



Ottawa, April 15, 2004

CUSTOMS NOTICE N-565

Advance Commercial Information – Electronic Data Interchange (EDI) Cargo and Conveyance Reporting for Marine Mode

1. This notice relates to Customs Notice N-542, dated October 7, 2003, and announces proposed regulatory changes in support of the implementation of the Advance Commercial Information (ACI) initiative for the marine mode.
2. As previously indicated in Customs Notice N-542, under the ACI initiative, cargo and conveyance data will be transmitted electronically within established timeframes in advance of their arrival in Canada, to enable the CBSA to identify cargo or conveyance of unknown or high risk.
3. As also indicated in Customs Notice N-542, the ACI initiative is being implemented in phases, beginning with the marine mode.
4. The reference to “within 24 hours of departure from the last foreign port of lading” within each of paragraphs 12, 27, 29, and 30 is being replaced with “at least 96 hours before the arrival of the vessel at the first port in Canada.”
5. The implementation of phase 1 of the ACI initiative will require changes to both the *Reporting of Imported Goods Regulations* and to the *Accounting for Imported Goods and Payment of Duties Regulations*.

6. It is proposed that these proposed regulatory changes be made effective on April 19, 2004.
7. The proposed regulatory changes are described in the attached Appendix.
8. As part of the consultation process, this notice is posted on our Web site, together with the descriptions of these proposed regulatory changes, for your review and comments. For more information, visit our Web site at www.cbsa.gc.ca/menu-e.html
9. Inquiries and written comments about these proposed regulatory changes should be directed to:

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APPENDIX

Accounting for Imported Goods and Payment of Duties Regulations

It is proposed that section 7 of these Regulations would be amended to exclude specified goods (other than goods that may be reported orally under the *Reporting of Imported Goods Regulations*) in respect of which advance notice has been given from the list of goods that may be released without any requirement of accounting under section 32 of the *Customs Act*.

Reporting of Imported Goods Regulations

It is proposed that these Regulations would be amended to:

1. define “bulk goods” as goods that are loose or in mass, such that they are confined only by the permanent structures of a vessel, without intermediate containment or intermediate packaging;
2. define “commercial goods” as goods imported into Canada for sale or for any commercial, industrial, occupational, institutional, or other like use;
3. define “specified goods” as commercial goods, empty cargo containers that are not for sale, and non-commercial goods that are transported to Canada for a fee;
4. extend the definition of “designated customs office” to cover customs offices where advance notice may be given;
5. provide that specified goods (other than those that may already be reported orally under the Regulations) in respect of which advance notice has been given may be reported orally, unless an officer requires the importer of the goods to report the goods in writing;
6. provide that the owner or person in charge of a vessel that transports specified goods to Canada would be required to give advance notice of the time and place of arrival of the vessel in Canada and of the following information:
 - conveyance identification code indicating the type of movement of the conveyance (Import, In-transit, Export);
 - carrier code;
 - report number;
 - International Maritime Organization number;
 - name of vessel;
 - voyage number;
 - name and address of the owner or person in charge of the vessel;
 - name and address of the carrier;
 - number of crew members;

- number of passengers;
- number of containers that are on board the vessel;
- weight of containerized cargo loaded/unloaded at port;
- weight of non-containerized cargo loaded/unloaded at port;
- all ports of call;
- port of arrival in Canada;
- arrival terminal; and
- estimated date and time of arrival;

7. provide that this notice would be required to be given by electronic means in accordance with a participants’ requirements document, at a designated customs office that is open for business, within the following timeframes:

- (a) if all the specified goods on board the vessel are within cargo containers, at least 96 hours before the arrival of the vessel at port in Canada;
- (b) if all the specified goods on board the vessel are bulk goods, at least 24 hours before the arrival of the vessel at port in Canada;
- (c) if all the specified goods on board the vessel are empty cargo containers that are not for sale, at least 96 hours before the arrival of the vessel at port in Canada;
- (d) if all the specified goods on board the vessel are goods in respect of which the owner or person in charge of the vessel has been issued an authorization under paragraph 13, at least 24 hours before the arrival of the vessel at port in Canada; and
- (e) if all of the specified goods on board the vessel are not goods described in any of paragraphs (a) to (d), at least 96 hours before the arrival of the vessel at port in Canada.

However, if the specified goods on board the vessel are a combination of goods described in paragraphs (a) to (e), the notice would be required to be given within the longest period that would otherwise apply;

8. provide that the owner or person in charge of a vessel that transports specified goods to Canada would be required to give advance notice of the time and place of arrival of specified goods in Canada and of the following information:

- shipment identification code indicating that the specified goods are Freight Remaining On Board (FROB), In-transit, or Import;
- carrier code;
- report number;

- bill of lading number;
- conveyance reference number;
- name of vessel;
- voyage number;
- port of loading;
- port of arrival in Canada;
- arrival terminal;
- name and address of the carrier;
- name and address of any persons who caused the goods to be transported on board the vessel;
- name and address of the consignee;
- address of delivery;
- container number;
- description of goods;
- weight of goods; and
- quantity of goods;

9. provide that this notice would be required to be given by electronic means in accordance with a participants' requirements document, at a designated customs office that is open for business, within the following timeframes:

(a) if the vessel transports specified goods that are within cargo containers, at least 24 hours before loading the goods on board the vessel;

(b) if the vessel transports specified goods that are bulk goods, at least 24 hours before the arrival of the vessel at port in Canada;

(c) if the vessel transports specified goods that are empty cargo containers that are not for sale, at least 96 hours before the arrival of the vessel at port in Canada;

(d) if the vessel transports specified goods that are goods for which the owner or person in charge of the vessel has been issued an authorization under paragraph 13, at least 24 hours before the arrival of the vessel at port in Canada; and

(e) if the vessel transports specified goods that are not goods described in any of paragraphs (a) to (d), at least 24 hours before loading the goods on board the vessel;

10. provide that, despite paragraphs 7 and 9, the notices would be required to be given before the departure of the vessel to a port in Canada if the length of the voyage is less than the period within which notice would otherwise be given;

11. provide that the owner or person in charge of the vessel would be required to notify, by electronic means in accordance with a participants' requirements document, the chief officer of customs at a designated customs office that is open for business of any changes in the information given under paragraphs 6 and 8 as soon as they are aware that the information is not accurate;

12. provide that paragraphs 6 and 8 would not apply to the owner or person in charge of a vessel that only transports specified goods loaded on board the vessel in the United States or Puerto Rico and that will be directly transported to Canada;

13. provide that, on application in writing, the Minister would be empowered to authorize the owner or person in charge of a vessel that transports specified goods that are not goods described in paragraph 9(a) or 9(c) to give advance notice of the time and place of arrival of the vessel and the goods in the periods, manner and place set out in paragraphs 7(d) and 9(d) respectively if the applicant (i.e., the owner or person in charge of the vessel) is of good character and the Minister is satisfied that, in respect of the goods to be transported by the applicant, all requirements of the *Customs Act* and any other Act of Parliament that prohibits, controls or regulates the importation of goods, and any regulations made under those Acts, will be complied with;

14. provide that the application would be required to contain the following information:

(a) the name and address of the applicant;

(b) the source and a list of the goods that will be transported;

(c) the ports of departure of the vessels;

(d) a list of all the ports of call of the vessels;

(e) the means of packaging or bundling of the goods;

(f) the number of, name of and the International Maritime Organization number assigned to the vessels; and

(g) the names and addresses of the importers and of any persons who will cause the goods to be transported on board the vessel of the applicant;

15. provide that an authorization would be required to be in writing and to set out the information described in paragraph 14 to which it applies;

16. provide that, on application in writing, the Minister would be empowered to amend an authorization to change any of the information set out in the authorization in accordance with paragraph 15;

17. provide that the Minister would be empowered to suspend or cancel an authorization if the authorization was obtained on the basis of false or misleading information, if the requirements of paragraphs 13 and 14 are no longer met or if the authorized person so requests;

18. provide that if the Minister refuses to issue an authorization or suspends or cancels an authorization, the Minister would be required, as soon as is reasonably practical, to send written notice of, and the reasons for, the refusal, suspension or cancellation to the person at their latest known address;

19. provide that a person whose application is refused or whose authorization is suspended or cancelled may request a review of the decision by sending written notice of their request to the Minister within 30 days after the day on which their application was refused or their authorization was cancelled or suspended.