



# CBSA's new eManifest requirements: Is your company prepared?

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**T**he deadline for commercial highway carriers transporting goods across the Canadian border to be in compliance with the new Canada Border Service Agency's (CBSA) Advance Commercial Information (ACI) program's eManifest requirements is quickly approaching. Authorized under section 12.1 of the *Customs Act*, RSC 1985, c 1, the eManifest phase of ACI is the latest government initiative designed to enhance border security while assisting the CBSA in identifying and processing low-risk shipments to mitigate truck delay at the border. Current CBSA programs such as the Customs Self Assessment (CSA) program, Free and Secure Trade (FAST) program, and Commercial Driver Registration Program (CDRP) will remain in place and will complement the eManifest program.

As part of the implementation process, carriers have been able to voluntarily submit electronic conveyance and cargo data to the CBSA prior to arrival at the border through the Electronic Data Interchange (EDI) method since 2010 and through the eManifest portal when it was launched in August 2011. As of November 1, 2012, carriers were required to electronically submit conveyance and cargo data to the CBSA one hour before the shipment arrives at the border. Carriers that were non-compliant on November 1, 2012, and that are still non-compliance, have been provided with an informed compliance period that will remain in place until May 2013 when the new regulations under the *Customs Act* governing advance reporting are expected to be in place. Carriers who infrequently perform cross-border transportation should also be aware that as part of the ACI program the generic itinerant highway carrier code "77YY" was eliminated as of March 2011. All commercial carriers transporting goods into Canada are required to have a valid CBSA issued carrier code no matter how infrequently they transport goods across the Canadian border.

Once the new regulations are in effect, carriers who fail to electronically submit conveyance and cargo data in advance of the



shipment reaching the border will be denied entrance into Canada. Additionally, carriers may face fines under the CBSA's Administrative Monetary Penalty System (AMPS) for:

- Failing to send the required conveyance and cargo data at least an hour in advance of the trucks arrival at the border,
- Providing incomplete, inaccurate or untrue information; or
- Failing to notify the CBSA that the conveyance or cargo data submitted has changed.

Carriers who repeatedly fail to comply with the eManifest requirements or who frequently submit data amendments or delete transmissions may also risk having this information included in the carrier's overall CBSA risk score potentially resulting in an increase of the time it takes for the carrier's shipments to pass through customs.

Carriers should also familiarize themselves with the exceptions to the eManifest reporting requirements. Below are a few of the exceptions to eManifest reporting permitted by the CBSA:

- Bobtails excluding 'complete' trucks such as cube vans (empty loads are still required to file eManifest data unless the carrier is a CSA carrier and the driver is a FAST participant);

- CSA importer shipments carried by a CSA carrier with a driver who is a FAST participant (if the load involves both exempt and non-exempt cargo, the carrier will be required to send conveyance data and cargo data for the non-exempt cargo);
- Goods being imported into Canada under Courier Low Value Shipment (CLV) program by an approved courier under the program (Carrier is only exempt from filing cargo data for the CLV cargo)
- US Customs Border Protection turnarounds; and
- Mail (Canada Post, US Mail, International) when the load consists of mail only.

Given the fast approaching deadline of May 2013 for mandatory compliance, carriers not yet filing conveyance and cargo data electronically in advance should immediately begin familiarizing themselves with the eManifest requirements and the methods of transmitting advance trade data to CBSA to ensure a smooth transition from the current paper manifest based system. ■



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