

SECURITY DECLARATION AT EXIT OF THE EU

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Principle

Since 1 July 2009 export declarations have to be lodged in electronic form and must contain additional data elements introduced for safety and security purposes where no other form of declaration (e.g. orally or by crossing the frontier) may be, and is, used.

Two procedures should be distinguished: ECS and EXS. There should be either one or the other filed for goods leaving the EU. *It is not necessary to file both.*

In the large majority of cases, the ECS procedure will be necessary. In specific cases (see below), the EXS is necessary since no ECS has been filed.

EXPORT : ECS – Export Control System

Who must file an ECS? The party responsible for filing the ECS declaration is the party filing the export declaration. This can be the Exporter (or his representative), the Licence holder for agricultural goods (or his representative) or the Holder of the customs procedure with economic impact (or his representative) – (please note that this person will *almost never be the carrier*).

When is the ECS declaration sent? In almost all cases it is integrated into the customs export declaration or the transit declaration. This serves a security and fiscal role in many cases.

Where is this sent? Two customs offices are identified: Customs Export Office and Customs Exit Office. The declaration is sent to the Customs Export Office, where the goods are physically stuffed for exportation. The Customs Exit Office then validates that the goods have actually left the EU customs territory.

EXIT: EXS – Exit Summary Declaration

Who must file an EXS? The party responsible for filing the EXS declaration is the carrier. This can also be filed by the holder of the temporary storage facility.

When must an EXS declaration be sent? There is no set list established by the EU. *An EXS declaration is necessary when an ECS message cannot be sent.* The following cases have been identified; there are no further examples to our knowledge; please contact us if you identify others.

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Cases where an EXS declaration is necessary:

- Transshipment of non community goods placed in temporary storage that are re-exported out of the EU customs territory after 14 days.
- External transit procedure of non-community goods where the security information was not declared in the transit declaration.
- Community export goods loaded for transshipment following carriage from another EU port on a non-authorized regular shipping service vessel.
- Community goods sent between two EU ports, but transshipped in a non-EU port. Example: Goods sent from Marseille, FR, transshipped in Agadir, Morocco and destined to Felixstowe, UK. In this case, no export declaration exists for these goods, so an EXS is necessary.
- Shipper owned empty containers being transported against payment pursuant to a contract of carriage are to be treated as other cargo and therefore must be covered by an EXS.

No EXS shall be required in the framework of international agreements with Norway, Switzerland, Lichtenstein.

Where must the EXS message be sent? To the Customs Office of Exit where the goods are loaded onto the vessel (air or maritime) on which they will be brought outside of the EU customs territory or where the goods will leave the customs territory (rail, road or inland waterways).

If there is a feeder: at the port where the goods are loaded onto the vessel that will bring the goods outside of the EU.

What data elements are necessary? These are outlined in annex 30A of the CCIP.

When must the EXS declaration be filed?

- Containerized maritime cargo = 24 hours before loading
- Bulk/Break Bulk maritime cargo = 4 hours before vessel departure
- Short-sea maritime cargo = 2 hours before vessel departure
- Air traffic = at least 30 minutes before aircraft departure
- Rail & inland waterways = 2 hours before the train or ship will depart from the last customs office in that territory
- Road traffic = at least 1 hour before the truck will depart from the last customs office in that territory.

What are the consequences if not filed? Normally, the release for exit will not be granted.

More information:

http://ec.europa.eu/ecip/security_amendment/procedures/guidelines_en.htm

- “Guidelines on Export and Exit in the Context of Regulation (EC) NO 648-2005” (TAXUD/A3/0034/2010, Brussels, 25 October, 2010)
- “Annex 6 – Frequently Asked Questions” (only concerns EXS and gives many examples).

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