



**WORLD SHIPPING COUNCIL**  
PARTNERS IN AMERICA'S TRADE

## **Statement Regarding February 2 Enforcement of the U.S. Customs Service's 24-Hour Advance Filing of Import Cargo Declarations**

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**January 14, 2003**

**Recent announcements by U.S. Customs Service officials, including Customs Commissioner Robert Bonner, make it very clear that the Customs Service will begin enforcement of the new 24-hour advance cargo declaration filing requirements for vessel voyages beginning February 2.**

**Customs officials have also announced that they intend to use their authority to impose monetary penalties for non-compliance, to instruct carriers not to load noncompliant containers, and further, that they may use their authority to deny carriers' the ability to unload a noncompliant container when it arrives in a U.S. port. The potential consequences for noncompliance with these new rules are obviously very substantial.**

**Accordingly, all affected carriers and their customers should plan for the regulations being enforced and for business practices to comply with the requirements on February 2.**

**The Customs Service is still working to address a number of issues involved in the implementation of these new rules. There are several areas that are very clear, however, and on which they have stated they will insist on immediate compliance:**

- No FAK, "said to contain", or "consolidated shipment" cargo descriptions will be permitted**
- All information items on the cargo declaration forms must be filled out accurately and completely**
- Cargo declarations are to be filed 24 hours before vessel loading**
- NVOCCs must file their cargo manifests either (1) by becoming Automated Manifest System (AMS) filers themselves and filing directly with Customs, (2) using an AMS third party service provider, or (3) asking the ocean carrier to file their cargo declarations.**

**Regarding AMS qualified NVOCCs, the Customs Service is keeping a list on its website of those NVOCCs that are certified to be AMS eligible. This should provide ocean carriers with a way to confirm whether an NVOCC is eligible to file its own manifest.**

**NVOCCs and shippers should check in advance with the ocean carriers they use regarding what operational and information requirements the ocean carrier has established to ensure that it can file the information as required and that the containers tendered are compliant and do not encounter penalty actions.**

**Notwithstanding the fact that concerns about the ability to comply with the new regulations are expected to be expressed by various parties in the coming weeks, we strongly recommend that all carriers, shippers and marine terminals handling U.S. destination cargo operate with full recognition of the clear statements by the U.S. Customs Service that there will be no extension of time beyond February 2 for enforcement of the new requirements, and that penalties for noncompliance can be substantial.**

**The World Shipping Council, together with other trade interests, will continue to work with the Customs Service to seek greater clarity and guidance on certain issues involved in the implementation of the new rules, and has urged Customs not to penalize parties who are trying in good faith to comply with the new rules for violations of requirements that deserve further guidance from the agency – such as clearer guidance regarding acceptable cargo descriptions, and manifest amendments. Customs has expressed a desire and willingness to work with the industry in this regard. This does not imply, however, that carriers and shippers should not plan on full compliance on February 2.**