
The SAFE PORT ACT of 2006 – Importer Security Filing (10 + 2)

U.S. Customs' Importer Security Filing (ISF) program, also known as "10+2," goes into effect on January 26, 2009.

What is it? The Importer Security Filing (ISF) is a new security program which is being implemented by U.S. Customs in its efforts to protect the U.S.A. from unauthorized weapons etc being imported into the U.S.A..

Effective Date: The ISF program is effective for ocean shipments made on or after January 26, 2009. U.S. Customs is allowing a 12 month delayed enforcement period to allow time for the trade community to adjust. CBP will take into account difficulties that importers may face in complying with the rule as long as importers are making a good faith effort and satisfactory progress toward compliance. They will not issue "Do Not Load" messages or fines during this period. U.S. Customs will work to educate and inform the U.S.A. import community and ocean carriers to ensure that compliance is achievable and as a result may consider possible amendments to the final rule.

The regulation indicates a written comment period until June 1, 2009.

What is required: A security filing containing certain data elements for merchandise shipped by sea to the U.S.A. must be transmitted to U.S. Customs at least 24 hours before the cargo is laden on board a vessel. Exceptions are items plus 9 and 10 below.

Who is required to do what: The importer or a designated agent must file 10 data elements and the ocean carrier must file other 2 data elements.

Who files the ISF? The importer has the primary responsibility for filing the ISF, but the importer can authorize the customs house broker (or another party that has ABI filing capability) to make the filing on its behalf.

Who is the ISF "Importer": This is defined under 19 CFR 149 as "the party causing goods to arrive within the limits of a port in the U.S.A." This party can be the owner, purchaser, consignee or their agent.

What types of carriers are involved: 10+2 applies only to merchandise imported by ocean carriers. It does not apply to cargo entering the USA (Cross-border) via Canada or Mexico. Please note that CBP does not expect shipments to be diverted to Canada or Mexico to avoid the reporting requirements. This will be monitored.

Break bulk and RORO exemptions to the 24 hour Advance Manifest regulations:

Break-Bulk and RORO cargo customers who currently are exempt from filing the 24 hour advance manifest under ACL's exemption are required to file the ISF as soon as cargo details are known but no later than 96 hours prior to arrival of vessels at U.S.A. ports.

Please make note that this ruling is under review by CBP and is therefore subject to change.

Exceptions:

10+2 does not apply to bulk shipments (bulk cargo, oil, grain, coal, brick, etc.).

What are the 10 elements that an importer must include in the ISF filing?

For regular entries, IT (in-bond), and Foreign Trade Zone entries, the following are required to be filed by the ISF importer:

1. **Seller name and address:** This is defined as the last known entity by whom the goods are sold or agreed to be sold.
2. **Buyer name and address:** The last known entity to whom the goods are sold or agreed to be sold. If there is no sale, report the owner of the goods.
3. **Importer of Record number:** This is defined as the importer identification as listed on the entry summary. If the shipment is destined for a foreign trade zone, the identification number of the party filing the zone entry must be provided.
4. **Consignee number:** This is defined as the importer identification number that is currently reported as the ultimate consignee on the entry summary.
5. **Manufacturer (or supplier name):** This is currently defined as the entity that last manufactures, assembles, produces, or grows the commodity OR the supplier of the finished goods in the country from which they are leaving OR the manufacturer or supplier that is currently reported in the entry process as the manufacturer identification number.
6. **Ship to name and address:** This is the first deliver-to-party scheduled to physically receive the goods after the goods have been released from customs custody.
7. **Country of origin:** This is defined as the same country of origin as reported on the entry summary.
8. **Commodity / HTS Number:** This is defined as the current HTS number, provided to at least 6 digits but no more than 10 digits, for each commodity contained in the shipment.

Must be reported no later than 24 hours prior to arrival of vessels at U.S.A. ports:

9. **Container Stuffing Location:** This is defined as the name and address of the "physical" location where the goods were loaded into a container for shipping.
10. **Consolidator name and address:** This is defined as the name and address of the party that loaded the container or arranged for the loading of the container.

For break-bulk / roro cargo, the ISF must be filed no later than 24 hours prior to arrival of vessels at U.S.A. ports. House/trailers are included under 9/10 but loose cargo delivered to RSCT are not but it would be wise to include RSCT as the place of receipt/loading point in filings.

What 2 data elements are the carriers required to file?

The ocean carriers must report the following:

Vessel stow plan (container/cargo location) of the actual carrier. This will include the vessel name and operator, voyage number, container operator, unit number, size/type, stow position, hazmat code and load/discharge ports

Container Status Messages which must be reported when a unit:

- goes out gate to customer
- is returned to the terminal
- any event that occurs while unit is on the terminal
- is loaded on vessel
- is discharged from vessel.

NOTE: The carrier is also responsible for filing 5 data elements for all cargoes transiting the USA to other countries.

Alongside this message I would suggest you view the file "*The SAFE PORT ACT of 2006.ppt*" from our website which is a draft of the presentation which CBP will be giving in their seminars for importers/brokers in the U.S.A.

In addition you will find useful information on the following web sites:

http://www.cbp.gov/xp/cgov/trade/cargo_security/carriers/security_filing/

[CBP ISF/"10+2" 2009 Outreach Schedule](#)

There is a long time before the new regulations are enforced but I would nevertheless suggest you contact your trading partners in the USA at your earliest opportunity to discuss this rule further.

Regards

Abbreviations

ABI = Automated Broker Interface
CBP = US Customs & Border Protection
ISF = Importer Security Filing
CFR = Code of Federal Regulations
AMS = Automated manifest System