



TÜRKİYE ODALAR VE BORSALAR BİRLİĞİ



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Konu : İthalat Kontrol Sistemi (ICS2) - 26 Eylül 2022 Tarihli Çevrimiçi Seminer

TÜM ODA VE BORSALARA (Genel Sekreterlik)

- İlgi : a) 23.09.2022 tarihli ve 9374 sayılı yazımız.
b) Ticaret Bakanlığı'ndan alınan 10.10.2022 tarihli ve 78949415 sayılı yazı.

Avrupa Birliği (AB) tarafından devreye alınan İthalat Kontrol Sistemi-2 (ICS2-Import Control System) isimli elektronik gümrük sistemi hakkında 26 Eylül 2022 tarihinde çevrimiçi bir seminer düzenleneceği bilgisi, ilgi (a)'da kayıtlı yazımız ile bildirilmişti.

Bu defa, ilgi(b)'de kayıtlı yazı ile söz konusu seminerde AB yetkilileri tarafından yapılan sunumun bir örneği iletilmiştir.

Bilgilerini ve sunumun ilgili firmalarınız ile paylaşılmasını rica ederim.

Saygılarımla,

e-imza

Ali Emre YURDAKUL
Genel Sekreter Yardımcısı

EK: ICS2 webinar_Turkey_26-09-2022 (21 sayfa)



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IMPORT CONTROL SYSTEM 2

ICS2 NEW ADVANCE CARGO INFORMATION SYSTEM OF THE EU

Event organized by the Permanent Delegation of Turkey to the EU
26-09-2022

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Import Control System 2 (ICS2)

Q6 - Will ICS2 only be used for the goods entering the EU, or will it also be used for the goods leaving the EU? Can you explain it in terms of import, export, and transit goods?

ICS2 is the EU's new **advance cargo information system** supporting the implementation of this new customs safety and security pre-arrival programme and regulatory regime.

ICS2 collects safety and security data from Economic Operators (EO) about all **goods entering or transiting the EU prior to their arrival**.

EOs have a legal obligation to submit data to ICS2 in the form of the **Entry Summary Declaration (ENS)**.

Q2/1 - Is it mandatory to use the ICS2 by economic operators?

From the EO point of view, main ICS2 business process scope covers:

- submission of the ENS
- handling of the risk mitigation referrals
- notification of the arrival of the means of transport
- presentation of goods

*ICS2 is **not used** to process customs **import declarations** for release into free circulation! These declarations are lodged to national import systems.*



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New customs pre-arrival security programme

It is a pillar of an integrated EU approach to reinforce customs risk management under the common risk management framework (CRMF).

It aims to better protect

- Security of supply chains and of transport (e.g. air cargo)
- Security, health and safety of the EU citizens and internal market

Whilst facilitating free flow of legitimate trade across the EU external borders.



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Risk management

ICS2 aims to support a layered customs security and safety risk management following the strategic principles 'assess in advance, control where required':

Capture precise,
quality data!

1. Air pre-loading risk assessment and mitigation measures:

- A complementary security layer to the existing civil aviation security regime
- focusing on the **aviation security only** and perform air cargo and mail security risk assessments to detect immediate threats (i.e. bringing on board of an aircraft articles that could lead to the destruction of the plane and/or loss of lives)
- using the **mandatory minimum dataset** (PLACI) to be filed in air traffic only, as soon as possible prior to loading of the goods onto the aircraft in a third country

2. Pre-arrival risk analysis:

- focusing on **all other types of risks** (e.g. security, health and safety of products, IPR, etc.)
- using the **full ENS** for all modes of transport



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Economic operators affected by ICS2



POSTAL OPERATORS INSIDE
AND OUTSIDE THE EU



EXPRESS
CARRIERS



AIR CARGO
CARRIERS



SEA, RAIL AND
ROAD TRANSPORT



FREIGHT FORWARDING AND
LOGISTICS COMPANIES



FINAL CONSIGNEE
ESTABLISHED IN THE EU



REPRESENTATIVES OF
ALL AFFECTED EOs

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ICS2 timeline

ICS2 is implemented in three phases:

- Release 1 – 15/03/2021
- Release 2 – 01/03/2023
- Release 3 – 01/03/2024

Q1/2 - Is this date still valid for the starting date of the second release of the system?

Each phase affects different EOs depending on the modes of transport they use and the type of services they provide.



Release	1	2	3
Postal Operators			
Express Carriers			
Third-Country Postal Operators			
Freight Forwarding and Logistics Providers			
Air Carriers			
Maritime, Rail and Road Carriers			
Businesses receiving goods in EU (eg. consignees, importers)			

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ICS2 Release 1



Start date

15 March 2021

What needs to be declared?

All express and postal consignments transported to the EU/CH/NO customs territory by air
(*Postal items transiting via EU are exempt until Release 2 – 1/3/2023*)

Who provides the required data?

Express carriers and European based (EU+CH+NO) designated postal operators provide data to ICS2
Third-country postal operators provide data to European based designated postal operators



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ICS2 Release 2



Start date

1 March 2023

What needs to be declared?

All goods transported by air in postal, express and general cargo consignments to or via EU/CH/NO

Who provides the required data?

Express carriers, postal operators including their extra-territorial offices of exchange (ETOE) , air carriers, freight forwarders (FFW), ground handling agents, etc.



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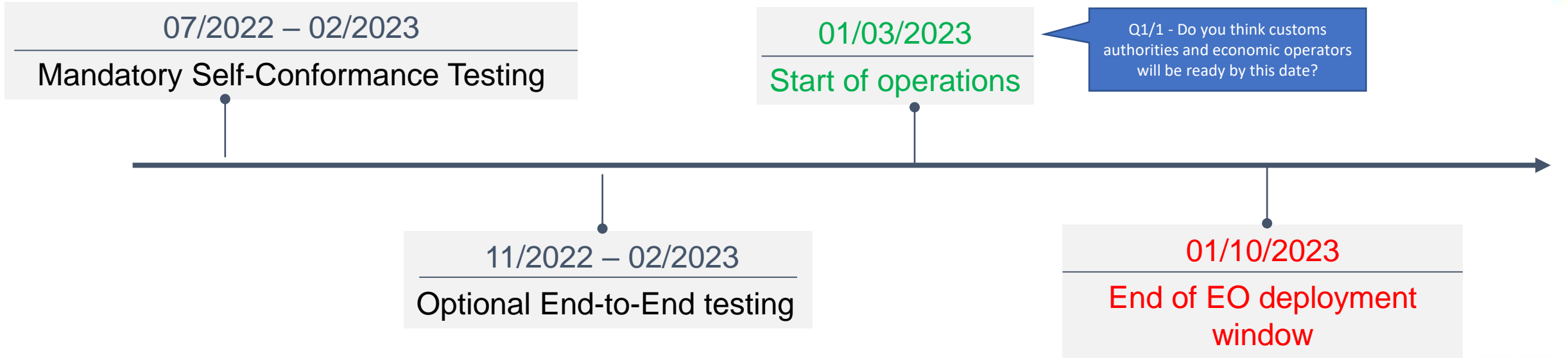


ICS2 Release 2 timeline

Functional and Technical System Specifications are published.

<https://circabc.europa.eu/ui/group/ea5f882b-9153-4fc1-9394-54ac8fe9149a/library/899651cf-76bc-493a-9230-a56bad6e8c43>

Economic Operators (EO) should start **mandatory** Self-Conformance Testing asap!



ICS2 Release 3



Start date

1 March 2024

What needs to be declared?

All goods transported by air, maritime and inland waterways, road and rail

Who provides the required data?

Express carriers, postal operators, air carriers, maritime, road and rail carriers, freight forwarders, ground handling agents, importers



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Data requirements

PLACI data:

- Parties (consignor, consignee and their address, phone, e-mail)
- Goods (description, weight, packages)
- Transport documents (HAWB, postal S10)

ENS data:

- Parties (carrier, consignor, consignee, **buyer, seller**, additional supply chain actors and their address, phone, e-mail)
- Goods (**HS code** (6 digit), description, weight, packages, dangerous goods, containers, seals, postal charges)
- Locations (place of acceptance, loading, unloading, delivery, routing of consignment, routing of means of transport)
- Transport (type and identity of means of transport, departure and arrival date and time, transport charges)
- Transport and supporting documents

Data has to come from:

- Master air waybill, master bill of lading
- House air waybill, bill of lading (lowest level)
- Consignment notes
- Commercial docs (orders, invoices, ..)

Adequate descriptions of goods is very important, in particular where a commodity code is not provided by the declarant. Please consult the 'Unacceptable goods descriptions guidance' available on [Import Control System 2 \(ICS2\)](https://ec.europa.eu/taxation_customs/ics2/) ([europa.eu](https://ec.europa.eu/taxation_customs/ics2/)).



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Multiple filing

Q15 - With the ICS2, carriers, agents, customs consultants, and freight forwarders will be able to lodge the information they have regarding the same summary declaration (multiple filing). Who will be liable for missing or incorrect information in this case?

The carrier is the main responsible party to file an ENS in ICS2.

However, in case the carrier doesn't hold all particulars needed for the complete Entry Summary Declaration, other persons (e.g. freight forwarders, postal operators, express couriers, ground handling agents, **exporters**, etc.) holding those particulars must either provide them to the carrier or file that information in ICS2. In case all parties file their own part of the data, they are responsible for the completeness and accuracy of the data they provided. All parties that will be filing ENS will have to ensure collection of the necessary data and adequate level of quality of it.

Q13 - How will the ICS2 affect the business processes of economic operators such as exporters, carriers, agents, freight forwarders, and ground handlers?

Possible consequences include customs sanctions, in addition to the obvious delay in clearing the transported goods for entry into the EU.

Q15 -Will there be any penalties for missing or inaccurate summary declaration information?



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Link with NCTS and other systems

NCTS: interface between ICS2 (Release 3) and NCTS (Phase 6) will be implemented from 1 March 2024.

National Customs Administrations can offer the option to the EOs to file combined NCTS declarations for rail and road transport mode, containing a complete set of ENS data elements, within specific time limits, set for lodgement of an ENS.

Only full ENS data set can be combined with the transit declaration, multiple filling will not be used.

Combined transit declaration will have the status of an ENS and will be used for the entry formalities until the presentation of the goods at the first customs of entry of the EU. This declaration will be submitted to the NCTSPH6 NTA via national trader interface and not ICS2 STI.

AN/PN/TS: this system will be used to notify the arrival of the means of transport, lodge presentation notification and temporary storage declaration. ICS2 STI covers the arrival notification functionality, thus EOs can chose how to report the arrival of the means of transport. However, for the presentation notification, which is an integral part of the entry formalities, the national AN/PN/TS system will have to be used.

Q3 - Does ICS2 have a connection with NCTS? Can you explain this point?

Q4 - Can you explain the relationship between ICS2 and the temporary storage procedure in customs?

Q5 - Are there any other electronic systems that will be integrated with the ICS2?



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How to be prepared?

Q10 - Are there any specialized companies that prepare or mentor economic operators for the ICS2? If any, can you share the list of them?

Familiarize yourself with the new requirements

Consult the information and documentation available via [Import Control System 2 \(ICS2\) \(europa.eu\)](https://europa.eu). You can contact your trade association and the EU Customs Administrations for information. There also companies that provide consultancy on customs matters.

Develop your IT system and be ready for Release 2 and Release 3

Make sure all processes are supported and high data quality captured by your IT system. IT Service Providers can also offer IT solution for ENS filing. Develop your IT system in time to have enough time left to run the mandatory Self-Conformance testing before start of operation.

Adapt your business processes

Early arrangements with business partners are needed for multiple filings (if they file certain ENS datasets).

Plan testing with your partners

Successful Self-Conformance Testing of your IT solution is prerequisite for starting ENS filing. However, the product of an IT Service Provider that can be used by many Economy Operators needs to be tested only once, before the first use.

Train your staff

For information you can contact the EU Customs Administrations. The DG TAXUD offers self-study material available on CIRCABC public groups, also via [ICS2 Resources \(europa.eu\)](https://europa.eu).



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Consequences of non-compliance

If economic operators are not ready on time and do not provide the necessary ICS2 data, consignments and freight will be stopped at the EU customs borders and the goods in question will not be cleared by the customs authorities.

Q2/2 - What are the consequences of not submitting a summary declaration in accordance with the system?

Furthermore, inadequate declarations will either be rejected or subject to intervention, with penalties imposed for non-compliance.



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Exporters

Q7 - How will the companies in Türkiye exporting to the EU be affected by the ICS2 system?

Q8 - What would you recommend to the exporters in Türkiye so that they will not be adversely affected by the ICS2?

The carrier is main responsible party to file an ENS in ICS2.

However, in case the air carrier doesn't hold all particulars needed for the complete Entry Summary Declaration, other persons (e.g. freight forwarders, postal operators, express couriers, ground handling agents, **exporters**, etc.) holding those particulars must either provide them to the carrier or file that information in ICS2. In case all parties file their own part of the data, they are responsible for the completeness and accuracy of the data they provided. All parties that will be filing ENS will have to ensure collection of the necessary data and adequate level of quality of it.

It is important that exporters provide sufficient and precise information to their partner who is sending ENS filings to ICS2 (especially regarding goods description, commodity code, seller, buyer, final consignee, etc), thus to the carrier in case exporter establishes transport contract directly with the carrier, or with the freight forwarder.



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Other questions

Q9 - Is there any fee to use the ICS2?

There is no fee to use ICS2.

Q11 - Do you have an estimation for the cost that the economic operators have to bear because of the system adaptation?

No such information is available.

Q14 - Do you expect the ICS2 to cause delays in customs clearance?

It is not expected that ICS2 will cause delays since the data has to be submitted prior to arrival of the goods. However, failure to provide the data or late submission might result in cargo being held until entry formalities are completed. Business Continuity Plan is in place in case the IT system is unavailable.

Q12/1- What do you think about Türkiye's integration into the ICS2 system?
Q12/2 - How will the system contribute to further facilitating the trade flow between Türkiye and the EU?

1) The EU established bilateral agreements with CH and NO on customs security measures on the basis of equivalency of protection between the parties. Both countries have aligned their legislation with the applicable legislation of the EU internal market in the area of security, health and safety (prohibitions and restrictions) which allows for goods to move within the common security area without ENS obligations. This is not the case of TR legislation in this area.

2) ICS2 allows for EU Customs authorities to better identify high-risk consignments and intervene at the most appropriate point in supply chain; supports proportionate, targeted customs measures at the external borders in crisis response scenarios; facilitate cross-border clearance for the legitimate trade; simplify the exchange of information between EOs and EU Customs Authorities



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Other questions

Q16- Will there be any additional benefits for the companies who are already working in cooperation (especially in respect to security measures) with customs such as AEOs?

Provided that AEO actors (consignor, and/or consignee, and/or seller, and/or buyer and/or additional supply chain party – manufacturer, exporter, etc) will be properly declared in various ENS data fields (using EORI, or AEO MRA number), holders of the AEO status acting as declarants or carriers will be notified about the controls in advance, provided that this will not jeopardize outcomes of the controls. Such ENS transactions will usually receive a lower risk scoring, leading to less controls at the external border, which will speed up their clearance at the border.

Q17 - What is the potential effect of ICS2 system in terms of environment? Will there be any additional benefit in trade facilitation and energy consumption?

ICS2 system as such has no direct effect on environment, however as part of the customs security and safety risk analysis and controls, goods posing risks of breach of applicable legislation aimed towards protection of environment will be part of this early risk analysis of customs.

Q18 - Could you give information about which risk criteria will be implemented for customs security and safety purposes, how the risk criteria will be determined and whether the country integrated in the system shall contribute to establishing risk criteria and standards, control measures and priority control areas?

Common Risk Criteria (CRC) are sensitive and protected, not made available to the public and shared on a need-to-know basis within the customs authorities' departments tasked to implement them. The Commission has a legal power to adopt CRC, and in this process CRC are defined in a close collaboration with the customs authorities of the Member States (CH and NO consulted).



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THANK YOU



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ICS2 – applicable legislation & links

- **Regulation (EU) 952/2013 of the European Parliament and of the Council – Union Customs Code**
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R0952-20200101>
- **Commission Implementing Decision (EU) 2019/2151 – UCC Work Programme**
<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583245779608&uri=CELEX:32019D2151>
- **Commission Delegated & Implementing Regulation 2015/2446 & 2015/2447 – PLACI and full ENS data requirements:**
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2021:063:TOC>
- **Commission Implementing Regulation (EU) 2015/2447 – EO obligations vis-à-vis EU customs authorities regarding PLACI Air Cargo Security referrals RfI, RfS, DNL (Art 186):**
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2021:063:TOC>
- **Annex to Commission Implementing Regulation 2015/1998 – Obligations of entities vis-à-vis EU AVSEC authorities for PLACI implementation in point 6.8.7:**
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0255&from=EN>



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ICS2 – useful information

ICS2 project documentation on CIRCABC – public groups:

Release 1: air pre-loading postal and express:

<https://circabc.europa.eu/ui/group/528298e7-ca03-47a5-8a59-4cd4f7f5f12d>

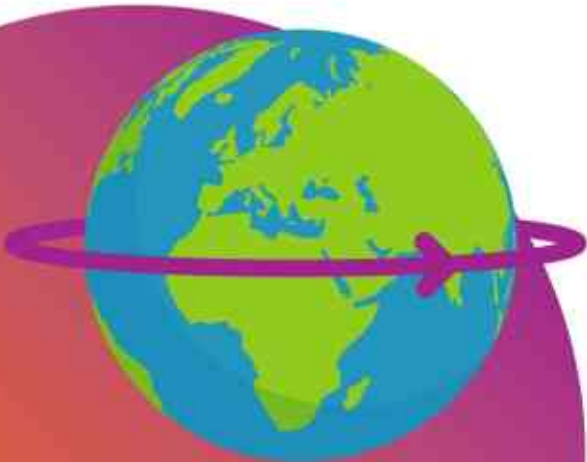
Release 2: air cargo general, postal and express pre-arrival

<https://circabc.europa.eu/ui/group/ea5f882b-9153-4fc1-9394-54ac8fe9149a>

Release 3: maritime, road, rail and postal and express goods transported via those modes

<https://circabc.europa.eu/ui/group/617eb8f3-5946-4fe5-a01f-42974a83b29c/library/56f96b30-cfbf-4d8c-b1f9-ccd63de7f63b>

Find out more on the ICS2 webpage: <https://ec.europa.eu/ICS2>
detailed ICS2 information, factsheets in nine languages, FAQs



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