



## ADVANCE COMMERCIAL INFORMATION COMPLIANCE Update

During the last 12 years, the Canada Border Services Agency's (CBSA) Advance Commercial Information (ACI) program introduced a more effective risk management process and tools to help identify threats prior to the arrival of cargo and conveyances in Canada. eManifest, the third phase of the ACI program, ensures that electronic pre-arrival shipment information is sent and risk assessed prior to arrival in Canada. Pre-arrival risk assessment provides benefits to the trade industry including:

- Facilitated movement of legitimate trade across the border.
- Notification on the receipt of complete data sent to the CBSA by various trade parties.
- Notification on the arrival and status of shipments as they move through the commercial import process.
- Strengthening sharing of information with other trade partners who are registered CBSA clients.

On May 6, 2015, the regulatory amendments supporting ACI/eManifest requirements were published in the [Canada Gazette, Part II](#). Carriers in all modes of transportation are now required to transmit cargo and conveyance data electronically to the CBSA prior to arrival. These regulations provide the CBSA with the authority to issue penalties for identified non-compliance. Zero-rated penalties were issued between July 10, 2015 and January 10, 2016. On January 11, 2016, monetary penalties came into force.

Penalties for ACI contraventions range from \$250 to \$8,000. The CBSA recognized the potential impact to clients and therefore mitigated penalty levels to just Level 1 regardless of repeated non-compliance. This was done in an effort to provide additional time for carriers to make appropriate changes to their processes and training requirements. As this approach has been in effect for over eight months, the CBSA is now moving forward with graduated, ACI penalties.

Carriers are reminded that they are required to transmit both cargo and conveyance data electronically to the CBSA prior to arrival. Failure to do so may result in penalties assessed on each non-compliant element.

- Effective November 1, 2016,
  - Carriers who have never received a penalty will receive a penalty at level 1 if non-compliant.
  - Carriers who have received a penalty at level 1 will receive a penalty at level 2 for repeated non-compliance
- Effective December 1, 2016,
  - Carriers who have not received a penalty will receive a penalty at level 1 if non-compliant.
  - Carriers who have received a penalty at level 1 will receive a penalty at level 2 for repeated non-compliance.

- Carriers who have received a penalty at level 2 will receive a penalty at level 3 for continued non-compliance.

NOTE: Carriers must be compliant for at least 12 months to return to level 1. Please refer to the [Master Penalty Document](#) for details on escalation and retention. For the latest statistics, please see the [Open Government Data portal](#).

These penalty assessments represent only a small fraction of the commercial shipments and the overall compliance rate is high. In order for CBSA to continue to ensure border security while facilitating trade, it is essential that carriers transmit advance commercial information accurately and within required timeframes.

The CBSA would also like to remind carriers that with the implementation of eManifest, transmission of highway pre-arrival cargo and conveyance data is in addition to the release requirements. If carriers are seeking the release of their goods at the first point of arrival (FPOA), they must contact the importer/broker prior to arriving at the FPOA to ensure the release request is submitted and accepted in the CBSA system. Having ACI /eManifest data on file as per the requirements, as well as the release request on file, will help ensure a faster, more efficient border crossing.

Additional information can be found:

[eManifest pages on the CBSA Web site](#)  
[D3-4-2 Highway Pre-arrival and Reporting Requirements](#)  
[D3-2-1 Air Pre-arrival and Reporting Requirements](#)  
[D3-5-1 Marine Pre-load/Pre-arrival and Reporting Requirements](#)  
[D3-6-6 Rail Pre-arrival and Reporting Requirements](#)  
[D17-1-4 Release of Commercial Goods](#)  
[D22-1-1 Administrative Monetary Penalty System](#)  
[Administrative Monetary Penalties Master Penalty Document](#)

Questions or concerns related to commercial ACI compliance activities can be directed to the Transporter Compliance Unit:

[Compliance\\_Monitoring.Verification\\_de\\_Conformite@cbsa-asfc.gc.ca](mailto:Compliance_Monitoring.Verification_de_Conformite@cbsa-asfc.gc.ca)

To request technical support on the transmission of information or the eManifest Portal, or to request an Electronic Commerce Client Requirements Document (ECCRD), please contact the Technical Commercial Client Unit (TCCU) at:

E-mail: [TCCU-USTCC@cbsa-asfc.gc.ca](mailto:TCCU-USTCC@cbsa-asfc.gc.ca)

Telephone: 1-888-957-7224 (Canada or U.S.), press option 1 for EDI or option 2 for Portal