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► **B** ► **M1** COMMISSION IMPLEMENTING REGULATION (EU) 2021/2248
of 16 December 2021

laying down rules for the application of Regulation (EU) 2019/1020 of the European Parliament and of the Council as regards the details of the electronic interface between national customs systems and the information and communication system for market surveillance, and the data to be transmitted by means of that interface ◀

(Text with EEA relevance)

(OJ L 453, 17.12.2021, p. 38)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Implementing Regulation (EU) 2024/2216 of 6 September 2024	L 2216	1	9.9.2024

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Article 1

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘Information and Communication System for Market Surveillance’ or ‘ICSMS’ means the information and communication system on market surveillance provided for in Article 34(1) of Regulation (EU) 2019/1020;

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- (b) ‘Interface’ means the electronic interface referred to in Article 34(7) of Regulation (EU) 2019/1020, established under the European Union Customs Single Window Certificates Exchange System (EU CSW-CERTEX) provided by Regulation (EU) 2022/2399 of the European Parliament and of the Council ⁽¹⁾.

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Article 2

Data to be transmitted

1. For the purposes of notification to market surveillance authorities of the suspension of release for free circulation of a product pursuant to Article 26(2) of Regulation (EU) 2019/1020, the data to be transmitted shall include:

- (a) relevant data available from national customs systems, including data from the customs declaration, as listed in Annex I, Section 1, to this Regulation;
- (b) additional data to be entered in national customs systems, as listed in Annex I, Section 2, to this Regulation.

⁽¹⁾ Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 (OJ L 317, 9.12.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2399/oj>).

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2. Where market surveillance authorities request customs authorities to maintain the suspension of the release for free circulation of the product, inform customs authorities of their approval for such release or require customs authorities not to release the product for free circulation pursuant to Articles 27 and 28 of Regulation (EU) 2019/1020, the data to be transmitted shall include:

- (a) the decision of the market surveillance authorities as regards the approval or refusal to release the product for free circulation, or their request to maintain the suspension, in accordance with Annex II to this Regulation;
- (b) follow-up to the communications referred to in point (a) of this paragraph, both by customs authorities and market surveillance authorities, in accordance with Annex III to this Regulation.

3. For the purposes of a request by market surveillance authorities to suspend the release for free circulation of a product pursuant to Article 26(3) of Regulation (EU) 2019/1020, and of the reply by customs authorities, the data specified in Annex IV to this Regulation shall be transmitted.

*Article 3***Procedure**

1. Where a Member State uses the interface, customs authorities shall connect the national customs systems with that interface, test the connection and ensure that these systems remain interoperable with that interface.

2. Where the notifications and requests referred to in Article 26(2) and (3) of Regulation (EU) 2019/1020 take place by means of ICSMS and of the interface pursuant to Article 26(4) of that Regulation, the following provisions shall apply:

- (a) customs authorities shall enter in their national customs systems the data to be transmitted, where such data are not already present, and shall authorise the transmission of these data via the interface to ICSMS;
- (b) market surveillance authorities shall enter in ICSMS the data to be transmitted and shall authorise the transmission of these data via the interface to the national customs systems of the relevant customs authorities;
- (c) once the transmission of the data referred to in points (a) and (b) of this paragraph has been authorised, the interface shall transmit these data to the other system;
- (d) all subsequent data transmissions relating to the notifications and requests shall take place via the interface.

3. Where the market surveillance authorities do not respond to the notification within the time limits set out in Article 27, point (a), of Regulation (EU) 2019/1020, ICSMS shall transmit to national customs systems, via the interface, an automatic message indicating that the product may be released for free circulation where all the other requirements and formalities relating to such a release have been fulfilled.

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Article 7

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 16 December 2025.

This Regulation shall be binding in its entirety and directly applicable in all Member States.



ANNEX I

Data referred to in Article 2(1)

The data referred to in Article 2(1) shall include the groups and elements laid down in Sections 1 and 2.

1. Data from national customs systems, including data from the customs declaration where these are available

Information about the goods

- (a) Customs classification code, including the Harmonised System sub-heading code, the Combined Nomenclature code laid down in Council Regulation (EEC) No 2658/87 ⁽¹⁾, and TARIC code;
- (b) Description of the goods;
- (c) Mass of the goods;
- (d) Quantity of the goods;
- (e) Relevant supporting documents.

Information about the economic operators

- (f) Exporter;
- (g) Seller;
- (h) Importer;
- (i) Buyer;
- (j) Declarant.

Origin and destination of the goods

- (k) Country of destination;
- (l) Country of origin;
- (m) Country of dispatch;
- (n) Country of exporter;
- (o) Mode of transport at the border.

Administrative information

- (p) Master reference number of the customs declaration;
- (q) Goods item number;
- (r) Date of acceptance of the declaration;
- (s) Indication of declarations containing a reduced dataset;
- (t) Responsible customs office, including customs office of presentation and supervising customs office where relevant.
- (u) Customs process data.

⁽¹⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1)

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Where the data elements listed in this Section consist in numerical or alpha-numerical codes commonly used by the customs authorities, the interface shall be set up in such a way that it can retrieve from customs systems and transmit to ICSMS the relevant textual information captured by those codes.

2. Additional data to be entered in national customs systems

- (a) Reasons for suspension, in accordance with Article 26(1) of Regulation (EU) 2019/1020 (mandatory in all cases);
- (b) Information on the product, for example name, trade name or registered trade mark, model, EAN number, serial number (where available);
- (c) Union legal act(s) to which the assumed non-compliance relates (mandatory in all cases);
- (d) Main category of products concerned, in line with Article 1(1), point (c) (viii) of Commission implementing Regulation (EU) 2021/1121 ⁽²⁾ (mandatory in all cases);
- (e) Information referred to in Article 4(4) of Regulation 2019/1020 concerning the economic operator (mandatory if the requirement is applicable and the data are available);
- (f) Pictures of the product and, where relevant, its packaging, for example showing product information, conformity marking, labelling or suspicious elements (where available);
- (g) Other relevant documents, for example invoices, declaration of conformity, test reports (where available);
- (h) Market surveillance authority or authorities to be notified, selected from the list of market surveillance authorities designated by Member States and entered in ICSMS in accordance with Article 10(2) of Regulation (EU) 2019/1020 (mandatory in all cases).

⁽²⁾ Commission Implementing Regulation (EU) 2021/1121 of 8 July 2021 specifying the details of the statistical data to be submitted by the Member States as regards controls on products entering the Union market with regard to product safety and compliance (OJ L 243, 9.7.2021, p. 37).

*ANNEX II***Data referred to in Article 2(2), point (a)**

The data referred to in Article 2(2), point (a), shall include the following elements:

- (a) indication of whether the market surveillance authorities:
 - (1) approve the release for free circulation of the product. The market surveillance authorities shall indicate the Union legal act(s) under which their assessment has been made, as well as the main category of products concerned in accordance with Annex I, Section 2, point (d);
 - (2) request that the suspension of the release for free circulation be maintained to enable the market surveillance or customs authorities to carry out specific actions. The market surveillance authorities shall indicate the Union legal act(s) under which their assessment is being made, as well as the main category of products concerned in accordance with Annex I, Section 2, point (d); or
 - (3) require the customs authorities not to release the product for free circulation because it presents a serious risk or it does not comply with applicable Union legislation. The market surveillance authorities shall indicate the reasons why the product is not compliant or presents a serious risk, the Union legal act(s) infringed, as well as the main category of products concerned in line with Annex I, Section 2, point (d). The market surveillance authorities may indicate whether they object to the product being subsequently declared for a customs procedure other than release for free circulation. They may also indicate whether and why they consider that the product should be destroyed or otherwise rendered inoperable within the framework of Article 28(4) of Regulation (EU) 2019/1020.
- (b) administrative information, including master reference number of the customs declaration, goods item number, ICSMS registration number and functional contact details of the responsible market surveillance authority.

▼B*ANNEX III***Data referred to in Article 2(2), point (b)**

The data referred to in Article 2(2), point (b), shall include the following elements:

- (a) where the suspension of release for free circulation was maintained to enable the customs authorities to carry out specific actions:
 - the outcome of such actions;
- (b) where the suspension of release for free circulation was maintained to enable the market surveillance authorities to carry out specific actions:
 - the data fields set out in Annex II;
- (c) where the market surveillance authorities required the customs authorities not to release the product for free circulation:
 - information by the customs authorities on the situation of the product following the refusal of release for free circulation, including whether they were destroyed or otherwise rendered inoperable, placed under a customs procedure other than release for free circulation, or re-exported; or
 - if the economic operator appeals the refusal to release the product for free circulation, information about this appeal and, where necessary, request for re-assessment by the market surveillance authorities.

*ANNEX IV***Data referred to in Article 2(3)**

The data referred to in Article 2(3) shall include the following elements:

- (a) requests by market surveillance authorities to suspend the release for free circulation of a product, specifying the relevant authority, the master reference number of the customs declaration, the description of the product and the reasons for the request;
- (b) replies by customs authorities, specifying the relevant authority, and whether the product has been identified and its release for free circulation suspended.