

On January 26, 2009, the new rule titled Importer Security Filing and Additional Carrier Requirements (commonly known as “10+2”) went into effect. This new rule applies to import cargo arriving to the United States by vessel. **Failure to comply with the new rule could ultimately result in monetary penalties, increased inspections and delay of cargo.**

The information submitted in Importer Security Filings improves U.S. Customs and Border Protection’s (CBP) ability to identify high-risk shipments in order to prevent smuggling and ensure cargo safety and security.

What is an Importer Security Filing?

Under the new rule, before merchandise arriving by vessel can be imported into the United States, the “Importer Security Filing (ISF) Importer,” or their agent (e.g., licensed customs broker), must electronically submit certain advance cargo information to CBP in the form of an Importer Security Filing. This requirement only applies to cargo arriving in the United States by ocean vessel; it does not apply to cargo arriving by other modes of transportation.

Who is Responsible for the Filing?

The ISF Importer is required to submit the Importer Security Filing. The ISF Importer is the party causing the goods to arrive within the limits of a port in the United States by vessel. Typically, the ISF Importer is the goods’ owner, purchaser, consignee, or agent such as a licensed customs broker.

However, for foreign cargo remaining on board (FROB), the ISF Importer is the carrier. For immediate exportation (IE) and transportation and exportation (T&E) in-bond shipments, and goods to be delivered to a foreign trade zone (FTZ), the ISF Importer is the party filing the IE, T&E, or FTZ documentation.



What Must Be Filed?

Shipments Consisting of Goods Intended to be Entered into the United States and Goods Intended to be Delivered to a Foreign Trade Zone

ISF Importers, or their agent, must provide eight data elements, no later than 24 hours before the cargo is laden aboard a vessel destined to the United States. Those data elements include:

- Seller
- Buyer
- Importer of record number / FTZ applicant identification number
- Consignee number(s)
- Manufacturer (or supplier)*
- Ship to party *
- Country of origin *
- Commodity Harmonized Tariff Schedule of the United States (HTSUS) number*

* ISF Importers have flexibility with respect to the submission of these four data elements. For these data elements, importers may submit a range of acceptable responses based on facts available to the ISF Importer at the time of submission. The Importer Security Filing must be updated as soon as more accurate or precise data becomes available and no later than 24 hours prior to the ship’s arrival at a U.S. port.

Two additional data elements must be submitted as early as possible, but no later than 24 hours prior to the ship’s arrival at a U.S. port. These data elements are:

- Container stuffing location; and
- Consolidator

FROB, IE Shipments, and T&E Shipments

For shipments consisting entirely of FROB and shipments consisting entirely of goods intended to be transported in-bond as an IE or T&E, the Importer Security Filing must consist of five elements. Importer Security Filings for IE and T&E shipments must be submitted no later than 24 hours before the cargo is laden aboard a vessel destined to the United States and Importer Security Filings for FROB must be submitted any time prior to lading. The following five data elements must be submitted for FROB, IE and T&E shipments:

- Booking party
- Foreign port of unloading
- Place of delivery
- Ship to party
- Commodity HTSUS number



Bulk and Break Bulk Cargo

An Importer Security Filing is not required for bulk cargo.

For break bulk cargo that is exempt from the 24 hour prior to lading timing requirement for 24 Hour Rule purposes, the Importer Security Filing is required 24 hours prior to arrival.

How Will the Rule be Enforced?

The interim final rule includes a delayed enforcement date of 12 months after the interim final rule takes effect. During this 12-month period, CBP will show restraint in enforcing the rule. CBP will take into account difficulties that importers may face in complying with the rule *as long as importers are making a good faith effort and satisfactory progress toward compliance*. **The flexible enforcement period will end January 26, 2010.** CBP may issue liquidated damages of \$5,000 per violation for the submission of an inaccurate, incomplete or untimely filing. If goods for which an ISF has not been filed arrive in the U.S., CBP may withhold the release or transfer of the cargo; CBP may refuse to grant a permit to unlade for the merchandise; and if such cargo is unladen without permission, it may be subject to seizure. Additionally, noncompliant cargo could be subject to “do not load” orders at origin or further inspection on arrival.

Where Can I Find More Information?

For more detailed information about the Importer Security Filing, please visit the CBP website at http://www.cbp.gov/xp/cgov/trade/cargo_security/carriers/security_filing/. The website includes fact sheets, FAQs, and other public outreach sources.

Additionally, questions may be sent to Security_Filing_General@cbp.dhs.gov.

Additional assistance may be available from your licensed customs broker, freight forwarders, trade associations and local trade centers.



Importer Security Filing and Additional Carrier Requirements



U.S. Customs and Border Protection

U.S. Customs and Border Protection
Office of Field Operations
1300 Pennsylvania Avenue, NW
Suite 5.5B
Washington, DC 20229

www.cbp.gov

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