

### § 18.3

### 19 CFR Ch. I (4-1-00 Edition)

carrier shall be subject to applicable penalties (see § 18.8).

[T.D. 71-70, 36 FR 4485, Mar. 6, 1971, as amended by T.D. 81-243, 46 FR 45602, Sept. 14, 1981; T.D. 82-204, 47 FR 49368, Nov. 1, 1982; T.D. 84-212, 49 FR 39046, Oct. 3, 1984; T.D. 86-16, 51 FR 5063, Feb. 11, 1986; T.D. 87-75, 52 FR 20067, May 29, 1987; T.D. 88-12, 53 FR 9315, Mar. 22, 1988; T.D. 98-74, 63 FR 51288, Sept. 25, 1998; T.D. 00-22, 65 FR 16517, Mar. 29, 2000]

#### **§ 18.3 Transshipment; transfer by bonded cartmen.**

(a) When bonded merchandise in one conveyance is to be transshipped under Customs supervision to another single conveyance while en route to the port of destination or exportation, the in-bond document which accompanied the merchandise shall be presented to the port director at the place of transshipment for execution of a certificate of transfer thereon. The in-bond document shall be returned to the carrier to accompany the merchandise to the port of destination or exportation. Except as provided in paragraph (c) of this section, merchandise covered by a TIR carnet shall not be transshipped if the transshipment involves the unloading of the merchandise from a container or road vehicle.

(b) When bonded merchandise, other than merchandise covered by a TIR carnet, is to be transshipped to more than one conveyance, the carrier or any of the parties named in § 18.11(b) shall prepare for each such conveyance two additional copies of the Customs Form 7512 which accompanied the merchandise to the place of transshipment. The Customs Form 7512 which accompanied the shipment to the place of transshipment shall be presented to the port director there. The Customs officer supervising the transshipment shall execute a certificate of transfer on all copies of the Customs Form 7512. The original copies of the Customs Form 7512 shall be delivered to the conductor, master, or person in charge of the first conveyance. Two additional copies of the Customs Form 7512 shall be delivered to the person in charge of each additional conveyance in which the merchandise is forwarded for delivery to the director of the port of destination or exportation.

(c) Merchandise covered by a TIR carnet may be transshipped in a case involving the unloading of the merchandise from a container or road vehicle only if the transshipment is necessitated by casualty en route. In the event of transshipment, a TIR approved container or road vehicle shall be used if available. If the transshipment takes place under Customs supervision, the Customs officer shall execute a certificate of transfer on the appropriate TIR carnet voucher.

(d) If it becomes necessary at any point in transit to remove the Customs seals from a conveyance or container containing bonded merchandise for the purpose of transferring its contents to another conveyance or container, or to gain access to the shipment because of casualty or for other good reason, and it cannot be done under Customs supervision because of the element of time involved or because there is no Customs officer stationed at such point, a responsible agent of the carrier may remove the seals, supervise the transfer or handling of the merchandise, seal the conveyance or container in which the shipment goes forward, and make appropriate notation of his action on the conductor's or master's copy of the manifest, or the outside back cover of the TIR carnet, including the date, serial numbers of the new seals applied, and the reason therefor. This authorization shall not apply in any case not involving a real emergency.

(e) All transfers to or from the conveyance or warehouse of merchandise undergoing transportation in bond shall be made under the provisions of part 125 of this chapter and at the expense of the parties in interest, unless the bond of the carrier on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter or a TIR carnet is liable for the safekeeping and delivery of the merchandise while it is being transferred.

[T.D. 71-70, 36 FR 4486, Mar. 6, 1971, as amended by T.D. 82-204, 47 FR 49368, Nov. 1, 1982; T.D. 84-212, 49 FR 39046, Oct. 3, 1984; T.D. 84-213, 49 FR 41168, Oct. 19, 1984; T.D. 89-1, 53 FR 51254, Dec. 21, 1988; T.D. 00-22, 65 FR 16517, Mar. 29, 2000]