



Oakland Has Begun Extended Gate Fees for Containers

After the closure of the Ports America Terminals in Oakland, the remaining terminals began to experience some congestion. In the transition, these terminals have been able to take on the containers that used to be handled by Ports America, but they have had challenges in delivering the containers within regular daytime hours. Extended hours have been required in order to keep containers moving. The Port of Oakland supported the additional hours by subsidizing the off-hour gates through its Transition Assistance Plan. This was a short term program that ended at the end of June.

OICT/SSA terminal, which now handles 85% of the containers arriving in Oakland, has started up an Extended Gate Fee to maintain the extended times for cargo moves to and from their terminals. The fee of \$30.00 will be charged on all loaded import and export containers arriving or leaving through OICT/SSA. The purpose of the fee is to subsidize extended gate hours. The extended gates will now be open from 6:00 PM to 3:00 AM, Monday through Thursday.

A payment will have to be made or guaranteed on all containers moving through OICT/SSA. This will allow all containers to move when they are available rather than force moves in free times. Applying the fee to all containers will also to keep the fees lower for all those containers. The extended gate times will service imports, exports and empties.

The payment of the Extended Gate Fee will be different between import and export containers. For Imports a constraint hold will be placed on all containers for the fee. Importers can pay by check, money order or wire transfer. Specific accounts can be set up for the payment with OICT/SSA. Instructions can be found at OICTgatefee@ssamarine.com.

The export Extended Gate Fee will be billed after the container has been in-gated to be loaded on a ship. The exporter on record for the booking will be billed unless otherwise arranged for.

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A customer information form must be filled out and an account set up in advance for billing for all export loads. Again instructions can be found at OICTgatefee@ssamarine.com.

Importers and exporters can also arrange for a third party to make the payments on their behalf. Carmichael has set up its own account for Extended Gate Fee and can assist its customers with the payment for the Extended Gate Fees. Speak to your account representative about any questions on the Extended Gate Fees in Oakland.

USTR Announces Travel Goods GSP Status for LDBDC's and for AGOA

As part of its Generalized System of Preferences (GSP) 2015/2016 review, the United States Trade Representative (USTR) has announced the addition of new duty-free status to several travel goods (luggage, backpacks, handbags, and wallets) for Least Developed Beneficiary Developed Countries (LDBDC). The same benefits were not granted to all the other countries in the GSP program. The same status granted to the LDBDC's was also granted to countries of the African Growth and Opportunity Act (AGOA). A copy of the USTR's notice can be found at:

<https://ustr.gov/about-us/policy-offices/press-office/press-releases/2016/june/ustr-announces-major-expansion-trade>

The Administration has the authority to grant full GSP status to travel goods for all GSP countries, but chose to only grant it to the LDBDC. Several trade groups have expressed their disappointment and will continue to try to get the Administration and the office of the USTR to reconsider granting GSP for travel goods to all GSP countries.

The review also included several special changes to GSP for specific HTS numbers for particular countries. A copy of the list of changes can be obtained from Carmichael's Customs Administration Department.

Final Regulations for ISF 5 Proposed

U.S. Customs and Border Protection (CBP) has issued a Federal Register Notice (FRN) for its changes to the ISF importer rules for ISF 5. The Importer Security Filing (ISF) requires 10 data elements (ISF 10) for goods imported for consumption by Ocean Freight, and only 5 data elements (ISF 5) for goods destined to move in transit through the United States to foreign destinations or to a Foreign Trade Zone. The ISF 5 is also required for goods left on board for a ship that calls at a U.S. port with further calls to other foreign ports. The cargo left on board those ships is called Foreign Cargo Remaining on Board (FROB).

The original ISF regulations name the ISF importer as the filer of the inbond entry for in transit goods, with liability for the timely filing of the ISF 5. This was unreasonable in that often the decision to file an inbond entry for re-export is made after the cargo arrives. This FRN announces that the ISF importer for the ISF 5 can now be the owner of the goods, the purchaser, the consignee, or the agent such as a Customs Broker.

The notice also expands the current requirement that the ocean carrier must file the ISF 5 for FROB cargo. The change will require that Non-Vessel Operating Common Carrier's (NVOCC) will file the ISF 5 for FROB cargo that the NVOCC has also directly filed electronically the manifest data for the housebills of lading in their consolidations. With the changes under this FRN, importers should expect CBP to move to enforcement of the timely filing of the ISF 5 similar to the current enforcement policies for the ISF 10. The FRN can be found at:

<https://www.gpo.gov/fdsys/pkg/FR-2016-07-06/pdf/2016-15687.pdf> .



By **Todd Boice**, *President*