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Importer Security Filing – the “10+2” rule

With a new year comes a substantially new way that the vast majority of importers are going to have to address their business process for handling import shipments. On January 26, 2009 the Importer Security Filing, popularly known as the “10+2” rule, became effective.

What is it? It is a requirement that an importer file 10 elements of data related to an import ocean shipment 24 hours prior to the cargo being loaded aboard a vessel at the port of departure.

How do you do this? The data elements must be filed electronically through the Automated Broker Interface (ABI) module of the CBP Automated Commercial System. The importer can undertake the filing itself or can authorize its customs broker to make the filing on its behalf.

What are the data elements? (1) name & address of the seller of the goods; (2) name & address of the buyer; (3) importer of record ID number; (4) consignee ID number; (5) name & address of manufacturer or supplier [by line item of commodity]; (6) ship to party; (7) country of origin [by line item of commodity]; (8) commodity HTSUS number [by line item of commodity]; (9) name & address of container stuffing location; (10) name & address of the consolidator [stuffer] of the container.

Where does the “2” of the “10+2” come in? These are two data elements that are required to be filed by the carrier – container status message and vessel stow plan. They are not an importer requirement.

So, what’s the big deal? The big deal is that most importers kick into action on an import shipment when the foreign vendor has sent along a shipping advice and, perhaps, a copy of the commercial invoice. For ocean shipments, this may occur a few days after a vessel has sailed from its origin port. Under the Importer Security Filing requirements, the 10 data elements must be filed with CBP 24 hours prior to cargo being loaded aboard a vessel at a foreign port. Note the underscoring for emphasis.

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Suppose all this required information isn't available to the importer that soon? The answer from CBP is, "get over it then make it happen!" In other words, this may be a big part of your business process that needs changing in order to comply.

As an import manager, I don't always have access to this kind of information. Once again, this may be even a bigger part of the importing company's business process that needs to be changed. CBP and its parent agency, the Department of Homeland Security, has basically told the importing community that whatever it takes within the importing company, go figure out how to make it happen.

Will CBP come down hard on us in January if we can't/don't comply? CBP has stated that "they will show restraint" in enforcing the Import Security Filing requirements. This restraint will last for a period of one year from January 26, 2009. In other words, CBP is allowing for a one year phase-in of the requirements.

Does this mean I don't have to worry about it until 2010? Absolutely not! CBP will expect good faith efforts on the part of every importer to comply with the Importer Security Filing requirements. As a practical business matter, an importer should act as if the final implementation with full enforcement is just around the corner.

- Review your current business process for the conveyance of import shipment information.
- Understand what info you now receive timely and what you will need to receive in a different manner.
- What departments within your company need to convey new or additional information to the import coordinator in a new or different way?
- Understand what "timely" means in the context of the 10+2 Rule.
- Work with your customs broker now to establish a procedure whereby the 10 data elements are conveyed and timely filed.

Where can I get more information about the Importer Security filing? The Interim Final Rule was published by CBP in the Federal Register on November 25, 2008. The link provided here will take you to the table of contents for the Federal Register of November 25th. Scroll down to U.S. Customs & Border Protection to see the text or .PDF link to the published rule. http://www.access.gpo.gov/su_docs/fedreg/a081125c.html