



# NOAA FISHERIES

Office of International Affairs and  
Seafood Inspection

## Five Things Importers and Exporters of Fisheries Products Need to Know About CBP and NMFS Filing Process Changes in 2016

Changes are coming to the importing and exporting filing process and the [National Marine Fisheries Service](#) (NMFS) wants to ensure that the seafood trade is informed, and provide information to assist with your preparation. Though the changes have already been publicized in a variety of ways, we want to ensure that the seafood trade is not only aware of them, but recognizes that they are already occurring and are being fully implemented in the coming months. (Details pertaining to imports are somewhat more developed; however export- related details will be available in the coming months.)

In addition to the information provided below, NMFS will host a public webinar on the "Proposed Rule for Electronic Reporting of Trade Data." This webinar will also review the upcoming changes to U.S. import and export filing processes in 2016. Sessions of the webinar will be held on **Tuesday, January 26, 2016 at 3:00pm ET**; and on **Wednesday, January 27, 2016 at 3:00pm ET**. To join the webinar:

**Phone #:** [Inside the U.S.] 888-469-3086 Passcode: #2917031  
[Outside the U.S.] 1-312-470-7389 Passcode: #2917031

**Link for January 26<sup>th</sup> webinar:** <https://goo.gl/Fb0UAW>

**Link for January 27<sup>th</sup> webinar:** <https://goo.gl/Blq9B8>

### OVERVIEW:

**1. The mandate to create and implement a single electronic system to process import and export transactions for all U.S. Federal Agencies will substantially impact all import and export trade processes in 2016.** Per Executive Order (EO)<sup>1</sup> - *Streamlining the Export/Import Process for America's Businesses*, this must be completed by December 31, 2016.

**2. The transition to a fully electronic system that eliminates paper and implements data entry and document imaging for nearly all transactions necessitates the creation and implementation of new software use and electronic filing processes for all imports and exports beginning in 2016.** As part of this process, Customs and Border Protection (CBP) will terminate the use of the Automated Commercial System (ACS) as of February 28, 2016. **All electronic filings done in ACS must be now done in the Automated Commercial Environment (ACE) system.** Filers must be "ACE Certified" to use ACE.

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<sup>1</sup> <https://www.whitehouse.gov/the-press-office/2014/02/19/executive-order-streamlining-exportimport-process-america-s-businesses>

ACE will replace ACS and in doing so will become the primary platform for the International Trade Data System (ITDS) and all U.S. import and export transactions processed by CBP. It will be the only system used to process data for some 47 U.S. federal agencies, known as “Partner Government Agencies” (PGA), such as NMFS, which work with CBP to regulate imports and exports.

ABI<sup>2</sup> will be the system used by trade to enter a series of data elements required by both CBP and PGA’s to file trade transactions for imports and exports.<sup>3</sup> Document Imaging will also be used to collect copies of any documents that are now submitted in paper form. Filing will involve the submission of data and document images electronically. Nearly all filing, with only few exceptions, must be conducted in this mode by July of 2016. CBP “Client Representatives” should be consulted about the transition requirements.

The NMFS has issued “implementation guidelines” (IGs)<sup>4</sup> for use by importers and brokers conducting business in three NMFS programs; *Highly Migratory Species (HMS)*, *Antarctic Marine Living Resources (AMLR)* and the *Tuna Tracking and Verification Program (TTVP/370)*. The IGs provide detailed instruction as to what information (data) must be submitted to CBP in an import filing to create a “message set”<sup>5</sup> that will include all of the data required by NMFS to complete the fully electronic ACE system filings.

Importers must have the capability to conduct Message Set and Document Imaging filings no later than July of 2016 to meet anticipated CBP filing requirements. **Importers who conduct filings through ACE are strongly encouraged to participate in pilot testing with NMFS for the submission of the soon to be required “message set” data and “document images.”** Please contact us for all follow up inquiries. NMFS contacts are listed on the final page of this document.

**3. A proposed rule to transition NMFS to a fully electronic process in coordination with CBP was published in the Federal Register on December 29<sup>th</sup>, 2015.** This rulemaking would consolidate several existing trade permits and additional seafood commodities will be included under the consolidated permit requirement. International Fisheries Trade Permits would be issued electronically through the NMFS National Permitting System. Comments on the rule may be submitted via regulations.gov until February 29, 2016: <http://www.regulations.gov/#!documentDetail;D=NOAA-NMFS-2009-0124-0005>

**4. A second, but separate, new NMFS proposed rule to implement “Seafood Traceability” is coming in 2016.** The proposed rule includes adjustments to permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired. Requirements for an international trade permit and reporting on the origin of certain imported or exported fishery products were previously established by regulations applicable to a number of specified fishery products. This rulemaking would extend those existing

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<sup>2</sup> <http://www.cbp.gov/trade/ace/catair>

<sup>3</sup> <http://www.cbp.gov/trade/automated/getting-started>

<sup>4</sup>

<http://www.cbp.gov/sites/default/files/documents/NMFS%20PGA%20Message%20Set%20Guidelines%20June%2015-2015.pdf>

<sup>5</sup> <http://www.cbp.gov/document/guidance/pga-message-set>

permitting and reporting requirements to additional fish species and seafood products. It is anticipated that these changes will not significantly affect current levels of trade in seafood products nor activity by U.S. importers and exporters issued Fisheries International Trade permits.”<sup>6</sup>

**5. Filing and reporting requirements for other U.S. Government agencies regulating seafood will also change, and may mandate certain additional filing requirements that will need to be completed simultaneously with NMFS and CBP filings for some products.** The above changes will also impact and mandate changes to the reporting processes of other Partner Government Agencies (PGA). The “Prior Notice” program<sup>7</sup> of the Food and Drug Administration (FDA) includes all food and therefore all seafood products are included. The State Department “Shrimp Turtle” Program requirements<sup>8</sup> for shrimp import reporting may result in an overlap with NMFS as shrimp is included as one of the “at risk” species. Any reporting mandates for these agencies will also need to be completed at the time of filing along with those of NMFS. Check with these agencies and/or the CBP web sites for their Implementation Guidelines and reporting mandates.

### **ADDITIONAL INFORMATION**

#### **ACE Automated Broker Interface (ABI) and CBP and Trade Automated Interface Requirements**

Technical requirements for transmitting automated data to the Automated Commercial Environment (ACE) via the Automated Broker Interface (ABI): <http://www.cbp.gov/trade/ace/catair>

#### **ACE Mandatory Use Dates**

CBP is working to complete and deploy core trade processing capabilities in ACE by December 2016. Three mandatory dates have been established requiring trade users to begin filing electronic data to ACE in lieu of legacy systems: May 1, 2015; November 1, 2015 (starting a transition period leading to February 28, 2016 and July 2016); and October 1, 2016. It is critical for members throughout the trade community to understand how they will be impacted and to prepare accordingly. To learn more, visit: <http://www.cbp.gov/trade/automated/ace-mandatory-use-dates#novdate>

### **NMFS CONTACT INFORMATION**

Questions regarding the technical aspects of implementing the ITDS and the NMFS Implementation Guides, software development and/or pilot testing should be directed to Dale Jones:

Dale Jones; [dale.jones@noaa.gov](mailto:dale.jones@noaa.gov)

Questions about the Proposed Rules should be directed to Chris Rogers or Mark Wildman:

Chris Rogers; [christopher.rogers@noaa.gov](mailto:christopher.rogers@noaa.gov)

Mark Wildman; [mark.wildman@noaa.gov](mailto:mark.wildman@noaa.gov)

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<sup>6</sup> <http://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201510&RIN=0648-BF09>

<sup>7</sup> <http://www.fda.gov/Food/GuidanceRegulation/ImportsExports/Importing/ucm2006837.htm>

<sup>8</sup> <http://www.state.gov/documents/organization/80015.pdf>