

Comments from the PSCG to the Technical Committee

Re: US Customs and Border Protections (CBP's) Security Filing (10+2) Data Elements to be Added to the SAFE Framework Proposal – Data Definition Concerns

1. The WCO must avoid data definitions that are legalistic, lengthy and complicated. The definitions must be simple, clear and easy to understand. They should be intuitive and not require the person providing the data to have extensive training or legal backgrounds to understand the data being requested.

Rationale:

- a. The data being requested will be collected and submitted through data entry by literally hundreds of thousands of people working throughout the world in logistic, carrier, forwarding, broker, shipper, and importer offices.
- b. The people providing the data will speak every language in the world and come from widely different backgrounds and experience.
- c. These people may not have the means or opportunity to study complex and legalistic documents or definitions.
- d. If the definitions are not intuitive people will do the best they can, but in many cases they may guess at the meaning.
- e. Given the inconsistency created by the definitions from a risk management standpoint, the value of the data will be significantly reduced and create a false sense of security.
- f. It will become impossible to distinguish "best guesses" from the misleading data intentionally provided for nefarious purposes.

Comment: The final test regarding data definition is that if it takes highly trained people with many years of experience to agree upon the intent of a data definition, then that definition is of limited or no risk targeting value.

Additional PSCG concerns related to CBP's proposed Security Filing (10+2) data elements are detailed below:

2. Stowage Position: The WSC intervention at the last SAFE Working group was related to the issue of 'stowage position' (which was referred to in the SAFE WG documents) versus the 'vessel stow plan' (which is what is required under the '10+2' proposals). The PSCG believes the US proposal referred to a '10 Plus 2' requirement as the 'stowage position', which

would be included under the WCO Data Model Code 282. However, CBP's NPRM makes clear that the '10+2' requirement is for the general vessel STOW PLAN which is not the same thing. The stow plan is a working tool for a ship's operations, which may be amended throughout the voyage, so the stowage position of each container may not always be accurate (particularly as the plan often changes during the loading process). Moreover, for break bulk cargoes the stow plan will not show the exact position of each unit of cargo. The '10+2' requirement is for the general stow plan, and we understand that this information is required so that CBP can cross reference the containers on the stow plan with the containers for which they have received advance cargo manifests, to ensure that every container on board has been manifested, and is not related to the exact stowage position

3. Container Status Code: The WCO Data Model V3 defines WCO ID 351 - Container Status Code as a "code indicating the status of the container" (i.e., is the container full or empty), whereas the container status messages generated by ocean vessel lines provide information on the location of the container (i.e., when it passed through the gate of the loading terminal, or when it's been loaded or unloaded). It is the latter type of information sought by the Security Filing ('10+2') requirement.

4. Tariff Code number: In the WCO Data Model V3, WCO ID 145 - Commodity Classification is defined as "The non-commercial categorization of a commodity by a standard-setting organization"; qualified by WCO ID 337 - Commodity Classification Type defined as "A qualifier to describe the commodity classification, e.g. Harmonized Tariff Schedule (HTS)...". Note: this data element was formerly WCO ID 7357 - Tariff code number (Customs) defined as a "Code specifying a type of goods for Customs, transport, statistical or other regulatory purposes (generic term)".

The Security Filing ('10+2') NPRM requires a 6-digit Commodity Harmonized Tariff Schedule (HTS) number - a very specific definition. To assure consistent reporting, clarification is needed regarding the number of digits to be reported for data element WCO ID 337.

5. Country of Origin: The Security Filing ('10+2') NPRM requires Country of Origin, defined as "Country of manufacture, production, or growth of the article, based upon the import laws, rules and regulations of the United States". To satisfy this data requirement, US CBP has proposed using WCO Data Model V3 WCO ID 282 - Location, coded, defined as "Identification of a location". WCO Data Model V3 includes WCO ID

063 - Country of origin, coded defined as "To identify the country in which the goods have been produced or manufactured, according to criteria laid down for the application of the Customs tariff or quantitative restrictions, or any measure related to trade". Use of WCO ID 063 may enhance consistent and accurate reporting of country of origin information. Whether WCO ID 063 or 282 is selected for use, clarification is needed to assure that the WCO data element meets the definition of Country of Origin under US import laws, rules and regulations.

The PSCG would like to reiterate an additional concern regarding the SAFE Framework that is not specific to CBP's proposed Security Filing additional data elements.

- 6. Modal Specific Rules:** The SAFE Framework needs to provide modal specific data element requirements. This was a key issue during the original SAFE Framework discussions, but was not included in the final SAFE Framework language. The PSCG remains very concerned that the SAFE Framework will become increasingly confusing and unworkable as a standard when compounding the additional data elements with no regard to modes of transportation.
- 7. Other Areas of Concern:** The PSCG in their response to the Security Filing NPRM noted the following definitional inconsistencies in the proposed 10 Plus 2 proposal. While these may have been resolved with the future release of version 3 of the WCO Data Model, we believe they bear repeating for consideration by the Technical Committee.

We believe that NPRM seeks to rename or redefine existing WCO Data Elements without first seeking amendment to the WCO Data Model.

Examples:

CBP: "Ship to name and address" – "Name and address of the first deliver-to party scheduled to physically receive the goods after the goods have been released from customs custody."

WCO: "Delivery Destination" – "The location to which goods are to be delivered. Address, region and/or country as required by national legislation or according to national requirements."

CBP: "Consolidator (stuffer) name and address" – "Name and

address of the party who stuffed the container or arranged for the stuffing of the container."

WCO: "Consolidator - name" - "[n]ame [and address] of the freight forwarder combining individual smaller consignments into a single larger shipment (so called consolidated shipment) that is sent to a counterpart who mirrors the consolidator's activity by dividing the consolidated consignment into its original components".

CBP: "Container stuffing location" - Name and address(es) of the physical location(s) where the goods were stuffed into the container. For break bulk shipments, as defined in § 149.1 of this part, the name and address(es) of the physical location(s) where the goods were made "ship ready" must be provided."

WCO: "Place of Vanning": "[n]ame [and address] of the location where the goods are loaded into the transport equipment".