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FOR IMMEDIATE RELEASE

European Commission Proposed Amendments to ENS Filing Need Clarification

The European Commission has been working to rewrite the European Union's advance cargo data reporting requirements for quite a while, and is now in the final stages of completing its proposal as part of the implementation of the new Union Customs Code (UCC).

Of the many changes for containerized maritime commerce being proposed by the Commission, two are of particular significance. One is the proposal to require non-vessel operating common carriers/freight forwarders (NVOCCs) to file entry summary declarations (ENS) just as ocean carriers do today. ENS filings must be made to the European Customs office of first entry 24 hours before a container is loaded onto a ship for transport to the EU in deep sea traffic. The Commission's failure to include NVOCCs in its "24 hour rule" in 2006 has always been an obvious shortcoming. WSC has no objection to the logical proposal to fix that. We do note, however, that there is a need for clarity about the technical details of this change, as our attached comments discuss.

Second, and as noted in [WSC's January 2015 comments to the Commission](#), the Commission is looking for a short-cut way to obtain the identity of the "buyer" and "seller" of the imported goods before vessel loading. Instead of getting it from the importer, like the U.S. does, the Commission's proposed regulation would require that this information be provided to the carrier/NVOCC – or in the alternative, to the "consignee" – to be filed in an ENS as a condition of vessel loading. Based on our understanding and experience with shippers, WSC has consistently advised the Commission that "buyer" and "seller" data may be business confidential information, and that it is not appropriate to require its disclosure to ocean carriers/NVOCCs or to these parties' consignees, who may not be parties to the goods' sales contract. (Note: In addition, carriers' current documentation systems have no data fields to capture this information.) We continue to advocate this view, as explained in more detail in the January 2015 paper submitted to the Commission entitled ["Why the European Commission's Proposed Amendments to the ENS Filing System Need Further Clarification Before Adoption"](#).

If this regulation is implemented as proposed, exporters to the EU should recognize that they will be required to provide the identity of the buyers of their goods to their carrier or NVOCC (or to their "consignees") prior to vessel loading, so that this information could be provided by the carrier or NVOCC in its required advance ENS filing.

WSC has been joined by the European Shippers Council, the European freight forwarders' association (CLECAT) and the European Community Shipowners Association (ECSA) in opposing the Commission's proposal to require the identity of the buyer and seller of goods

being imported into the EU to be a part of a carrier's ENS filing. Other trade associations representing European businesses and importers have also raised serious concerns about the proposal; however, such opposition has been unsuccessful to date.

The Commission regulations for the implementation of the UCC are scheduled to be adopted in May so that they, in principle, can take effect as of May 1, 2016.

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ABOUT THE WORLD SHIPPING COUNCIL (WSC): The World Shipping Council is an association of liner shipping companies with offices in Brussels and Washington, D.C. Its members operate approximately 90 percent of the global liner ship capacity, providing approximately 400 regularly scheduled services linking the continents of the world. Collectively, these services transport about 60 percent of the value of global seaborne trade, or more than US\$ 4 trillion worth of goods annually. For more information about the World Shipping Council, visit www.worldshipping.org.

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