of Discharge
Multiple message formats	Single message format	Single message format	Single message format
No Cancel	Cancel process	Cancel process	Cancel process
Carrier files at Master BL level	Carriers can file for NVO at House BL level next to the Master BL	Carriers can file for NVO at House BL level next to the Master BL	Carrier always file at Master BL level.

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Thank You

