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November 24, 2008 CLIENT ALERT

CUSTOMS 10 + 2 “INTERIM” FINAL RULE TO APPEAR IN TOMORROW’S FEDERAL REGISTER (Advance copy available below)

U.S. Customs & Border Protection will publish the 10+2 “Interim” final rule in the November 25, 2008 Federal Register. The “10+2” rule calls upon importers and carriers to provide additional cargo and vessel data to Customs prior to loading ocean shipments destined for the U.S. The rule has its genesis in the Safe Ports Act of 2006, and aims at enhancing Customs ability to target high-risk ocean shipments bound for the U.S. as well as serves as an additional security measure to thwart terrorist activities and threats. “10+2” refers to “10” additional data elements that are designated as a “Security Filing” to be provided to Customs by the importer (or the importer’s designated agent) *plus* “2” data elements to be provided to Customs by carriers/vessel operators.

The interim final rule is 230 pages long and provides for a 60 day delayed effective date (January 26, 2009) and a 12 month phased-in “flexible” enforcement period from the effective date. The interim final rule also indicates that CBP will consider flexibility regarding 6 of the 10 importer data elements. In this regard, additional comments are requested concerning these 6 importer data elements (i.e., container stuffing location, consolidator, manufacturer or supplier, ship to party, country of origin and HTSUS number) by June 1, 2009. Additional details outlining changes to the interim final rule from Customs proposed rule will follow in a subsequent Client Alert.

An advance copy of the interim final rule can be found by clicking [here](#) or by visiting our website at www.worldtradelawyers.com and clicking on the “News” link. If you have any questions concerning the interim final rule, please contact Robert Pisani at (202) 466-0960 or Michael Roll at (310) 826-4410, or send an email to info@worldtradelawyers.com.

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