



Mr Walter Deffaa
Director General
DG Taxation and Customs Union
B-1049 Brussels

8 November 2011

Dear Director General, *Dear Walter,*

I am writing to express my concern with the proposal for advanced data risk assessment of express courier shipments four hours prior to aircraft loading that could seriously affect the ability of businesses to use this service. European businesses use this express service to ensure that their supply chains and business processes operate as efficiently as possible – notably to ship rapidly needed spare parts or to send important confidential information to different corporate entities or departments.

If implemented, the proposal would have the effect of significantly delaying transit times for urgent shipments especially in the European Union where the coordination of Import Control System (ICS) data remains problematic due to considerable inconsistencies across Member States.

We therefore urge the Commission to refrain from introducing this measure until a pilot project, as is proposed by the European Express Association (proposal enclosed), can assess the impact on European businesses that rely on Express Courier shipments. A pilot project would also be more effective in fostering closer cooperation between business and authorities on security in a manner that does not impede trade flows. We note that the United States has already chosen this more sensible route to test new security requirements and we hope that the European Union will do the same.

A similar letter has been sent to Mr Jean-Luc Demarty, Director General of DG Trade, and Mr Matthias Ruete, Director General of DG Mobility & Transport.

Yours sincerely,

*Best regards
Philippe*

Philippe de Buck

08 November 2011

Improving Air Cargo Security through an advanced data risk assessment pilot

Position of the European Express Association (EEA) in support of the High Level Working Group on Air Cargo Security and proposing the introduction of a pilot for risk assessment

As the representative organisation for the express industry in Europe, allowing European business to rely on predictable, expeditious delivery of supplies and thereby enabling them to attain and maintain global competitiveness, **we support the efforts made by the High Level Working Group** to strengthen and harmonise EU cargo and mail security controls, coordinate EU threat assessment capability and support a global approach to the implementation of a cargo security regime following the Yemen incidents.

We strongly support a holistic 3 pillar approach that aims to achieve the objectives of the HLWG, based on

- The **continued investments and efforts made by shippers and transporters** towards improving air cargo security through programs like Known Consignor, AEO, CTPAT and other secure trader programs that seek to reduce risk at the source;
- **Strengthening of security measures at airports in 3rd countries with special attention to high risk cargo** as proposed by DG MOVE and the application and registration of ACC3;
- Common EU threat, vulnerability and risk assessment including **advanced data risk assessment to identify potentially destructive devices**.

Whereas we fully support the efforts made by the HLWG in the area of security measures in 3rd countries, we are concerned about the impact that the current proposal for advanced data risk assessment, prepared by DG TAXUD, will have on the flow of urgent and time sensitive goods for the members of our organizations. We would therefore propose the introduction of a pilot for risk assessment rather than a regulation taking effect without having demonstrated its effectiveness.

Why a pilot?

DG TAXUD proposes changing the time limit used for submitting customs data, using the recently introduced ICS platform, to 4hrs prior to loading of an aircraft in the country of origin (currently 4hrs prior to arrival). We have the following concerns:

- ▶ changing the time limit can result in **doubling the transit time for urgent and time sensitive goods** resulting in a **significant disruption of the supply chains of users**;
- ▶ a proposal with a significant impact on trade and administrative processes **should be subject to a full impact assessment**, this is currently not planned;
- ▶ national customs authorities are **still experiencing start up problems with ICS for its original purpose**;
- ▶ analysis of ICS data is done at Member State level and **shows inconsistencies across Member States**;
- ▶ using processed ICS data can lead to **loss of raw data that is of value to the risk assessment process**;
- ▶ the proposal does not take the impact of the other 2 pillars into account **resulting in a disproportionate measure**.

In order to avoid the problems that could arise from the concerns listed above **we would ask the Commission and DG TAXUD to consider supporting a pilot for advanced data risk assessment**, similar to the ACAS pilot that has been introduced in the US for the same objectives as the work done by the HLWG.

A pilot would have the following advantages over a regulation:

- ▶ The use of raw data pulled from original shipment data would allow for **more effective risk assessment for security purposes** in the context of terrorist threats;
- ▶ the data set of the pilot, consisting of 6 data elements, **would be easier to manage for risk assessment intelligence agencies**;
- ▶ using a similar approach as the US can help to **develop common and global standards**, strengthening opportunities for cooperation;
- ▶ a pilot would allow to **assess the impact on the overall supply chain and develop a model** that would be complimentary to the efforts made through secure trader programs and 3rd country security programs **in a proportionate way**;
- ▶ it would allow all parties (authorities, shippers and transporters) to **develop a system that would be less disruptive** to just in time delivery of critical and high value shipments;
- ▶ it would avoid introducing additional requirements for - the recently introduced - ICS system and **allow further work to make ICS work effectively**.

Our experts look forward to reviewing the scope of a pilot with the appropriate Commission Services.

The European Express Association (EEA) is the representative organisation for the express industry in Europe. The industry specialises in time-definite, reliable transportation services for documents, parcels, and freight. It allows European business to rely on predictable, expeditious delivery of supplies, thereby enabling them to attain and maintain global competitiveness. The express industry employs over 250,000 people across the EU and supports a further 175,000 indirect jobs in Europe through the supply-chain. The express industry's employees are widely spread across the EU.

For more information:

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