



Ship Type: All Trade Area: USA

Bulletin 349 - 03/04 - New Automated Manifest System Regulations - 30 Days of "Informed Compliance" - USA

We refer to the Club circular ([ref: 06/04](#)) dated the 19th February 2004.

Though we have seen no public statement on CBP's website, since yesterday (2nd March 2004), there has been wide circulation of an email sent by a CBP area director indicating that a 30-day period of "informed compliance" has been granted by CBP. Informed compliance means that CBP will essentially explain to the carrier those portions of the regulations the carriers have failed to follow but no fine or penalty will be assessed during the 30 day informed compliance period. The enforcement of the regulations in respect of the penalties shall start from 2nd April 2004. We quote the message sent by the CBP's area director as follows:

“As you may have heard already, Customs and Border Protection (CBP) will delay full enforcement of the automation requirements for vessels, which was slated to begin on March 4th. CBP is aware of several bulk and break bulk carriers who because they are foreign entities, have been unable to secure an Activity Code 3 International Carriers bond by the March 4th deadline. Therefore, for bulk and break bulk carriers, as well as for passenger vessels, CBP will allow a period of informed compliance for 30 days. Any bulk or break bulk vessel (including passenger vessels) that is beginning the entire voyage on or after April 2, 2004 must comply with the required advanced electronic presentation of cargo information final rule. Enforcement actions will be initiated after these 30 days (April 2nd, 2004). However, for container vessels, enforcement actions will still begin on March 4th. Enforcement actions will progress from denial of preliminary entry, to penalties, and up to denial of permit to unlade cargo. As for the offshore service vessels common in the Gulf, these vessels will be akin to break bulk carriers, and thus subject to a 30 day delay in enforcement. Please be aware that any bulk or break bulk carrier which may have containers on its deck or otherwise carried, those vessels will be considered as container vessels and subject to enforcement starting on March 4th. This is an important point – Bulk and break bulk vessels with containers, even one, will not be granted the 30 day delay and will be subject to immediate enforcement actions starting on March 4th. More information will be provided as it is received. Todd Owen, Area Port Director, Customs & Border Protection”

It is expected that a formal notice on the “informed compliance period” will be posted on CBP's website soon.

For further inquiries, Members should contact Nigel.Carden@thomasmiller.com or Chao.Wu@thomasmiller.com.

Source of information: [US Customs & Border Protection](#)