



**WORLD SHIPPING COUNCIL**  
PARTNERS IN TRADE

**Comments of the  
World Shipping Council**

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**Before the Bureau of  
Customs and Border Protection**

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**In the Matter of**

**Advance Passenger Information System  
Notice of Proposed Rulemaking  
Proposed Changes to 19 C.F.R. Parts 4, 122**

**USCBP-2005-0003**

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**October 12, 2006**

## **I. Introduction**

The World Shipping Council (the “Council”) is a non-profit trade association of over twenty-five international liner shipping ocean carriers, established to address public policy issues of interest and importance to the international liner shipping industry.<sup>1</sup> The Council’s Members include the leading ocean liner companies from around the world -- carriers providing efficient, reliable, and low-cost ocean transportation for America’s international trade.<sup>2</sup> The Members of the World Shipping Council are major participants in an industry that has invested over \$150 billion in the vessels, equipment, and marine terminals that are in worldwide operation today. Today, over 1,000 ocean-going liner vessels, mostly containerships, make more than 22,000 calls at ports in the United States each year -- more than 60 vessel calls a day. In 2005, we estimated that approximately 26 million TEUs of containerized cargo were imported into or exported from the U.S. The industry generates over a million American jobs and over \$38 billion of wages annually to American workers. The industry provides the knowledge and expertise that built, maintains, and continually expands a global transportation network that provides seamless door-to-door delivery service for almost any commodity moving in America’s foreign commerce. The Council’s Member lines include the full spectrum of carriers from large global lines to niche carriers, offering container, roll on-roll off, and car carrier service as well as a broad array of logistics services.

The Members of the Council have worked closely with the U.S. government to address the need for enhanced security of international maritime commerce. The industry also recognizes the importance of securing America’s trade and world trade from the threat of terrorism.

The Council’s comments on this proposed rulemaking for the Advance Passenger Information System (APIS) are made in a continued spirit of commitment to address these challenges with measures that are both meaningful and effective, and which continue to preserve the immense benefits that the American economy, American businesses and American consumers receive from the efficient and reliable flow of international maritime commerce.

With full support for the efforts of the Bureau of Customs and Border Protection (CBP) to establish enhanced security while ensuring the efficient flow of commerce, we offer the following comments to this proceeding.

## **II. Issues Raised by the Proposed Rulemaking**

In the present Notice of Proposed Rulemaking (NPRM), the major proposed change for vessels pertains to vessels departing from the U.S., specifically changing the

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<sup>1</sup> “Liner shipping” involves vessels engaged in regularly scheduled service to U.S. ports (e.g., ships leaving particular foreign ports for particular U.S. ports on a weekly schedule) in contrast to cargo vessels that call on U.S. ports for a particular voyage when hired (e.g., tanker and bulk shipping).

<sup>2</sup> A list of the World Shipping Council’s Member companies is provided as Attachment A.

requirement to submit a departure manifest for crew members, and – if applicable – passengers, from the current 15 minutes prior to departure to 60 minutes prior to departure via the eNOA/D system. CBP notes that the existing 15 minute prior to departure submission requirement “does not provide enough time to fully vet passengers or crew members or allow, where necessary, for the removal of a confirmed high-risk passenger or crew member from a vessel prior to departure.”

#### 1. Notification to the vessel operator

The Council’s members do not anticipate difficulty in complying with the proposed regulatory change. While we recognize that this NPRM appears to focus principally on aviation and passenger vessels, we would like to offer some brief comments regarding international cargo vessels.

The proposed rule does not clearly explain how, if CBP were to find a concern about any crew member after reviewing the pre-departure filing, the agency would contact the filing vessel operator. Unlike APIS, the Coast Guard’s electronic Notice of Arrival/Departure (eNOA/D) is not an automated, interactive system. Thus, when the vessel operator files its information in eNOA/D, there is no electronic response from the government.

The Council’s understanding is that any concerns about a crew member should have been addressed as that crew member sought entry into the U.S. – either when arriving with the same vessel or, in case of a replacement crew member, as the crew member arrived by plane to a U.S. airport and underwent the U.S. VISIT screening procedure. We have difficulty understanding when there would be a situation where a vessel crew member would be acceptably screened into the country but then found to be a security threat on the way out.

Consequently, we assume – and seek CBP’s confirmation – that questions about departing crew members on foreign-flag vessels presumably would be an extraordinarily rare occurrence.

In the event there was such a situation, however, the agency should be obligated to immediately notify the filer of the crew manifest of any concerns about a departing crew member. We request that the final rule clarify how this communication would be done.

This is needed both to effectively address whatever caused the concern about the seafarer and to ensure that vessel departures and operations not be unduly could be impacted over departure manifest issues. Denial of departure for a crew member may result in the vessel’s non-compliance with mandatory U.S. and international manning requirements, which could result in significant delays of vessel departure until a replacement crew member has been flown into the U.S. port of departure.

## 2. Coordination with the Coast Guard's eNOA/D requirements

The Coast Guard has for some time been planning on proposing a specific notice of departure requirement via the agency's eNOA/D system. We have learned that the proposed regulation has been drafted, is in internal routing within the Coast Guard, and may be published this fall.

We believe that the two Department of Homeland Security agencies should ensure that their respective reporting requirements for vessels departing the U.S., including crew manifest information and submission timeframes, be fully reconciled and aligned in order to provide carriers with the ability to file a single departure report that meets both agencies' requirements, as is currently done for the arrivals, to ensure continuation of the "single window" concept.

### **III. Conclusion**

The World Shipping Council and its Members support CBP's objective to establish effective mechanisms against the risk of terrorism. The Council and its Member lines are willing to work with the agencies to help them meet the government's enhanced security requirements.

We hope these comments and suggestions are helpful. Since September 11, the Members of the World Shipping Council have supported the U.S. Government's efforts to address the current security risks through both words and deeds. They will continue to work with the Government in the same spirit to support the implementation of these proposed rules in a manner that is clear, workable, and as accommodating to the movement of American commerce as is practicable.

## **Attachment A**

### **Member Companies of the World Shipping Council**

APL  
A.P. Møller-Maersk (including Maersk Line and Safmarine)  
Atlantic Container Line (ACL)  
China Ocean Shipping Company (COSCO)  
China Shipping Group  
CMA-CGM Group  
Compania Sud-Americana de Vapores (CSAV)  
Crowley Maritime Corporation  
Dole Ocean Cargo Express  
Evergreen Marine Corporation (including Italia Marittima and  
Hatsu Marine)  
Great White Fleet  
Hamburg Sud (including Alianca)  
Hanjin Shipping Company  
Hapag-Lloyd Container Line (including CP Ships)  
Höegh Autoliners, Inc. (formerly HUAL North America, Inc.)  
Hyundai Merchant Marine Company  
Kawasaki Kisen Kaisha Ltd. (K Line)  
Malaysia International Shipping Corporation (MISC)  
Mediterranean Shipping Company (MSC)  
Mitsui O.S.K. Lines  
NYK Line  
Orient Overseas Container Line, Ltd. (OOCL)  
United Arab Shipping Company  
Wan Hai Lines Ltd.  
Wallenius Wilhelmsen Logistics  
Yangming Marine Transport Corporation  
Zim Integrated Shipping Services, Ltd.