



NOAA FISHERIES

Office of International Affairs and Seafood Inspection

Compliance Guide for NMFS' Implementation of International Trade Data System (ITDS) August 3, 2016 (81 FR 51126)

What is ITDS and why is NMFS implementing it?

The International Trade Data System is a U.S. government-wide initiative under the National Customs Automation Program. All U.S. government agencies with a role in monitoring trade are partners in ITDS. NMFS helps ensure the legality of imported seafood through trade monitoring programs. In an effort to improve the effectiveness of these programs, The National Marine Fisheries Service (NMFS) has issued a final rule that will transition the agency to a fully electronic trade data collection system supported by U.S. Customs and Border Protection (CBP). In line with requirements stipulated in the SAFE Port Act of 2006, the ITDS addresses a 2014 Presidential mandate calling for the creation and implementation of a single electronic system to process transactions for the import and export of products regulated by any U.S. Federal Agency. Further information on NMFS requirements for importing and exporting seafood commodities can be found at: www.nmfs.noaa.gov/ia/our_work/importing_exporting_seafood.html.

What will happen when NMFS implements ITDS?

NMFS' ITDS implementation has three operational components.

1. Consolidation of existing international trade permits for regulated seafood products under the Antarctic Marine Living Resources (AMLR) and Highly Migratory Species International Trade Permit (HMS ITP) programs, and expanding the scope of the permit requirement to include regulated seafood products under the Tuna Tracking and Verification Program (TTVP);
2. Stipulation that data and trade documentation for the above programs must be provided electronically to CBP via the Automated Commercial Environment (ACE); and
3. Establishment of recordkeeping requirements for the above three programs.

After NMFS implements ITDS, will it be possible to conduct entry filings for products covered by the HMS ITP, AMLR, or the TTVP using paper documents?

No. Beginning on September 20, 2016, mandatory filing in the ACE single window will be required for the regulated fishery products under the HMS ITP, AMLR, and the TTVP. For the Harmonized Tariff Schedule codes included in each program, and the message set and image files required for each product, refer to the NMFS Implementation Guide at:

[www.cbp.gov/sites/default/files/assets/documents/2016-Aug/NMFS PGA Message Set IG Revision Sept 20 2016.pdf](http://www.cbp.gov/sites/default/files/assets/documents/2016-Aug/NMFS_PGA_Message_Set_IG_Revision_Sept_20_2016.pdf)

Further, it will not be possible to make so-called "hybrid" filings where, for example, an entry filing to U.S. Customs is made electronically in ACE but the supporting documentation required by NMFS under its three trade monitoring programs is provided in hard copy.

Which seafood commodities will be affected by ITDS when imported or exported?

ITDS will affect the permitting, reporting and recordkeeping regulations for all products that are currently covered by the three NMFS trade-tracking programs, including the HMS ITP, AMLR, and TTVP.

NMFS Trade Program	Species/products covered	Website
HMS ITP	Bluefin tuna, southern bluefin tuna, swordfish, frozen bigeye tuna, shark fins	www.nmfs.noaa.gov/sfa/hms/compliance/itp/index.html
AMLR	Toothfish (Chilean sea bass)	www.nmfs.noaa.gov/ia/permits/amlr.html
TTVP	Frozen and/or processed tuna	www.nmfs.noaa.gov/pr/dolphinsafe

What is ACE?

The Automated Commercial Environment (ACE) is also known as the “Single Window” - the CBP’s primary electronic system through which the trade community will report imports and exports and government agencies such as NMFS will determine whether a product can be legally imported into the United States. Through ACE as the Single Window, trade information processing will be streamlined and automated, and the trade community will be able to more easily and efficiently comply with U.S. laws and regulations. (See: www.itds.gov)

What is AES?

AES is also known as the Automated Export System. CBP and the U.S. Census Bureau have worked closely to migrate the legacy AES*Direct* system to the Automated Commercial Environment (ACE), the primary system through which the single window will be realized. (See: www.cbp.gov/trade/new-aesdirect-portal-now-available-ace)

When does NMFS’ implementation of ITDS go into effect?

The effective date for implementation is September 20, 2016.

Where can I get more information about the precise data and trade documentation that needs to be submitted electronically to Customs and Border Protection at the time of import or export?

For imports, general CBP guidance is posted at: www.cbp.gov/trade/ace/catair

NMFS has prepared an ITDS implementation guide providing information regarding data and trade documentation requirements:

For ACE entries *prior* to September 20, 2016:

[www.cbp.gov/sites/default/files/documents/ACE NMFS PGA MS Guidelines - July 22 2015.pdf](http://www.cbp.gov/sites/default/files/documents/ACE%20NMFS%20PGA%20MS%20Guidelines%20-%20July%2022%202015.pdf).

For ACE entries *after* September 20, 2016, visit: [www.cbp.gov/sites/default/files/assets/documents/2016-Aug/NMFS PGA Message Set IG Revision Sept 20 2016.pdf](http://www.cbp.gov/sites/default/files/assets/documents/2016-Aug/NMFS%20PGA%20Message%20Set%20IG%20Revision%20Sept%2020%202016.pdf)

For exports, CBP guidance is posted at: www.cbp.gov/trade/aes/aestir/introduction-and-guidelines
Agency specific detailed reporting requirements, including NMFS requirements, are posted at:
www.cbp.gov/document/guidance/aestir-draft-appendix-q-pga-record-formats

The Appendix Q Record Lay Out Key provides details on how each record should be structured:
www.cbp.gov/document/guidance/appendix-q-record-layout-key

Will all types of entry filings be covered under this implementation?

Yes, entry filings for type “01”, “02”, “03”, “06”(Entry Summary), “07”, “11”, “12”, “20”, “21”, “31”, and “32” entries for fishery products monitored by NMFS under the above three programs will be covered by this change as of September 20, 2016.

Will *de minimis* filings (i.e. those valued at \$800 or less) be covered under NMFS’ ITDS implementation?

Yes, all imports and exports of fishery products covered under NMFS three trade monitoring programs will be subject to the permitting, data reporting and trade documentation requirements under these programs. Consequently, a complete ACE filing, including the NMFS Message Set and DIS, will be required even in situations where CBP would otherwise allow a manifest release under the *de minimis* value exemption.

I already have a permit under the AMLR and/or HMS ITP programs. Do I need to obtain a new permit?

Yes, it will be necessary to obtain a new permit as of September 20, 2016. Individuals who have a current permit will receive a letter with instructions about converting their permit into an IFTP. New or renewal permits are available for \$30 online 24/7 at the NMFS National Permit System website at <https://fisheriespermits.noaa.gov/npspub>. The permit number is a required data element for entry processing in ACE.

I import products under the TTVP program but don’t have a permit. How do I obtain one?

Permits are available for \$30 online 24/7 at the NMFS National Permit System website at <https://fisheriespermits.noaa.gov/npspub> and must be obtained prior to any importation that occurs on or after September 20, 2016. The permit number is a required data element for processing in ACE.

Do I need a separate permit for each trade monitoring program?

No, under the newly established trade permit system, one permit will allow the permit holder to import and/or export products covered by all three monitoring programs.

Will I receive a renewal notice when my permit is scheduled to expire?

IFTPs will be valid for a period of one year from the date of issuance. Prior to expiration, an email notice will be sent and permit holders will have to renew their IFTP in NPS.

Will I need to submit biweekly reports required under the HMS ITP to U.S. Customs as part of NMFS' ITDS implementation?

Documentation such as the HMS ITP biweekly dealer reports, which are **not** required at the time of entry/export, will continue to be provided to the HMS ITP office in Pascagoula, MS, and are not submitted to CBP through the ACE portal at time of entry. For further information on biweekly reports see www.nmfs.noaa.gov/sfa/hms/compliance/itp.

What is the relation of ITDS to NMFS' recently proposed Seafood Import Monitoring Program?

Under a separate rule published in the Federal Register on February 5, 2016 (81 FR 6120-6222), NMFS has proposed a Seafood Import Monitoring Program to specify at-risk species, the additional data elements to be collected via ITDS at the point of entry into U.S. commerce for at-risk species, and potential requirements for importer or exporter permits for such species. A final rule to implement this program is expected to be published in September 2016 with the effective implementation date still to be determined. As proposed, the Seafood Import Monitoring Program would also involve the IFTP, and ACE entry filing with data elements and/or documentation supplied via the ACE.

What is the relation of this ITDS rule to NMFS' recently issued final rule on the electronic bluefin tuna catch documentation system?

In cases where all catch and trade information is recorded in the electronic bluefin tuna catch documentation system (eBCD) maintained by the International Commission for the Conservation of Atlantic Tunas (ICCAT), a reduced data set is sufficient to meet the electronic reporting requirements of this final rule. Generally, the only information that must be reported in ACE for imports and exports of bluefin tuna that are documented in the eBCD system, are the IFTP number of the importer/exporter and the eBCD number or re-export certificate number recorded in the ICCAT system. Since only Atlantic BFT caught on or after May 1, 2016 are documented in the eBCD system, dealers will still receive paper documents for fish harvested prior to May 1, 2016. For Bluefin tuna imported or exported with paper documents, dealers must submit the complete data set and image files of the paper documents as required through the DIS.

Are there changes in the procedures I need to follow if I am importing or re-exporting frozen toothfish (i.e., Chilean sea bass)?

Yes, an AMLR dealer permit will no longer be issued. Instead you will need to obtain the IFTP, which is available for \$30 online 24/7 at the NMFS National Permit System website at <https://fisheriespermits.noaa.gov/npspub>.

Requirements for obtaining a preapproval certificate, re-export approval, and reporting of fresh imports remain in place. Continue to contact the National Seafood Inspection Laboratory to obtain these documents. For an entry filing through ACE for frozen pre-approved shipments, only the approval number and document numbers will be required. For re-exports only the re-export document(s) number will be required in ACE. For reports of fresh toothfish imports the document(s) will need to be submitted in ACE.

Who can I contact if I have further questions?

For HMS ITP inquiries:

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For AMLR Trade program inquiries:

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For inquiries on NMFS' use of ITDS:

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