



Ottawa, March 18, 2009

MEMORANDUM D3-5-1

In Brief

COMMERCIAL VESSELS IN INTERNATIONAL SERVICE

1. This “In Brief” page replaces the “In Brief” page dated August 13, 2008 only. The content of Memorandum D3-5-1 does not change.
2. Information related to the ACI program has been incorporated into this memorandum as well as in D3-1-1, *Policy Respecting the Importation and Transportation of Goods*; D3-2-1, *International Air Traffic*; D3-2-2, *Air Cargo – Import Movements* and D3-5-2, *Marine Operations – Canada Border Services Agency – Marine Cargo – Import Movements*.
3. Procedures and guidelines regarding outward reporting of marine conveyances has been removed from this memorandum and can be found in D3-1-8, *Cargo Reporting – Export Movements*.
4. Procedures and guidelines regarding loading or discharge of cargo at non-CBSA port have been added to this memorandum.
5. Procedures and guidelines regarding coasting licences have been removed from this memorandum and can be found in D3-5-7, *Temporary Importation of Vessels*.
6. Procedures and guidelines regarding international waste have been added to this memorandum.
7. Procedures and guidelines regarding wood packaging material have been add to this memorandum.
8. This “In Brief” page has been revised to denote changes made as a result of the Government of Canada’s Paperwork Burden Reduction Initiative. Revisions are as follows:
 - (a) Paragraph 19, *Transmission of Advance Commercial Information (ACI) – Conveyance* was deleted as cargo requirements are stated in D3-5-2, *Marine Cargo – Import Movements*, under paragraph 9 of that memorandum.
 - (b) Paragraph 25, *First Port of Arrival* was deleted as ships stores procedures are stated in D4-2-0, *Ships’ Stores Regulations* and D4-2-1, *Ships’ Stores Regulations*.
 - (c) In section entitled *Coastwise Shipping*,
 - (i) paragraph 45 was deleted since the requirements for coastwise shipping are discussed in paragraphs 87 and 96 of this memorandum.
 - (ii) paragraphs 47, 48, 52 and 53, have been deleted since the requirements for cruise ships are discussed in D2-3-7, *Marine Operations – Canada Border Services Agency Processing of Cruise Ships*.
 - (d) Paragraphs 54, 55, 57 and 62, *Outwards Report*, have been deleted since the requirements for outward reporting are discussed in D3-1-8, *Cargo – Export Movements*.
 - (e) In section entitled *Coastal Fisheries Protection Act – Fisheries and Oceans*,
 - (i) paragraph 77 has been deleted since the requirements for outward reporting are discussed in D3-1-8.
 - (ii) paragraph 81 has been deleted as this repeats inward and outward reporting requirements discussed in paragraph 63 of this memorandum.



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Ottawa, August 13, 2008

MEMORANDUM D3-5-1

MARINE CARGO – IMPORT MOVEMENTS

GUIDELINES AND GENERAL INFORMATION

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1. It is the responsibility of Carrier and Cargo Programs, Commercial Border Policy Division, Border and Compliance Programs Directorate, Admissibility Branch of the Canada Border Services Agency (CBSA) to provide national policies and procedures relative to the reporting to CBSA and clearance of commercial vessels carrying commercial cargo in international service.

DEFINITIONS

A6 General Declaration: It is the paper form used to report inward/outward movements of vessels.

Clearance: Is the official customs permission to enter/leave and sail.

Conveyance: Any vehicle, aircraft or water-borne craft or any other contrivance that is used to move persons or goods.

Conveyance Report Number/Conveyance Reference Number (CRN): A unique reference number assigned by the carrier to identify a particular voyage for a particular conveyance.

Conveyance Report (EDI A6): An EDI conveyance advanced information provided by the marine carrier (SO-91).

EDI: Electronic Data Interchange.

Estimated Time of Arrival (ETA): In the marine mode, generally used in the context of ‘Pre-arrival’ for the purpose of knowing the approximate time that a vessel will arrive at a dock in Canada.

Inward Documentation: The formal inward report entry verifies that all the primary CBSA and OGD formalities have been executed. The A6 General Declarations or the Electronic Data Interchange (EDI) A6 Conveyance Reports are part of the required “documents” to be reviewed during the formal entry. If there is cargo on board the vessel, The A6A Cargo Declarations or the EDI A6A Prime Cargo Reports will also be required.

Other Government Departments (OGD): Federal Departments or Agencies such as: Canadian Food Inspection Agency (CFIA) or Department of Foreign Affairs and International Trade (DFAIT) etc.

TARIFF TREATMENT OF VESSELS IN INTERNATIONAL SERVICE

2. For the purposes of this memorandum, a Canadian vessel is defined as a vessel engaged in international commercial transportation which is registered in Canada, and
- (a) was built in Canada;
 - (b) all duties have been paid; or
 - (c) has been deemed to be duty paid under the terms of some other Act.

Note: Any vessel that is not a “Canadian vessel” as defined above is deemed to be a foreign vessel for CBSA purposes and, if in international service, should be classified under tariff item No. 9801.10.00.

3. Canadian vessels in international commercial service are not admissible under tariff item No. 9801.10.00. Rather they are to be classified under either tariff item No. 9813.00.00 or No. 9814.00.00, if applicable. Where Canadian vessels arriving in Canada do not qualify for importation under either of these tariff items, they shall be classified under the appropriate tariff item in Chapter 89.
4. Where Canadian vessels are returning to Canadian waters and repairs and modifications were done during the course of the vessel’s operations abroad, customs duties may be reduced or removed as provided under the *Vessel Duties Reduction or Removal Regulations*. All such repairs or enhancements shall be reported to the CBSA and duly accounted for upon the vessel's first return to Canada, even if the vessel is continuing in international service.
5. A foreign vessel must either be formally accounted at the CBSA or exported from Canada within 30 days of such a declaration.
6. Vessels operating in international commercial service that are unable to depart from Canada due to ice conditions will not be considered as imported. They should be documented in an appropriate manner and allowed to leave at the earliest opportunity.
7. Any vessel classified under tariff item No. 9801.10.00 and subsequently diverted to a dutiable use in Canada, is considered as having been diverted from the use originally intended and the importer will be held liable for payment of full duty under the appropriate tariff item in Chapter 89 of the *Customs Tariff*.

CARRIER IDENTIFICATION (CARRIER CODES)

The 9ITN Generic Carrier Code

8. The CBSA no longer accepts cargo or conveyance reports with the 9ITN carrier code from marine carriers reporting commercial cargo.

9. Empty vessels: If they do not have a 9000 series identifier carrier code, they will be permitted to report (paper A6) their conveyances using the 9ITN generic carrier code.

10. Fishing vessels: The same as empty vessels, if they do not have a carrier code and they are not reporting any cargo, 9ITN will be accepted on their conveyance reports.

Marine Carriers

11. To report and transmit Advance Commercial Information (ACI) on cargo/conveyances, the CBSA requires that all marine carriers use a 9000 series identifier carrier code issued by CBSA. The marine carrier can choose one of the following three options:

(a) Apply for a bonded carrier code: A carrier wishing to transport in bond goods under a general authorization must apply on an *Application to Transact Bonded Carrier and Forwarding Operations*, form E370. For more information, please refer to Memorandum D3-1-1.

(b) Apply for a non-bonded carrier code: A carrier who does not wish to obtain a bond for transporting in-bond cargo into Canada but is required to obtain it’s own carrier code for identification purposes, may apply for a carrier code by submitting a completed *Application to Transact Non-bonded Carrier Operations at Point of Arrival in Canada*, form E369. For more information, please refer to Memorandum D3-1-1.

(c) Hire an agent: A carrier has the option of hiring a marine/ship’s agent to report and transmit ACI cargo/conveyance on his behalf.

Marine Agents/Ship’s Agents

12. In the case of marine agents/ship’s agents handling the cargo/conveyance reporting and ACI transmission on behalf of a marine carrier, the agents must also use a 9000 series identifier carrier code issued by CBSA.

TRANSMISSION OF ADVANCE COMMERCIAL INFORMATION (ACI) – CONVEYANCE

13. The CBSA requires, under the Advance Commercial Information (ACI) program that all marine carriers transmit electronic cargo and conveyance reports using the Electronic Data Interchange (EDI) within the appropriate ACI timeframes. This applies to all vessels carrying commercial goods that are loaded in a country other than Canada and that arrive in a port in Canada. The requirement applies to all import, in-transit, and Freight Remaining on Board (FROB) shipments. For cargo reporting and ACI transmission requirements, please refer to D3-5-2, *Marine Cargo – Import Movements*. For further information on the ACI conveyance data requirements, please consult Appendix B of this memorandum.

Note: Procedures on becoming an EDI client are available on the E-Commerce section of the CBSA Web site and in the Memorandum D3-1-1, *Policy Respecting the Importation and Transportation of Goods*.

14. Only one conveyance report is to be transmitted per vessel. In the case of consortiums arrangements, the master carrier is responsible for providing a conveyance report for the vessel. It will be the responsibility of the master carrier to advise all consortium members of the conveyance reference number in a timely manner to enable their transmission of cargo data within the prescribed timeframes. This conveyance reference number must be referenced on the consortium member's cargo reports.

15. The Estimated Date and Time of Arrival (EDTA) data element must be kept accurate to within 8 hours. If the EDTA is expected to differ by more than 8 hours, a change must be sent electronically with an updated EDTA. An updated EDTA is also required if the vessel is expected to arrive on a new calendar day, regardless of whether it is within 8 hour timeframe.

16. If due to port congestion, a vessel must wait in anchorage for a spot at the dock, the vessel is considered arrived, and the EDTA does not have to be updated.

17. Cargo can be discharged upon arrival, prior to the EDTA, as long as it is within the 8 hours. However, the cargo cannot be discharged if a 'Do not unload' message has been issued by the CBSA.

18. Changes to conveyance information that has been provided in advance may be made electronically at any time prior to the arrival of the vessel in Canada.

19. Information on ACI is also available on the CBSA Web site. For any electronic format specifications, please refer to the ACI Marine Client Document.

FIRST PORT OF ARRIVAL

20. The First Port of Arrival (FPOA) is the first port in Canada that the vessel stops at for any of the following activities: crew activities, cargo activities, bunkering or seaway inspections.

21. For Great Lakes traffic, the CBSA has deemed two ports in and out of the Great Lakes as the FPOA whether the vessel stops there or not: Montréal and Port Colborne.

22. For vessels travelling into, and through, Canada from off shore and up bound, Montréal will be the FPOA, unless the vessel stopped somewhere else in Canada first. The captain must be prepared to stop for examination if required.

23. For vessels travelling with U.S. loaded cargo from the Great Lakes and passing through the Welland canal, Port Colborne will be the FPOA, unless the vessel stopped somewhere else in Canada first. The captain must be prepared to stop for examination if required.

24. The FPOA must be transmitted on all conveyance reports, as indicated within this section.

ACI TRANSMISSION TIMEFRAMES

25. The timeframes for transmission of the conveyance report by the master carrier to the CBSA is based on the type of cargo the vessel transports and of his origin.

Cargo loaded in a country other than the United States and Puerto Rico

26. All conveyance reports must be transmitted at least 96 hours prior to arrival at the FPOA for all containerized and non-exempted break-bulk vessels.

27. All conveyance reports must be transmitted at least 24 hours prior to arrival at the FPOA for all bulk and exempted break-bulk vessels.

28. All conveyance reports must be transmitted at least 96 hours prior to arrival at the FPOA for all vessels carrying only empty containers.

29. Vessels transporting a combination of goods described in the above paragraphs must be reported 96 hours prior to arrival at the FPOA.

Cargo loaded in the United States and Puerto Rico

30. All conveyance reports must be transmitted at least 24 hours prior to arrival at the FPOA or at time of departure for voyages that are less than 24 hours.

31. Conveyance reports for those vessels carrying only empty containers must be transmitted at least 4 hours prior to arrival at the first Canadian port or at time of departure for voyages that are less than 4 hours.

EMERGENCY STOPS

32. Emergency stops are defined as stops for medical, weather, mechanical difficulties or security threats.

33. If these stops exceed 8 hours, carriers will be required to advise by telephone with the updated information the National Risk Assessment Centre at 613-948-3939 for foreign callers or **1-800-523-5072** for North America callers. Cargo and conveyance data must be updated electronically as soon as known to reflect the new FPOA and its Estimated Date and Time of Arrival (EDTA).

34. A paper A6 report must also be presented at the next port of call for all foreign vessels (including the United States). If the vessel is Canadian, a paper A6 will not be required at the next port of call.

35. If the emergency stop is less than 8 hours, no update to the conveyance report is required.

CHANGES/CORRECTIONS TO CONVEYANCE REPORTS

36. Changes/corrections to A6 conveyance reports may be made electronically at any time prior to the arrival of the vessel at the FPOA.

CANCELS/DELETES TO CONVEYANCE REPORTS

37. If the conveyance report number needs to be changed on the conveyance report, the report must be cancelled and a new report must be transmitted.

38. If a vessel is no longer coming to Canada, the conveyance report must be deleted.

ACI TRANSMISSION AND REPORTING REQUIREMENTS FOR MULTIPLE CANADIAN PORTS OF CALL

39. An electronic conveyance report must be transmitted to the FPOA as per the timeframes specified in paragraphs 25 to 31.

40. Foreign or U.S. registered vessels must provide a paper A6 inward and outward report at each subsequent port of call after the FPOA. The conveyance reference number submitted on the paper A6 must match the reference number transmitted on the electronic conveyance report

Example: a foreign vessel calls into the port of Montréal where it discharges cargo, proceeds to Hamilton to discharge cargo, and continues on to Sault Ste. Marie where more cargo is discharged. The marine carrier transmits ACI conveyance report to the FPOA, Montréal. On departure from Montréal, the marine carrier will present a paper A6 outward conveyance report. A paper A6 inward conveyance report will be presented upon arrival in Hamilton. Then, on departure from Hamilton, a paper A6 outward conveyance report will be presented. The same paper process will be repeated at the Port of Sault Ste. Marie, i.e. a paper A6 inward report and a paper A6 outward conveyance report upon departure.

41. The requirement for conveyance reporting on paper at the subsequent Canadian ports of discharge is an interim process and will be eliminated in a future phase of ACI.

42. There are no requirements for a Canadian vessel to submit paper A6 at subsequent ports of call.

REJECTION MESSAGES

43. If a conveyance report is rejected by the CBSA systems, a rejection message will be transmitted to the sender.

44. It is the responsibility of the carrier to send an amended message to correct the error as indicated in the rejection message.

45. The rejected report will be considered by the CBSA as a non-transmission of the conveyance report until the identified errors have been addressed and the conveyance report is in an accepted status.

46. Any enquiries or documentation requests should be directed to:

Electronic Commerce Unit
Canada Border Services Agency
250 Tremblay Road, 6th floor
Ottawa, Ontario K1A 0L8

Telephone:

1-888-957-7224 calls within Canada and the U.S.
1-613-946-0762 for overseas callers between 8 a.m. and 5 p.m. (E.S.T.)
1-613-946-0763 for overseas callers between 5 p.m. and 8 a.m. (E.S.T.)

OUTWARD REPORT

47. For information on outward reporting, please refer to Memorandum D3-1-8, *Cargo – Export Movements*.

PAPER REPORTING FOR VESSELS WITH ACI EXEMPTION

48. The following vessels are exempt from ACI reporting requirements:

- (a) Military vessels carrying solely military cargo on board;
- (b) Government vessels carrying solely government cargo on board;
- (c) Fishing vessels;
- (d) Vessels solely carrying Canadian goods returned;
- (e) Ferries;
- (f) In ballast (empty vessels)

Military vessels carrying solely military cargo on board

Foreign Military Vessels

49. Foreign military vessels are not required to file a Form A6 for inward or outward movements. The masters of these vessels are authorized to make courtesy oral reports to the CBSA.

50. Foreign military vessels, including ships of war, military transports, military supply ships, and military support vessels which are owned or controlled by the government of any country are entitled to ships' stores as per the Schedule to the *Ships' Stores Regulations*.

51. Where visiting forces are stationed in Canada, their goods may be imported without payment of duties and taxes under the provisions of tariff item 9827.00.00.

Canadian Military Vessels

52. Canadian military vessels are not required to present an A6 form for inward and outward movements. The masters of these vessels are authorized to make courtesy oral reports to the CBSA.

53. Canadian military vessels that are proceeding outside Canada and military service ships that are required to report under section 95 of the *Customs Act* (outward report) and that are proceeding outside Canada are entitled to ships' stores as per the Schedule to the *Ships' Stores Regulations*. The term "proceed outside Canada" means to advance beyond:

- (a) the land mass of Canada;
- (b) the internal waters; or
- (c) the territorial sea of Canada.

54. The master of a Canadian warship or service ship must advise the local CBSA office on the 31st day the vessel has been in a Canadian port that the vessel will be remaining in port. An inventory is then to be completed by the CBSA of all ships' stores aboard the vessel. Following the completion of the inventory, the sale on board of these goods will no longer be permitted, the designation of these materials as Ships Stores as per the Schedule to the *Ships' Stores Regulations* will be lost, thus allowing the purchase of similar goods in the local economy by crew members.

55. Declarations as returning residents are required from members of the crew upon their arrival from foreign ports or high seas manoeuvres of a duration of more than 48 hours. Crew members are entitled to the personal exemptions provided under 98.04 of the *Customs Tariff*.

Government Vessels

56. Canadian government vessels are defined as those vessels owned, leased, or operated by the federal or provincial governments of Canada. Canadian Coast Guard vessels, as well as Fisheries and Oceans Canada and Hydrographic Services vessels, are included in this category. Military vessels are not included in this group, but are discussed in paragraphs 49 to 55.

57. Vessels commanded by officers appointed by the Government of Canada or a provincial government must present a completed A6 form in the following circumstances:

- (a) when arriving from a foreign port;
- (b) when departing from a foreign port; or
- (c) when taking aboard in-bond stores.

58. Government vessels must meet safety inspection and certificate of competency requirements under the *Canada Shipping Act*.

59. Canadian Coast Guard ships that are proceeding on a voyage to the Arctic are entitled to ships' stores as per the Schedule of the *Ships' Stores Regulations*. Canadian-registered vessels that are operated by the Government of Canada to obtain scientific data on the high seas, including weather, research, and fisheries patrol ships, are also entitled to ships' stores.

60. Personal declarations are required from crew when returning from a foreign port. Crew members are entitled to personal exemptions under heading 98.04.

Fishing Vessels

61. The CBSA cooperates with the Department of Fisheries and Oceans in the Atlantic Region in the administration of programs under the *Coastal Fisheries Protection Act*. Under these programs, fishing vessels from designated countries, referred to as "fisheries program vessels," are permitted entry into Canadian fisheries waters to acquire Canadian fish and fish products. The CBSA's role under these programs is to facilitate the inward and outward movements of fisheries program vessels while satisfying all requirements of the *Customs Act* and the legislation of Other Governmental Departments (OGD) client departments.

62. The Department of Fisheries and Oceans has agreed to assist the CBSA by providing a report of all foreign vessels authorized to engage in programs under the *Coastal Fisheries Protection Act*. Information on the status of any particular vessel can be obtained from:

Canada Border Services Agency
Customs Client Services
1969 Upper Water Street
Purdy's Tower 2, 5th Floor
Halifax, N. S. B3J 3R7

63. Fisheries program vessels must report inward at the nearest CBSA office, as per inward report instructions, prior to commencing their fishing operation under licence with the Department of Fisheries and Oceans. A fisheries program vessel operating outside the territorial sea, and proceeding outside Canada, is entitled to ships stores as a fishing ship reported and proceeding outside Canada. For additional information please refer to Memorandum D4-2-0, *Ships' Stores Regulations*. Fisheries program vessels operating within the territorial sea are not entitled to ships stores.

64. Fisheries program vessels operating without bonded stores will be granted a seasonal clearance after initial inward report. This clearance will be valid for the duration of the season and will relieve vessels from the requirement to enter only at ports having CBSA services.

65. Fisheries program vessels operating with bonded stores will have their stores sealed while in port or when operating within the territorial sea. Crewmembers will be permitted the alcohol and tobacco allowances permitted to all visitors, as outlined D2-1-1, *Temporary Importation of Baggage and Conveyance by Non-Residents*. Fisheries program vessels leaving Canada with bonded stores must enter a port having CBSA service upon their return.

66. Fisheries program vessels landing fish and fish products in Canada must file an A6A cargo report with the CBSA. For further information on the A6A form, please refer to D3-5-2, *Marine Cargo – Import Movements*.

67. The CBSA must be advised whenever a change in the crew on board Fisheries program vessels occurs. The master of the vessel is responsible for ensuring that the CBSA receives a report of all crew members offloaded for medical treatment or crew rest.

68. Fisheries program vessels with a seasonal clearance must file an outward report to the CBSA on Form A6, *General Declaration*, at the termination of a fishing operation under licence.

69. Fisheries program vessels without a seasonal clearance must file an outward report to the CBSA on Form A6, on each occasion the vessel leaves the territorial sea. For more information on outward reports and cargo export, please refer to D3-1-8.

70. Fisheries program vessels are not considered to be in the coasting trade unless they engage in the practice of moving goods between two points in Canada. In that case, procedures outlined in the D3-5-7, *Temporary Importation of Vessels*, must be followed. The movement of fish or fish products from a Fisheries program vessel to another within the territorial sea is not considered to be coasting when the receiving vessel is moving the cargo outside of Canada for export.

71. The Department of Fisheries and Oceans has identified several transshipment points within the territorial sea where Fisheries program vessels can meet, with the prior approval of the nearest CBSA office, for transfer of crew, supplies, or fish and fish products. The transfer of fuel between fisheries program vessels within the territorial sea is prohibited due to environmental concerns.

72. Spare parts and fuel to be consumed in Canada are subject to the provisions of the *Customs Tariff* and the *Excise Tax Act*.

73. Fisheries program vessels entering Canada from a foreign port for the purpose of going to a transshipment point must satisfy requirements outlined in paragraph 97.

Canadian Goods Returned

74. If the only type of cargo on board a vessel is “Canadian goods returned,” an ACI conveyance report is not required.

Instead, a paper A6 must be provided to the CBSA for the conveyance.

75. If, in addition to Canadian goods returned, there are foreign loaded goods on board the vessel an ACI conveyance report must be transmitted and the total weight of all goods, including the Canadian goods returned, must be noted/accounted for on the conveyance report.

Ferries

76. Vessels, scows, barges, and similar craft whether self-propelled or towed, used solely or principally for the transportation of vehicles and passengers across international waters shall be classified as ferries.

77. Ferries operating internationally must file with the CBSA one inward and one outward report on form A6, *General Declaration*, at the close of each day's operations. For more information on outward report, please refer to D3-1-8, *Cargo – Export Movements*. Each report must specify the number of trips made during the day and the total number of passengers carried. An itemized record of tourist automobiles, trucks, etc., is not required but the total number of vehicles in each class must be shown for each trip.

TUGS AND BARGES

78. Tugboats and barges – empty or with tows, or carrying cargo – are subject to the same registration and licensing requirements as other vessels operating over similar routes. Tug and barges are both considered conveyances and an ACI conveyance report must be submitted for each tug or barge within the prescribed timelines outlined in paragraphs 25 to 31 of this memorandum. For cargo reporting on tugs and barges and ACI transmission requirements, please see D3-5-2, *Marine Cargo – Import Movements*.

79. **A tug pulling one or more barges with cargo:** An A6 conveyance report would be transmitted electronically for the tug. An A6 conveyance report would also be transmitted for each barge. The voyage/trip number for the tug, the barge(s) and the cargo must be the same. The number of crew is to be reported on the A6 tug conveyance. A zero is to be reported in the number of crew field for the A6 conveyance report for each barge.

80. **A tug pulling one or more barges without cargo:** If there is no cargo on any of the barges being pulled by the tug, there is no requirement for ACI conveyance report. The report would be done on a paper A6 form.

81. **A tug pulling a mix of barges with cargo, and barges without cargo:** An A6 conveyance report is to be transmitted electronically for all of the barges and for the tug. The voyage/trip number for the tug, the barge(s) and the cargo must be the same. The number of the crew must be indicated on the tug conveyance report. A zero is to be

reported in the number crew field for the conveyance report for each barge.

82. **Self propelled barges:** An A6 conveyance report must be transmitted electronically for each barge. If there is more than one barge the same voyage/trip number must be shown on all of the cargo and conveyance reports. If there is more than one barge for this scenario, the number of crew must only be reported on one of the barge conveyance reports, a zero will be submitted in that field on the other conveyance report(s).

83. **A tug carrying goods that are not on a barge:** An A6 conveyance report must be transmitted electronically to represent the Tug.

84. **An in ballast (empty) tug that is not pulling barges:** There is no requirement for ACI conveyance report. A paper report must be completed.

YACHTS

85. Yachts are non-commercial conveyances and are considered as small cruise ships. For more information on reporting of small cruise ships, please refer to D2-3-7, *Processing of Cruise Ships*.

STEVEDORING EQUIPMENT

86. All vessels, regardless of registry, operating exclusively in international trade may transport stevedoring equipment from port to port in Canada only if the equipment is imported temporarily and is used solely for the loading, discharging, and handling of cargo.

COASTWISE SHIPPING

87. Vessels in international commercial service may drop off and pick up cargo at more than one location in Canada provided that all of the following conditions are met:

- (a) the vessel was cleared by the CBSA at the time of its initial arrival in Canada;
- (b) all crew disembarked or cargo unloaded originated outside of Canada; and
- (c) all crew embarked or cargo laden on board is destined to a point or points outside of Canada.

88. Vessels moving as outlined in the previous paragraph are termed to be moving "Coastwise," and are subject to CBSA control. It should be noted that this term is separate and distinct from the term "coasting," which refers to the transportation of goods or people between points in Canada. For more information on passengers processing in coastwise, please refer to D2-3-7, *Processing of Cruise Ships*.

89. Vessels moving coastwise, whether laden or in ballast, remain subject to CBSA control and must be reported to the CBSA at each point of arrival and departure. Where the stay in port will be of a short duration, a combined Form A6

inward/outward vessel report may be accepted. Normal cargo reporting procedures will apply.

90. Vessels moving coastwise may not offload international waste or non-compliant wood packaging materials including dunnage, pallets or crating without the permission of a Border Services Office. Permission to offload international waste or non-compliant wood packing materials will only be granted where CFIA-approved facilities exist for the safe disposal of these items.

91. The border services officer boarding coastwise vessels will verify the security of the bonded stores' seals and replace them if necessary. (Coastwise vessels that have transited international waters are permitted to arrive with their seals broken.) The border services officer will also make any required amendments to the crew list, and grant an issue of bonded stores where appropriate. Safety certificates will also be verified prior to an outwards coastwise report being accepted.

92. While passengers and crew are at liberty to entertain invited guests on board a ship in port, the presence of such persons is to be reported by the carrier, in writing to the CBSA prior to embarkation. Visitors are to be advised that any goods removed from the ship may be subject to duties. Searches of such persons or their possessions may be carried out where there are reasonable and probable grounds to suspect that the person is in possession of undeclared, dutiable goods. For more information on search of persons, please refer to D2-3-7, *Processing of Cruise Ships*.

93. Occasionally, requests are received from various interest groups, such as associations of travel agents or company officials, to travel between ports in Canada on vessels moving coastwise. All such requests are to be forwarded to Carrier and Cargo Programs.

94. Where approval is granted, the parties concerned will be advised that they are subject to customs examination at time of disembarkation. Carrier and Cargo Programs will grant approval in writing to the applicant. Copies will also be provided to all appropriate regional offices.

95. The outwards report of vessels moving coastwise must be made to the CBSA in sufficient time to permit inspection formalities to be completed prior to departure. The CBSA will not be responsible for delays in departure due to late outwards report from the marine company or its agent, or for delays due to non-compliance with legislative requirements. For more information on outward reporting, please refer to D3-1-8, *Cargo – Export movements*.

96. Permission to sail may be refused by the CBSA where it has been determined that the vessel is not in compliance with Canadian law, or that any fees, duties, or penalties due to the Crown have not been paid. Any costs incurred by such delays will be the responsibility of the vessel operator.

VESSEL'S CLEARANCE REQUIREMENTS – GENERAL

97. All vessels in international commercial service arriving in Canada must proceed without delay directly to a CBSA office designated for the clearance of vessels. The complete inward report package includes: Form E1, *Ships Stores Declaration*; Form IMM200, *Crew List*; the Form Y14, *Crew's Effects Declaration*. The package must be presented to the CBSA prior to any persons being allowed to disembark or embark the vessel, or any cargo being discharged.

98. For vessels exempted from the ACI program, a paper A6 – General Declaration must be submitted to the CBSA.

99. All copies of the form A6 will be date-stamped and signed by a border services officer. The presence of the CBSA signature and date-stamp signifies acceptance of the inward report and is not to be considered a validation of all information of the form. A copy must be kept by the carrier as a proof of report.

100. Cargo may only be discharged with CBSA permission as signified by the presence of a border services officer's signature and date-stamp on the form A6.

101. After the A6 form is numbered (when required), date-stamped and signed by a border services officer, the copies will be distributed as follows:

- (a) one copy with attachments retained by the CBSA;
- (b) one copy with attachments to Statistics Canada; and
- (c) one copy faxed back to the vessel or to the agent for presentation to the harbour master.

102. Normally, arrangements to clear a vessel in international commercial service can be made with the local CBSA office in advance, either by the ship's agent or master.

103. It is the master's responsibility to ensure that no goods are discharged from the vessel, that no one other than a pilot, medical officer of health, or an officer acting in an official capacity is allowed to board the vessel, and that no one is allowed to leave the vessel, until such time as CBSA requirements have been completed.

104. With the prior consent of the CBSA, officers from other government departments, supercargoes, or ships agents may accompany a border services officer on board to complete official or company business, provided there is no interference with CBSA procedures which are to take precedence over any other transactions.

105. Any person authorized by the CBSA to board a vessel arriving from a foreign port for which an inward report has not been filed, is to report to the CBSA and have articles such as cameras, portable computers, etc., documented on Form Y38, *Identification of Articles for Temporary*

Exportation. At the time of departure from the vessel, equipment is to be verified with Form Y38 and care taken to ensure that these individuals are not in possession of any goods for which duties have not been paid. Form Y38 is to be completed by the border services officer prior to the goods being exported.

106. If a vessel that arrives from a foreign port requires anchoring in the harbour or stream, due to exceptional circumstances, a border services officer may proceed aboard to accept the ships stores list, crew declaration, and seal ships stores only if all health and safety requirements are met, and local management deems that it is safe to do so. Masters or agents are to be advised that the boarding of the vessel for this purpose is simply a preliminary function carried out to enable the vessel to proceed with local port routine without undue delay, and is not to be considered a substitute for formal reporting or CBSA clearance procedures. When practicable, the formal inward report may be taken at this time; should the vessel arrive after hours, the ship's master or agent may present the inward report the following day.

107. Vessels moving through locks in a canal system will not be boarded upon or disembarked from by a border services officer unless fully stopped, anchored and secured to the canal wall. Under no circumstances will an officer board such a vessel other than by way of a properly secured gangplank. Similarly, vessels in stream will not be boarded upon or disembarked from unless stopped and anchored. Rope ladders that are completely secured will only be used when no other practical alternative exists.

108. Use of water taxis for channel clearances is at the vessel operator's expense. The CBSA will only pay for such taxis where the vessel is being boarded exclusively for official CBSA purposes.

109. Where a vessel arrives in Canada flying a yellow quarantine flag (infectious disease), the border services officer will not conduct normal clearance procedures until advised by the appropriate health authority that it is safe to do so. Pending such notification, the border services officer, with the help of the local police authority or the Royal Canadian Mounted Police (RCMP), as judged appropriate, will endeavour to ensure that the vessel is maintained in a sterile condition pending cancellation of the health alert by the competent health authority. For more information, please refer to the *Quarantine Act*.

110. In the event that the CBSA is advised of a death or serious injury on board a vessel arriving in Canada, the border services officer will promptly advise the appropriate police and health authorities, will authorize their embarkation on board the vessel at the earliest possible moment and will endeavour to assist them in carrying out an investigation of the incident and assist them in removing any injured or deceased persons. However, the border services officer will remain responsible for maintaining

control over the situation and ensuring that CBSA requirements are completed even if delayed.

111. On occasion, border services officers will board the vessel to ensure that it is in compliance with the registration, safety compliance, and crew certification provisions of the *Canada Shipping Act*. This will include verifying that the following documents are present and valid:

- (a) Certificate of Registry;
- (b) Passenger Ship Safety Certificate;
- (c) Cargo Ship Safety Certificate (500 tons or more);
- (d) Cargo Ship Safety Equipment Certificate;
- (e) Cargo Ship Safety Radiotelegraphy Certificate or Cargo Ship Safety Radiotelephony Certificate (under 1600 tons);
- (f) Load Line Certificate;
- (g) Officers' Certificates of Competency; and/or
- (h) Certificate of Insurance or other financial security.

112. Where it is determined that a certificate is not present, is invalid, or is likely to expire prior to the anticipated departure date, the captain will be informed of this fact as well as the nearest ships safety office. Appropriate operational steps will be taken to ensure that the vessel is not granted an outward clearance until such time as a valid certificate is presented.

113. At this time (until such a time that a valid certificate is presented), the CBSA performs the functions of the shipping master at those locations where it is empowered to do so.

114. In instances where animals on board the vessel will be going ashore, they must first be reported to the CBSA. The CBSA will in turn notify the Canadian Food Inspection Agency (CFIA), National Animal Health Program. Permission to disembark the animals will be granted only once authorization to do so is received from CFIA and once all necessary animal health permits are presented and validated.

SEAWAY TRAFFIC

115. Under normal circumstances, vessels destined for ports west of Montréal, will not be boarded and sealed at Montréal nor will a passing report (inward/outward) be filed at that port, unless goods or persons are to be taken on board or discharged in Montréal, or the vessel is in port for more than 48 hours.

116. For vessels under the ACI program, Montréal will be considered as the FPOA and the electronic conveyance reports must be transmitted to this port.

117. Immigration forms will be submitted to the FPOA and passengers will be examined at that point.

118. CFIA, National animal health program requirements will be observed at Montréal.

119. Passenger baggage will be examined at the FPOA.

120. The CBSA, reserves the right to have any vessel at anchor, boarded and undergo complete customs formalities, including searching crew effects and the vessel, crew interrogations and documentation examination as deemed relevant to the presiding officer in accordance with the *Customs Act* and Regulations.

LOADING OR DISCHARGE OF CARGO AT NON-CBSA PORTS

121. A carrier engaged in international trade with cargo for discharge at a place where a CBSA office is not located must first transmit ACI reports to a CBSA office and then report inward, in accordance with the provisions of the *Customs Act* and Regulations. Accounting documents must be presented at the nearest CBSA office for the goods on board for landing at the non-CBSA port and, at the discretion of the chief of operations of the local CBSA office, a border services officer will be in attendance to observe the discharge of the cargo.

122. The CBSA may grant permission for vessels to discharge or load cargo at non-CBSA ports subject to the provisions of the *Special Services Regulations*. (See Memorandum D1-2-1, *Special Services*.)

123. If the vessel has additional cargo for delivery at another CBSA seaport, accounting documents for this additional cargo must be presented at the CBSA office where the goods are to be unloaded.

124. A ship in ballast (empty) may proceed directly to a non-CBSA port to load goods for export. The inward report must be given, or faxed, to the nearest CBSA office.

125. Where a vessel in ballast (empty) properly reports inward at a CBSA office en route to the non-CBSA port, the attendance of a border services officer will not be required at the non-CBSA port to affect clearance of the vessel. However, the CBSA may wish to be present to provide clearance at its discretion.

126. Where vessel clearance is to be issued by the next CBSA port of call or directly to a foreign point as the case may be, and where clearance is given at the CBSA port, such clearance will be shown on the documentation as via the non-CBSA port.

INTERNATIONAL WASTE

127. International waste refers to ship's refuse that contains, or is suspected to contain an animal product or by-product and that originated as food that was taken on a vessel, or as a result of transportation of animals on a vessel. International waste regulations apply to waste originating in all countries, other than the continental United States. In addition, certain fruit, vegetables and other plant products

from all countries, including the United States, are prohibited entry into Canada under the *Plant Protection Act* and Regulations and these products must also be disposed of as international waste.

128. All international waste must be secured in containers whose top, sides and bottoms prevent the escape of solids and liquids, with a tightly fitting lid to reduce spills and prevent exposure to wildlife, vermin and birds. International waste may not be discharged into Canada without the permission of a border services officer.

129. All vessels will be considered to be carrying international waste upon their arrival in Canada and this waste may be subject to inspection by a border services officer. International waste may only be offloaded from the vessel with the permission of a border services officer and only where CFIA-approved routes and disposal facilities exist. If no CFIA-approved facilities exist at the port, international waste must be safely contained and remain on board the vessel.

WOOD PACKAGING MATERIAL

130. Wood dunnage or ship borne dunnage refers to wood carried on a marine vessel and used to secure or support a commodity, but which does not remain with the commodity. Wood packaging refers to wood or wood products used in supporting, protecting material or carrying a commodity, including dunnage.

131. All non-compliant wood packaging materials, including dunnage, pallets or crating must be sealed on board the vessel and not discharged into Canada without the permission of a border services officer.

132. Vessels carrying wood packaging materials, including dunnage, pallets or crating made from non-manufactured wood must seek permission from a border services officer before off loading these materials from the vessel. Wood packaging, dunnage, pallets and crating may not enter Canada unless the wood complies with requirements set out in ISPM No. 15, *Guidelines for Regulating Wood Packaging Material in International Trade*, or unless the wood packaging originates in the continental United States.

133. Non-compliant wood packaging materials, including dunnage, pallets, or crating may only be offloaded from the vessel with the permission of a border services officer and only where CFIA-approved disposal or processing facilities exist. If no CFIA-approved facilities exist at the port, all non-compliant wood packaging materials, including dunnage, pallets or crating, must be safely contained and remain on board the vessel.

PENALTY INFORMATION

134. For information on administrative penalties, please refer to Memorandum D22-1-1, *Administrative Monetary Penalty System (AMPS)*. More information on AMPS is also available at the CBSA Web site: www.cbsa.gc.ca.

135. Other administrative sanctions, such as the revocation of program privileges and penalties of Other Government Departments, may also be applicable.

136. In some situations, failure to comply with the CBSA requirements outlined in the *Customs Act*, may result in the seizure and forfeiture of the goods and/or conveyance, and criminal charges may be applicable.

ADDITIONAL INFORMATION

137. Please direct all correspondence to:

Carrier and Cargo Programs
Commercial Border Policy Division
Admissibility Branch
Canada Border Services Agency
150 Isabella St., 4th floor
Ottawa, Ontario K1A 0L8

Facsimile: 613-957-9717

APPENDIX

CONVEYANCE ADVANCE COMMERCIAL INFORMATION ELETRONIC A6 – DATA REQUIREMENTS

DATA REQUIRED	DEFINITION	CONDITION
Application Type Code	Numeric code to identify an vessel inward, outward or in-transit movement	M
REFERENCE IDENTIFICATION		
Carrier Code	Assigned to carrier by Canada Customs	M
Report Number	Non-duplicating (3 years) number assigned by carrier to uniquely identify an A6	M
Safety of Ship Certificate	Indicator (M), Document Number, if available (C) and Expiry Date (M)	M
Safety Radio Certificate	Indicator (M), Document Number, if available (C) and Expiry Date (M)	M
Safety Equipment Certificate	Indicator (M), Document Number, if available (C) and Expiry Date (M)	M
Load Line Certificate	Indicator (M), Document Number, if available (C) and Expiry Date (M)	M
Sanitation Certificate	Indicator (M), Document Number, if available (C) and Expiry Date (M)	M
Maritime Declaration of Health Certificate	Indicator (M), Document Number, if available (C) and Expiry Date (M)	M
Civil Liability of Oil Certificate	Indicator (M), Document Number, if available (C) and Expiry Date (M)	M
VESSEL IDENTIFICATION		
Vessel Code	Lloyd's Number / IMO Number	M
Vessel Name	The name of the vessel as documented in Lloyd's Register of Ships.	M
Country Code	The code identifying the country in which the ship (vessel) is registered.	M
Voyage Number	Identifying designator for the particular voyage on which the cargo travels	M
Vessel Type Code	Code to determine the type of vessel, ie. BD- bulk dry, GC-general cargo etc.	M
VESSEL INFORMATION		
Location Identifier	The Place where the vessel is registered.	M
Reference Identification	The registry number assigned to the vessel from the place of registry.	M
Weight - Tonnage of vessel	The useful capacity of a ship, measured in tonnes, and determined in accordance with the International Convention on Tonnage of Ships, 1969	M
Weight Unit Code	The unit of weight used to measure the net tonnage of the vessel.	M
Weight - Gross Registered Tons	Gross tonnage of the ship, determined in accordance with the International Convention on Tonnage of Ships, 1969.	M
Weight Unit Code	The unit of weight used to measure the gross tonnage.	M
Weight - Containerized Cargo loaded/unloaded at Port	Net weight of the vessel's containerized cargo.	M
Weight Unit Code	The unit of weight used to measure the cargo.	M
Weight of Non-containerized Cargo loaded/unloaded at Port	Net weight of the vessel's non-containerized cargo.	M

Weight Unit Code	The unit of weight used to measure the cargo.	M
Weight - Summer Deadweight Tonnage	The weight in metric tonnage of cargo stores, fuel, passengers and crew carried by a ship when loaded to its maximum summer loadline	M
Weight Unit Code	The unit of measure used to measure the deadweight tonnage.	M
Name - Person in Charge of Conveyance	The name of the ship's captain (Master) for a particular voyage.	M
Length	The numeric ship's overall length	M
Length Unit of Measure Code	The unit of measure used to measure the vessel length.	M
Quantity - Crew Count	The number of crew onboard the vessel, including the captain.	M
Quantity - Passenger Count	The number of passengers listed as traveling onboard the vessel. Do not include the crew or captain in this total.	M
VESSEL SCHEDULE		
Last Foreign Port of Loading (Inward and In-transit)	Using the UN/LOCODE this element will reflect the last port of lading at which the vessel stops prior to reaching North America	M
Next Foreign Port of Arrival (Outward)	Using the UN/LOCODE this element will reflect the first port of report after its departure from Canada.	M
Date	The date of departure of the vessel	M
Canadian Port of Arrival (Inward and In-transit)	The Canadian port at which vessel will first dock in Canada.	M
Canadian Port of Departure (Outward)	The Canadian port at which the vessel is docked, and will depart for a foreign destination.	M
DATE and TIME REFERENCE		
Date/time Reference Code	Code specifying the type of date or time, or both date and time	M
Date and Time (Inward and In-transit)	Estimated date and time of arrival	M
Date and Time (Outward)	Actual date and time of departure	M
Date of Registry	Date of Registry for both inward and outward vessel reporting	M
TRADE CHAIN PARTNERS		
Entity Identifier Code	Two alpha code to identify the trade partner described. I.e., SS - steamship company, OV- Vessel owner, AG- agent, CA - carrier	M
Name		M
Identification Code Qualifier.	Used in conjunction with the consortium party I.D. code.	C
Identification Code	Canada customs carrier code to identify consortium partners.	C
TRADE CHAIN PARTNERS		
Address Information 1	To specify the location of the above named party.	M
Address Information 2 (Phone number)	The phone number of the party.	C
TRADE CHAIN PARTNERS		
City Name	Free form text for city name.	M
State or Province Code	2 alpha code for province/state identification.	C
Postal Code (Zip Code)	The approved postal or zip code associated to the address.	C
Country Code	The 2 or 3 alpha-numeric ISO approved identifier for the country.	M
PORT OR TERMINAL		
Port or Terminal Function Code	Code defining the function performed at the port or terminal with respect to a shipment	M
Port Name	The UN/LOCODE will be used to populate the port name. This element will be populated a maximum of 5 times and will reflect (up to) the last 10 ports of call made during a particular voyage.	M
Terminal Name	Free form text for terminal name.	C
Pier Number	Identifying number for the pier.	O

REMARKS (K1)		
Free form message	Report whether or not the vessel is on charter, and what type of charter. E.g.. V- voyage, T- time, N- not on charter etc.	O
Free form message	Report whether or not the vessel is involved in specialized operations, such as drilling, dredging, ice breaking etc.	O
CONTAINER DETAILS		
Number of Containers	The total number of shipping containers onboard the vessel.	M
Equipment type Code	Code identifying the equipment type, ie. 20L - 20 foot loaded.	M

M = Mandatory

C = Conditional

O = Optional

For the complete list of data element requirements, please refer to the ACI Marine Client Document.

REFERENCES

<p>ISSUING OFFICE –</p> <p>Commercial Border Policy Division Carrier and Cargo Programs</p>	<p>HEADQUARTERS FILE –</p> <p>7685-1</p>
<p>LEGISLATIVE REFERENCES –</p> <p><i>Customs Act, Reporting of Imported Goods Regulations, Reporting of Exported Goods Regulations, Transportation of goods regulations, Customs Tariff, Canada Shipping Act, Coastal Fisheries Protection Act, Quarantine Act, Health of Animals Act, Health of Animals Regulations Part IV, Section 47, International Waste Policy, Plant Protection Act, Plant Protection Regulations, CFIA Directive D98-08</i></p>	<p>OTHER REFERENCES –</p> <p>D2-3-7, D3-1-1, D3-1-8, D3-4-2, D3-5-2, D4-2-1, D8 series, D17-1-5, D22-1-1, Advance Commercial Information Marine Client Document</p>
<p>SUPERSEDED MEMORANDA “D” –</p> <p>D3-5-1, February 11, 1998</p>	

Services provided by the Canada Border Services Agency are available in both official languages.

