

10+2: Frequently Asked Questions

The 10+2 program from U.S. Customs and Border Protection (CBP) is a new requirement for both carriers and importers on vessel shipments arriving to the U.S.. Carriers must now transmit 2 additional pieces of data to CBP, while the U.S. importer must send 10 data elements known as the Importer Security Filing.

Q: When must the 10 data elements be filed with U.S. Customs?

The importer security filing (also known as the importer security filing or ISF) must be on file with CBP 24 hours prior to the container being loaded onto the vessel at the foreign port of lading.

Q: As an importer, can I file the ISF myself or does someone have to do it on my behalf?

Yes. Importers can file their own ISFs. However, they must purchase, or develop, software that can work with CBP's system since CBP has no plans to create a Web portal as was done with ACE. Aside from having to purchase software, importers must also be covered by a bond so they can file the ISF.

Q: What is required for a third party to file the ISF on my behalf?

At this time, the only requirement is that the third party must be covered under a bond and must have a power of attorney for the importer.

Q: For the purposes of 10 + 2, how does CBP define an importer?

For the purposes of 10 + 2, an importer is the party in the United States that caused the shipment to enter the United States (see exact definition below) "Importer. For purposes of this part, "importer" means the party causing goods to arrive within the limits of a port in the United States. For foreign cargo remaining on board (FROB), the importer is construed as the carrier. For immediate exportation (IE) and transportation and exportation (T&E) inbound shipments, and goods to be delivered to a foreign trade zone (FTZ), the importer is construed as the party filing the IE, T&E, or FTZ documentation."*

Q: Is 10 + 2 for only vessel shipments?

Yes. For now, the initiative is for only vessel shipments. Many people within the trade community suspect that, after 10 + 2 has been launched for vessels, it will be modified and applied to other modes of transport.

Q: Does 10 + 2 replace the current 24-hour rule that carriers must follow?

No. 10 + 2 is an entirely new initiative that does not replace any of the current requirements or transmissions to customs. 10 + 2 is in addition to all current rules and CBP programs.

Q: When will 10 + 2 become mandatory?

CBP has announced that it will release the final ruling of 10 + 2 during the summer of 2008. Usually, programs of this size and complexity require a minimum of six months to implement. However, 10 + 2 could be mandatory as early as fall of 2008.

10+2: Frequently Asked Questions (Cont.)

Q: What common element will link the entry, AMS transmission and 10 + 2 data?

Even though it is not one of the ten elements, CBP has stated that the bill of lading will be required to be reported at the house level. Through the bill of lading number, CBP will be able to cross-reference the 10 + 2 filing with all other transmissions sent, including the entry and manifest information.

Q: Will this apply to cargo that is destined for Canada but lands at a U.S. port?

Yes. The proposal contains different requirements for containers that are sent in bond through the United States, however, a security filing is still required. If the shipment is under an immediate export (IE), transport and exportation (T&E), or free trade zone (FTZ) bond, Customs proposes that the importer is responsible for filing only five data elements:

1. Booking party name and address
2. Foreign port of unloading
3. Place of delivery
4. Ship-to name and address
5. Commodity HTSUS number (6 digits required).

Q: Are there special requirements for containers that are left on the vessel to continue on to another country?

Yes. Freight Remaining on Board (FROB) shipments must enter the same information as IE and T&E shipments, however, the carrier is solely responsible for the filing since there is no U.S. import party.

Q: What is SmartBorder doing to prepare?

We are designing solutions to meet the needs of Customs Brokers and self-directed importers. We are working with our customers as we design these solutions. We will be able to complete our offerings when the final specifications are published. Feel free to contact us at 800.572.2734 x203 for more information.

*Source: "Importer Security Filing and Additional Carrier Requirements - Notice of proposed rulemaking". Federal Register: January 2, 2008 (Volume 73, Number 1), Customs and Border Protection, Department of Homeland Security.

Note: 10+2 has not been finalized by U.S. Customs and Border Protection (CBP). The information contained in this sheet is for reference only.

Contact us : **South Ranch, Inc.**

2875 Union Road
Suite 45
Cheektowaga, NY 14227

Phone: 800.572.2734 x203
Fax: 914.206.4309
www.smartborder.com
help.smartborder.com