

Export Control System (ECS)

ECS has been developed by the EU for the exchange of messages and data relating to the export procedure (and outward processing and re-exportation after a customs procedure with economic impact) between national customs administrations and between them and economic operators and with the European Commission. In effect, it provides for the control of the export procedure and as the primary means for certification of export from the EU, for VAT and other tax purposes. Where an incomplete or simplified export declaration or a notification of entry in the records is used, it should be noted that ECS requires more data than the reduced data sets laid down in Table 7 of Annex 30A CCIP. This needs to be taken into account in cases where the customs offices of export and exit are in different Member States. This affects also the local clearance procedure given that the requirements of ECS must be met.

ECS is made up of three domains:

- The “**common domain**” for exchanges between the EU Member States and the European Commission
- The “**national domain**” made up of the national customs computer systems and the associated risk management processes
- The “**external domain**” being the interface between economic operators and the national customs administrations for the lodging of export/re-export declarations, issuance of MRNs as registration of the export declaration and for subsequent confirmation to the economic operator of the actual exit of the goods from the customs territory of the Community. It is through this latter “domain” that the export/re-export declaration must be filed according to nationally determined technical specifications, message formats and structures etc.

Though ECS primarily concerns the exporter or his representative, there are roles within the ECS process that may affect the person loading the goods on the means of transport leaving the customs territory of the Community and the carrier, most notably the identity of the so called ‘Trader at Exit’. The ‘Trader at Exit’ is the person responsible for informing the customs office of exit that the goods have arrived there, in accordance with Articles 793(1)

and 796c CCIP. The obligation to do this, or to ensure that this is done, clearly lies with the holder of the procedure, i.e. the person who lodges the customs export or re-export declaration. Usually, however, the exporter will delegate this responsibility to the person he contracts to carry the goods. This may be the carrier, but, in the case of loading for onward transport, may more usually be the person who brings the goods to the port, airport etc., e.g. the haulier, river carrier, or a forwarder. The 'Arrival Notification' may also be sent to customs by the operator of the storage/loading facility, i.e. the terminal operator or stevedoring company, particularly where port/airport systems are used for export manifesting and control. Community legislation, however, places no responsibility on the carrier in this matter. The same applies to 'Exit Notification' messages required for ECS. Proof of exit may be required by the exporter or declarant (Article 796da CCIP).