

Joint letter on Member States planning and readiness of the UCC Work Programme

The undersigned trade associations represent European airlines, European Automobile Manufacturers, American companies investing in Europe, the home appliance industry, freight forwarders and Customs agents, express delivery companies and associations, Ship Brokers and Agents, the European Chemical Industry, the European Semiconductor Industry and European ship suppliers.

The undersigned trade associations have carefully assessed the published information on the UCC Work Programme and would like to raise several fundamental questions on its content and propose solutions in order to further work with the information provided.

The general objectives of the Union Customs Code (UCC) will be further achieved through the implementation and deployment of several specific IT systems provided in the UCC Work Programme¹. In 2023, numerous systems will be implemented or go through various new releases. This changing environment is not only creating a cascade of complex changes on Member States' IT infrastructure but also for trade's systems and processes. Economic Operators depend entirely on the availability of fully functional technical specifications as well as the provision of sufficient time for executing all critical activities, such as testing and training, based on a well-planned timetable clearly communicated to all stakeholders. Taking account of the needs of hundreds of thousands of diverse stakeholders in that planning is imperative for a successful implementation.

In light of the impact of Brexit, the VAT e-commerce package implementation, COVID-19 pandemic, the war in Ukraine and the current economic crisis, it is no surprise that a number of EU Member States have formally indicated that they will not be able to meet the original deployment timetable as laid out in the UCC Work Programme. Trade associations emphasized several times that tremendous difficulties exist on the trade side as well regarding the IT implementation of the UCC Work Programme. Delays and derogations are clear evidence of those difficulties.

- How implementation dates published by EU COM in the national planning table can provide deadlines for implementation passing the legal deadline?
 - e.g., National Import System: legal deadline for implementation is on the 31st of December 2023, taking into account the derogation decisions. However, countries like AT, CZ, DK, ES, GR have indicated their deadline for implementation in 2024? How is trade expected to understand it?
- How should trade understand the dates for implementation indicated in the table published by EU COM for NCTS and AES systems? Have dates going beyond the deadline of the UCC WP already been decided? How should trade plan with those dates and implementation timeline?
 - e.g., for AES in case of AT, GR, FI, FR, LU, SE implementation dates in 2024. Should trade also plan for this timeline?
 - e.g., for NCTS in case of GR, FR implementation date is 2024, for NL implementation date is 2025. Should trade also plan for this timeline?
 - Based on the current rules and for those countries which are not yet in the full implementation of NCTS phase 5, which are the rules trade need to prepare once the transition period ends?

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019D2151&from=EN>

- How should trade understand the “indicative” nature of the information provided for systems which are to be implemented in 2023?
 - e.g., for NCTS P5: DK; GR, MT, PT, SK; for AES: DK, GR, LT, MT, RO, SE, SI, SK
- How can the national planning table be published without indication of implementation date of certain systems, availability of technical specifications?
 - e.g., National Import System, temporary storage implementation date: RO, TSS for NCTS, AES: AT. How is trade expected to cope with the lack of information?
- What is the procedure foreseen if trade is not ready for the deadline of implementation foreseen in the planning? Taking into account the derogations granted to the Member States, and considering the moving deadlines in the planning, trade also requests a level playing field. Either with a realistic planning or with a deployment window that takes into account the needs of trade for development.

The signatories should like to highlight that information published regarding the planning of the UCC IT implementation is crucial for trade to prepare, plan, deploy and implement the changes. The information provided in the UCC updated national planning was long awaited [last update was published July 2022]. Still there is no certainty on how to interpret its content or how it will drive coordinated implementation in practice. The deadlines of the planning are continuously changing whereby trade is expected to be ready for several different scenarios.

Furthermore, the signatories would like to highlight it is not possible to operate with the current situation and the planning provided. Consequently, there is a fundamental risk that trade may not be ready with the development of all the systems as provided by the Member States planning. At the same time, we call for a level playing field. The undersigned trade associations understand the difficulties Member States customs authorities are facing; however, we would like to emphasize that the same difficulties are existing on the trade side as well with the difference that we do not have a ‘default’ time window for implementation nor a stable source of information regarding the planning of the UCC Work Programme.

The undersigned trade associations therefore suggest that the European Commission considers:

- An *immediate* review of the timelines set down in the UCC workplan, with all stakeholders involving trade to create a plan that will work in practice for all.
- The immediate availability of high level but definitive information from Member States on the intended system enhancements for ICS2 R2, NIS, AN-PN-TS; NCTS P5 and AES, with derogation information shared with trade on time.
- Clearer guidelines, on how derogations will provide flexible and extended deadlines for traders based in Member States that will not meet their original implementation date to help relieve the significant current uncertainty and, we believe unrealistic systems’ compliance requirements.
- Extending the deployment window for trade by 18 months from the day systems become fully available in Member States where the technical specifications are not yet available or still incomplete.
- Providing more clarity on the specific dates when end-2-end testing can start.

We suggest the matter can be discussed at the upcoming TCG meeting on Wednesday 07 June, and remain at your disposal to discuss this issue in further detail.

Yours sincerely,

A4E		CLECAT	
ACEA		ECASBA	
AmCham EU		EEA	
AppLiA		EECA-ESIA	
Cefic		OCEAN	