

April 3, 2019

Dear Valued ONE Customer,

## **US CBP ISF-5 Enforcements**

Effective March 15, 2019, U.S. Customs and Border Protection (CBP) will begin full enforcement of the ISF-5 filing requirement for Foreign Retained on Board (FROB) cargo. This will affect any foreign cargo that calls a U.S. port during transit.

The Importer Security Filing (“10+2”, “ISF”) rules took effect in 2009. At that time, the importer was defined as the “carrier” and the party responsible for filing ISF. The ISF-5s were never fully enforced due to confusion surrounding the legal language of the ruling. On April 12, 2018 US CBP published the ISF Decision and Final Rule which expands the definition of the ISF Importer for FROB shipments to include the NVOCC.

Source:

<https://www.federalregister.gov/documents/2018/04/12/2018-07624/cbp-decision-no-18-04-defining-of-importer-security-filing-importer>

On November 28, 2018 US CBP published a List of FAQs for the Importer Security Filing. The FAQ’s clarify that NVOCC and Booking Agents are the parties responsible for ISF-5 filings on FROB shipments.

Source:

<https://www.cbp.gov/sites/default/files/assets/documents/2018-Nov/Updated%20ISF%20FAQ%20FINAL%2011282018.pdf>

### **In the case of NVOCC shipments, who is Responsible to submit the ISF5?**

- The ISF5 filing must be completed at the lowest bill of lading level (HBL level is applicable) prior to loading. This would require the filing to be completed by NVOCCs and booking agents.
- The party that submits the HBL data to US CBP is the party responsible to submit the ISF5.

**ONE's guidelines for ISF10 and ISF-5 submission responsible party:**

Routing	ISF Type	BL Type Submitted to US CBP	Party Responsible to Submit ISF
POD=US, DEL=US	ISF10	ALL	Importer
Intransit through US **	ISF5	BCO / Simple BL	ONE
Intransit through US **	ISF5	Master BL	Not sent. ISF must be submitted at the lowest BL level.
Intransit through US **	ISF5	House BL - ONE submit on behalf of NVOCC	ONE
Intransit through US **	ISF5	House BL - NVOCC submit directly	NVOCC
US FROB	ISF5	BCO / Simple BL	ONE
US FROB	ISF5	Master BL	Not sent. ISF must be submitted at the lowest BL level.
US FROB	ISF5	House BL - ONE submit on behalf of NVOCC	ONE
US FROB	ISF5	House BL - NVOCC submit directly	NVOCC

\*\* Intransit through US is either Transship over a US port, or POD=US and DEL=MX or CA

If you have any questions, please contact ONE North America Import Customer Service  
1.844.413.6029, Option 2

**Sincerely,**  
**Ocean Network Express (North America) Inc.**