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eManifest

Business Rules

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List of Abbreviations

AI	Authorised issuer (Art. 128 DA)
ATD	Actual time of departure
ATA	Actual time of arrival
B2B	Business to business
B2MSW	Business to maritime single window information exchange

Call_ID	Unique port call identification number
CCN/CSI	Common Communication Network/Common System Interface
CD	Customs declaration (Art. 158 UCC)
CGM	Customs goods manifest as means for the Proof of the customs status of Union goods (Art. 199 (1) (c), 206 IA)
COM	European Commission
DA	UCC Delegated Act (Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code)
DG	General Directorate
DPG	Notification of dangerous or polluting goods carried on board according to Directive 2002/59/EC
ECS	Export control system as referenced in the Electronic Customs Multi Annual Strategic Plan (2017 Revision), Annex 2, Project fiche 1.6
eManifest	Harmonised electronic cargo manifest, consisting of a maximum set of data elements, required to be submitted to fulfil both maritime and customs cargo related formalities, included in the scope of the eManifest pilot project
EMSA	European Maritime Safety Agency
ENS	Entry Summary Declaration (Art. 127 UCC)
ETA	Expected Time of Arrival
EU	European Union
EU CDM	EU Customs Data Model, technical instrument modelling the data requirements laid down in EU customs legislation, in particular Annex B DA and IA
FAL	Convention on Facilitation of International Maritime Traffic, 1965, as amended

G2MSW	Government to maritime single window information exchange
IA	UCC Implementing Act (Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code)
ICS	Import Control System, currently deployed
ICS2	Evolution of ICS as referenced in the Electronic Customs Multi Annual Strategic Plan (2017 Revision), Annex 2, Project fiche 2.8
ICT	Information and communications technology
IE	Information exchange, also reference to message definition for customs trans-European systems, in the formal of IE xxx
IMO	International Maritime Organization
ISO	International Organisation for Standardization
LRN	Local Reference Number
MSW	Maritime Single Window
MSW2G	Maritime single window to government information exchange
MRN	Master Reference Number
MS	Member State
NA	Notification of Arrival (Art. 133 UCC)
NAI	Non-authorized issuer, others than AI
NSW	National Single Window built by Member States as per requirements of RFD
PN	Presentation notification (Art. 139, 140 UCC)
PoUs	Proof of Union status of goods as referred to in Art. 153 (2) UCC and Title V, Chapter I, Section II IA, related to the Manifest in particular

the means T2L or T2LF according to Art. 199 (1)(b) IA and the customs goods manifest according to Art. 199 (1)(c) IA

PoUs system	Proof of Union status system, as referenced in the Electronic Customs Multi Annual Strategic Plan (2017 Revision), Annex 2, Project fiche 2.12
Reporting party	###
RFD	Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC
SSN	SafeSeaNet
TS	Temporary storage (Art. 144, 145 UCC)
TDA	UCC Transitional Delegated Act (Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446)
TSD	Temporary storage declaration (Art. 145 UCC)
T2L/T2LF	Proof establishing the Customs status of Union Goods acc. to Art. 199 (1)(b) IA
UCC	Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code
UCR	Unique Consignment Reference number
UN/EDIFACT	United Nations rules for Electronic Data Interchange for Administration, Commerce and Transport
UN/LOCODE	United Nations Code for Trade and Transport Locations
XML	EXtensible Markup Language
WCO	World Customs Organization

1. INTRODUCTION

Directive 2010/65/EU (RFD) on reporting formalities aims at simplifying the administrative procedures applied to maritime transport “by making the electronic transmission of information standard and by rationalising reporting formalities”. It requires Member States to establish National Single Window services for receiving the ship port call notifications by 1 June 2015. The information provided should be submitted electronically and only once. The RFD covers reporting formalities which concern a number of different authorities, and includes customs related information. One of the reporting formalities included in the RFD is FAL Form 2 (Cargo Declaration). Member States generally do not use FAL Form 2, but use the “cargo manifest” instead, which includes the data elements from FAL 2 and other national cargo data requirements.

On 8 July 2013 the Commission issued the Communication on Blue Belt (Blue Belt, a Single Transport Area for Shipping, COM(2013) 510 final) in response to the requirements of the Single Market Act II - Together for new growth, published in October 2012. This Communication indicated that an harmonised and electronic cargo manifest with information on the customs status of goods was considered a practical solution amongst others to work towards the further establishment of a "true Single Market for maritime transport by no longer subjecting EU goods transported between EU seaports to administrative and customs formalities that apply to goods arriving from third country ports”.

On 9 October 2013, the new Union Customs Code (UCC) was adopted, including amongst others the customs goods manifest. This is a new means of prove at the disposal of the issuer to proof the Union status of the goods. This measure applies as of the 1st of May 2016 for authorised issuers; non-authorised issuers will need to register the proofs of Union status (T2L, T2LF or the customs goods manifest) in a new central database (Proof of Union status system) managed by customs, expected to be fully functional as of Q1 2024.

To-date however there is no harmonised cargo manifest that is used EU-wide and Member States are allowed to determine the content of the cargo manifest, how and when it is submitted.

DG MOVE and DG TAXUD agreed to launch with the assistance of EMSA a pilot project demonstrating how the full eManifest, including different cargo notifications that could be used for maritime and/or customs purposes, can be reported together with the other reporting information by electronic means in a harmonised manner.

2. SCOPE OF THIS DOCUMENT

The objective of this paper is to define the Business Rules for the submission of the eManifest information and provision of the customs feedback through the MSW.

The document will not attempt to establish detailed Business Rules for processing of the received information in the customs environment nor the decision making process.

The Business Rules will be continuously assessed during the execution of the project and the development of the MSW prototype and will help trigger the necessary discussions which may lead to updated and more detailed Business Rules.

The objective of this document is to support Phase 3 of the eManifest pilot project. All parts of the document related to the future steps of MSW prototype beyond the testing as envisaged for Phase 3 shall be considered provisional and assumptive. The interfacing between the MSW prototype and concerned customs systems, in particular ICS2 and PoUS, will be further studied after decisions regarding the architecture of MSW prototype are taken and after the development of respective customs systems has progressed to the extent allowing technical discussions.

The Business Rules related to ICS, EXS and the Re-Export Notification are subject to further validation within the European Commission services and are therefore to be considered preliminary.

3. DEFINITIONS

Maritime Single Window

The Maritime Single Window (MSW) as referenced in this Business Rules document is a scheme or a blue-print for the communication necessary to fulfil reporting formalities in the domain of maritime transport. It honours the general terms of the Single Window concept (standardized information to be provided to a single-entry point to fulfil all regulatory requirements).

The MSW comprises on one hand the eManifest in the form of a harmonized data set, covering all data requirements of the (maritime and customs) formalities covered by it, on the other hand a set of rules (Principles) to be respected for the business execution. The latter goes into detail as regards the functional requirements and message flow.

To put MSW into practice, a technical solution will be required, to organise the information flow from business to government and back. The Business Rules do neither anticipate an organisational nor a technical setup. This needs to be defined at a later stage

once the decision for actual implementation and operation is to be made. The document aims to provide a neutral concept that proves to be working irrespectively of the framework mentioned above.

Maritime Single Window prototype

As the MSW is a concept, in order to validate its operational capability and practical significance a test environment needs to be provided and testing needs to be carried out. EMSA has therefore provided a (MSW) prototype which is capable to execute the functional requirements of the Business Rules in line with the Principles. Representatives of industry and authorities participate in the testing within the framework of the eManifest pilot project.

eManifest pilot project

The pilot project was launched in 2016 and aims to test how the eManifest, including data requirements of the maritime and customs entry/exit formalities, could be submitted by electronic means in a harmonised manner through a MSW prototype. For the purposes of the pilot project, beside the Business Rules and the prototype, the eManifest data set/data mapping and system requirements will be provided, and open issues which are discovered in the course of the project will be managed. The findings of the pilot project are expected to be taken into consideration in the revision of the RFD.

4. BUSINESS RULES FOR THE EMANIFEST

4.1. eManifest content

On arrival, the cargo information requirements to be sent to customs suitable for the eManifest are defined in the following legal provisions:

1. Entry summary declaration (Art. 127 - 132 UCC),
2. Notification of arrival (Art. 133 UCC),
3. Presentation of goods to customs (Art. 139, 140 UCC),
4. Temporary storage of goods (Art. 144, 145 UCC),
5. Customs status of Union goods (Art. 153(2) UCC),
» Facilitation for issuing a proof by an authorised issuer (Art. 128 DA),
6. Electronic transport documents used for transit
(Art. 233(4)(e) UCC and Art. 320 IA).

On departure, the cargo information requirements to be sent to customs suitable for the eManifest are defined in the following legal provisions:

7. Exit summary declaration (Art. 271 UCC),
8. Re-export notification (Art. 274 UCC),
9. Exit notification (Art. 332(5) IA),
10. Customs status of Union goods: (Art. 153(2) UCC),
 - » Submission of customs goods manifest data to the PoUs System (Art. 200 IA),
11. Electronic transport documents used for transit (Art. 233(4)(e) UCC and Art. 320 IA).

The majority of goods taken out of the customs territory of the Union are placed under the export procedure (Art. 269 UCC). Given the procedural (disconnection of customs office of export and customs office of exit, launch of the export procedure well before the filing of the eManifest by a different party in the supply chain, lodgement of the export declaration by a party outside the transport domain, the exporter) and technical (application of ECS) framework, the formalities for the export procedure are scoped out of the eManifest exercise. The same applied for the Re-Export Declaration (Art. 270 UCC), see further explanation under 4.2.3.

The identification and definition of the eManifest data elements and their mapping with the reporting and customs formalities are provided in a distinct document: eManifest Data Mapping. For customs related formalities, the data sets are fully compliant with the UCC DA/IA requirements (EU CDM). The use of data elements as per the TDA will not be possible.

The MSW prototype can be configurable in accordance with the EU and national legislation to only consider a part of the data set (e.g. optional data elements could be disabled).

Business Rule 1

The eManifest is reported along with the other formalities that need to be provided by the vessel to public authorities prior to arrival in a port or departure from a port, according to RFD.

Consequently, reporting done by a) authorities (ATA in some cases), b) business to business (for e.g. TSD reporting via terminal operators) or c) operational reporting/vessel clearance is excluded.

Business Rule 2

The eManifest consists of the data elements in accordance with the data requirements of the UCC and the FAL Convention:

On arrival

- » FAL Form 1 – General declaration,
- » FAL Form 2 – Cargo declaration,
- » Entry summary declaration as defined in Art. 127-132 UCC,
- » Notification of arrival as defined in Art. 133 UCC,
- » Presentation notification as defined in Art. 139-140 UCC,
- » Proof of Union status (PoUs)¹
 - To utilize existing means of PoUs by provision of MRNs for PoUs registered in the PoUs system (CGM or T2L/T2LF),
 - To furnish means of PoUs by AI using the CGM: Submission of the required data elements to customs,
- » Temporary storage declaration as defined in Art. 144-145 UCC,
- » Electronic transport documents used for transit (simplified transit) as defined in Art. 320 IA as to be provided at the customs office at destination.

On departure

- » FAL Form 1 – General declaration,
- » Exit summary declaration as defined in Art. 271 UCC,
- » Re-export notification as defined in Art. 274 UCC,
- » Exit notification as defined in Art. 332 (5) IA,
- » Proof of Union status (PoUs)
 - To apply for endorsement of means of PoUs by NAI using the CGM: Submission of the required data elements to be endorsed by customs to be made available in the PoUs system,
- » Electronic transport documents used for transit as defined in Art. 320 IA as to be provided at the customs office at departure.

¹ The PoUs system, which will interoperate with the MSW, is not deployed for the time being. The Business Rules already anticipate the later business processes to be executed by the interfaced systems.

Business Rule 3

All the above mentioned information requirements will be covered by the eManifest and, if submitted using the eManifest via the MSW, should not be asked separately by authorities. The submission of the eManifest is to be performed in accordance with the timing requirements of the formalities and underlying legislation. The eManifest will comprise a maximum data set containing those data elements required to cover the cargo related formalities included in its scope.

Business Rule 4

The MSW processes information for the formalities listed under Business Rule 2, as well as related information exchange for such formalities, e.g. amendments, in accordance with to the Principles laid down in the document “eManifest Principles”. This comprises message receipt from business and forwarding to the authorities and vice versa. This does not comprise any business processing of the information.

Business Rule 5

The MSW will not provide a business service to monitor if legal requirements were respected, e.g. time limits set for the fulfilment of such requirements, or conditional information.

4.2. Formalities scoped-out from the eManifest

4.2.1. Support of ICS (current implementation)

With the introduction of the UCC, the possibility of multiple filing was established allowing for the request of more detailed information about the consignments introduced in the EU. This information will be exploited in future risk management.

For the processing of this information, an enhancement of the current Import Control System (ICS) to the so-called ICS2 is needed. ICS2 is expected to be deployed between 2020 and 2025. Consequently, the current ICS is going to be retired. It is considered as non-beneficial to allocate resources for making the eManifest still fit for the current ICS. Rather, ICS2 will be taken as reference system for future interfacing and support by the eManifest.

4.2.2. Customs declaration

The eManifest takes into account such formalities, which are to be provided by the operator of the means of transport or bill of lading issuing carriers with cargo on board those ships, and are related to the itinerary of the vessel including port calls. It includes

formalities which are related to the means of transport, but also to the goods transported. However, for the goods intended to remain in the EU, the so-called Pentalogy as standard chain of formalities is to be applied. It comprises the Entry Summary Declaration (ENS), the Notification of Arrival (NA), the Presentation Notification (PN), the Temporary Storage Declaration (TSD) and the Customs Declaration (CD). While the first four stages are mainly to ensure the safety and security treatment of the goods as well to ensure customs supervision of the goods, the main step for releasing the good on the market is the lodgement of the CD including the calculation of customs debt and application of prohibitions and restrictions (veterinary and phytosanitary controls, product safety etc). However, for the performance of this stage more detailed information about the consignment including the importer is required, which is usually not at the disposal of the carrier. In business practice, the risks of the transport have been transferred at this stage to the terminal operator or the shipper/freight forwarder. It is the latter to interact with customs as regards the lodgement of the customs declaration and the release of the goods for free circulation or another customs procedure. Consequently, the CD is scoped out.

4.2.3. *Export*

The Export procedure is characterized by a two-step approach, where the release of the goods into the procedure is performed by the customs office competent for the area where the exporter resides (the customs office of export), while the termination of the Export procedure and the actual departure of the goods from the EU will be supervised by the border customs office, the customs office of exit. While goods are transported within the EU to the border under the Export procedure, it is under customs supervision. This transport under the export procedure may be done within one MS (direct export) or between MS (e.g. customs office of Export in Prague/Czech Republic, custom office of exit in Rotterdam/the Netherlands). Only the message exchange for the latter procedures is routed through CCN/CSI.

It needs to be noted, that

- a) similar to the CD upon import, the export procedure is usually performed by the freight forwarder and the carrier is only involved once the consignment arrives at the port/customs office of exit. The relevant (transport) information is provided to the carrier including the MRN of the Export procedure, which in turn can be considered in the departure manifest.
- b) There may be a significant time gap (up to 90 days) between the release of the goods for the Export procedure and the arrival in the port/point in time, when the consignment can be considered in the departure manifest. At the time the Export procedure is initiated, the departure manifest may not yet be consolidated or its establishment meaningfully initiated.

Considering the non-relatedness of the stakeholders in the Export procedure and the eManifest as well as the timing differences, no business case is seen for assuming the Export procedure in the eManifest or its support. Rather the opposite, the particulars of the Export declarations should feed the content of the eManifest to re-use the consignment information available and later termination of the Export procedure. It is assumed, that this re-use is already ensured in the transport information systems (carriers, shippers and port systems).

4.3. Customs formalities in the eManifest

4.3.1. Entry Summary Declaration (ENS)

Goods brought into the customs territory of the Union shall be covered by an ENS (Art. 127 (1) UCC). Its format is assumed in the eManifest. Time limits for submission apply (Art. 105 DA).

For the time being, and given the work in progress for the enhanced version of the ICS allowing the processing of information according to Art. 127 (6) UCC, Art. 183 IA is ongoing, the information processed in the MSW shall remain to the current dataset resp. column F1b of Annex B DA, being the partial ENS to be lodged by the carrier (Master level). The scope may be revisited once the work on ICS 2 has progressed.

The ENS needs to be submitted to the Customs Office of First Entry, where it is processed by the customs authorities. Customs will register the ENS and provide an MRN (Art. 185 IA).

Business Rule 6

- The MSW must be able to receive ENS and route it to customs. The registration and the allocation of the MRN will be performed in the customs systems. The processes after the registration of ENS information e.g. risk analysis, No-load or information of subsequent customs offices of entry are out of scope for the MSW. Such information exchange will be managed by the ICS.

Given the Call_ID is the unique identifier for a specific call and port, allocated when the eManifest is entered into the MSW, meaning in order to comply with the ENS requirements for sea transport potentially 24h before loading, the current practical issue for a need to reconcile the Entry key and the (only later) available call identification, allocated by the port authorities, is resolved.

In a future expansion of the MSW functionalities,

- (MSW2G) the MSW must be able to forward ENS in the form of an IE 315 message to the Customs authority;
- (G2MSW) the MSW must be able to receive the registration notification incl. MRN provided by the customs authorities (in the form of an IE328 message) or the (business) rejection (IE316 message).

Amendments

An ENS may be amended (Art. 129 (1) UCC, Art. 188 IA), restrictions apply (Art. 129 (1) UCC), which will be monitored by the Customs authorities (not by the MSW). Customs will register the amendment request and respond with an acceptance or (business) rejection of the ENS, in case the amendment is excluded.

Business Rule 7

- The MSW must be able to receive ENS amendments and route them to customs. It is not possible to amend the reporting party or the Customs Office of First Entry. Further restrictions to amend other data elements due to business reasons are currently analysed.

In a future expansion of the MSW functionalities,

- (MSW2G) the MSW must be able to forward the amendment request (IE 313) to the Customs authority and
- (G2MSW) the MSW must be able to receive the acceptance of the amendment provided by the customs authorities (IE304) or the (business) rejection (IE305).

Invalidation

An ENS shall be invalidated upon application of the declarant (Art. 129 (2) UCC), being the reporting party in case of the eManifest. The option of invalidation ex officio (letter b) is irrelevant for the MSW, this will be considered by the customs systems. Customs will register the application after receipt.

Business Rule 8

- The MSW must be able to receive invalidations of ENS and route them to customs. The customs domain does not envisage a business confirmation message for the invalidation. The feedback is hence limited to the message according to Business Rule 48

In a future expansion of the MSW functionalities,

- (MSW2G) the MSW must be able to forward the amendment request to the Customs authority in the message format set-up for ICS2 (IE xxx, not yet available).

Where reference is made above to defined messages for ICS, such messages may be subject to amendments once ICS2 is going to be implemented. In this case, modifications have to be assumed for the MSW accordingly.

4.3.2. Notification of Arrival (NA)

Art. 133 UCC

The operator of a sea-going vessel or of an aircraft entering the customs territory of the Union shall notify the arrival to the customs office of first entry upon arrival of the means of transport.

The NA plays a significant role for the execution of customs safety and security controls. With its lodgement it determines the reporting party to announce/confirm the port of arrival shall be the customs office of first entry and triggers customs controls. It is therefore only to be provided to the customs office of first entry.

Customs will be able to retrieve the information when (alternatively) the ENS MRN are referenced in the NA, or based on the 'Entry key', being the declared ETA and the IMO number. The latter is relevant for situations where the reporting party does not dispose of the MRN (e.g. vessel sharing agreements, eManifest lodged by reporting party other than the operating carrier).

In the eManifest maximum data set, the NA is merged with the submission of ATA. Given the ATA is provided in every port, it needs to be ensured that the submission is also flagged where it should serve as NA acc. to Art. 133 UCC, in order to allow for the identification of the customs office of first entry.

A separate assessment is to be made for the case, where ATA is reported by an authority (e.g. harbour master). In this case, the ATA is considered as made available outside the reporting via the MSW, as not originated by the reporting party. The flagging would still need to be reported by the carrier.

The NA cannot be amended or invalidated.

Business rule 9

- The MSW must be able to receive NA and route it to customs.

- The NA data elements in the ATA are conditional and only to be provided at the Customs Office at First Entry, else they are not to be provided. Alternatively: The ATA is to be flagged in case customs NA is to be submitted.
- The NA cannot be amended or invalidated.

4.3.3. Presentation notification (PN)

Art. 139 UCC

1. Goods brought into the customs territory of the Union shall be presented to customs immediately upon their arrival at the designated customs office or any other place designated or approved by the customs authorities or in the free zone by one of the following persons:
 - a) the person who brought the goods into the customs territory of the Union;
 - b) the person in whose name or on whose behalf the person who brought the goods into that territory acts;
 - c) the person who assumed responsibility for carriage of the goods after they were brought into the customs territory of the Union.

2. Goods which are brought into the customs territory of the Union by sea or air and which remain on board the same means of transport for carriage, shall be presented to customs only at the port or airport where they are unloaded or transhipped. However, goods brought into the customs territory of the Union which are unloaded and reloaded onto the same means of transport during its voyage in order to enable the unloading or loading of other goods, shall not be presented to customs at that port or airport.

3. Notwithstanding the obligations of the person described in paragraph 1, presentation of the goods may be effected instead by one of the following persons:
 - a) any person who immediately places the goods under a customs procedure;
 - b) the holder of an authorisation for the operation of storage facilities or any person who carries out an activity in a free zone.

4. Goods presented to customs shall not be removed from the place where they have been presented without the permission of the customs authorities.

The PN cannot be amended or invalidated.

Business rule 10

- The MSW must be able to receive PN and route it to customs.
- The PN cannot be amended or invalidated.

4.3.4. Proof of Union status (PoUs) and Customs Goods Manifest (CGM)

Once a ship leaves the territorial waters of a Member State the status of Union goods is lost with some exceptions like when use is made of the Regular Shipping Service, unless confirmed by the economic operator through an MRN or CGM data elements. The economic operator will be either an AI or a NAI for the purpose of establishing the customs status of Union goods. An EU harmonised interface/portal to the PoUs system will be made available to economic operators for this purpose. The portal may be used by AI and NAI to submit a T2L(F) or a CGM (only for NAI) and get an MRN from the customs authority. The MRN from the PoUs system needs to be provided to cargo carriers so that it is included in the eManifest. AI may include the data elements of a CGM in the eManifest without submitting any information in the PoUs system.²

Art. 128 DA

Proof of the customs status of Union goods issued by an authorised issuer

Art. 153(2) UCC

Facilitation for issuing a proof by an authorised issuer

1. Any person established in the customs territory of the Union and fulfilling the criteria laid down in Art. 39(a) and (b) of the Code may be authorised to issue:
 - a) the T2L or T2LF without having to request an endorsement;
 - b) the customs goods manifest without having to request an endorsement and registration of the proof from the competent customs office.
2. The authorisation referred to in paragraph 1 shall be issued by the competent customs office at the request of the person concerned.

² COM: since the PoUs system is not operational yet, this will be a dummy value for now.

Business Rule 11

The PoUs is to be provided together with or after the PN, and before TSD to allow distinguishing Union from non-Union goods.

Business Rule 12

It will be possible for NAI to submit a CGM via the MSW of the port of departure as part of a departure eManifest. The MSW will transmit the CGM data to the PoUs system from where it will get back an MRN which will be communicated to the ship data providers.

Business rule 13

It [may also be] / [is] possible to consolidate the MRNs received from the PoUs system in a departure eManifest and ship data providers will be able to download or receive the departure eManifest completed with the MRNs.

Business Rule 14

The customs status of Union goods shall be established before a ship departs from the port where the goods are loaded. AI are not required to register or endorse their issued CGM in the PoUs system. This information shall then be reported to the MSW of the Member State of the port of call where the cargo will be unloaded by including either an MRN or CGM data in an eManifest.

In the relation to the eManifest, the establishment and the application of PoUs need to be distinguished. The provision of the eManifest particulars could be used, to provide input for the creation of a certain proof, as well as to trigger the proof at a later stage when the status of goods needs to be identified at the destination.

Establishment

The establishment of PoUs will be sought prior to departure of a vessel from an EU port view of having the proof ready for EU ports later on the itinerary of the vessel. Hence, the departure eManifest is in focus.

In case of a NAI, means of proof (in this environment, T2L, T2LF and CGM) shall be registered and exchanged using the PoUs system (Art. 194 IA) and requires endorsement and registration by customs (Art. 200 IA). Hence, a draft proof needs to be sent to the PoUs system and registration as well as endorsement needs to be requested. Given the particulars are compiled in the eManifest already, it seems to be meaningful to establish

an interface between the MSW and the PoUs system to allow for seamless submission of eManifest particulars and request endorsement of customs in order to establish a proof in the PoUs system. It is assumed, that T2L and T2LF are likely not to be applied for at all given that the CGM is the more relevant to be used in this context.

In case of an AI, considering the wording in Art. 128 DA, it is assumed that the AI is required to enter T2L and T2LF into the PoUs systems for later application, given the registration is not waived in Art. 128 (1) (a) DA. However, as said above, it is considered T2L and T2LF are likely not to be used at all given CGM is the more relevant means to be used. Nevertheless, the interface mentioned above could be also used to re-use eManifest particulars to create T2L or T2LF if so desired.

On the contrary, AI can establish a CGM outside PoUs system, meaning, in practical terms, an eManifest CGM submission with the indication of the authorisation and the status of the goods should be sufficient, when the status proof needs to be provided (arrival manifest). No transfer of eManifest information in the PoUs system is therefore necessary.

Business Rule 15

- The MSW must be able to receive CGM³ particulars in an eManifest with the objective to route these particulars to the PoUs system as per eManifest Principles, the request for endorsement is immanent by provision of the CGM submission prior to departure of the vessel.
- The MSW will validate the CGM particulars and confirm or reject the message acc. to the eManifest Principles.
- The MSW must interface with the PoUs system and forward the CGM particulars.

Customs will analyse the request for a CGM proof and endorse the proof and allocate an MRN or reject the request.

Business Rule 16

- The MSW must be able to receive the endorsement incl. MRN from the PoUs system provided by the customs authorities or the rejection.
- The MSW will forward the endorsement incl. MRN to the reporting party or the rejection.

³ T2L/T2LF to be scoped out with reference to the explanation above.

The PoUs system is currently not deployed. Business processes which require an interface with the PoUs system, can currently be defined only unilaterally. Those must be revisited once the PoUs system is further defined.

Interim Business Rules

- The MSW must be able to receive CGM particulars as per eManifest Principles, the request for endorsement is immanent by provision of the CGM submission prior to departure of the vessel.
- The MSW will validate the CGM particulars, confirm or reject the message and forward the CGM particulars to the competent customs office acc. to the eManifest Principles.

Customs will analyse the request for a CGM proof and endorse the proof or reject the request. The subsequent process will be a paper-based process or application of currently established electronic processes according to Art. 203 IA.

Amendments of endorsed CGM

Justification/means of PoUs can be amended by application of the provisions for customs decision (Art. 23 (4), 28 UCC), inter alia upon application of the holder of the decision (Art. 28 (1)(b) UCC).

Business Rule 17

- The MSW must be able to receive from NAI a request for an amendment of an endorsed CGM in the form of a submission of a replaced data set of the respective particulars in the eManifest including a reference to the CGM MRN with the objective to update the CGM in the PoUs system as per eManifest Principles.
- The MSW will validate the CGM particulars and confirm or reject the message acc. to the eManifest Principles.
- The MSW must interface with the PoUs system and forward the amended CGM particulars. PoUs system will alert the competent customs office, where the original CGM has been endorsed.

Customs will register the amendment request and respond with the endorsement of the amended GGM or its rejection. The amended CGM is subsequently made available in the PoUs system.

Business Rule 18

- The MSW must be able to receive the endorsement of the amended CGM or the rejection.
- The MSW will forward the endorsement of the amended CGM or the rejection to the reporting party (Art. 28 (3) UCC).

Given that the PoUs system is not yet deployed, **Interim Business Rules** as defined for the initial lodgement and endorsement of a CGM apply mutatis mutandis also for the amendment of a CGM.

Revocation of endorsed CGM

Justification/means of PoUs shall be revoked by application of the provisions for customs decision (Art. 23 (4), 28 UCC) upon application of the holder of the decision (Art. 28 (1)(b) UCC). Revocation ex officio (Art. 23 (4) UCC) or annulment (Art. 27 (1) UCC) is not communicated using the MSW.

Business Rule 19

- The MSW must be able to receive an application for revocation of an endorsed CGM as per eManifest Principles including a reference to the CGM MRN with the objective to delete the CGM in the PoUs system.
- The MSW will validate the application for revocation and confirm or reject the message acc. to the eManifest Principles.
- The MSW must interface with the PoUs system and forward the application for revocation. PoUs system will alert the competent customs office, where the original CGM has been endorsed.

Customs will register the application and inform the reporting party about the revocation (Art. 28 (3) UCC).

Business Rule 20

- The MSW must be able to receive the revocation confirmation.
- The MSW will forward the confirmation to the reporting party (Art. 28 (3) UCC).

Given that the PoUs system is not yet deployed, **Interim Business Rules** as defined for the initial lodgement and endorsement of a CGM apply mutatis mutandis also for the revocation.

Application

The presentation of proof is relevant for the arrival of a vessel, where the Union status needs to be confirmed to customs and to release them from customs supervision.

Two business cases with relevance for the eManifest were identified:

- a) An AI, who does not need to have a CGM endorsed or registered in the PoUs system, can lodge the proof himself by means of a CGM submission of the eManifest. The CGM submission itself with the goods' status indicated would serve as information for customs, the PoUs system does not need to be consulted. TSD needs only to be submitted for non-Union goods to be unloaded.
- b) Proof has been registered and stored in the PoUs system. An MRN was provided to the EO (Art. 200 (1) IA, Art. 124 DA). This MRN will be indicated in the submission of the arrival eManifest for the respective consignments. Currently, a separate submission is envisaged to provide the PoUs MRN to customs in accordance with Art. 200 (3) IA. With this reference, customs will be able to e.g. retrieve the proof with an automatic pull mechanism from the PoUs system and terminate customs supervision right away.

In the mid-term, and depending on the content of the PoUs system, one could imagine that only the MRN is provided to customs upon or as presentation of the goods and the goods' information is retrieved from the PoUs system, which would be at the same time an application of the information re-use principle.

CGM outside PoUs system

Business Rule 21

- The MSW must be able to receive CGM submission as per eManifest Principles.
- The MSW will validate the CGM submission and confirm or reject the message acc. to the eManifest Principles.
- The MSW must forward the CGM submission to the competent customs office.
- The reporting party needs to indicate the authorisation number of the AI in box "Number or the authorisation" in eManifest CGM submission (conform to box 2/3 EU CDM).

Customs will analyse the CGM proof and release goods from customs supervision, where applicable.

If locally a different party needs to be informed about the release of the goods from customs supervision, this needs to be ensured either by the reporting party or the customs authorities outside the MSW.

Business Rule 22

- The MSW must be able to receive the confirmation of registration or the rejection of the CGM provided by the customs authorities.
- The MSW must forward the confirmation or rejection to the reporting party.

No interim Business Rules are required, given PoUs system is not embedded in the business process.

Retrieval status proof from PoUs system

Business Rule 23

- The request to apply the PoUs stored in the PoUs system will be triggered by providing the submission mentioned under business case b) above with the indication of the PoUs MRN. Customs systems will be able to retrieve the stored proof from the PoUs system, which will be subsequently assessed by customs.
- The PoUs MRN submission cannot be amended.

Interim Business Rules

Given that the PoUs system is not yet deployed, an automated retrieval of PoUs particulars is not possible. Until then, PoUs will have to be provided manually/paper-based and assessed by customs outside the MSW or currently established electronic information exchange mechanisms are used.

However, it can be envisaged that the references to the PoUs documents endorsed are already provided with the submission until deployment of the PoUs systems (Art. 202, 203 IA) as an application of the reporting party to use the proof of status. The proof itself however needs to be provided to customs outside the MSW.

4.3.5. Temporary Storage Declaration (TSD)

Art. 144 UCC

Goods in temporary storage

Non-Union goods shall be in temporary storage from the moment they are presented to customs.

Art. 145 UCC

Temporary storage declaration

1. Non-Union goods presented to customs shall be covered by a temporary storage declaration containing all the particulars necessary for the application of the provisions governing temporary storage.
2. Documents related to goods in temporary storage shall be provided to the customs authorities where Union legislation so requires or where necessary for customs controls.
3. The temporary storage declaration shall be lodged by one of the persons referred to in Art. 139(1) or (2) at the latest at the time of the presentation of the goods to customs. [see Presentation of goods to customs]
5. Customs authorities may accept that the temporary storage declaration also takes one of the following forms:
 - (a) a reference to any entry summary declaration lodged for the goods concerned, supplemented by the particulars of a temporary storage declaration;
 - (b) a manifest or another transport document, provided that it contains the particulars of a temporary storage declaration, including a reference to any entry summary declaration for the goods concerned.
8. The temporary storage declaration may be used also for the purpose of:
 - a) the notification of arrival referred to in Art. 133; or
 - b) the presentation of the goods to customs referred to in Art. 139, insofar as it fulfils the conditions laid down in those provisions.
9. A temporary storage declaration shall not be required where, at the latest at the time of the presentation of the goods to customs, their customs status as Union goods is determined in accordance with Art.s 153 to 156.

TSD may be lodged by a different party than the reporting party, e.g. the terminal operators. In this case, the necessary information for the actual party lodging the TSD is exchanged B2B and the TSD lodgement is done outside the MSW.

Business Rule 24

- The MSW must be able to receive TSD and route it to customs. Registration and allocation of the MRN will be performed in the customs systems. Processes after the registration of TSD e.g. risk analysis and control requests, are out of scope for the MSW.

The implementation of TS processes is up to MS. Except the definition of the TSD in the UCC legislative package, no messages have been defined on EU-level. The format of MSW2G and G2MSW message exchange for TS needs to be agreed to ensure seamless communication between the national TSD processing and the MSW.

Amendments

A TSD may be amended (Art. 146 (1) UCC), restrictions apply (Art. 146 (1) 2nd subparagraph UCC). The validity of the amendment request will be monitored by the Customs authorities (not by the MSW).

Business Rule 25

- The MSW must be able to receive amendments of TSD and route them to customs.

As regards the message definition, same statements as made for the TSD as such apply.

Invalidation

A TSD shall be invalidated upon application of the declarant (Art. 146 (2) UCC), being the reporting party in case of the eManifest. The option of expiry is irrelevant for the MSW, this will be considered by the customs systems. Customs will register the application.

Business Rule 26

- The MSW must be able to receive invalidations of TSD and route them to customs.
- The customs domain does not envisage a business confirmation message for the invalidation. The feedback is hence limited to the message according to Business Rule 48.

4.3.6. Simplified transit

Art. 320 UCC

Formalities for the use of an electronic transport document as a transit declaration for air transport or maritime transport

Art. 233(4)(e) UCC

1. The goods shall be released for the Union transit procedure when the particulars of the electronic transport document have been made available to the customs office of departure at the airport in the event of air transport or to the customs office of departure

at the port in the event of maritime transport in accordance with the means defined in the authorisation.

2. Where the goods are to be placed under the Union transit procedure, the holder of the procedure shall enter the appropriate codes next to all items in the electronic transport document.

3. The Union transit procedure shall end when the goods are presented at the customs office of destination at the airport in the event of air transport or at the customs office of destination at the port in the event of maritime transport, and the particulars of the electronic transport document have been made available to that customs office in accordance with the means defined in the authorisation.

4. The holder of the procedure shall notify the customs offices of departure and destination immediately of all offences and irregularities.

5. The Union transit procedure is deemed to be discharged unless the customs authorities have received information or have established that the procedure has not ended correctly.

Upon application, the customs authorities may authorise the use of eManifest as customs declaration to place goods under the Union transit procedure. Such authorisation shall be obtained in line with the provisions of Art. 319 of the IA prior to the use of this simplification.

Business Rule 27

In order to use the eManifest as customs declaration to place goods under the Union transit procedure, it needs to be made available to the customs authorities at departure and at destination to allow the customs supervision of the goods and the discharge of the procedure.

4.3.7. Exit Summary Declaration (EXS)

For goods leaving the customs territory of the Union, pre-departure declarations must be lodged to allow for safety and security risk assessment. Such pre-departure declaration shall be an EXS (Art. 271 UCC), where an export or re-export declaration has not been lodged or is not required. Such situations comprise movement of goods between two EU MS following transshipment in a third country or goods intended to be taken out of the customs territory of the Union after they have been in TS for more than 14 days.

Business Rule 28

- The MSW must be able to receive EXS and route them to customs. Registration and allocation of the MRN will be performed in the customs systems. Process steps after the registration of EXS information e.g. risk analysis or control requests, are out of scope for the MSW.

In a future expansion of the MSW functionalities,

- (MSW2G) the MSW must be able to forward EXS in the form of an IE xxx message to the Customs authority;
- (G2MSW) the MSW must be able to receive the registration notification incl. MRN provided by the customs authorities (in the form of an IE xxx message) or the (business) rejection (IE xxx message).

Amendments

An EXS may be amended (Art. 272 (1) UCC), restrictions apply (ibid.). The validity of the amendment request will be monitored by the Customs authorities (not by the MSW).

Business Rule 29

- The MSW must be able to receive amendments of EXS and route them to customs.

In a future expansion of the MSW functionalities,

- (MSW2G) the MSW must be able to forward the amendment request (IE 613) to the Customs authority and
- (G2MSW) the MSW must be able to receive the acceptance of the amendment provided by the customs authorities (IE604) or the (business) rejection (IE605).

Invalidation

An EXS shall be invalidated upon application of the declarant (Art. 272 (2) UCC), being the reporting party in case of the eManifest. The option of invalidation ex officio (letter b) is irrelevant for the MSW, this will be considered by the customs systems. Customs will register the application.

Business Rule 30

- The MSW must be able to receive invalidations of EXS and route them to customs.

- The customs domain does not envisage a business confirmation message for the invalidation. The feedback is hence limited to the message according to Business Rule 48.

4.3.8. *Re-Export Notification*

Where goods in Temporary Storage or Free Zone are to be re-exported and neither a custom declaration nor a re-export declaration or an EXS is required, a Re-Export Notification (Art. 274 UCC) needs to be submitted. This allows for proper supervision and termination of the procedures.

Business Rule 31

- The MSW must be able to receive Re-Export Notifications and route them to customs. Process steps after the routing of the Re-Export Notification are out of scope for the MSW.

In a future expansion of the MSW functionalities,

- (MSW2G) the MSW must be able to forward EXS in the form of an IE xxx message to the Customs authority;
- (G2MSW) the MSW must be able to receive the registration notification incl. MRN provided by the customs authorities (in the form of an IE xxx message) or the (business) rejection (IE xxx message).

Amendments

A Re-Export Notification may be amended (Art. 275 (1) UCC), restrictions apply (ibid.). The validity of the amendment request will be monitored by the Customs authorities (not by the MSW).

Business Rule 32

- The MSW must be able to receive amendments of Re-Export Notifications and route them to customs.

In a future expansion of the MSW functionalities,

- (MSW2G) the MSW must be able to forward the amendment request (IE 573, recommendation only) to the Customs authority and
- (G2MSW) the MSW must be able to receive the acceptance of the amendment provided by the customs authorities (IE574) or the (business) rejection (IE575, both recommendations only).

Invalidation

An Re-Export Notification shall be invalidated upon application of the declarant (Art. 275 (2) UCC), being the reporting party in case of the eManifest. The option of invalidation ex officio (letter b) is irrelevant for the MSW, this will be considered by the customs systems. Customs will register the application.

Business Rule 33

- The MSW must be able to receive invalidations of Re-Export Notifications and route them to customs.
- The customs domain does not envisage a business confirmation message for the invalidation. The feedback is hence limited to the message according to Business Rule 48.

4.3.9. Exit notification

In order to allow customs to properly terminate the formalities on the exit of goods, Art. 332 (5) IA stipulates for the carrier to notify the exit of the goods to the customs office of exit. The particulars to be provided are defined, alternatively, existing information systems can be used.

Given the eManifest provides cargo information to customs in the form of submissions for certain formalities, while reference is established for the particular departure with the respective Call_ID, the exit of the cargo can be confirmed referring to the ATD submission.

Problem: This is only possible if customs maintain the header information of the eManifest, to allow the linking ATD with Call_ID and consequently the cargo information. If MSW does convert the information to IE messages defined by COM for the customs systems, the reference information may be lost, hence no link can be established. Consequence: MS must receive and store the cargo formality submissions (Re-export notifications) of the eManifest. Alternatively: MSW stores the information, links the cargo submissions and ATD and provides the confirmation of exit as a service to MS customs.

Further alternative requiring a modification of the ATD: This message assumes the data elements required for customs, as per Art. 332 (5) (a) to (c).

However, only Re-Export notifications are processed using the eManifest, consequently, only those consignments can be confirmed as exited. The larger volume of goods leaving the Union is placed under the Export procedure, which will be exercised outside the

eManifest. For those shipments, a separate exit notification is required (unless the requirements are assumed by ATD).

4.4. Submission of eManifest

4.4.1. Who is responsible to submit the eManifest?

Ship data providers are responsible to submit cargo information to the relevant authorities. They can be carriers, ship masters, ship or cargo agents or any other representative who is authorised by the ship operator/cargo carrier to submit information on its behalf. There may be more than one ship data provider who is authorised to submit cargo data in respect of a ship call in a port.

Business Rule 34

The eManifest is made up of sub-sets of data elements ('submissions') that are provided in the MSW by reporting parties.

Business Rule 35

The eManifest shall be submitted using structured data in alpha-numeric characters. The content and structure of the notification is described in the eManifest Data Mapping table, which is provided in a distinct "eManifest Data Mapping" document.

Business Rule 36

More than one reporting party can provide such submissions building up an eManifest for the same ship call.

4.4.2. Is it necessary to identify the formalities which are fulfilled when submitting the eManifest?

Business Rule 37

Separate forms to fulfil the information requirements for the eManifest will not be allowed as the MSW will group the data to respect the reporting once principle. However, the MSW will allow submission of data by formality, i.e. at different moments in time.

Business Rule 38

Reporting parties need to indicate which cargo formalities are covered by the submitted data at each submission.

4.4.3. *How is the eManifest submitted?*

The notifications that combined make up the eManifest could be reported to the MSW along with all other formalities required before the arrival or departure of the ship, as indicated in the RFD, complying with the reporting once principle. The MSW will therefore provide a unique entry to fulfil both the formalities of RFD and customs formalities forming part of the eManifest.

Two channels are offered for submitting data to the MSW:

1. the web user interface: the information is completed manually in a user interface. In addition, in order to facilitate the manual submission of information, the user interface also allows uploading data using spreadsheet files (i.e. xlsx files),
2. the system interface: which allows the submission of information directly from a system if the ship data provider's organisation has an ICT system which is adapted to communicate with the MSW.

The RFD requires that the data is submitted only once. Therefore, any data which is already entered in the eManifest to fulfil other reporting requirements for the same port call should be re-used if still valid. . Such re-use will be enabled at the level of data provider, preparing the reporting formalities for submission.

Port community systems are considered as data providers and therefore reporting via a port community system is covered.

Business Rule 39

The reporting parties shall provide the submissions to the MSW using either the user interface or the system-to-system interface.

Business Rule 40

Updates of previously provided eManifest submissions in the MSW are accepted, where relevant (see Business Rules for specific customs-related formalities). When an update is received by the MSW, previous feedback and decisions, issued by the authorities, would have to be reconsidered because they were based on the original submitted information. The initial feedback and decisions will be cancelled and a new request will be provided, including the updated information, to the authorities.

Business Rule 41

The preparation of the eManifest submissions when using the user interface of the MSW can be simplified by allowing the ship data providers to:

- Upload spreadsheet files. The files will be treated by the MSW to fill-in the notification contents,
- Re-use data from previous port calls for the same ship or data submitted by other agents,
- Access databases hosted centrally by EMSA or the Commission to retrieve reference data (e.g. ship characteristics, location codes, dangerous and polluting goods details, goods nomenclature).

Business Rule 42

In the web User Interface, the content of the eManifest can be configured, by administrators from the Member States, to only include data elements required by the Member State of the port of call.

Business Rule 43

When the MSW receives an eManifest through the system interface, only data elements relevant for the Member State of the port of call shall be considered. If the notification includes other data elements not required by the Member State, the additional data elements are ignored. The MSW shall not reject a notification because it contains data elements not required by that MS.⁴

4.4.4. When should the eManifest be submitted?

There is no EU legislation that regulates the submission of the eManifest as such (since it does not exist in legislation) although there is both EU and national legislation which establish timeframes within which the individual formalities should be completed. The Business Rules shall cover the real operational needs.

⁴ A second option that will be investigated is that the format of the notification would be automatically adjusted to the formalities required by the Member State of the port of call by deactivating the non-relevant data elements.

Business Rule 44

There is no EU legislation establishing the time limit for submitting the eManifest. However, the timelines set for the formalities covered by the eManifest shall be respected.

4.4.5. Validation of data

Ship data providers should ensure that they report accurate data, but apart from technical "processing" the MSW shall not assess the reported data nor process them. This will be done by the national systems.

Business Rule 45

When receiving an eManifest notification, the MSW performs basic data quality checks and reports any error, and the reason why the error occurred, to the ship data provider. These checks would include controls using central databases, like e.g. ship particulars and UNLOCODE, to validate the data and present error messages when discrepancies are found. Notifications containing errors will not be processed by the MSW.⁵

Business Rule 46

The MSW does not check whether eManifest information is reported in time, nor whether it is complete, or reported correctly. ###no business logic

4.5. Link with authorities

4.5.1. Distribution of information to authorities

The relevant cargo details are made available by the MSW to the customs and other authorities (e.g. port authority, harbour master, coast guards, health) in accordance with legislation.

Business Rule 47

Distribution of information to authorities will be done by means of a user interface of the MSW or a system-to-system interface between the MSW and the authorities' ICT system(s).

⁵ Further validation rules may be suggested by Member States.

4.5.2. Feedback from Authorities

Considering that the MSW allows a two-way communication channel between authorities and reporting parties, where more information is requested and decisions are taken by authorities they can be communicated to the reporting parties. Therefore, it supports the clearance process applied at the arrival of the ship in port and, where applicable, at the departure of the ship from the port as well as the fulfilment of the customs formalities for the cargo.

Business Rule 48

Acknowledgement messages are always communicated to the reporting party regardless of the decision taken by the authorities (acceptance or rejection).

Business Rule 49

The reporting parties get the clearance for the ship's arrival and departure from the relevant authority via the MSW.

4.6. Exchange of eManifest

The eManifest data can be made available to other Member States through the SSN system.

Business Rule 50

The content of the eManifest submitted in the MSW can be exchanged between authorities in Member States through SSN. The information made available through SSN will reflect the latest consolidated data.

Business Rule 51

The same principle as currently applicable in SSN will be applied - the information is made available by SSN upon request.

4.6.1. Confidentiality of data

Art. 8 RFD provides that the protection of personal data at national level shall be in line with national legislation for data protection and with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. The protection of personal data at central level by the Community Institutions and bodies shall be in line with Regulation (EC) No 45/2001 of 18 December 2000 on the protection

of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. MSs are also obliged to take the necessary measures to protect commercial sensitive data. Cargo data includes both personal data and commercial data.

Issues related to confidentiality and responsibility for accuracy of cargo data have to be considered if the eManifest obtained from SSN is used by other Member States in their cargo clearance procedures.

Business Rule 52

Access to eManifest shall be strictly regulated, to prevent unauthorised access.

Business Rule 53

Possibility to retrieve information from SSN for further re-use should be limited to the parties that are defined as authorised for such access.