

FALLBACK RULES

This Annex describes specific rules for the use of the fallback procedure under Articles 787(2) and 842b(3) CCIP where

- the customs authorities' system is not functioning
- the economic operator's system is not functioning
- the network between the economic operator and the customs authorities is not functioning
- the network between customs authorities is not functioning.

1. FALLBACK AT THE CUSTOMS OFFICE OF EXPORT

1.1. UNAVAILABILITY OF THE CUSTOMS AUTHORITIES' SYSTEM

The export declaration used should be recognisable by all parties involved in the export operation.

For this reason the documentation is limited to the use of

- the Export/Security SAD (ESS) (Annexes 45k/45l CCIP¹),
- the SAD, complemented with the Security and Safety Document (SSD) where the export declaration should contain safety and security data (Annexes 45i/45j CCIP)²

The export declaration, irrespective of the document used, should be completed and three copies produced to the customs office of export in accordance with Annexes 37, 30A, 45k/45l and 45i/45j CCIP.

The properly completed declaration should be registered at the customs office of export using a numbering system different from ECS in box A. Where the SAD is lodged together with the SSD the same number should be assigned to both documents.

The fallback procedure should be indicated on the copies of the declaration with the following information, as shown below, in box 31:

¹ Regulation (EC) No 414/2009, OJ No L 125, p.6

² Regulation (EC) No 414/2009, OJ No L 125, p. 6

ECS FALLBACK PROCEDURE
NO DATA AVAILABLE IN THE SYSTEM
INITIATED ON _____
(Date/hour)

ANNEX 1

The fallback procedure should be indicated on the copies of the declaration with the following stamp (dimensions: 26 x 59 mm), as shown below, in box A underneath the registration number:

Where the decision to revert to a paper procedure is taken all declarations that were lodged electronically but have not been processed due to the failure of the system should be cancelled. At the office of exit movements with paper export declarations should be terminated according to the provisions governing the use of the SAD.

1.2. Unavailability of the economic operator's system and/or network

The economic operator should contact the competent customs authority to obtain approval to revert to the fallback procedure according to Article 787(4) CCIP. The economic operator should announce the reason for and the starting time of the fallback procedure.

Once the competent customs authority has approved the fallback procedure, the provisions explained under point 1.1 should apply. The economic operator should inform the customs authorities when his system and/or the network is available again.

The customs office of export may decide to insert the data of the declaration lodged on paper by the trader manually in the ECS system. In this case the EAD will be printed and the operation will become an ECS operation.

1.3. Action at the customs office of exit

At the customs office of exit movements with paper export declarations will be terminated according to the provisions governing the use of the SAD.

2. FALLOUT AT THE CUSTOMS OFFICE OF EXIT

2.1. Treatment of export movements

The rule is that a declaration made electronically shall be closed electronically.

Where the export movement is started in ECS but at the office of exit the customs system is not functioning, or the network between the customs system and CCN (Commission network) or with the other member state system is not functioning, the customs office of exit should register the EAD presented, record the date of arrival and enter the details of controls in box K of the EAD. Once the system is up and running, it should capture these results and communicate them to the customs office of export using ECS.

Where the system of the economic operator is not functioning and it is not possible to send the arrival notification, the economic operator should present the EAD to the customs office of exit. The customs office of exit should register the arrival of the goods in ECS.

Where the system of the economic operator is not functioning and he cannot communicate the confirmation of the exit of the goods, the economic operator should communicate the exit confirmation to the customs office of exit using other available means. The customs office of exit should communicate the exit results to the office of export using ECS.

In case the network between customs administrations and the Commission does not function, the above described procedure shall apply. In addition, the helpdesks may check and solve the problem.

2.2. Treatment of EXS or re-export notifications

Where the EXS or re-export notification has to be lodged at the customs office of exit but the system of the economic operator or that of the customs authorities is not functioning, the declaration can be lodged instead using:

- an alternative filing method (e.g. information systems of ports or airports), if agreed by the competent customs authority,
- the Security and Safety Document (SSD) (Annexes 45i/45j CCIP).

If the EXS is submitted using a SSD form it should be presented in one copy. If the economic operator wishes to have a copy of the EXS he can submit two copies of which one should be returned after acceptance by the office of exit.

The paper EXS should be registered by the customs office of exit using a numbering system different from ECS. The registration number should be indicated in place of a MRN.

The competent authorities monitor the use of the fallback procedure in order to avoid any misuse. The competent authorities will refuse permission to use the fallback procedure in cases of systematic requests by a given economic operator.