

The J-REPORT

Information and News from the World of Compliance and Logistics

John S. James Co.

Connecting you to the world www.johnsjames.com



IMPORT ISF Guidelines for Liquidated Damages

OFFICE LOCATIONS

ATLANTA, GA
404-762-5556

CHARLESTON, SC
843-554-6400

CHARLOTTE, NC
704-357-6901

JACKSONVILLE, FL
904-356-9646

KNOXVILLE, TN
865-544-0530

SAVANNAH, GA
912-232-0211

Since its initial implementation on January 26th, 2009, Importer Security Filing (a.k.a. 10+2) has hit the halfway mark until the enforcement period which begins on January 26th, 2010. U.S. Customs and Border Protection (CBP) recently published guidelines for liquidated damages under this program in, "32 Customs Bulletin and Decisions, Vol. 43, No. 28". The document publishes guidelines for the assessment and cancellation of claims for liquidated damages incurred by carriers and ISF Importers for failure to provide the required advance electronic info to CBP within the time period and manner prescribed by the regulations for providing inaccurate or invalid information. Before proceeding to the announcement here is a quick rundown of general ISF terminology and requirements:

- *The party required to submit the ISF (who will be referred to as the ISF Importer herein) is the party causing the goods to enter US port limits.*
- *The ISF Importer is the goods' owner, purchaser, or consignee.*
- *The ISF Importer may designate an authorized agent, such as a Licensed Customs Broker to file the ISF on their behalf.*

The 10 data elements required of importers to CBP are...

<i>Seller Name and Address</i>	<i>Manufacturer (Supplier) Name and Address</i>
<i>Buyer Name and Address</i>	<i>Country of Origin</i>
<i>Importer of Record</i>	<i>Commodity HTS Number</i>
<i>Consignee Number(s)</i>	<i>Container Stuffing Location</i>
<i>Ship to Party</i>	<i>Consolidator (Stuffer)</i>



It is a violation to fail to submit an ISF when required, submit a late or inaccurate ISF, submit an inaccurate update or fail to withdraw an ISF. Port Directors may assess a claim for liquidated damages against the culpable party in the amount of \$5,000 per incident. Repetitive violations may result in additional penalties in concurrence with 19 U.S.C. 1595a(b). This section also provides for mitigation of penalties in a manner consistent with current guideline as well as provides a list for mitigating and aggravating factors that will be considered by U.S. Customs when determining the final assessed claim for liquidated damages and penalties.

IMPORT CPSC Tracking Information on Children’s Products

As part of the Consumer Product Safety Improvement Act (CPSIA), passed on August 14th, 2008, there is a provision (section 103(a)) where manufacturers must have a “tracking label” on any consumer product intended for children ages 12 and under.

The term “tracking label” is used loosely here and does not specify a uniform standard of what this label is to look like, however, it must be a legible, permanent and distinguishable mark where all of the required information is located.

The language of this section also mentions that the term “manufacturer” includes both the true manufacturer and the importer. Therefore, importers must work with their suppliers to ensure compliance with these new regulations, which will cover any products made on or after August 14th, 2009. The CPSIA provides that the marks must enable manufacturers, importers, retailers and the ultimate purchaser to derive the following

information:

- Location and date of production
- Cohort information

According to the interpretation of the bill, cohort information is such that it includes the *batch number, run number or other identifying characteristic*, and any other information determined by the manufacturer to aid in obtaining the specific source of the product by reference to these marks.

This information allows the producer to identify and readily isolate products in a given category or batch in the event there is a safety concern. Furthermore, retailers, private labelers and warehouses can narrow the scope of a potential recall for products that must be removed from inventory. Information regarding the Consumer Product Safety Improvement Act is available on the Consumer Product Safety Commission’s website;

<http://www.cpsc.gov/>

EXPORT Emerging Markets to U.S. Exporters

With U.S. goods exports to the world in decline, the continued demand from emerging markets in the Middle East, parts of the Commonwealth of Independent States, and Africa have helped to slow the rate of that decline.

In the Middle East, U.S. goods exports to FTA partner Jordan increased by nearly 39% compared to year to date in 2008. Other growth markets for U.S. goods included Qatar, Lebanon, The United Arab Emirates and Saudi Arabia.

Among countries to the commonwealth of independent states, U.S. exports increased a whopping 413% to Turkmenistan. Both Azerbaijan and Tajikistan showed nearly 55% growth and Belarus showed a 17% increase.

Surprisingly, Africa showed growth in the export sector. In the first five months of 2009, exports have increased to Lesotho, The Seychelles, Djibouti, Madagascar, Central African Republic, Uganda, Equatorial Guinea, Cameroon, Mozambique, Mali, Liberia, Chad, Swaziland, Zimbabwe, Guinea, Ivory Coast, Burkina and Nigeria.

Source: International Trade Administration, Export Fact Sheet



Want to grow your exports? Want to branch into new markets? Check out www.export.gov
 Let John S. James Co. keep you compliant in your shipping & documentation, contact us today.

Charleston, SC U.S. Free Trade Agreement Seminar

The Charleston Customs Brokers and Freight Forwarders Association will host Jonathan Fee, Partner Alston & Bird LLP.

When: *Thursday, August 20th, 2009*
 8:30 to 12:00 p.m.
 and
 1:00 to 4:30 p.m.

Where: *Radisson Hotel Charleston Airport*
 5991 Rivers Ave
 N. Charleston, SC

If you are interested in attending, please contact Rick Jones at:
 Ph# 843-554-6400 Ext 111

-or-

rick.jones@johnsjames.com

Cost: \$35.00 p/p = CBFFAC Members

\$25.00/pp—2 or more members from same company

\$50.00/pp Non-Members

The United States is party to many bi-lateral and multi-lateral trade agreements. Countries with which the U.S. has active bi-lateral trade agreements include: Australia, Bahrain, Chile, Israel, Jordan, Morocco, Peru, Oman, and Singapore. The active multi-lateral trade agreements that the U.S. has signed include the North American Free-Trade Agreement and the Central America-Dominican Republic Free Trade Agreement (CAFTA-DR). The U.S. is also party to the General Agreement on Tariffs and Trade (GATT, overseen by the WTO) along with 152 other countries. U.S. trade agreements with Panama, Korea, and Columbia are pending congressional approval. The U.S. is also in negotiations on trade agreements with Malaysia, Thailand, the United Arab Emirates, and the Southern African Customs Union (SACU) which includes Botswana, Lesotho, Namibia, South Africa, and Swaziland.

This seminar will focus primarily on CAFTA-DR.

This event qualifies for 2.5 CCS points



Jon Fee focuses his practice on customs and international trade matters, with particular emphasis on preferential trade programs, free trade agreements and U.S. trade legislation. He has extensive experience in trade issues affecting textiles, apparel, aircraft, heavy equipment, and electronics...

Here are some upcoming seminars hosted by the Charleston Customs Brokers and Freight Forwarders Association. Details to follow in future newsletters...

September 17, 2009— Duty Drawback Seminar

John S. James Co. Employee Anniversaries

We would like to acknowledge the contributions of the following JSJ employees, wishing them a happy anniversary in August

Dawn Barras	28 yrs	Francis Nguyen	4 yrs
Tracy Fowler	12 yrs	Joan (Sug) Sorrenti	4 yrs
Lori Agnew	10 yrs	Kate Henry	4 yrs
Sue Torlay	9 yrs	Elizabeth Williamson	2 yrs
Karen Pfau	7 yrs	Kit Johnson	2 yrs
Claudia Moreno	6 yrs	Brian Pilling	1 yr
Matt Campora	5 yrs		

