

Nov 09

ISF penalty phase begins in 77 days

The importer security filing (ISF) will go into the penalty phase on January 26, 2010. The ISF applies to **all** merchandise arriving in the U.S. by ocean vessel. The “flexible enforcement period” will continue until then, but Customs has repeatedly claimed that importers that did not make a good faith effort during the majority of this period will not be granted any mitigation when the penalty phase begins. The ISF is required to be filed with Customs **at least** 24 hours before the goods are loaded on the vessel in the foreign port. This means we must have the information at least 3 working days prior to vessel loading to insure a timely, accurate, and complete ISF for you. This will help to avoid penalties, and further, if the ISF has not been filed 24 hours prior to loading, Customs will issue a “Do not load” message for your cargo, probably resulting in demurrage charges in addition to a penalty.

Also, **ONLY** the party filing the ISF can change it should that be necessary. Because the “ISF importer” is responsible for the filing, and because the information on the ISF and the Customs entry must match, we recommend that you allow us, your customs broker, to file your ISF’s. To avoid potential penalties, please contact us immediately with any questions or issues with the ISF.

GSP, ATPA and ATPDEA to expire at year end

As we reported in September, the Generalized System of Preferences (GSP), the Andean Trade Preference Act (ATPA), and the Andean Trade Promotion and Drug Eradication ACT (ATPDEA), are all set to expire December 31, 2009. We are doubtful of renewal this year. Historically, Congress has retroactively renewed these special access programs, but if not renewed before December 31, importers must pay duty, creating cash flow issues. If ultimately renewed retroactively, duties will eventually be refunded. We urge you to contact your Congressional delegation now and express your views.

Nov. 17 Deadline for Importers to Request Continuation of GSP Treatment

The Office of the U.S. Trade Representative is reminding interested parties that petitions requesting that specified products remain eligible for preferential treatment under the Generalized System of Preferences, through either a waiver of the competitive need limitation or a determination regarding eligible products not produced in the U.S. on Jan. 1, 1995, are due by Nov 17. The list of petitions for such CNL waivers and determinations that are accepted for review, along with the dates of public hearing, receipt of comments and availability of advice from the International Trade Commission, will be announced at a later date.

U.S. signs new convention on contracts for international carriage of goods by sea (From our friends at Sandler Travis)

On Sept 23, the U.S. signed a new international agreement that may drastically change the rights and obligations of those involved in the carriage of goods by sea. Although The United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, also known as the Rotterdam Rules, are now effective in the other 20 countries that have signed the convention, our Senate will have to both ratify the agreement and make amendments to the Carriage of Goods by Sea Act to harmonize U.S. law with the agreement's provisions. For more information, please go to

<http://www.strtrade.com/wti/wti.asp?pub=0&story=32032&date=&company=>

Referrals welcomed

In this economy, many of our competitors are reducing staff and service. If you know of other importers experiencing poor service by their broker or carrier, please have them contact us. We will gladly waive the entry fee on one shipment if your referral turns into a new customer for us.

Please contact us with any questions.

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