



Ship Type: All Trade Area: USA

Bulletin 345 - 02/04 - Automatic Manifest System - US Customs' Requirements

During the past few days, many Members have sent in queries arising from recent amendments to the US Customs' '24 Hour Rule' which will require from 4th March, 2004 that all vessel carriers submit cargo information electronically to US Customs and Border Protection (CBP: <http://www.cbp.gov/xp/cgov/home.xml>). Under the amended requirements each carrier must also provide its own customs bond (International Carriers Bond) and should obtain its own US Standard Carrier Alpha Code (SCAC).

The carrier is deemed to be the head owner, bareboat charterer or other entity responsible for operation and navigation of the vessel. The vessel's agent, or an authorised third party service provider, can be used to file cargo information with the Customs electronically under an automated manifest system (AMS), but the carrier remains responsible for the content. Agents or other third parties may not use their own bonds or SCAC codes when providing such services for carriers. One practical issue is that of whether the carrier as defined will always be in possession of the detailed information required to be filed or whether, for example, it may be known only to a time or space charterer. The Managers are seeking urgent clarification of practical ways to address this issue.

Carriers can obtain a SCAC by applying to the US National Motor Freight Traffic Association. Details of the requirements can be found at their website at www.nmfta.org.

US Customs has indicated that carriers should file an International Carriers Bond with the Director of the US port to which their ships most frequently trade, in a minimum amount of \$50,000. However, each Port Director has discretion to require the carrier's bond to be for a larger amount if deemed necessary. Clarification is being sought as to when larger amounts may be required. The bond responds in order to secure payment of customs "duties, taxes and other charges". A list of approved bonding companies and brokers can be found at the United States Department of the Treasury website at <http://www.fms.treas.gov/c570/index.html>. A practical problem for carriers seeking to comply with the short deadline is that bonding companies may need some time to review the financial credentials of companies previously unknown to them. The Managers are considering whether there are ways to alleviate this problem.

The Managers, together with those of other Group Clubs, are seeking to obtain urgent clarification regarding the practical issues noted above, and hope to issue updated advice early next week.

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US Customs and Border Security - Advance Electronic Information
http://www.cbp.gov/xp/cgov/import/communications_to_industry/advance_info/