



AREX declarations on goods entering the EU: Instruction on fallback procedure

1 Scope

This instruction is applied to declarations on goods entering the EU for which security data cannot be provided into the AREX system due to an interruption in the electronic system of Finnish Customs or of the customer. The declarations include the following:

- Entry Summary Declaration (message IE315)
- Summary Declaration (message IE344)
- Arrival Notification with Entry Key data (message IE3470)
- Arrival Notification and Presentation (message IE347)
- Arrival Notification of the warehouse keeper (message IE007)
- Unloading Report of the warehouse keeper (message IE044)
- Diversion Request (message IE323)

This instruction specifies the fallback procedure also for situations where it has not been possible to provide the security information as part of the electronic transit declaration submitted for goods arriving by road.

This instruction is valid as of 1 January 2011 until further notice.

2 General

If the entry summary declaration or the summary declaration cannot be lodged electronically, the declarations must be submitted to Finnish Customs on paper either on specific EU-approved fallback forms or using other corresponding documents containing the required data. The forms and the completion instructions are available on the Finnish Customs website at

<http://www.tulli.fi/fi/yrityksille/sahkoinenasiointi/lomakkeet/poikkeustilannelomakkeet/index.jsp>. The forms are to be submitted to Customs in two copies, one of which will be filed by Customs and the other by the customer. The fallback form must be stored by the customer as long as the electronic declaration message, i.e. for the current year + three (3) years.

If the AREX declaration cannot be lodged within the prescribed time limit, it must be submitted electronically after the interruption. **The reference number (LRN) of the electronic declaration must be the same as the one given under "Reference number" on the fallback form (SSD) or, if other document is used, the reference data clearly marked on it. In addition, the code FIXEV must be given un-**

der “Additional information” for the first item on the electronic entry summary declaration and summary declaration.

Finnish Customs does not impose any sanctions for declarations submitted afterwards if the fallback procedure has been applied in accordance with this instruction. Message exchange declarants can always use online declaration as the fallback procedure. For Finnish Customs, this is also considered a normal declaration procedure.

3 Entry summary declaration in paper format: time limits

If the paper-based entry summary declaration is used due to an interruption in the electronic system of Finnish Customs, the declarations must be submitted to the customs office of entry within the same given time limit that applies to submitting electronic declarations.

- goods arriving by road: at least 1 hour before arrival
- goods arriving by railway or waterway via Saimaa Channel: 2 hours before the arrival of the train at the land border or the arrival of the vessel at the port
- goods arriving by air: 4 hours before the departure of the plane or, in short flights under 4 hours, by the departure of the plane, at the latest
- goods arriving in containers by sea via oceans (deep sea container traffic): 24 hours before the loading of the container
- goods arriving by sea via oceans in other than containers: 4 hours before the arrival of the vessel
- goods arriving by sea from nearby sea ports: 2 hours before the arrival of the vessel

If the use of the fallback procedure is due to an interruption in the customer's electronic system, the paper-based entry summary declaration must be submitted to Customs 4 hours before the arrival, at the latest, except for the goods in the deep sea container traffic for which also the fallback declaration must be lodged 24 hours before the loading of the container at the port of departure.

4 Entry summary declaration has not been lodged within the time limit

4.1 The declaration must be lodged electronically after the expiry of the time limit, but before the arrival of the goods, and the customs clearance of the goods is based on the electronic declaration (the data system starts working prior to the arrival of the goods, no paper-based declaration is needed)

With Customs permission, the entry summary declaration does not need to be lodged until the goods arrive. In this case, also all other notifications related to the arrival of the goods (arrival and presentation notifications and notifications of the warehouse keeper) can be submitted only after the entry summary declaration has been accepted. In the customs declaration, a reference must be made to the MRN number of the electronic entry summary declaration and the item number of the goods.

4.2 The declaration must be lodged electronically after the expiry of the time limit and the customs clearance of the goods is based on the electronic declaration (the data system does not start working prior to the arrival of the goods, a paper-based declaration must be submitted)

With Customs permission, the entry summary declaration does not need to be lodged until the goods arrive. In this case, a paper-based entry summary declaration (SSD or other document containing the necessary information in accordance with Annex 30 A of the Implementing Regulation) must, however, be submitted to the customs office of entry by the arrival of the goods, at the latest. Please note that, in this case, the risk analysis carried out on the basis of the paper-based entry summary declaration may delay the release of the goods to a customs procedure.

The electronic declarations must be submitted when the data system restarts. In this case, all other notifications related to the arrival of the goods (arrival and presentation notifications and notifications of the warehouse keeper) can be submitted only after the entry summary declaration has been accepted. In the customs declaration, a reference must be made to the MRN number of the electronic entry summary declaration and the item number of the goods.

Goods arriving from outside the EU for which an entry summary declaration has not been submitted due to an interruption can be unloaded at the port area or at the airport or taken to a railway yard or to the yard of the customs office at the border.

4.3 The declaration is submitted in paper format and the customs clearance of the goods is based on the AREX fallback procedure

The completed SSD or other corresponding document with the necessary information specified in Annex 30 A of the Implementing Regulation must be presented to Customs at the place of exit according to the time limits given above under paragraph 3. In this case, the goods can be assigned a customs-approved treatment or use on the basis of the fallback declaration. The various Customs data systems (ITU, transit system, ELEX) have published their own instructions on documents that can be submitted as preliminary documents during AREX fallback procedure.

The electronic declarations must be submitted when the data system restarts. In this case, also all other notifications related to the arrival of the goods (arrival and presentation notifications and notifications of the warehouse keeper) can be submitted only after the entry summary declaration has been accepted.

5 The entry summary declaration has been submitted electronically, but the other subsequent notifications cannot be submitted in time due to an interruption.

5.1 Submitting a notification of arrival of goods in a means of transport

A notification of arrival of goods in a means of transport is submitted only of a means of transport arriving by sea or air from outside the EU, if a separate unload-

ing permission is requested for it prior to submitting the entry summary declaration. If the entry summary declaration has been lodged electronically, but the notification of arrival cannot be submitted due to an interruption, it must be submitted electronically immediately after the system has restarted. However, the goods may be unloaded at the port area or at the airport after receiving a permission to use the fallback procedure. If the AREX system of Finnish Customs is not working, the manifest pertaining to the goods in the means of transport must be submitted to the customs office of entry.

All other electronic notifications relating to the goods (arrival and presentation notifications and notifications of the warehouse keeper and customs declarations) that are required for the given goods and that contain references to the reference number of the notification can be submitted only after the arrival notification has been accepted. Instead of submitting a notification of arrival afterwards, it is also possible to submit an entry summary declaration of the goods.

5.2 Presentation of goods upon arrival at the land border

If goods arriving by road are presented to the customs office at the border during an interruption in the electronic system of Finnish Customs, Customs makes the necessary presentation entries into the system after the interruption, provided that the transport or other documents contain references to an appropriately submitted entry summary declaration (MRN number provided).

The subsequent customs declaration can be accepted.

5.3 Presentation of goods arriving by sea, air or railway

If the arrival notification and presentation cannot be submitted to Customs within the prescribed time limit due to an interruption, it must be submitted electronically immediately after the interruption.

Unless a separate arrival notification has been submitted on the goods, the arrival notification and presentation also functions as the unloading permission. The goods may be unloaded at the port area or at the airport or taken to a railway yard area after receiving a permission to use the fallback procedure. If the AREX system of Finnish Customs is not functioning, the manifest pertaining to the goods in the means of transport must be lodged to the customs office of entry.

All other electronic notifications relating to the goods (notifications of the warehouse keeper and customs declarations) that are required for the given goods and that contain references to the reference number of the notification can be submitted only after the arrival notification and presentation has been accepted.

5.4 Notifications of the warehouse keeper

If the warehouse keeper cannot lodge an arrival notification to Finnish Customs due to an interruption or does not receive an entry details data message from Customs

as a response, the notifications must be submitted electronically after the system has restarted.

If the warehouse keeper cannot lodge an unloading report to Customs due to an interruption, it must be submitted to Customs after the interruption.

If the notifications of the warehouse keeper are delayed due to an interruption, it does not stop the customs clearance process of the goods.

6 Summary declaration or other subsequent entry declarations cannot be submitted electronically

The main rule is that the summary declaration must be lodged electronically after the interruption. In this case, also all other notifications relating to the goods (arrival and presentation notifications and notifications of the warehouse keeper and customs declarations) that are required for the given goods and that contain references to the reference number of the notification can be submitted only after the entry summary declaration has been accepted.

If the summary declaration cannot be lodged electronically within the prescribed time limit, the security data must be provided on an SSD form or using other administrative, commercial or transport document containing the necessary information for the summary declaration (e.g. a manifest or the cargo data submitted to the Portnet system in sea traffic or the manifest data in air traffic). The various Customs data systems (ITU, transit system, ELEX) have published their own instructions on documents that can be submitted as preliminary documents during AREX fallback procedure.

Even if the summary declaration would first be submitted on paper, it must also be submitted electronically to Finnish Customs afterwards, as described under paragraph 4 above with regard to the entry summary declaration.

If the summary declaration has been lodged electronically, but the entry summary declaration or the notifications of the warehouse keeper cannot be submitted electronically, these must be submitted electronically after the system has restarted. All other notifications relating to the goods (notifications of the warehouse keeper) that are required for the given goods and that contain references to the reference number of the notification can be submitted only after the entry summary declaration has been accepted. The various Customs data systems (ITU, transit system, ELEX) have published their own instructions on documents that can be submitted as preliminary documents during AREX fallback procedure.

7 Diversion request

A diversion request is lodged only in cases of sea or air transports from third countries that stop in a member state that has not been mentioned in the original route plan.

If the diversion request cannot be lodged on a sea or air transport, the operator must contact the Electronic Customs Clearance Centre (SÄKE) by email. Customs will make the necessary entries in the register, and no diversion request needs to be submitted afterwards to Customs. In this case, a summary declaration on the goods to be unloaded must be submitted to the actual customs office of entry. No new entry summary declaration need to be lodged.

8 Arriving road traffic: security data using a transit declaration

8.1 Interruption of use and arriving TIR transit

If it is due to an interruption not possible for the customer to lodge or for Finnish Customs to check a NCTS/TIR declaration or a separately submitted electronic entry summary declaration containing the security data on goods entering the EU and continuing under the TIR procedure, the TIR Carnet can be used as the fallback procedure in TIR transits and the security data can be submitted to the customs office of entry on a SSD form or using other administrative, commercial or transport document containing the corresponding data within the time limits referred to under paragraph 3 above (4 hours / 1 hour prior to the arrival).

8.2 Interruption of use and arriving T transit

If the goods entering the EU are to be placed under the transit procedure and it is due to an interruption not possible for the customer to lodge or for Finnish Customs to check a NCTS declaration or a separately submitted electronic entry summary declaration containing the security data, the SAD, TAD and TSAD documents can be used as the fallback procedure. When using the SAD or TAD form, the security data must be submitted to the customs office of entry on a SSD form or using other administrative, commercial or transport document containing the corresponding data within the time limits referred to under paragraph 3 above (4 hours / 1 hour prior to the arrival).

8.3 Security data can always be provided on the entry summary declaration

The security data on goods to be placed under any transit procedure can always be provided using a separate entry summary declaration instead of the paper-based transit declaration. In this case, the transit declaration must contain a reference to the entry summary declaration as the preliminary document.

9. 9. Initiating the fallback procedure

A fallback procedure can be used in AREX, when Finnish Customs has informed the message declarants about an interruption in the AREX system by email. Notices of interruptions can also be found on the front page of the AREX web service user interface.

Finnish Customs informs of the restart of the system in the same way as of the interruptions. After this, the use of the fallback procedure is no longer allowed.

If there is an interruption in the message declarant's own data system, the Electronic Customs Clearance Center (sahkoinen.tullaus@tulli.fi) must be informed of the problem in order for the declarant to receive a permission to use the fallback procedure. Information of the restart of the system must be sent to the same address.

In addition, message declarants can always use online declarations as the fallback procedure without any separate authorisations.

If web declarants are unable to lodge a declaration due to an interruption in their internet connection, the Electronic Customs Clearance Centre must be informed of the use of the fallback procedure caused by the declarant in order for the declarant to receive a permission to use the fallback procedure.