



Contact: Lisa B. Humber
Lisa.humber@maritimedelriv.com
267.974.0488
www.maritimedelriv.com

Summary

“10+2” Notice of Proposed Rulemaking

January 2, 2008

STOW PLAN

- Ships carrying exclusively bulk cargo exempted.
- Must be submitted not less than 48 hours after departure from last foreign port; if voyage < 48, hours, CBP must receive stow plan prior to arrival at first U.S. port.
- Data required:
 - Vessel Name
 - IMO #
 - Vessel operator
 - Voyage #
 - Container # (if containerized)
 - Equipment # (if containerized)
 - Equipment size and type (if containerized)
 - Stow position
 - Hazmat UN Code
 - Port of Lading
 - Port of Discharge
- Violations: liquidated damages of \$50,000 per vessel arrival for non-compliance.

CONTAINER STATUS MESSAGES (CSMs)

- Bulk and breakbulk ships exempted.
- To report terminal container movements and change in container status (e.g. empty or full)
- Required *“if the carrier creates or collects a SCM in its equipment tracking system reporting that event. The proposed regulation would not require a carrier create or collect any CSM data other than that which the carrier already creates or collects...”*.
- Must be submitted not later than 24 hours after the message is entered into the carrier’s equipment tracking system.
- Messages required when:
 - the booking is confirmed
 - the container undergoes a terminal gate inspection (at foreign port)
 - the container arrives or departs a facility (port, container yard, or other facility)
 - the container is loaded on or unloaded from a conveyance (ship, barge, truck, rail, feeder vessel, etc.
 - the vessel transporting the container departs from or arrives at a port
 - the container undergoes an intra-terminal movement
 - the container is ordered stuffed or stripped
 - the container is confirmed stuffed or stripped
 - the container is shopped for heavy repair.
- Other messages may also be transmitted rather than filtering the above.



Container Status Messages (cont).

- Messages must be transmitted using either ANSI X.12 or UNEDIFACT and include:
 - Container number
 - Date/time of event
 - Status of container (empty/full)
 - Location where event took place
 - Vessel ID associated with message
- Violations: liquidated damages of \$5,000 for each violation (max. \$100,000 per vessel arrival).
- *NOTE: Penalties for violations of the advance cargo manifest information requirements would be changed to be consistent with those for the CSMs.*



IMPORTER SECURITY FILING

- Bulk cargo exempted.
- Importer is "party causing goods to arrive within the limits of a port in the U.S."
 - For foreign remaining on board (FROB), importer = carrier.
 - For immediate exportation (IE), transportation & exportation (T&E), and Foreign Trade Zone (FTZ) entries, importer = party filing the documentation.
- Other than FROB cargo, must be submitted no later than 24 hours before cargo is loaded at foreign port.
- FROB cargo data must be submitted any time prior to loading at foreign port.
- Required at lowest bill of lading level (e.g., house bill, if applicable)
- One security filing can satisfy multiple bills of lading
- For other than FROB, IE, and T&E, data elements required include:
 - Manufacturer (supplier) name & address
 - Seller name & address
 - Buyer name & address
 - Ship to name & address
 - Container stuffing location
 - Consolidator (stuffer) name and address
 - Importer of record/FTZ applicant identification # (IRS, EIN, SSN or CBP assigned)
 - Consignee # (IRS, EIN, SSN or CBP assigned)
 - Country of Origin
 - Harmonized Tariff of the U.S. (HTSUS) #
- For FROB, IE, T&E shipments
 - Booking party name and address
 - Foreign port of unloading
 - Place of delivery (city code)
 - Ship to name and address
 - Harmonized Tariff of the U.S. (HTSUS) #
- Permission to divert T&E and IE shipments would be required.
- Break bulk cargoes which are exempt from "24-hour rule" would not be exempt from this requirement
 - Name and address of physical location(s) where goods were made "ship ready" would be provided for the container stuffing location; name and address of party who arranged for goods to be made "ship ready" would be provided for consolidator name and address.
- Violations: liquidated damages equal to the value of the merchandise involved in the default.