

COMMISSION IMPLEMENTING DECISION (EU) 2022/715**of 5 May 2022****granting a derogation allowing Hungary to use means for the exchange and storage of information for the Import Control System 2 other than electronic data-processing techniques in relation to goods in postal consignments***(notified under document C(2022) 2765)***(Only the Hungarian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 6(4) in conjunction with Article 8(2) thereof,

After consulting the Customs Code Committee,

Whereas:

- (1) Article 6(1) of Regulation (EU) No 952/2013 requires that all exchanges of information between customs authorities and between economic operators and customs authorities, and the storage of such information, as required under the customs legislation, be made using electronic data-processing techniques.
- (2) Article 6(4) of Regulation (EU) No 952/2013 provides for adopting decisions in exceptional cases to allow one or several Member States to derogate from using electronic data processing techniques for the exchange and storage of information, if such derogation is justified by the specific situation of the requesting Member State and is granted for a specific period of time.
- (3) Commission Implementing Decision (EU) 2019/2151 ⁽²⁾ establishes the work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code ('the work programme'). The work programme lists the electronic systems to be developed and the dates on which those systems are expected to become operational. The work programme specifies the implementation and dates of deployment of the Import Control System 2 ('ICS2') in accordance with Article 6(1) and Articles 16, 46, 47 and 127 to 132 of Regulation (EU) No 952/2013.
- (4) In accordance with the work programme, Member States were to be ready from 15 March 2021 to deploy release 1 of ICS2 in order to collect entry summary declarations from postal operators and express carriers for goods transported by air, and they were to grant economic operators the possibility to connect to the system and to lodge entry summary declarations by using that system by 1 October 2021.
- (5) In accordance with Article 127 of Regulation (EU) No 952/2013 and Article 183(1), point (c), of Commission Implementing Regulation (EU) 2015/2447 ⁽³⁾, from 1 October 2021 postal operators established in the Union are to lodge entry summary declarations and to provide the required data to the customs authorities of the concerned Member States using ICS2.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2019/2151 of 13 December 2019 establishing the work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 325, 16.12.2019, p. 168).

⁽³⁾ 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 (OJ L 343, 29.12.2015, p. 558).

- (6) However, the postal operator in Hungary is not yet technically ready to comply with those requirements. Due to an exceptional circumstance caused by the inability of the selected contractor to develop the necessary electronic solution, the Hungarian postal operator could not establish a connection with ICS2 within the deadline of 1 October 2021. The postal operator decided to use another contractor to develop the connection and the technical work is ongoing. Consequently, the postal operator is still not able to communicate entry summary declaration data to the system by use of electronic data-processing techniques.
- (7) The exceptional circumstance that caused the lack of technical readiness of the Hungarian postal operator justifies the request to obtain a derogation in accordance with Regulation (EU) No 952/2013 submitted by the customs authority of Hungary on 21 December 2021. Therefore, such derogation should temporarily allow Hungary to use means other than the electronic data-processing techniques for the exchange and storage of information in relation to goods in postal consignments for which that postal operator is obliged to lodge an entry summary declaration.
- (8) In implementing this Decision, the customs authority of Hungary shall notify the Commission about the connection of its designated postal operator to ICS2.
- (9) The duration of the derogation should be based on the state of development of the national postal system allowing for the electronic communication of ICS2 data for postal consignments to the customs administration and the timeline for its completion.
- (10) Since the obligation to submit entry summary declaration data electronically for all postal consignments took effect on 1 October 2021, this Decision should therefore apply from that date,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 6(1) of Regulation (EU) No 952/2013, the customs authority of Hungary shall allow its national postal operator to lodge entry summary declarations for goods in postal consignments by using means for the exchange and storage of information other than electronic data-processing techniques until the national postal operator establishes the connection with the Import Control System 2 (ICS2) or until 30 April 2022, whichever date is sooner.

Article 2

The customs authority of Hungary shall notify the Commission within 1 month from the date of notification of this Decision of the connection to ICS2 of its national postal operator for providing entry summary declaration data for goods in postal consignments to the customs authority.

Article 3

This Decision is addressed to Hungary.

It shall apply from 1 October 2021 until 30 April 2022.

Done at Brussels, 5 May 2022.

For the Commission
Paolo GENTILONI
Member of the Commission
