



NEWS

US Automated Manifest System (AMS) Regulations – Update

Enforcement

Further to Notice to Members No.16 2003/2004, the US Bureau of Customs and Border Protection (CBP) has updated its summary of “Frequently Asked Questions”. Amendments and additions include the following:

Enforcement Date - *Carriers and/or automated NVOCC's will be required to submit an electronic cargo declaration to CBP for all vessels loading on or after March 4, 2004. Any vessel that is beginning the entire voyage on or after March 4, 2004 must comply with the specified advanced timeframes. Those vessels that are between foreign ports of call on March 4, 2004 are not required to comply with the electronic requirement for that voyage.*

Bulk and Break Bulk Vessels (Including Passenger Vessels) – *The 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 automation deadline of March 4, 2004. Therefore, CBP will allow a period of informed compliance for 30 days from March 4, 2004. On April 2, 2004, CBP will commence enforcement actions against carriers operating bulk and break bulk vessels that fail to comply with the Required Advance Electronic Presentation of Cargo Information Final Rule. The enforcement actions include denial of preliminary entry, issuance of penalties at each port of arrival and denial of unloading.*

Container Vessels – *Any container vessel that is beginning a voyage on or after March 4, 2004 must transmit cargo declaration electronically utilizing Sea AMS. The CBP will commence enforcement actions on March 4, 2004 for container vessel carriers failing to comply with the Required Advance Electronic Presentation of Cargo Information Final Rule. The enforcement actions include denial of preliminary entry, issuance of penalties at each port of arrival and denial of unloading.*

CBP's revised summary of Frequently Asked Questions may be found at:
http://www.cbp.gov/ImageCache/cgov/content/import/communications_5fto_5fttrade/mandatory_5fadvanced_5felectronics/tpa_5ffaq_2edoc/v2/tpa_5ffaq.doc

LOOP and Ship to Ship Transfer Operations

CBP has advised that the Automated Manifest System (AMS) and International Carrier Bond (ICB) requirements will not apply to vessels destined to call at Louisiana Offshore Oil Port (LOOP) only, or due to engage in ship to ship transfer operations offshore without making a laden US port call.

Vessels arriving in ballast

Vessels in ballast will not need to file an AMS declaration prior to arrival. However, an AMS submission will be required if the ship is carrying empty containers for discharge in the US or if there is any Foreign Remaining On Board (FROB) cargo.

Port Calls for Bunkers/Stores

Vessels arriving at a US port for the sole purpose of bunkering or taking stores and departing within 24 hours remain exempt from CBP entry and clearance procedures, including AMS reporting requirements.

“Carrier”

The question of whether or not a time charterer may act as the “Carrier” remains unclear and it is understood that CBP does not intend to offer any further guidance at this time. However, within the last

ASSURANCE FORENINGEN LTD.
Protection & Indemnity Association



few days CBP has stated that its primary goal is an accurate AMS declaration and that the parties involved in trading the ship should agree between themselves who should fulfil the role of Carrier. However, CBP has stressed that the ship will remain liable for penalties due to non-compliance, irrespective of the identity of Carrier.

Members with specific queries regarding "Carrier" issues should contact;

Mr Glen E Vereb
Entry Procedures & Carriers Branch Office
Regulations & Rulings
US Customs & Border Protection
1300 Pennsylvania Avenue NW
Mint Annex
Washington DC 20229

Tel: +1 202 572 8724
Fax: +1 202 572 8747

Further Information

For further information on AMS compliance, please contact:

Mark Williams,

Tel: +44 20 7716 6059, Fax: +44 20 7716 6061, Email: mark.williams@westpandi.com

Yours faithfully
Assurance Foreningen Ltd

R J B Searle
Publication Manager