

# CHƯƠNG 5:

## NGHIỆP VỤ CHỐNG BUÔN LẬU VÀ GIAN LẬN THƯƠNG MẠI



# Các khái niệm có liên quan

- Buôn lậu là sự vận chuyển trái phép (điều 97- BLHS)

# US Customs and Border Protection

## “US CBP”

### **CBP is now responsible for:**

- **Collecting Duties, Fees and Penalties on Imported Merchandise**
- **Interdiction and seizing Contraband**
- **Processing persons, baggage, cargo and mail into the country**
- **Protecting US Business by enforcing laws to prevent illegal trade practices**
- **Collecting Import and Export data to compile International Trade Statistics**
- **Protecting welfare and security of the US by enforcing import and export restrictions and prohibitions**
  - Including import of dangerous items
  - Including export of critical technology



# US Customs and Border Protection Since 9/11/2001

## CBP and associated resources:

- Focused on Terrorists bringing in Contraband/WMD/etc
- Tripled the agents working the Northern and Southern borders
- Increased Remote Video Surveillance Systems (RVSS) at all 350 North and South Border Crossings
- Deployed Unmanned Aerial Vehicles to Southern Border
- Develop standard policies and practices to ensure swift response to an individual, package or conveyance that is deemed to pose a National Security Risk
- Establish Container Security Initiative – 19 Countries – 41 ports
- Establish C-TPAT – Customs – Trade Partnership Against Terrorism
- Improved Selectivity, Screening and Targeting



# US Customs and Border Protection

## Key Statistics

- **CBP processes more than \$1.4 trillion in imported goods each year**
- **CBP collects \$26 billion in revenue - 2<sup>nd</sup> only to our friends @ the IRS**
- **90% of all world cargo moves by container**
- **Nearly 1/2 of US incoming trade arrives by Sea Container**
- **On average – 11 million Sea Containers arrive and are offloaded at US seaports each year**
- **12 million Trucks pass the borders each year**
- **1 million Air Cargo shipments arrive yearly**

- **Pre 9/11- Customs Filing Environment**
  - Information Required After Cargo Arrived at Port of Discharge
  - Electronic Filing the Exception, typically done on Paper
  - Information Required at a Summary Level (Consolidated) Only
  - No Critical Requirement for end-to-end Visibility and Supply Chain Integration
- **Post 9/11 – Customs Filing became a Critical Tool in the “War on Terror”**
  - U.S. Moved Quickly (Trade Act 2002) to Require:**
    - Information Required Before Cargo Loaded at Port of Departure
    - Mandated Requirement to File Electronically
    - Information Required at Detail Level (“House Bill” providing Shipper, Consignee)
    - Customs Authorities Requiring Trade to Secure Supply Chain



# US Customs and Border Protection Trade Act 2002

## Key Trade Focused Initiatives

- **Container Security Initiative (CSI)**
  - 25 countries approached - 19 involved – 41 ports in place
  - AMS – in place now - notification of Cargo declaration within 24 hrs of sailing from foreign port in most cases; Air – 4 hours after wheels up; Truck- 1 hour or 30 minutes FAST; Rail- 2 hours
- **World Customs Organization (WCO)**
  - 168 Customs administrations
  - 97% of all trade covered
  - Created framework of standards - Customs Orgs adhere to guidelines
- **Customs-Trade Partnership Against Terrorism (C-TPAT)**
  - Voluntary , collaborative partnership between CBP and Trade Orgs
  - Nearly 10,000 enrolled companies (Importers, Brokers, Terminal Operators, and Carriers )
- **Free and Secure Trade (FAST)**
  - C-TPAT members sign-up and qualify for expedited treatment at the border
- **Non-Intrusive Inspections (NII)**
  - X-ray, Radiation monitors, Isotope detectors used on goods passing through borders



# US Customs and Border Protection Trade Focused Initiatives (cont.)

- **National Targeting Center (NTC)**
  - 24/7 data analysis center
  - Links databases across several Government agencies
  - Identifies threats
  - Creates/Shares “Denied Parties”
- **Automated Commercial Environment (ACE)**
  - Replacement for legacy Automated Commercial System (ACS)
  - Allows Importers, Brokers, and Carriers to submit manifests, Conveyance and Driver information for automated clearance by Customs
  - Phased approach – introduced at 60 of 350 Border Crossings
  - Federal Register Notice soon to be released



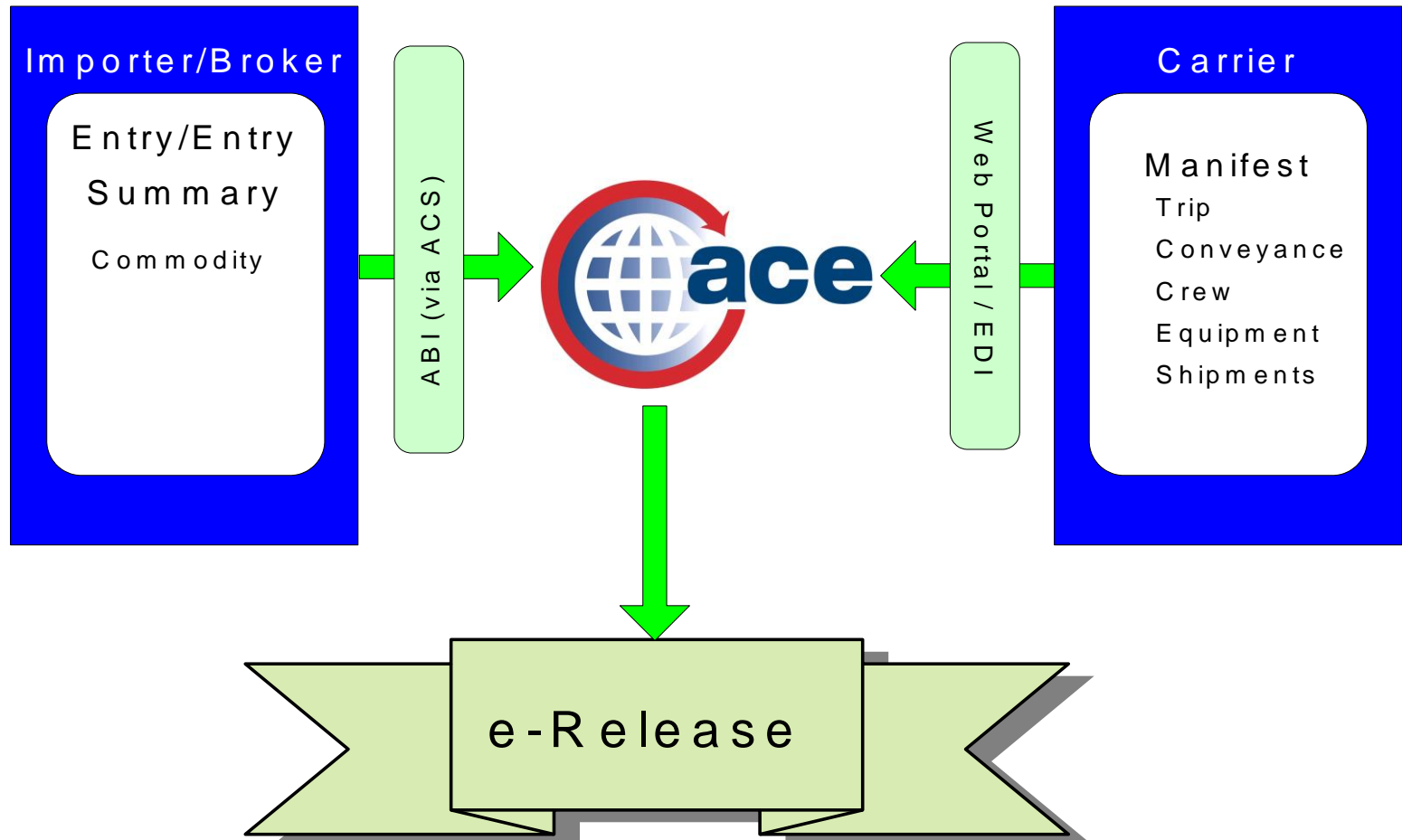


# Automated Commercial Environment “ACE”

## Deployed in Phases

- **2002-2004 – Foundation of Program, Account Creation**
- **2005-2007 – E-Manifest – Trucks**
  - 10,000/month filed electronically now
  - 30K shipments a day moving over border
  - Federal Registry Notice soon to be delivered – Early 2007 Mandate
- **2007–2008 – Screening and Targeting**
  - Restricted Parties
  - Denied Parties
  - Parties of Concern
- **2007-2010 – Additional features**
  - Summaries, Accounts and Revenue
  - Cargo Transactions and Enforcement
  - Additional Screening and Targeting features

# e-Manifest: Trucks Process Overview





# ACE e-Manifest: Trucks Feature

- **The e-Manifest feature in ACE:**
  - Automates truck manifest filings with CBP
  - Interfaces with current release processes
  - Consolidates CBP release mechanisms
  - Utilizes both EDI and ACE Secure Data Portal technologies
  - Incorporates transponder & proximity card technology
  - Supports in-bond processing

# Components of an e-Manifest

## Trip

- Conveyance – Truck/License
- Crew – Driver/Passenger
- Equipment – Length/Type
- Shipment/Manifest
  - Line item detail – no longer FAK acceptable
  - Must match Brokers/Importers input

# Shipment Release Types

## Shipment release types

- Pre Arrival Processing System (PAPS)
- Border Release Advanced Screening and Selectivity (BRASS)
- Section 321 release of merchandise under \$200
- Instruments of International Traffic
- Free and Secure Trade (FAST-NCAP)
- In-bond from manifest, electronic in-bond (QP/WP) or CAFES



# ACE – How this may affect your Company?

## Mandate to come down in early to mid 2007

- Rolled out over 350 Border crossings – starting with Blaine, WA
- 350 trucks signed up now – estimate over 4-5K haul cross border
- Ace Portal showing volume constraints with current flow
- Big rush to be ACE compliant = Potential for cross border slowdown
- Trucks at border not accompanied by e-manifest will be turned away
- Freight and Cross-Border commerce may be negatively impacted

# Global Initiatives Review

## Where are we today?

- **USA: (In Progress)**
  - Ocean Imports Mandated to be Filed Electronically
  - Air Imports Mandated to be Filed Electronically
  - Land Imports (Truck from Mexico/Canada) Mandate Scheduled by End 2006
  - All Exports (already largely automated – AESDirect) Mandate Scheduled 2006
- **Canada: (In Progress)**
  - Ocean Imports Mandated to be Filed Electronically
  - Air Imports Mandated to be Filed Electronically
  - Land Shipments (Truck from USA) Mandate Scheduled early 2007
  - All Exports Mandate Scheduled 2007
- **Mexico: (Automation Imminent)**
  - All Modes (Ocean/Air/Land) Early 2007
- **European Union: (First Steps being Taken)**
  - National Requirements emerging (Germany, Belgium)
  - EU Wide Requirement in Early Stages – Completion 2009
  - Following WCO model
- **Far East: (Pre-9/11 Automation In Place)**
  - Some level of “Old Style Automation” in place in most major trading nations
  - Steps to Re-Tool to Post 9/11 Automation Model being looked at
  - Specific Countries taking the Lead – eg India



# Questions??

Jeff Hill – VP, GLN

[jhill@descartes.com](mailto:jhill@descartes.com); 678-247-0421 wk

Peter Yost – Director –GLN Business Development

[pyost@descartes.com](mailto:pyost@descartes.com); 678-247-0410