

# Welcome to Session7



## World of Customs

SAIT Monthly CPD Webinar  
Thursday 25 August 2022

*YOUR KEY TO THE TAX COMMUNITY*



# YOUR HOSTS TODAY



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# The Global, Regional & National World of useful website

- WCO: <http://www.wcoomd.org/>
- WTO: <http://www.wto.org>
- AUC: <https://au.int>
- AfCFTA: <https://au-afcfta.org>
- ITAC: <http://www.itac.org.za/>
- SARS: <https://www.sars.gov.za/customs-and-excise/>
- National Treasury: <http://www.treasury.gov.za/>
- DTIC: <http://www.thedtic.gov.za/>
- DALRRD: <https://www.dalrrd.gov.za/>
- SAAFF: <https://www.saaft.org.za/>
- SAEPA: <https://www.saepta.org.za/>
- XA International Traders: <https://xa.co.za/>
- Tralac: <https://www.tralac.org/>

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3.	Legislative Interpretation - Valuation
4.	Changes in Operating Times Of Practice Management Ports, Branches, and Offices
5.	Topic – Update on the EU ICS2 release 2 system coming out next year coupled with data quality on cross border document

You can access prior Webinars.  
How does SAIT CPD work and what is the purpose  
Assessment & conduct  
Chat box & questions

# Administrative Updates

## SAIT Customs and Excise Technical Work Group

A comprehensive list of scheduled Customs and Excise Technical Work Group (WG) meetings can be accessed [here](#), and the list of Work Group members can be accessed [here](#).

- The next WG meeting will be held on 21 September 2022.
- Representatives from the SAIT WG are scheduled to present at the next Customs and Excise Stakeholder Forum. The presentation will be on the topic of 'Customs duty refunds due to transfer pricing adjustments'. (See SARS link: [Customs and Excise | South African Revenue Service \(sars.gov.za\)](#))

## SARS Information      **SARS Legal matter SARS vs Dragon Freight:**

Date of delivery: Case reference Applicable legislation 07/06/2022C

SARS and Others v Dragon Freight (Pty) Ltd and Others (751/21) Customs & Excise Act, 1964

### **Summary: Administrative Law**

- review of decision to seize goods under section 88(1)(c) of the Customs and Excise Act 91 of 1964 (the Act)
- transaction value of goods under-declared
- decision lawful, reasonable and procedurally fair
- interpretation of section 96(1)(a) of the Act
- notice of legal proceedings
- requirements peremptory
- cause of action must be set out
- notice in anticipation of decision not yet taken invalid



# Legislative Updates & Moving Topics

## Tariff Amendments

- Diplomats and Motor Vehicles
- AEO – BUSA Role – Questionnaire
  - Rae Viviers – Deputy Chair AEO
  - Eswatini – now Chair of SACU - AEO
- Ongoing RLA - Content development – Advance Reporting  
link: [Registration, Licensing and Accreditation | South African Revenue Service \(sars.gov.za\)](https://sars.gov.za/Registration-Licensing-and-Accreditation)

### **18 July 2022 – Onboarding of Cargo Reporters on Registration Licensing and Accreditation (RLA) system**

Cargo reporters have historically registered for cargo reporting purposes using the manual (DA8) process.

On 20 April 2020, SARS launched a secure online Customs Trader Portal (CTP) to submit registration and licensing applications to Customs through eFiling. Initially, due to anticipated volumes, the use of this channel was restricted to new applications only.

For more information, see our [letter to Trade](#).

# Changes in Operating Times

- No changes reported as of the week of 30<sup>th</sup> of June to 6<sup>th</sup> of July 2022.
- GG 46589 – Amendment to Rules (See official hours of attendance at Kosi Bay)
- Link: [LAPD-LSec-CE-RA-2022-07-R2188-GG-46589-RA-ss-21-and-120-Duty-free-sale-of-new-motor-vehicles-to-diplomats-DAR236-24-Jun-22.pdf \(sars.gov.za\)](#)



**Click link to access Programme**

[tax\\_indaba\\_prgrm\\_20aug22.pdf \(ymaws.com\)](https://ymaws.com/tax_indaba_prgrm_20aug22.pdf)

Jason Blackman Focus Area today

### **Importer Security Filing '10+2'**

On January 26, 2009, the new rule titled Importer Security Filing and Additional Carrier Requirements (commonly known as "10+2") went into effect. This rule applies to import cargo arriving to the United States by vessel. Failure to comply with the rule could ultimately result in monetary penalties, increased inspections and delay of cargo.

[Importer Security Filing and Additional Carrier Requirements General Information](#)

[Importer Security Filing and Additional Carrier Requirements - Final Rule](#)

[FAQs: Importer Security Filing "10+2" Program](#)

Addendum to FAQ: Updated ISF Enforcement Strategy

["10+2" Program: Importer Presentation](#)

[Stow Plans and Container Status Messages](#)

Regulatory Assessment and Final Regulatory Flexibility Analysis for the Interim Final Rule



The European Union is implementing a new customs pre-arrival security and safety programme, underpinned by a large-scale advance cargo information system – **Import Control System 2 (ICS2)**.

## WHAT IS ICS2?

ICS2 is a new IT system created to collect data about all goods entering the EU prior to their arrival. Economic Operators (EOs) will have to declare safety and security data to ICS2, through the Entry Summary Declaration (ENS).

The system aims to better protect Europe's single market and its citizens with new customs safety and security measures and will facilitate free flow of trade through improved data-driven customs security processes, adapted to global business models.

## WHAT ARE THE BENEFITS OF ICS2?

- Increasing the protection of EU citizens and the internal market against security and safety threats.
- Allowing EU Customs authorities to better identify high-risk consignments and intervene at the most appropriate point in supply chain.
- Supporting proportionate, targeted customs measures at the external borders in crisis response scenarios.
- Facilitating cross-border clearance for the legitimate trade.
- Simplifying the exchange of information between EOs and EU Customs Authorities.

## WHO IS DIRECTLY AFFECTED BY ICS2?



**Jason Blackman Topic:**

***Update on the EU ICS2 release 2 system coming out next year coupled with data quality on cross border documents***



Thank you for attending



# 2023 IMPORT CONTROL SYSTEM (ICS) 2 – RELEASE 2 REGULATORY CHANGES

Jason Blackman – Senior Director Customs, Trade Compliance and Regulatory Affairs  
DHL Sub Sahara Africa  
August 22nd, 2022

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# Import Control System (ICS) 2 – Release 2

## Agenda



### **Overview**

**Key Data Elements**

**Impact for Shippers & Receivers**

**Key Takeaways**

**FAQs**

**External Links**

# Import Control System (ICS) 2 – Release 2

## Overview

### Overview

- ICS stands for 'Import Control System'.
- This is the electronic security screening system for goods **destined to, or in transit through, the European Union (EU\*), Switzerland & Norway** (e.g. a shipment from a non-EU country, **transiting EU**, and then moving to another non-EU country).
- The EU regulations on ICS are intended to **ensure security and safety of all people** living in the European Union (EU\*), Switzerland & Norway, and elevate the mitigation of **security related risks & possible terrorist threats**, such as explosives hidden in consignments.
- **ICS2 is the enhanced EU security screening system** with improved data-driven customs security processes for goods **destined to (or transiting via)** the European Union, Switzerland & Norway.

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*\* European Union (EU) countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.*

*NOTE: Northern Ireland is considered an entry point to the European Union, therefore shipments to (or transiting via) Northern Ireland are also impacted, as well as shipments destined to (or transiting via) other EU territories (e.g. French Guyana, etc.)*



# Import Control System (ICS) 2 – Release 2

## Overview

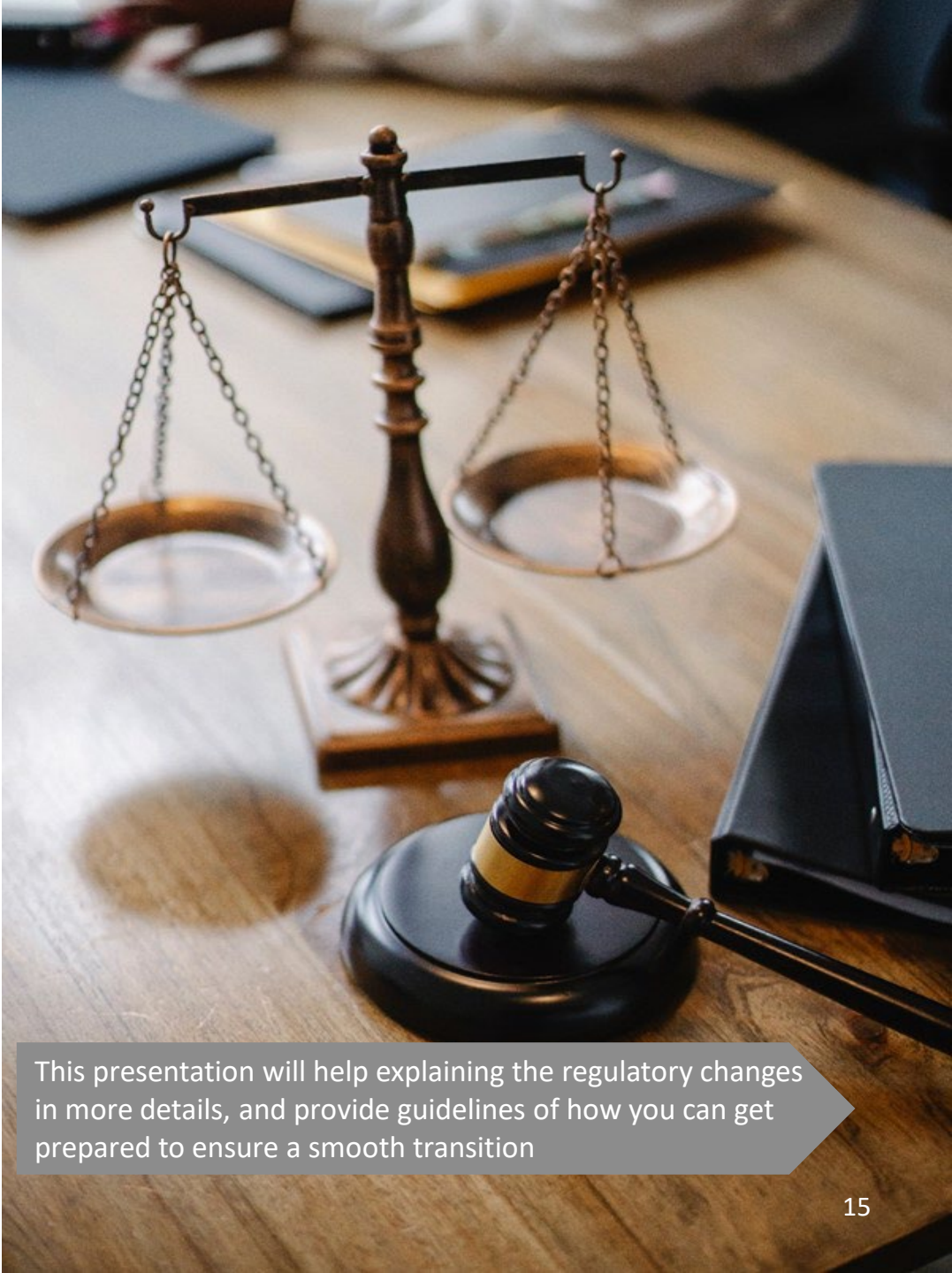
### Overview

- **ICS2** is being implemented in release phases defined by the EU Authorities:

Release	Go-Live	Scope
ICS2 - Release 1	March 15 <sup>th</sup> 2021	Security screening of air shipments <u>prior to loading</u> of cargo on planes at the country of departure.
ICS2 - Release 2	March 1 <sup>st</sup> 2023	Security screening of air shipments <u>prior to loading</u> of cargo on planes at the country of departure, and <u>pre-arrival</u> of goods into (or transiting via) the European Union, Switzerland & Norway.

→ **IMPORTANT:**

- The most significant change applicable with **ICS2 - Release 2**, is that **pre-arrival security filing** messages must be submitted to European Country Customs Authorities in a **much more granular level**.
- Without a **detailed goods description** per commodity (on line item level), and the **respective Harmonized System (HS) code**, the shipment security filing cannot be submitted on time.
- Therefore, DHL Express relies on **high quality electronic Commercial/Proforma Invoice data from the Customer** to be able to meet the legal requirements and timelines.



This presentation will help explaining the regulatory changes in more details, and provide guidelines of how you can get prepared to ensure a smooth transition

# Import Control System (ICS) 2 – Release 2

## Agenda



**Overview**



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# Import Control System (ICS) 2 – Release 2

## Key Data Elements

### Key Data Elements

- DHL, being the carrier responsible for the transport of the goods **destined to (or transiting via)** European Union, Norway & Switzerland, submits the security filing to the European Country Customs Authorities to facilitate the transport of goods for the shipper:
- This submission is based on the data that the shipper provides to DHL when preparing a shipment, therefore it is the **responsibility of the shipper to provide complete and accurate data to DHL**.
- Upon receipt of the security filing, the European Country Customs Authorities perform the security-related risk analysis, and decide if the shipment:
  - is **allowed** or is **refused** to be carried
  - requires **additional information**
  - requires **high-risk screening** (e.g. X-ray, explosive detection dogs, explosive trace detection, etc.)
- Therefore, it is important that **shippers provide high-quality Commercial/Proforma Invoice line item data to DHL, ideally electronically**.
- This will support a successful shipment security screening, and will avoid shipments delays due to poor data quality/missing information.



# Import Control System (ICS) 2 – Release 2

## Key Data Elements

### Key Data Elements *(continued)*

- The security filing to European Country Customs Authorities is based on a series of mandatory **data elements (mostly on line item level)**, which **shippers must provide to DHL Express when preparing a shipment**.
- Among others, shippers must provide the following data elements **for a smooth security filing**:
  - ✓ **Shipper & Receiver Name**: full name, including the first and last as minimum – and full contact details (phone number and e-mail address).
  - ✓ **Shipper & Receiver Address**: full address, including street, number, city, country, postal code.
  - ✓ **Type of Person**: for both Shipper & Receiver, e.g. B2B (Business-to-Business), B2C (Business-to-Consumer), C2C (Consumer-to-Consumer), etc.
  - ✓ **Line Item Goods Description**: itemized description of each commodity in the shipment using detailed, precise & plain language.
  - ✓ **Line Item Commodity Code**: at least the first 6 digits of the Harmonized System (HS) code, on line item for each of the different commodities (preferably the complete Import Tariff Code).
  - ✓ **Weight / Unit & Quantity**: the weight, unit (e.g. KG) and quantity (e.g. 2 items) on line item level.





# Import Control System (ICS) 2 – Release 2

## Key Data Elements

### Key Data Elements *(continued)*

- In addition to the elements outlined on the previous slide (which are essential for the security filing), there are additional Commercial / Proforma Invoice data elements which are **important for a successful Import Customs Declaration**. Among others, the most relevant are the elements below:
- ✓ **Exporter & Importer of Record:** if the Receiver of Goods and the Importer of Record are two different entities, please ensure to include the full details of both parties. If they are the same, just indicate once. The same logic applies if the Shipper of goods is different from the Exporter of Record.
- ✓ **Identification Number:** if applicable, please indicate the Identification Number of the Shipper/Receiver/Importer/Exporter – for example, the EORI Number.
- ✓ **Country of Origin:** on line item, for each of the commodities (typically the country in which the goods have been produced or manufactured).
- ✓ **Values & Currency:** line item value of the goods, and additional breakdown of the applicable cost elements (e.g. insurance, freight, packaging, etc.), and currency.
- ✓ **Reason for Export:** the reason for export, e.g. permanent, temporary, gifts, etc.
- ✓ **Other Requirements:** any other requirements are applicable for your goods, e.g. Export/Import Licences, Other Government requirements (e.g. Veterinary & Phytosanitary Laws), etc.



# Import Control System (ICS) 2 – Release 2

## Agenda



**Overview**

**Key Data Elements**



**Impact for Shippers & Receivers**

**Key Takeaways**

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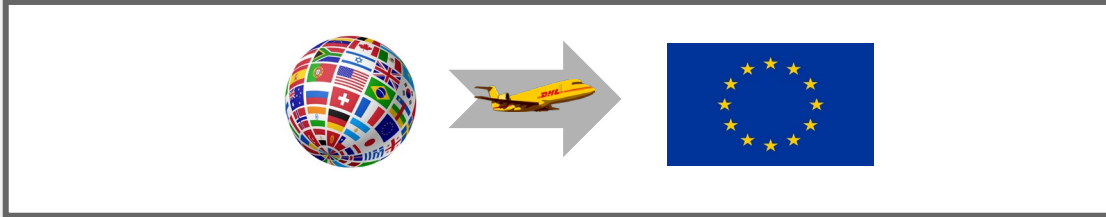
# Import Control System (ICS) 2 – Release 2

## Impact for Shippers



### Impact for Shippers

#### A Shippers from Rest of World with shipments DESTINED TO the European Union, Norway or Switzerland



#### B Shippers from Rest of World with shipments only TRANSITING through the European Union, Norway or Switzerland



- As of **March 1<sup>st</sup> 2023**, all **goods transported by air** will be subject, in addition to **pre-loading** filing requirements, to complete **pre-arrival** filing.
- This will affect:
  - Shipments **destined to** the European Union, Switzerland & Norway → **for example**: a shipment **from USA to Belgium**.
  - Shipments **physically transiting** through the European Union, Switzerland & Norway → **for example**: a shipment **from USA**, which **transits through a DHL Air Hub in Europe**, and then **goes to Dubai**.
- Given that **DHL Express works based on flexible/dynamic routing of airplanes** (to ensure always the fastest possible transit time for our customers), **airplanes may be routed through a country part of the European Union**.
- Therefore, **all shipments from any origin to any destination worldwide** may be impacted.

→ It is important that **all shippers globally** provide complete & accurate electronic line item data to ensure a smooth and fast security filing & customs clearance at destination.

# Import Control System (ICS) 2 – Release 2

## Impact for Shippers



### Impact for Shippers *(continued)*

- In order to avoid delays, it is important that **shippers provide complete and accurate Commercial / Proforma Invoice line item data electronically** via one of the DHL Express Electronic Shipping Solutions, with high-quality information.
- Among others, the **two most critical data elements** to ensure a smooth security filing & customs clearance at import are:

#### 1 Line Item Goods Descriptions

Please provide accurate commodities description, using **detailed, precise & plain language**, with sufficient details about the nature of goods.

- The detailed description per commodity should indicate **what the goods are, for which purpose** the goods are used and **what they are made of** – for example: ***“Women’s T-shirts made of 100% Cotton”***
- Avoid generic goods descriptions such as **“gifts”, “samples”, “spare parts”, “equipment”, “clothes”, “textiles”, etc.**
- Please find additional **examples of unacceptable descriptions** in the EU Commission document:  
[https://ec.europa.eu/taxation\\_customs/system/files/2021-03/guidance\\_acceptable\\_goods\\_description\\_en.pdf](https://ec.europa.eu/taxation_customs/system/files/2021-03/guidance_acceptable_goods_description_en.pdf)

#### 2 Line Item Harmonized System (HS) Code

Please include the **respective Harmonized System (HS) Code (at least the first 6 digits) on line item** for each of the different commodities.

- Preferably, indicate the **complete Import Tariff Code** of each commodity being shipped.
- The Harmonized System (HS) Code is **defined by the World Customs Organization (WCO)**, and the 2022 HS Nomenclature edition is publicly available on the WCO website:  
<http://www.wcoomd.org/en/topics/nomenclature/instrument-and-tools/hs-nomenclature-2022-edition.aspx>

# Import Control System (ICS) 2 – Release 2

## Impact for Receivers

### Impact for Receivers

- If the shipper does not provide all required data, **DHL Express may contact the receiver of goods** to request the missing information.
- Providing the **information back to DHL Express as soon as possible** (and as complete and accurate as possible), will ensure a smooth processing & delivery of your shipment.



# Import Control System (ICS) 2 – Release 2

## Agenda



**Overview**

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**Impact for Shippers & Receivers**



**Key Takeaways**

**FAQs**

**External Links**



# Import Control System (ICS) 2 – Release 2

## Key Takeaways

### Key Takeaways

- ✓ **ICS2** is the **enhanced EU security screening system** with improved data-driven customs security processes for goods **destined to (or transiting via)** the European Union, Switzerland & Norway.
- ✓ **ICS2 - Release 2** will go live on **March 1<sup>st</sup> 2023** for security screening of air shipments **prior to loading** of cargo on planes at the country of departure, and **pre-arrival** of goods into **(or transiting via)** the European Union, Switzerland & Norway.
- ✓ **DHL submits the security filing** to the European Country Customs Authorities **based on the data that the shipper provides to DHL** when preparing a shipment.

→ In order to avoid delays, it is important that shippers **provide complete and accurate Commercial / Proforma Invoice line item data electronically** via one of the DHL Express Electronic Shipping Solutions, with high-quality information.

Among others, the **two most critical data elements to ensure a smooth security filing & customs clearance** are:

- **Line Item Goods Descriptions**: please provide accurate commodities description, using detailed, precise & plain language, with sufficient details about the nature of goods.
- **Line Item Harmonized System (HS) Code**: please include the respective Harmonized System (HS) Code (at least the first 6 digits) on line item for each of the different commodities.



# Import Control System (ICS) 2 – Release 2

## Key Takeaways

### Key Takeaways *(continued)*

For additional information about the key data elements of a complete and accurate Commercial / Proforma Invoice, please consult the **DHL Express Global Customs Customer Guidelines**:



**DHL EXPRESS**  
**GLOBAL CUSTOMS**  
**CUSTOMER GUIDELINES**

v0.1 | March 2022

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In case of additional questions, please consult your local DHL Express representative.

### ABOUT THE GLOBAL CUSTOMS CUSTOMER GUIDELINES

"Regulatory Authorities across the globe are moving towards a fully data-driven environment to enable efficient and risk-based clearance processes.

Complete & accurate Commercial/Proforma Invoice line item data is the key enabler for fast & compliant Clearance processes, avoiding delays, fines & penalties.

We encourage all our Customers to embrace the opportunity of connecting systems and providing accurate data electronically to DHL.

It is our joint priority to make it happen and we count on your support."

**John Pearson, CEO DHL Express**

The information in this document will help you further understand the main Commercial / Proforma Invoice data elements, and other information to support the smooth Customs Clearance process of your goods.

By following these guidelines, you may avoid potential issues due to wrong/missing data, e.g.:

- Customs clearance delays and shipments held in bond storage
- Unnecessary customer service contact to request missing information
- Shipments stopped, returned, potentially confiscated, or even penalties by Authorities



# Import Control System (ICS) 2 – Release 2

## Agenda



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# Import Control System (ICS) 2 – Release 2

## Frequently Asked Questions (FAQs) - 1 of 2

### Frequently Asked Questions (FAQs)

#### What is the scope of the ICS2 – Release 2 security screening?

**All goods, regardless of value, transported by air** either **destined to (or transiting via)** the European Union, Switzerland & Norway are in scope of ICS2 – Release 2.

Northern Ireland is considered an entry point to the European Union, therefore shipments to (or transiting via) Northern Ireland are also impacted, as well as shipments **destined to (or transiting via)** other EU territories (e.g. French Guyana, etc.)

**Given that DHL Express works based on flexible/dynamic routing of airplanes** (to ensure always the fastest possible transit time for our customers), **airplanes may be routed through a country that is part of the European Union at any time.**

→ **Therefore, all shipments from any origin to any destination worldwide may be impacted** by the upcoming ICS2 – Release 2 regulatory changes.

#### Are there any exceptions regarding the ICS2 – Release 2 security screening?

The only exceptions (out of scope) from the obligation **to file pre-loading and pre-arrival security filing for air shipments** are the following:

- Goods that pass through EU territorial airspace **without a stop** within the territory;
- **Diplomatic materials** under the Vienna or New York Conventions;
- **Military items** transported with NATO/EU Form 302, if transported on behalf of a military authority of an EU Member State (Note: transport of military items is currently suspended in the DHL Express network);
- Items of **correspondence** (letters, postcards, braille letters and printed matter).



# Import Control System (ICS) 2 – Release 2

## Frequently Asked Questions (FAQs) - 2 of 2

### Frequently Asked Questions (FAQs)

#### Who submits the security filing to the European Country Customs Authorities?

DHL submits the security filing to the European Country Customs Authorities to facilitate the transport of goods for the shipper. This submission is based on the data that the shipper provides to DHL when preparing a shipment, therefore it is the responsibility of the shipper to provide complete and accurate data to DHL.

#### What happens after the EU Authorities receive the security filing?

Upon receipt of the security filing, the European Country Customs Authorities perform the security-related risk analysis, and decide if the shipment:

- is **allowed** or is **refused** to be carried
- requires **additional information**
- requires **high-risk screening** (e.g. X-ray, explosive detection dogs, explosive trace detection, etc.)

#### What are the implications if shippers do not provide accurate data at the time of shipping?

Shippers should provide the necessary **Commercial/Proforma Invoice data required** to support a successful security filing.

**Poor data quality** may result in **shipments being delayed**, and DHL Express may be required to **contact the customer** to request the missing information, which means the legally required security filing cannot be done on time.

Lastly, inadequate security filing with **missing/wrong data may either be rejected or subject to intervention** by EU Country Customs Authorities.



# Import Control System (ICS) 2 – Release 2

## Agenda



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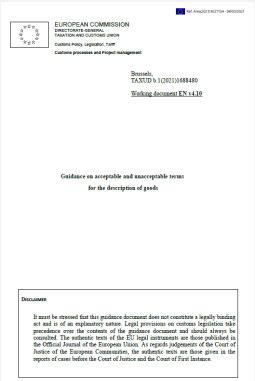
# Import Control System (ICS) 2 – Release 2

## External Links | European Commission

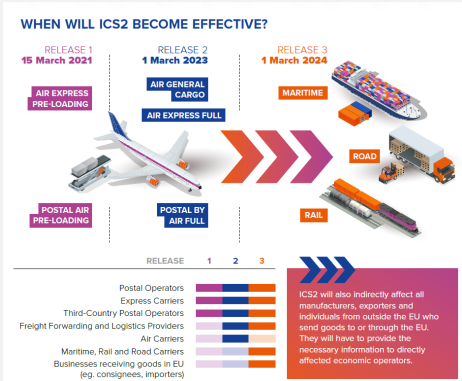
### External Links | European Commission

For additional information, please consult the European Commission websites below:

- **Import Control System 2 (ICS2) - Overview**  
[https://ec.europa.eu/taxation\\_customs/customs-4/customs-security/import-control-system-2-ics2-0\\_en](https://ec.europa.eu/taxation_customs/customs-4/customs-security/import-control-system-2-ics2-0_en)
- **Import Control System 2 (ICS2) – Release 2 - Technical Documents**  
<https://circabc.europa.eu/ui/group/ea5f882b-9153-4fc1-9394-54ac8fe9149a>
- **Guidance on Acceptable and Unacceptable Goods Descriptions**  
[https://ec.europa.eu/taxation\\_customs/system/files/2021-03/guidance\\_acceptable\\_goods\\_description\\_en.pdf](https://ec.europa.eu/taxation_customs/system/files/2021-03/guidance_acceptable_goods_description_en.pdf)



  
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# THANK YOU

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## Import Control System (ICS) 2 – Release 2

### Attendee Questions

1. **Is the ICS2 system a security screening system or customs clearance platform?**
2. **Does the ICS2 system only apply to shipments that are intended for delivery in the EU?**
3. **Who submits the security filing to the EU authorities?**
4. **Are HS Code mandatory as part of the advance data security filing information?**
5. **Which of the following are potential ICS2 responses to advance security filing?**
  1. Is allowed or is refused to be carried
  2. Requires additional information
  3. Requires high-risk screening (e.g. X-ray, explosive detection dogs, explosive trace detection, etc.)