**FALLBACK PROCEDURES**

**IN CASE OF FAILURE OF THE CUSTOMS IT SYSTEM**

**Detailed description**

**Version 3, September 2018**

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1.0 INTRODUCTION

Fallback procedure is the procedure laid down to ensure the smooth functioning of the customs IT systems in the event of their temporary failure. In case of the procedure supported by IT systems, they are likely to lead to disruptions in their operations. By precise definition of the fallback in the event of failure of the customs IT system a limited or minimised impact on economy is provided.

2.0 USE OF FALLBACK PROCEDURE

**Failure of the customs systems on the entire territory of the Republic of Slovenia**

External partners can use the fallback procedure, if a notice of unavailability or malfunctioning of one or more customs information systems is published on the website of the Financial Administration (availability of IT systems) and the use of the fallback procedure is indicated. Publication means that external partners may use the fallback procedure without special permission no later than the cancellation is published on the website of the Financial Administration.

**Failure of the customs systems on the territory of a single financial office**

Local failure of the customs IT systems shall be published on the website of the Financial Administration and the fallback procedure proposed at the same time. Informing on the failure of the system together with approval of the fallback procedure can be done by the financial office, as well. External partners can also obtain this information from the Central Helpdesk, tel. (05) 297 6800.

**Failure of the IT system of external partners**

Where an external partner has problems with its information systems, the partner may apply for approval to use the fallback procedure with the supervising customs authority. Application shall be lodged on the [form for approval of the fallback procedure](http://www.fu.gov.si/fileadmin/Internet/Carina/Poslovanje_z_nami/e_Carina/Opis/Pomozni_postopki/Obrazec_za_odobritev_pomoznega_postopka_na_zahtevo_deklaranta.doc). Each declaration for the fallback procedure shall be accompanied by a copy of the approval.

3.0 FALLBACK PROCEDURE IN CASE OF SINCTS FAILURE

The customs authorities shall accept the transit declaration made in writing (on paper) in the following cases only ([Annex 72-04 to Commission Implementing Regulation (EU) No 2015/2447](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1463640245100&uri=CELEX:32015R2447)):

* where the computerised transit system of the customs authorities is not available, where the computerised system used by the holder of the procedure for lodging the Union transit declaration is unavailable and where the network between the holder of the procedure for lodging the Union transit declaration and the customs authorities is unavailable. In both cases the fallback procedure shall be used due to the unavailability of SINCTS (when the holder of the procedure application or the holder of the procedure network is not functioning the use of the paper declaration shall be subject to the approval of the customs authorities);
* where travellers have no direct access to the electronic transit system and consequently cannot lodge the transit declaration at the office of departure using data processing techniques.

Use of paper (manual) record is provided for cases of MNAD unavailability in addition to the unavailability of SINCTS. At the beginning of a calendar year the paper record shall start with the number 900.001.

# 3.1 REGULAR PROCEDURE – OFFICE OF DEPARTURE

The declarant shall print out of the system three copies of the completed transit/security accompanying document (TAD/TSAD) – form A without MRN. The single administrative document (SAD), copies 1, 4 and 5, or SAD printed out on plain paper from the trader’s system may also be used. The transit declaration shall be completed in accordance with the instructions in [Appendix C1, C2 and D1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341).

The declarant shall enter his stamp and signature in box 54 of all three copies and deliver them to the office of departure. The necessary supporting documents (invoice, CMR ...) together with the original of the comprehensive guarantee (TC31/TC33) – where it is not deposited at the office of departure – shall be attached to the declaration.

The office of departure shall record the transit procedure in the paper records P-SINCTS and enter the registration number in box C. In box A the office shall enter the special red stamp "NCTS FALLBACK PROCEDURE/BUSINESS CONTINUITY PROCEDURE" shown in Part II of [Annex 72-04 to Commission Implementing Regulation (EU) No 2015/2447](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1463640245100&uri=CELEX:32015R2447), seals and deadline for presentation of the goods to the office of destination, endorse and sign all copies. Copies 4 and 5 shall be returned to the declarant, while copy 1 shall be retained together with the attached documents. The office of departure shall also enter the stamp "*To be Returned to*: " followed by the address of the central transit office.

The declarant shall request cancellation of any previously electronically transmitted transit declarations for which the fallback procedure was introduced, if they have been accepted (MRN granted) upon restoring SINCTS.

After restoring the system, the transit declarations lodged under the fallback procedure shall be entered into MNAD.

As a remark, MRN from MNAD of the paper record P-SINCTS shall be entered by the customs authority.

# 3.2 SIMPLIFIED PROCEDURE – AUTHORISED CONSIGNOR

The authorised consignor shall print out of the system three copies of the completed transit/security accompanying document (TAD/TSAD) – form A without MRN. The single administrative document (SAD), copies 1, 4 and 5, or SAD printed out on plain paper from the trader’s system may also be used. The transit declaration shall be completed in accordance with the instructions in [Appendix C1, C2 and D1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341).

The authorised consignor shall enter his stamp and signature in box 54 of all three copies. The authorised consignor shall enter the metal stamp of the authorised consignor in box C. Beside this, the stamp »*To be returned to*: *«* followed by address of the central transit office shall be affixed.

The authorised consignor shall enter in box A the special red stamp »NCTS FALLBACK PROCEDURE/BUSINESS CONTINUITY PROCEDURE« shown in Part II [Annex 72-04 to Commission Implementing Regulation (EU) No 2015/2447](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1463640245100&uri=CELEX:32015R2447). In box D the consignor shall enter the number and the seal(s) ID, his authorisation stamp and deadline for presentation of the goods to the office of destination.

Prior to release the authorised consignor shall inform the supervising customs authority. Outside the working hours of the supervising customs authority, the consignor shall inform the Central Helpdesk, tel. (05) 297 6800.

After releasing the consignment or no later than the following working day until 8 am, the authorised consignor shall deliver a copy of the transit document for the fallback procedure to the supervising customs authority. This authority shall record the transit procedure.

The authorised consignor shall request cancellation of all previously sent electronic transit declarations for which the fallback procedure was introduced, if they have been accepted (MRN allocated) upon restoring the system.

The transit declarations lodged under the fallback procedure shall be entered in MNAD after restoring the system.

The customs authority shall enter MRN from MNAD in the paper record P-SINCTS as a remark.

Use of the fallback procedure shall also be defined by the authorisation of the authorised consignor.

# 3.3 FALLBACK PROCEDURE – OFFICE OF DESTINATION

Basic principle: the initiated fallback procedures shall end according to the fallback procedure rules. It is not possible to end them in NCTS. And vice versa: the transit procedures initiated in NCTS shall end in NCTS.

For the transit procedures under TIR Carnet mutatis mutandis apply the following:

* Termination of the initiated fallback transit procedure at the office of destination shall be made on the basis of copies 4 and 5 (or any other equivalent form). Copy 5 shall be send to the Transit Division (FUNG). This division shall inform the office of departure.
* Where the transit procedure initiated in the NCTS and SINCTS at the office of destination/office of exit is not functioning, any necessary checks and termination of the procedure shall be carried out on the basis of TAD/TSAD (recording in P-SINCTS). Entry in SINCTS shall be made after restoring the system (the competent authority may terminate the procedure).

4.0 FALLBACK PROCEDURE IN CASE OF SIAES FAILURE

Where the computerised system of the customs authorities is not functioning or the electronic application of the person lodging the export declaration is not functioning, the customs authorities may accept the paper-based export declaration.

# 4.1 REGULAR PROCEDURE

The declarant shall print the export/security single administrative document (copies 1, 2, 3) corresponding to the model set out in [Appendix I1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341) and export/security list of items corresponding to the specimen set out in [Appendix I2 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341). The SAD form shall contain the minimum list of data required for the export procedure and provided for in [Appendix C1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341).

It is also acceptable to use the SAD form (copies 1, 2, 3) supplemented by the security and safety document corresponding to the model set out in [Appendix J1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341), and security and safety list of items corresponding to the specimen set out in [Appendix J2 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341).

SAD shall be completed with the particulars required in [Appendix C1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341) and [Pravilnik o izpolnjevanju enotne upravne listine, elektronskem poslovanju s Finančno upravo Republike Slovenije in o drugih obrazcih, ki se uporabljajo pri izvajanju carinskih formalnosti.](http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV12871)

The declarant shall complete box 54 of all the SAD forms and copies with his signature and stamp and submits them together with accompanying documents (invoice, etc.) to the office of export.

In the office of export the export declaration shall be recorded in the paper-based record P-SIAES, in box A name in serial number shall be entered and box D shall be stamped. At the beginning of a calendar year the paper-based record shall start with the number 900.001. Copy of the export/security SAD or copy 1 SAD together with accompanying documents shall be retained by the customs authority and copy 3 accompanies the consignment to the customs office of exit.

For any previously sent electronic export declarations subsequently introduced in the fallback procedure, the office of export shall establish appropriate status ("released for export") after restoring the system.

If there are multiple transmissions of declarations for the same consignment, the declarant shall subsequently require cancellation of the excess declarations.

After SIAES has been restored, the declarant shall send the export declarations lodged under the fallback procedure.

The customs authority shall enter the indication and MRN from the computerised record in the paper-based record P-SINCTS as a remark.

Due to discharge of export, the declarant shall subsequently deliver to the office of export forms of the export/security SAD document, or copies 3 of the SAD endorsed by the office of exit.

# 4.2 SIMPLIFIED PROCEDURE – HOUSE CLEARANCE ON EXPORT

The holder of the house clearance authorisation shall print two copies of the export/security SAD (copy 3) corresponding to the model set out in [Appendix I1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341) and the security and safety list of items corresponding to the specimen set out in [Appendix I2 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341). The SAD form shall contain the minimum list of data required for the export procedure laid down in [Appendix C1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341).

It is acceptable to use of the SAD form (copy 3) supplemented by the security and safety document corresponding to the model set out in [Appendix J1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341) and by the security and safety list of items corresponding to the specimen set out in [Appendix J2 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341). Copy 3 shall not contain MRN.

Copy 3 shall be completed with all particulars in accordance with [Appendix C1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341) and [Pravilnik o izpolnjevanju enotne upravne listine, elektronskem poslovanju s Finančno upravo Republike Slovenije in o drugih obrazcih, ki se uporabljajo pri izvajanju carinskih formalnosti.](http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV12871)

The holder of the authorisation shall stamp box A of copy 3 with his house clearance stamp. The number of entry shall be entered into the records (KV).

Prior to release of the goods the holder of the authorisation shall inform the supervising customs authority. Outside the working hours of the customs supervising authority the holder shall inform the Central Helpdesk, tel. (05) 297 6800.

After the system has been restored, the office of export shall establish appropriate status ("released for export") of the previously sent electronic export declarations.

If there are multiple transmissions of declarations for the same consignment, the declarant shall subsequently require invalidation of excess declarations.

After the system has been restored, the declarant shall send to the system the export declarations lodged under the fallback procedure.

The customs authority shall enter the indication and MRN from the computerised record in the paper-based record P-SINCTS as a remark.

Due to discharge of export, the holder of the authorisation shall subsequently deliver to the office of export the forms of the export/security SAD document, or copies 3 of the SAD endorsed by the office of exit.

# 4.3 PROCEDURE AT THE OFFICE OF EXIT

Along with the goods, a printout of copy 1 of the export customs declaration shall be presented to the customs office of exit. The office shall record the exit of the goods in the paper records P-ECS. At the beginning of a calendar year the paper records shall start with number 900.001.

When the customs declaration is available in the computerised system, or no later than the first working day, the procedure shall be discharged in ECS on the basis of the saved printout. If the customs declaration is not in the system at the time, the customs authority shall initiate the procedure for regulating the matter.

5.0 FALLBACK PROCEDURE IN CASE OF SIAIS FAILURE

# 5.1 REGULAR PROCEDURE

The import fallback procedure includes declarations, which have been sent to SIAIS before the failure and are placed in the status »lodged«.

In the time of failure, the declarant shall lodge the import declarations in writing (printouts of two copies of copy 6 on plain paper – all items included). Box 54 he shall be signed and stamped ba the declarant or his representative. In Box B LRN shall be entered.

The customs authority shall examine the declaration in writing and enter the data from the declaration in the paper records P-SIAIS. At the beginning of a calendar year the paper records shall start with the number 900.001. Box A shall be completed with the indication of the record and the serial number. The customs authority shall sign the declaration, stamp box D and retain it.

The customs authority shall give one copy 6 of the endorsed import declaration to the declarant after release.

After restoring SIAIS, the customs authority shall, by means of the search engine, search in the system for lodged declarations by LRN. MRNs shall be granted manually and the declarations shall be processed to the final status (e.g. "released") by the customs authority.

If necessary, box 44 of the electronically lodged declaration shall be completed with the code 3I020 under which the date other than the date of entry into the records of the electronically lodged customs declarations shall be used for accountancy.

After restoring the customs IT system, or where the search for the declaration in SIAIS by LRN has not been successful, the declarant shall send or resend the declaration to SIAIS.

The customs authority shall enter in the paper-based record P-SIAIS the indication and MRN from the computerised record as a remark.

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# 5.2 SIMPLIFIED PROCEDURE – HOUSE CLEARANCE ON IMPORT

As a rule, the holder of the house clearance authorisation shall notify the supervisory customs authority about the failure of the system prior to release of the goods for the selected customs procedure. Outside the working hours of the supervisory customs authority, the holder shall inform the Central Helpdesk, tel. (05) 297 6800.

On the basis of the data entered in the records (notification by telefax or electronic means), the supervisory customs authority or the Central Helpdesk in cooperation with the emergency officer of the supervisory customs authority shall decide on the control of the goods or their release for the selected customs procedure.

The holder/declarant and the customs authorities shall proceed, mutatis mutandis, substantive and procedural as the fallback procedure is implemented in regular procedures.

# 5.3 PROCEDURE WITH SIMPLIFIED DECLARATION ON IMPORT

The procedure shall be used at the border customs authority. In the event of failure of the module Nadzor, chapter 7 of the present document shall apply.

# 5.4 ELECTRONIC SHIP’S MANIFEST

Where the failure of the official IT system lasts more than half an hour, the head of the customs clearance division or the head of shift shall take the decision on the paper-based procedure.

Presentation of goods with the paper-based ship's manifest (PLM) is carried out in the paper form. The customs authority shall enter data in the paper records the numbering system of which differs from the numbering in the computer records. At the beginning of a calendar year the paper records shall start with the number 900.001. The paper records shall include data specified in the Instructions on keeping customs records of goods subject to customs supervision, No. 16/2006. The indication of the paper record, the serial number of recording and the year of recording (e.g. P-MNAD/900010/2015) shall be entered into the ship’s manifest. The number of recording shall be communicated to the ship agent and the cargo agent. Paper record keeping ends after the official restoring the official computer system.

When it happens that the transmitted data get stuck in the system because of the failure of the official system, they are automatically processed after restoring the system. The system notifies the ship agent and the cargo agent of the receipt confirmation of the manifest.

The number allocated by the system in the event of prior registration in the paper records serves for information purposes only (assuming that all activities related to cargo were carried out on the basis of the pre-allocated number of the paper record). The record number is in the form of MRN (e.g. 15SI006044P1234569). Traceability in view of the pre-kept paper record is also ensured.

Where due to the failure of the official IT system the applicant could not have sent the data required for the ship’s manifest electronically, after restoring the system the data shall be entered into the system by the customs officer. The record number shall be in the form of MRN (e.g. 15SI006044P1234569). Traceability in view of the pre-kept paper record is also ensured.

6.0 FALLBACK PROCEDURE IN CASE OF ICS FAILURE

The use of paper-based declarations or any procedure agreed between the customs administrations it is prescribed in case of system failures, but the paper-based declaration may be only used as one of the last options, since:

* the declaration of data about the consignments in the maritime and air traffic is very time consuming and extensive (hundreds of entry summary declarations for one means of transport);
* it is difficult to carry out the risk analysis because of the short time available for entering data into the system.

Proposal for the use of the fallback procedure depends on the type and place of errors occurred (customs system, trader’s system, common domain).

Paper-based entry summary declaration (ENS) shall be lodged using the form for safety and security document corresponding to the model set out in [Appendix J1 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341). Where the consignment for which ENS is made consists of more than one item of goods, the safety and security document shall be supplemented by the list of items corresponding to the specimen set out in [Appendix J2 of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341). The list of items shall form an integral part of the safety and security document.

The customs authorities may allow the safety and security document to be replaced or supplemented by commercial documents provided that the documents submitted to the customs authorities contain the data set out for the entry summary declaration in [Appendix A of Annex 9 to Commission Delegated Regulation (EU) No 2016/341](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458118003305&uri=CELEX:32016R0341).

Upon receipt, the paper-based ENS shall be recorded into the paper records (P-ICS) by the customs authorities.

Upon restoring the customs information system, subsequent lodging of ENS is not required.

The entry summary declaration can be lodged with a delay in the event of IT system is not available, if not violated the time limits for lodging.

# 6.1 FAILURE OF TRADER’S SYSTEM

In the event of unavailability of the trader’s IT system, the office of the first entry shall be notified of the unavailability of the system and the nature of unavailability. There are two different situations:

* inability to send ENS (IE315),
* inability to create and send ENS (IE315).

The customs authorities shall approve the use of the fallback procedure.

ENS shall be send to the customs authorities as soon as possible to resolve the problem of failure. This option exists as long as the trader does not notify the customs authority of the arrival of the means of transport (Article 133 [European Parliament and Council Regulation (EU) No 952/2013](http://eur-lex.europa.eu/search.html?DTN=0952&DTA=2013&qid=1424785273885&DB_TYPE_OF_ACT=regulation&DTS_DOM=EU_LAW&typeOfActStatus=REGULATION&type=advanced&lang=sl&SUBDOM_INIT=LEGISLATION&DTS_SUBDOM=LEGISLATION)). It should be noted that there is a possibility of delay in the implementation of the safety and security risk assessment at the first office of entry. Even the intervention message »IE351 – Do not load" is impossible to provide in time.

# 6.2 FAILURE OF ICS AT THE OFFICE OF FIRST ENTRY UPON LODGING ENS

When the customs IT system is not available, the customs authority shall approve the fallback procedure. In Slovenia, the fallback procedure can be used after the unavailability is announced on the FURS website.

ENS lodger should be sending ENS to the customs authority as long as possible. In the case of saturation of the national system, traders can address the customs office of first entry and use the option provided for the failure of the trader’s systems. In any case, the scenario must follow the provisions of Articles from 105 to 107 [to Commission Delegated Regulation (EU) No 2015/2446](http://eur-lex.europa.eu/search.html?DTN=2446&DTA=2015&qid=1466078566408&DB_TYPE_OF_ACT=regulation&CASE_LAW_SUMMARY=false&DTS_DOM=ALL&excConsLeg=true&typeOfActStatus=REGULATION&type=advanced&SUBDOM_INIT=ALL_ALL&DTS_SUBDOM=ALL_ALL) about deadlines for the risk analysis carried out by the customs. To this end, the deadlines based on the initially sent ENS shall apply.

There are two possible situations:

1. The customs authorities are able to process ENS prior to arrival of the means of transport at the office of first entry:

* ENS is invalid (IE316): legal obligation of lodging ENS before arrival has not been fulfilled. A “new” ENS shall be send upon arrival of the means of transport at the office of entry at the latest. The customs authorities shall process the “new” ENS, grant MRN (IE328) and send positive results of the risk analysis to the offices of subsequent entry (IE319).
* ENS is valid (MRN granted – IE328): the customs authorities should send the positive results of the risk analysis to the offices of subsequent entry (IE319).

1. The customs authorities are not able to process ENS before arrival of the means of transport at the office of first entry: the operator of the active means of transport shall notify the customs authorities of the first customs office of entry only of the arrival of the means of transport (Article 133 [European Parliament and Council Regulation (EU) No 952/2013](http://eur-lex.europa.eu/search.html?DTN=0952&DTA=2013&qid=1424785273885&DB_TYPE_OF_ACT=regulation&DTS_DOM=EU_LAW&typeOfActStatus=REGULATION&type=advanced&lang=sl&SUBDOM_INIT=LEGISLATION&DTS_SUBDOM=LEGISLATION)).

As soon as the problem is solved, the customs authorities shall process ENS and take appropriate measures: grant MRN (IE328) and send positive results of the risk analysis to the offices of subsequent entry (IE319). In the example described above, the customs offices of first entry shall only make the risk analysis for the goods to be unloaded at a place of the declared office of entry (e.g. port, airport, railway station), similarly in the case of exemption from ENS

(Article 186/8 [to Commission Implementing Regulation (EU) No 2015/2447)](http://eur-lex.europa.eu/legal-content/SL/TXT/?qid=1463640245100&uri=CELEX:32015R2447).

Where dealing with the cases of fallback procedures, their national procedures may be applied. If the problem is not solved within the time limits for arrival of the means of transport in the next port or airport, the office of first entry shall notify the office of subsequent entry via alternative means provided for sending positive results of the risk analysis.

# 6.3 FAILURE OF ICS AT THE OFFICE OF FIRST ENTRY UPON ARRIVAL OF GOODS

Where the customs information system was unavailable upon arrival of the goods to the office of entry or the office of subsequent entry, but before that the system in the office had been functional and all tasks had been completed prior to the arrival, the traders shall rely on the previously submitted ENS.

Where the system did not work in the office of subsequent entry, the information on the potential positive results of the risk analysis can be provided by the office of the first entry on request, possibly by means of the risk management system of the European Union (CRMS, e.g. secure e-mail).

The customs office of subsequent entry can obtain information about the office of the first entry from the operator of the active means of transport or from the port/airport information systems.

Where the office of subsequent entry does not receive a reply to a request IE302 due to the unavailability of the system at the office of first entry, the information concerning possible positive results of the risk analysis can be required by using CRMS, e.g. secure e-mail.

7.0 FALLBACK PROCEDURE IN CASE OF SIEMCS FAILURE

When computerised system SIEMCS is unavailable in Slovenia, the tax authority informs the users about the unavailability on its website ([Delovanje informacijskih sistemov](http://www.fu.gov.si/odis_fu_obvestila_o_delovanju_informacijskih_sistemov_furs/e_carina_obvestila_o_delovanju_informacijskih_sistemov_furs_odis_fu/?type=atom%27A%3D0%3Dd7d3d2add3c8ce3024bc7eaabfb53ccf%3D3dcbfc79ca8f8e21ed646c63ffcc1bcb)). The information allows the users to use the SIEMCS fallback procedure up to the moment when it is announced on the same website that the computerised system is restored.

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# 7.1 FALLBACK PROCEDURE FOR CONSIGNOR

When computerised system SIEMCS is unavailable in Slovenia, a consignor in Slovenia may, according to Article 39 of the Excise Act initiate the movement under the excise suspension regime with fallback procedure. The consignor may start a movement of excise goods under a excise duty suspension reime provided that before the beginning of the movement he informs:

* supervising financial office (excise division) during the working hours, or
* outside the working hours of the supervising financial office, it informs also the Central Helpdesk located at the Financial office Nova Gorica.

The consignor completes the paper form of [nadomestni spremni dokument za gibanje trošarinskega blaga pod režimom odloga plačila trošarine](https://edavki.durs.si/EdavkiPortal/OpenPortal/CommonPages/Opdynp/PageD.aspx?category=obrazec_nad_odprema) or any other form, that is aligned with Commission Regulation (EC) No 684/2009, Article 8(1) and includes all the data as draft e-AD and e-AD, which are specified in Commission Regulation (EC) No 684/2009, Annex, Table 1.

The consignor shall complete the form of the fallback accompanying document for the movement of excise goods under excise duty suspension regime. The completed form shall include the stamp and signature from the responsible person. One copy of the fallback accompanying document shall accompany the movement of excise products and the other copy shall be presented to the financial office which is responsible to supervise the consignor.

When the availability of the computerised system is restored, the consignor shall submit a draft electronic administrative document to the EMCS in accordance with Article 39 of the Excise Duty Act. As soon as the data in the electronic administrative document have been validated, that document shall replace the paper fallback accompanying document.

# 7.2 FALLBACK PROCEDURE FOR CONSIGNEE

The fallback procedure for consignee shall apply when the report of receipt cannot be submitted to EMCS at the end of movement of excise goods, within the deadline provided for submission of report of receipt (i.e. after five working days following the receipt of the consignment). Report of receipt cannot be submitted within the deadline when the computerised system is unavailable at the time or place of receipt or computerised system was unavailable at the time or place of dispatch. The consignee shall present a paper form of the fallback report of receipt to the supervising financial office. Form of the fallback report of receipt [nadomestno poročilo o prejemu za gibanja trošarinskega blaga pod režimom odloga plačila trošarine](https://edavki.durs.si/EdavkiPortal/OpenPortal/CommonPages/Opdynp/PageD.aspx?category=obrazec_nad_prejem) should be aligned with Commission Regulation (EC) No 684/2009, Article 8(3) and shall include the same information as the report of receipt referred to in the Commission Regulation (EC) No 684/2009, Annex 1, Table 6.

The consignee shall complete the form of the fallback report of receipt for the movement of excise goods under excise duty suspension regime. The completed form shall include the stamp and signature from the responsible person. It shall be presented to the supervisory finance authority that shall send it to the competent administration of the country of dispatch.

When the availability of the computerised system is restored, the consignee shall submit a draft report of receipt to the EMCS in accordance with Article 40 of the Excise Duty Act.

8.0 FALLBACK PROCEDURE FOR GOODS TO BE RECORDED IN MODULE NADZOR

At the time of failure the declarant shall lodge the documents in writing (paper-based) at the customs office. Further, he shall lodge copies of the documents in writing, if he operates with the customs authority in such a way that, where the system functions normally, entry of data into records is made by the customs authority.

The customs authority shall enter the data from the document in writing into P-MNAD record. The document shall be endorsed by indicating the name of the record and the serial numbers from the record, signed and certified by the seal and returned to the declarant. The copy of the document in writing which shall be retained by the customs authority shall also include the endorsement.

The declarant unable to send an electronic version of data at the time of failure of the system shall (despite lodging documents in writing during the system failure) send the data electronically after restoring the system.

After restoring the system, the customs authority shall enter into the customs IT system the data that could not have been entered at the time of the failure (certified copies in writing are kept).

The customs authority shall finally discharge the matters that are not placed in appropriate status (e.g. "released").

The customs authority shall manually enter the indication and MRN from the computerised record in the paper-based record as a remark.

9.0 FALLBACK PROCEDURE FOR TARIFF QUOTAS DRAWING

# 9.1 TARIFF QUOTAS DRAWING IN CASE OF CUSTOMS SYSTEMS FAILURE

The tariff quota management can be severely affected by the failure of the customs IT systems of the Financial Administration of the Republic of Slovenia. A valid request for tariff quota drawing (hereinafter: request) represents an incomplete customs declaration lodged in electronic or paper form, except in cases where the form is specifically mentioned. The customs systems failure can affect the allocation of tariff quotas, especially when a quota is critical. A belated sent request for tariff quota drawing may result in a failure to allocate it, because it has been drawn meanwhile.

The quota management requires a high degree of administrative cooperation between DG TAXUD and the customs administrations of the Member States. To this end, in the framework of the Customs Code Committee the Administrative arrangement on the management of tariff quotas has been adopted. It provides a detailed procedure for administrative cooperation between the customs administrations of the Member States and the Commission. In accordance with this arrangement, the Commission may defer the allocation as long as any Member State having difficulties with communication successfully communicates its requests.

The Commission appeals on the Member States to make less likely to ask the Commission to stop the allocation of tariff quotas because of specific technical difficulties in a Member State. Where a Member State cannot send the requests for quotas via CCN/CSI, a XML file with the requests generated by Kvote2 should be sent to the Commission. Where even this is not possible, a Member State shall send via e-mail an Excel file with the requests for quotas.

Communication of the requests for drawing of tariff quotas may be affected by failure of more systems taking place at different stages of the process of creating and sending the requests for tariff quotas drawing. In the event of failure of some applications of the system, it is necessary to provide fallback scenarios to ensure the possibility of sending the requests for tariff quotas drawing to the Commission in Brussels. The scenarios provide for that fallback procedures for receiving incomplete declarations are carried out before sending valid requests to the Division of TARIC in the Financial office Kranj (hereinafter: Division of TARIC),

**9.1.1 Complete SICIS system failure (failure of SIAIS and Kvote2)**

In such a case, declarations are not accepted in SICIS and consequently data are not entered in Kvote2 via supervising base. After the fallback procedure for receiving declarations in the customs clearance division has been carried out, the division sends valid requests to the Division of TARIC via e-mail. Manual entry of the requests in Kvote2 is not an option, neither is creation of a XML file.

Smooth operation plan:

* Division of TARIC sends an Excel file with the requests for quotas to the Commission via e-mail.

**9.1.2 Failure of SIAIS, Kvote2 functioning**

In such a case, declarations are not accepted in SICIS and consequently data are not entered in Kvote2 via supervising base. After the fallback procedure for receiving declarations in the customs clearance division has been carried out, the division sends an Excel file with valid requests containing all necessary data to the Division of TARIC. Manual entry of the requests in Kvote2 is carried out.

Smooth operation plan:

In the Division of TARIC the requests are manually entered in Kvote2 on the basis of request (Excel file) received from the customs clearance division. The XML file generated by Kvote2 is smoothly transmitted through the customary channel via CCN/CSI. Upon restoring SIAIS, the requests from SAD are automatically transferred to Kvote2 where they have to be examined. Manually created requests have to be cancelled.

**9.1.3 Failure of Nadzorstva2**

In the case of Nadzorstva2 failure, the requests are not entered in the table CURS\_ECL\_NADZOR from where filtration and transfer of the requests to Kvote2 are made.

Smooth operation plan:

The requests are manually entered in Kvote2 by the Division of TARIC on the basis of the requests (Excel file) received from the customs clearance divisions. The XML file generated by Kvote2 is smoothly transmitted through the customary channel via CCN/CSI. Upon restoring Nadzorstvo2, the requests are entered in Kvote2. Manually created requests have to be cancelled.

**9.1.4 Failure of Kvote2, SIAIS functioning**

In such a case, declarations (requests) are accepted in SICIS, but data are not transmitted to Kvote2.

Smooth operation plan:

* Option of manual creation of XML files by the Division of TARIC on the basis of received requests (Excel file) from the customs clearance divisions and their transmission to the Commission via e-mail.
* Division of TARIC sends Excel files with the requests for quotas to the Commission via e-mail.

**9.1.5 Failure of CCN/CSI connection**

Entry and creation of the requests in Kvote2 are smooth. Because of failure of CCN/CSI connection an XML file cannot be sent through Kvote2.

Smooth operation plan:

The Division of TARIC sends to the Commission a XML file with the requests generated by Kvote2 via e-mail.

# 9.2 PROCESSING REPLIES ON ALLOCATION IN CASE OF FAILURE OF KVOTA2 AND OF OTHER SYSTEMS RESPONSIBLE FOR RECEIVING AND PROCESSING REPLIES

Failure of the systems responsible for receiving and processing replies on the allocation of tariff quotas does not affect the allocation of tariff quotas. It only affects the time required for calculating the declaration and release of guarantee in case of a critical quota. There are two scenarios for such cases.

**9.2.1 Failure of CCN/CSI, Kvote2 functioning**

In the event of failure of CCN/CSI connection there is a possibility to ask the Commission to send the allocation XML file via e-mail. A request for manual import and processing of the reply is sent to the external provider via Helpdesk.

**9.2.2 Failure of Kvote2, CCN/CSI functioning**

In the event of failure of Kvote2 upon sending a reply on the allocation by the Commission via the CCN/CSI, the reply gets stuck in the message queue for processing until the application starts functioning. After the reply has been processed and the data have been recorded in Kvote2. Notices on the allocation of tariff quotas are visible in Kvote2. There is a possibility to ask the Commission to send the allocation in an Excel file via e-mail. Notices on the allocation of tariff quotas are manually drawn up and sent to the customs clearance divisions by the Division of TARIC.

# 9.3 GENERAL RECOMMENDATIONS

In all scenarios according to which a XML file is manually created or the requests are sent in an Excel file, the manually created requests should be aligned with the accepted declaration upon restoring the systems. Via Helpdesk, the external provider shall be addressed to align the requests in the database in accordance with the base and the business rules that apply to the management of tariff quotas. Therefore, despite the Commission's recommendation, it is our advice that in the event of shorter periods of the customs systems failure a request for suspension of the allocation of quotas is sent to the Commission, until our requests are successfully notified. In this way, additional costs that would be incurred in the alignment of the requests in Kvote2 can be avoided.