



**WORLD SHIPPING COUNCIL**  
PARTNERS IN TRADE

**COMMENTS OF THE  
WORLD SHIPPING COUNCIL**

**REGARDING**

**THE 3<sup>RD</sup> REVISED DRAFT COMMISSION REGULATION 1250/2005  
TO AMEND COMMISSION REGULATION 2454/93  
TO IMPLEMENT THE COMMUNITY CUSTOMS CODE**

**ANNEX 30A: ADVANCE CARGO DATA ELEMENTS  
FOR RISK ASSESSMENT PURPOSES**

April 18, 2006

1. Introduction

On March 1, 2006, the World Shipping Council submitted comments to the European Commission regarding the proposed Community cargo risk assessment system contemplated in the 3<sup>rd</sup> revised draft Commission Regulation 1250/2005 to amend Commission Regulation 2454/93.

The Council did not have adequate time in our previous comments to review the current draft Annex 30A regarding the proposed data elements to be included in the advance summary declarations and to include detailed observations on that Annex.

We indicated at that time that the Council would offer the Commission additional comments on the draft Annex 30A. These additional comments are provided below, which we hope will be of use before any final decisions are made by the Community Customs Committee on the content of Annex 30A.

## 2. Bills of Lading

In Section II (a) of the Council's March 1 submission, we discussed the filing obligations set out in Article 36a of Regulation (EC) 648/2005. We *inter alia* noted that the 3<sup>rd</sup> revised draft Commission regulation refers to, but provides no further explanation of the scope of applicability of, Article 36a. Consequently, we set out our understanding – and requested the Commission's confirmation of our understanding – that (1) the pre-arrival summary declaration is the cargo manifest which reflects and utilizes the information found on carriers' bills of lading, and (2) the advance summary filing obligation lies with the carrier that enters into the contract of carriage, evidenced by the bill of lading, which is issued by that carrier to the shipper.

It is important to obtain confirmation from the Commission that bill of lading information will provide the data elements in the carrier's pre-arrival summary declaration. If ocean carriers can not meet their pre-arrival summary declaration filing obligations by relying on the information in the bill of lading, the implementation of the contemplated advance filing obligations for ocean carriers for cargo risk assessment purposes would be problematic.

As noted in our March 1 submission, the draft Annex 30A does not follow the recommendation in the WCO Framework of Standards to Secure and Facilitate Global Trade (June 2005) that sets the required advance data elements for risk assessment purposes out in two sets, with one set of advance data elements to be provided by the exporter and importer, and another set of advance data elements to be provided by the carrier. Instead, draft Annex 30A essentially lumps the two data element sets, identified by the WCO Framework, together into one set of advance data elements to be provided by the carrier.

This lumping together of advance data elements to be provided only by the carrier would be a major concern to the World Shipping Council and its Member companies *if* the result was that the carrier's bills of lading can not be used to meet *all* of the carriers' advance data element filing requirements. Further, if this were to be the outcome, the lumping together of the advance data elements would undermine the principles clearly embraced by the WCO Framework: 1) that advance data for risk assessment purposes should be obtained from the party with most direct knowledge of the information, 2) that carriers should not be looked at as the only source for advance data for such purposes, and 3) that carriers should be able to meet their advance filing obligations by relying on and using the bill of lading information.<sup>1</sup> Further, it would require ocean carriers to develop and implement new reporting instruments and commercial data collection mechanisms globally for the sole purpose of meeting European Community reporting requirements. Such a scenario would encompass a plethora of procedural, operational and systems difficulties and challenges for the carriers and their shipper customers.

Because we are unaware of any intent by the Commission to require carriers to file data that is not available from current bills of lading, our comments herein continue to

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<sup>1</sup> The same principles also underpin the U.S. Customs and Border Protection (CBP)'s so-called 24 Hour Rule regarding advance manifest information to be filed with CBP at least 24 hours before commencement of vessel loading in the foreign load port.

assume that ocean carriers would be able to provide the data elements in the pre-arrival summary declaration from the bill of lading information. Accordingly, our following comments are intended to offer a description of how the data elements could be interpreted and applied in a way that reflects and aligns with the *modus operandi* of the ocean carriers' transportation documents.

Before addressing the individual data elements in the current draft Annex 30A, these comments provide a brief summary of the well-defined and longstanding role of bills of lading in international commerce. Bills of lading serve three purposes.<sup>2</sup> They are:

i) The bill of lading as a cargo receipt

The bill of lading serves as a cargo receipt and documents the contents of a shipment and the party from whom the carrier received the cargo (i.e., the shipper).

A long-standing and internationally accepted way for carriers to control their liability for cargo delivered to them in sealed containers (i.e., containers that the shippers have loaded or "stuffed" and sealed prior to delivery to the carrier) is to include a notation on the bill of lading that the goods listed are "Shipper's load and count."<sup>3</sup> Such a notation indicates that the carrier has not independently verified the quality or quantity of the cargo, thus providing some liability protection if upon delivery it is discovered that the shipper improperly loaded or counted the contents of the container. The practice reflects the fact that the shipper named on the bill of lading is the party tendering the cargo to the carrier and is thus the party with direct knowledge of what merchandise was loaded and counted in the container.

ii) The bill of lading as a contract for transportation

Contracts for transportation involve three parties: the shipper, the carrier, and the consignee (although the shipper and consignee can in some instances be the same party). The bill of lading is a legal document that either is itself the transportation contract or evidences that contract. Important legal consequences flow from this contractual relationship. For example, as a party to the contract, the shipper would have a right to make a claim against the carrier in the event of loss of or damage to the cargo in which it has a legal interest. For example, the bill of lading is the touchstone for applicability of prevailing national and international cargo liability regimes, including those in place in Member States. For example, the shipper on the bill of lading is entitled to direct that goods be stopped in transit. For example, because a bill of lading reflects a transportation contract, certain obligations and information may flow with the contract, such as

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<sup>2</sup> See e.g., the definition in "Dictionary of International Trade. Handbook of the Global Trade Community. 6<sup>th</sup> Edition" (World Trade Press): "A document issued by a carrier to a shipper ...furnishing written evidence regarding receipt of the goods (cargo), the conditions on which transportation is made (contract of carriage), and the engagement to deliver goods at the prescribed port of destination to the lawful holder of the bill of lading" (page 24).

<sup>3</sup> Sometimes also referred to as "Shipper's load, stow and count"

the payment of ocean freight and other transportation and documentation charges.

iii) The bill of lading as a document of title

Many international transactions are financed through letter of credit arrangements in which payment is made against tender of documents to the issuing bank. Typically, presentation of a bill of lading that is consistent in all respects to the underlying contract for purchase and sale of the goods is one of the documentary requirements.

In fulfilling these three purposes, the bill of lading is an *internationally* recognized legal document, is an integral part of international trading practice, and is governed by laws in many nations and by international conventions.<sup>4</sup>

We have included the above description of the internationally accepted role of bills of lading to highlight that the information in a bill of lading is included and used for very specific commercial purposes and, further, that the data elements in the bill of lading are strictly data relevant to the *transportation* of goods. The ocean carrier's bill of lading unquestionably contains information of relevance and interest for cargo risk assessment purposes, but it is limited to the information that is known and is being made known to the carrier for the purpose of transporting a containerized shipment from the place where the carrier takes receipt of the shipment, to the place where the carrier's shipper customer has instructed it to deliver the shipment. Using the bill of lading for other purposes and/or changing the data elements for such other purposes, would alter the well-defined role of bills of lading in international commerce with potentially substantial impacts on ordinary commercial practices, control of cargo in transit, cargo liability regimes, contractual responsibilities, and international sales financing transactions.

3. Discussion of the individual data elements in Annex 30A<sup>5</sup>

Turning to the current Annex 30A, the following comments on the individual data elements are based on the assumption that the bill of lading may be used by carriers to meet their advance summary declaration filing obligations. To further assist the Commission in its deliberations on the final data elements to be included in Annex 30A and in better understanding the actual data elements included in existing bills of lading, we have attached a number of actual bills of lading, including so-called "To Order" bills of lading and bills of lading issued to freight forwarders, who – as discussed at length in our March 1 submission – have purchased space aboard ocean carriers' vessels and in turn resell that space and issue their own bills of lading to their customers. We request

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<sup>4</sup> E.g., the Hague Convention, the Hague-Visby Rules, and the Hamburg Rules. See also United Nations Commission on International Trade Law's draft instrument on the carriage of goods by sea.

<sup>5</sup> We have indicated below with the following symbol ¶ those advance data elements that the WCO Framework suggests should be provided by the exporter and importer for cargo risk assessment purposes, but which in the current draft Annex 30 A would be required to be provided by the carrier as part of its pre-arrival (and pre-departure) summary declaration. Unless otherwise noted, the data elements must according to draft Annex 30A be included in both the pre-arrival and pre-departure summary declarations.

that these actual bills of lading not be made public or otherwise circulated outside Community fora responsible for the implementation of Regulation (EC) 648/2005.

**Gross mass (kg) ¶:** The explanatory comments state that this data element should provide the “weight (mass) of goods including packing but excluding the carriers equipment”. For containerized shipments, we request confirmation that the ocean carrier would be able to rely on the weight from the bill of lading as that weight has been declared by the shipper -- the party who has loaded (or “stuffed”) the container and sealed it prior to delivery to the carrier, including in situations where the shipper uses another weight scale than kilos, e.g. lb.

**Goods description:** The explanatory comments require that the description must be “precise enough for Customs services to be able to identify the goods”. The explanatory comments go on to explain that “general terms (i.e. “consolidated”, “general cargo or “parts”) cannot be accepted”.

We have no objection to this general explanation, but would recommend – also in order to avoid substantially different interpretations of this requirement by different Customs administrations at different Community ports - that further guidance on acceptable cargo descriptions be provided as part of the implementation of the final Commission regulation.

**Type of packages¶:** For containerized shipments, the ocean carrier would only be able to provide the number and quantities provided by the shipper and as reflected in the bill of lading.

As discussed above, it is a long-standing and internationally accepted practice for the ocean carrier, which issues the bill of lading, to include a notation for sealed containers on the bill of lading that the goods listed are “shipper’s load and count” (or “shipper’s load, stow and count”). Such a notation indicates that the carrier has not independently verified – and cannot independently verify - the quality or quantity of the cargo. This practice reflects the fact that the shipper named on the bill of lading is the party tendering the sealed cargo container to the carrier and is thus the party with direct knowledge of what merchandise was loaded and counted in the container.

We note that the United States’ 24 Hour Rule embraces the principle that the filing carrier will be able to rely on the number and quantities provided by the shipper and as reflected on the bill of lading. In addition, that Rule requires the filing carrier to transmit the quantity of the lowest external packing unit. It further clarifies that “containers and pallets are not acceptable manifested quantities; for example, a container containing 10 pallets with 200 cartons should be manifested as 200 cartons”. We would have no objection if the Commission implementing regulation were to establish an identical “lowest external packing unit as reflected on the bill of lading” requirement.

**Shipping marks:** For containerized shipments, the container number should be substituted for “shipping marks”. We welcome that the explanatory notes to this data elements provide for this.

**Number of packages¶:** As explained above regarding type of packages, for containerized shipments the filing carrier is able to provide the number and quantities

provided by the shipper and as reflected on the bill of lading. We seek confirmation that this would be acceptable.

**Commodity Code¶:** We note from the explanatory comments that this data element would not – for *pre-arrival* summary declarations - be required if a goods description is provided instead. However, it would appear that both a goods description and the first four digits of the European Union Combined Nomenclature (CN) code must be provided for *pre-departure* summary declarations.

We do not understand the reason for this difference in requirements. It would seem that either the goods description or the first four digits of the CN code would suffice for risk assessment purposes regardless of whether the shipment is for import or for export. We recommend that the explanatory notes be amended accordingly, preferably also with the clarification that for containerized shipments, the filing carrier, in the absence of knowledge to the contrary, must be able to rely on the goods description or the first four digits of the CN code as provided by the shipper and as reflected on the bill of lading.

**Person lodging the summary declaration¶ and Carrier (pre-arrival summary declarations only):** We comment on these two data elements together because they would appear to be closely related to the discussion in our March 1 submission of who would be obliged to file advance summary declarations.

As noted in that submission, our understanding is that the revised draft Commission implementing regulation's advance shipment declaration filing obligation lies with the ocean carrier that enters into the contract of carriage and issues the bill of lading for the containerized goods.

However, the "carrier" data element would seem to require the same information. According to the explanatory notes accompanying this data element, the "carrier" is the "party that transports the goods at entry in customs territory". As explained in our March 1 submission and in more detail above, the carrier that has entered into a contract of carriage (or contract of transport) will issue a bill of lading that is or evidences that contract. In other words, through the issuance of the bill of lading, the carrier will have assumed responsibility for the *transport* of the goods at entry.

If the carrier is the filing party, we would see no reason for the "person lodging the summary declaration" data element. We thus seek clarity regarding whether it is the intent that this data element be completed only in cases to identify a third party that is lodging the summary declaration on behalf of a carrier.

Finally, we note that the "carrier" data element refers to a footnote (1) which states: "Coded version, where available". We are unclear what is intended by this, also considering that we understand that currently import manifests are required to include the carrier's full name. One possibility to bring needed clarity to this question might be for the Community to consider a code akin or identical to the Standard Carrier Alpha Code (SCAC) Code that filing carriers are required to obtain and use in their filings in accordance with the United States' 24 Hour Rule.<sup>6</sup>

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<sup>6</sup> For more information about the SCAC Code, see U.S. Customs and Border Protection's website at [www.cbp.gov/xp/cgov/import/communications\\_to\\_trade/advance\\_info/scac\\_reminder.xml](http://www.cbp.gov/xp/cgov/import/communications_to_trade/advance_info/scac_reminder.xml) and the related links provided on that website.

**Consignee¶:** The explanatory comments state this must be “the party to whom goods are *actually* consigned” (our emphasis). We have several comments in this regard. First, the word “actually” could be confusing. The consignee on a carrier’s bill of lading is the party to whom delivery of the container is to be made. The carrier may have no knowledge of the party to whom the goods will ultimately be consigned. We seek confirmation that the party named as consignee on the bill of lading is what is intended. If the identity of subsequent parties is desired, then the importer would have to provide that data, as the carrier will not have it.

Second, in some cases, there may not be a party named as a consignee on the bill of lading. Today, “to order” bills of lading may be issued pursuant to which there will be no consignee. There are essentially two types of “to order” bills of lading (the attached set of actual bills of lading includes examples of both types). Either type provides for the transfer of title to the goods to another party by the entity to whose order the bill of lading is consigned. The difference is that this entity may be the shipper (in the case of “to order” (of the shipper) bills of lading) or it may be another party (if the consignee field on the bill of lading shows “to order of XXXXXX”).

Third, for Freight Remaining On Board (FROB) cargo shipments, by definition, there will be no Community-based consignee. Such shipments will either have a non-Community based consignee or they will be “to order” shipments as discussed above.

Accordingly, we request clarification whether this proposed data element requires a consignee’s name to be provided only if there is a party named on the bill of lading to whom the carrier is responsible for delivering the goods and, further, that “to order” bills of lading will remain acceptable under the terms of the implementing regulation (with the implication that the words “to order” can be written in the consignee field for such shipments). We also request clarification that for FROB shipments the consignee field can be a non-Community based entity (unless they are “to order” FROB shipments).

Another feature of the ordinary and accepted way of doing business for containerized shipments is that goods may be sold in transit so that the original consignee (where such is listed on the bill of lading) may be changed after the filing of the advance summary declaration if the goods are sold in transit. We request clarification that the implementing regulation will continue to accommodate such goods-sold-in-transit transactions.

We note that this request for clarification is closely tied to the observation in our March 1 submission that the 3<sup>rd</sup> revised draft Commission regulation does not currently provide clarity about how amendments will be handled specifically for pre-arrival and pre-departure summary declarations. The Council respectfully reiterates its request in that submission that such guidance and clarity regarding amendments to summary declarations be provided in the implementing regulation.

Finally, the data element refers to a footnote (1) that states: “Coded version, where available”. It is not clear what is intended by this. What code? Who decides whether a coded version is available, and based on what criteria?

**Notify party (pre-arrival summary declarations only) ¶:** The explanatory text states this is “the party to be notified at import of the arrival of the goods. This information needs to be provided where applicable”. We have no problem with this provision as long

as it is understood that for FROB shipments there will most likely not be a Community-based notify party. We would appreciate if the final implementing regulation would confirm this understanding.

The data element refers to a footnote (1) that states: "Coded version, where available". As noted above, it is not clear what is intended by this.

**Consignor:** Noting that the explanatory comments state that this is "[the] party consigning goods *as stipulated in the transport contract* by the party ordering transport" (our emphasis), we assume that this data element can be met by providing the shipper information included in the bill of lading, and thus have no problem with this provision.

The data element refers to a footnote (1) that states: "Coded version, where available". As noted above, it is not clear what is intended by this.

**Goods item number; Declaration date; [Signature] Authentication; Number of items:** The explanatory comments and the accompanying footnote 2 state that these data elements will "automatically [be] generated by computer systems ... [and have] no relevance for security purposes".

We are unsure of what is meant by these explanations and of the purpose of including these four data elements. If the expectation is that carriers' computer systems have the capability to generate such data elements, we would have significant concerns, including that carriers may not have the requested information. Further, if these data elements have "no relevance for security purposes", it is not clear why they should be made part of the advance summary declarations whose purpose is to provide information deemed of importance for Customs' cargo risk assessment responsibilities. We also note that all of these data elements pertain to, or can be extracted from, the export/import declaration, whose filing is the sole responsibility of the shipper (or importer) and which may typically not be known to the ocean carrier. Accordingly, if the Commission deems these data elements to be of relevance, they should be obtained from the shipper (or importer) rather than the ocean carrier in conformance with the WCO endorsed principles that advance data for risk assessment purposes should be obtained from the party with most direct knowledge of the information and that carriers should not be looked at as the only source for advance data for such purposes.

We respectfully request that the rationale and purposes behind these data elements be provided to allow the Council and its Member companies to assess fully the implications of their inclusion.

**Customs office of exit (pre-departure summary declarations only):** The explanatory comments state that this data element pertains to "the Customs office by which it is intended that the goods should leave the customs territory of the Community". We request confirmation that this data element thus should capture the name of the Customs office at the Community port where the goods are intended to be loaded on the vessel, and to which – in accordance with Article 182d (c) of the Community Customs Code – the pre-departure summary declaration must be filed. Assuming such confirmation, it would be useful to clarify the meaning of this data element in the final version of Annex 30A.

**UN Dangerous Goods Code<sup>7</sup>:** Consistent with our discussion above regarding the functions of bills of lading, for containerized shipments, the ocean carrier will rely on the information provided by the shipper and as reflected in the bill of lading.

**Transport charges method of payment code:** The World Shipping Council and its Member companies do not agree with the inclusion of this data element as currently worded in draft Annex 30A.

First, we are concerned that the Annex appears to convey an impression that all cash freight payments constitute a “high security risk” that automatically should trigger “do not load” messages. It is important that the Commission and Member States’ Customs administrations understand that in some geographical regions, cash freight payments are not uncommon and are fully acceptable and legitimate commercial practices.

Second, and specifically regarding the currently worded requirement to provide one of seven codes in the advance summary filings for the method of payment, we strongly submit that it will not be possible for ocean carriers – at the time of the filing of the advance summary declarations – to meet the requirement under existing and longstanding business practices and processes.

At the time of filing of the advance summary declaration, an ocean carrier may not know how the freight will be paid. The carrier may know if the freight will be “prepaid” or “collect”, i.e., whether the shipper and/or the consignee is responsible for the freight payment. But even this distinction may be blurred as the transportation charges may be split between “prepaid” and “collect”, either by tariff stipulation or by agreement between contract parties. There may also be ‘freight payers’ who are not listed on the bill of lading, such as freight forwarders or brokers. Logically, payment method cannot possibly be known beforehand for “collect” freight.

The carrier’s documentation office, which is responsible for submitting the cargo manifest, would not be able to include in the advance filing information regarding the type or method of payment. Some customers will make electronic payments, some will pay by check, and some may even pay cash. Collect charges may be paid in the same manner. Some customers have credit arrangements with their carriers and are not responsible for payment until after delivery of the cargo. The credit agreements do not stipulate the manner that the payment must be made, only the required time frame for same. In some cases the manner of payment may only be known upon delivery of the cargo.

Compliance with this data element as currently worded would not be commercially feasible. The Council does not support the inclusion of this data element in the final version of Annex 30A; we are, however, willing to engage in further dialogue with the Commission about this issue if necessary.

**Transport document number<sup>7</sup>:** We request conformation that ocean carriers can meet this information requirement by including in the advance summary declaration the bill of lading number for a particular containerized shipment.

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<sup>7</sup> The WCO Framework’s data elements do not include this information (but instead includes a Unique Consignment Reference (UCR) number. See *below*).

**Place of loading (pre-arrival summary declarations only):** The explanatory notes describes this data element as pertaining to the “name of a seaport, airport, freight terminal, rail station or other place at which goods are loaded onto the means of transport being used for their carriage, including the country where it is located”. We note that this explanation seeks identification of the place/port where the cargo is being *loaded* onto the means of transport, not the place/port where the carrier takes *possession* of the goods. These two places/ports may not be the same, and clarity of the exact definition of this data element is needed. Thus, we request confirmation that for ocean freight this data element pertains to the foreign *port* where the containerized shipment will be loaded onto a vessel bound for a port (or ports) in the Community. Further, assuming this is the correct understanding of this data element, our understanding is that the 24 hour advance filing requirement should be counted back from the planned commencement of loading at this particular port. We also seek clarification that this is the correct understanding.

The data element refers to a footnote (1) that states: “Coded version, where available”. As noted earlier, we seek further clarity on this provision.

**Location of goods (pre-departure summary declarations only)<sup>8</sup>:** The explanatory notes state that this data element is intended to capture “the precise location where the goods may be examined”. We do not understand this data element. Subject to further explanation, it would seem superfluous and unnecessary. The “Customs office of exit” data element discussed above would seem sufficient for Customs’ risk assessment purposes for containerized shipments.

The purpose behind the establishment of a 24 Hour Rule for containerized shipments, which the Council supports, is to allow the appropriate Customs administration to undertake a security and safety risk assessment of a shipment before vessel loading. If that risk assessment for a specific shipment results in a determination that the shipment may be of “high risk”, the Customs administration would under the terms of the implementing regulation (for both inbound *and* outbound cargoes) presumably issue a “do not load” message to the ocean carrier. If such a message has been issued, the carrier would be obligated, once the container physically shows up at the loading port, not to load the container until the security concerns have been addressed to the satisfaction of that particular Customs administration, including, where warranted, an inspection of the contents of the container at a location to be determined by the Customs administration. This interpretation is further supported – for export shipments from the Community - by the inclusion in the 3<sup>rd</sup> revised draft Commission implementing regulation of new Article 842d, paragraphs 2-4, whereby “the customs authorities” shall notify “the declarant” if, upon completion of risk analysis, it is determined that “the goods are not to be released”. As discussed in our March 1 submission, our assumption is that this new provision is intended to provide for a “Do Not Load” message akin to the one contemplated for containerized shipments to be brought into the Community Customs Territory.

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<sup>8</sup> The WCO Framework’s data elements do not include this information.

Based on this understanding, the “location of goods” data element would – for containerized shipments – be the same as the “Customs office of exit”, and should therefore not be required to be included in the pre-departure summary declarations for such shipments.

**Place of unloading code (pre-arrival summary declarations only)<sup>9</sup>:** We request clarification whether this data element would also be required for FROB, where the place of unloading by definition would be a non-Community port.

**Conveyance reference number (pre-arrival summary declarations only):** We request confirmation that the voyage number, assigned by the bill of lading issuing (and thus pre-arrival summary filing) carrier, would be acceptable.

Footnote 3 to this data element states “Information to be produced *where appropriate*” (our emphasis). It is not clear what circumstances are intended to be covered by the word “appropriate”. It is essential that clarity and predictability be established for these filing obligations and that uniformity exist within the Community and between the Member States regarding required information for risk assessment purposes.

**Equipment identification number, if containerized:** We request confirmation that this data element would not be required if the container number is already provided under the “shipping marks” data element above.

**Identity and nationality of active means of transport crossing the border (pre-arrival declarations only):** We request confirmation that this information requirement can be met by providing the vessel name, country of registration (flag), and the IMO assigned vessel number.

The explanatory text states that “for transshipments, it is necessary to provide both inbound and outbound means of transport details”. It is not clear which “transshipments” this refers to. Because the text refers to “crossing the border”, the intent appears to be to refer to transshipments in a Community port of goods that are being brought into the Community Customs Territory. We seek clarification on this point.

If this is correct, our further comments are 1) that the future outbound means of transport from the Community port may not be known at the time of the filing of the summary declaration before vessel loading in the foreign load port, 2) the outbound means of transport from the Community port may change after the pre-vessel loading filing is made, 3) the security value of this data element for pre-vessel loading in the foreign load port security screening is not immediately clear or obvious, and 4) this is not a data element included in the WCO Framework of Standards. This is noteworthy considering that Article 36b, paragraph 1, of Regulation (EC) 648/2205 requires that the common data set and format for the summary declarations for security and safety risk assessment purposes shall use “where appropriate, international standards and commercial practices”.

**Country(ies) of routing codes:** Noting the “to be provided to the extent known” qualification, and pursuant to the discussion immediately above, we request

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<sup>9</sup> The WCO Framework’s data elements do not include this information.

confirmation that ocean carriers would be required to provide such information to the extent it is included the bill of lading.

**Seal number:** We have no objection to the inclusion of this data element. This number will be provided by the shipper of the goods who is responsible for affixing the seal to the container after container stuffing.

**Unique consignment reference number:** We understand that this is meant as an alternative, if the transport document number is not available. Accordingly, in the interest of certainty, we note our above request for confirmation that the bill of lading number for a particular containerized shipment would meet the transport document number information requirement.

**Date and time of arrival at first place of arrival in Customs territory (pre-arrival summary declarations only):** We request clarification whether there is any particular need from a Customs cargo risk assessment perspective to require that “time of arrival” also be included? The inclusion of “time of arrival” will undoubtedly lead to filing carriers having to make numerous amendments to their original advance summary declaration filings for no apparent security reason or purpose. Obviously, amendments to the *scheduled* date of arrival as provided in the pre-vessel loading summary filing will also be a frequent occurrence due to e.g. weather, skipped ports of call, diversion of the vessel etc. -- underlining our previously stated request that guidance and clarity regarding amendments to summary declarations be provided in the implementing regulation.

**First place of arrival code (pre-arrival summary declarations only):** Two code patterns seem to be acceptable. Is that a correct understanding?

Further, whereas World Shipping Council Member companies are familiar with the UN/LOCODE, they are uncertain as to what exactly is meant by “national code” (either in combination with the UN/LOCODE or as a stand-alone data element), pointing to the existence of different types of national codes, e.g. US Schedule K, Schedule D and ISO 3166-1. Consequently, the question has been raised as to whether the addition of a national code to the UN/LOCODE is necessary, and if so, why.

#### 4. Conclusion

Advance summary declarations will be an essential element for a successful implementation of a Community cargo risk assessment system. Carriers and their shipper customers will need clarity and predictability about what they would be required to file to Customs administrations.

The World Shipping Council would like to work with the Commission to ensure that Annex 30A provides adequate clarity and certainty regarding the individual data elements that will be needed to ensure a smooth transition to the new advance filing regime contemplated in the Commission implementing regulation. Our comments are intended to assist to facilitate such a collective understanding and agreement amongst carriers, their customers, the Commission, and the Member States Customs administrations. We believe that additional information sharing between the Commission and the international liner shipping industry prior to the finalization of the

final set of data elements in advance summary declarations for containerized shipments would be helpful in this regard.

The Council and its Member companies are committed to participate in such efforts and to be of whatever assistance we can in helping develop a clearly understood regime that can be implemented without confusion or disruption to commerce.