

2010 Instructions for Execution of the Fillable Power of Attorney

These 2010 Instructions for Execution of the Kuehne + Nagel, Inc. Online Fillable Power of Attorney provide a comprehensive guideline. It is intended to serve as a roadmap for the proper execution of a valid Power of Attorney. The fillable blank and the following instructions supersede and replace any earlier blanks and instructions that have been previously provided. If you are not already familiar with this process, it is strongly recommended that you read the remainder of this section as it contains useful background and changed information providing a step-by-step guide through the fillable fields.


I. How to use the FPoA Fillable Form

- You must have Adobe Acrobat Reader 6.0 (or later) installed on your computer to view, complete and print the K+N fillable form.
- Click on the form **Customs Power of Attorney** on the Kuehne + Nagel, Inc. website; http://www.kn-portal.com/locations/north_america/united_states/. Adobe Acrobat Reader should immediately launch and display the form within the browser window.
- If Adobe Acrobat Reader does not launch and you are asked to specify the application to open the file, either select Adobe Acrobat Reader 6.0 (or higher) from your programs list, or [download a free copy of the latest Adobe Acrobat Reader from the Adobe web site](#).

Note: Acrobat Reader does not allow you to save what you key into the form, nor can you eMail the completed form as an attachment or embedded document.

II. How to Complete a Fillable Form

1. Click on the **Customs Power of Attorney** link to open the fillable form in Adobe Acrobat Reader through your browser.
2. Use either the hand tool in the Adobe Acrobat window or the scroll bar on the right side of the Internet browser window to move through the form and view all areas.
3. To insert text in a form field, (your mouse pointer hand will change to an “I-beam” over the form field where text can be inserted) just click in the field and type the text or (where applicable) make a selection from the drop down menu.
4. Once you have inserted text in a field, press “TAB” to accept text and go to the next field.
5. Press “SHIFT+TAB” to accept typed text and go back to the previous field.
6. “RETURN” moves the insert point to the beginning of the next line in a multi-line field.
7. When in a check box, the “SPACE BAR” will insert or remove a check mark.
8. Be sure to fill out the form completely before printing.
9. After completing the fillable form, print and sign the form by hand. All signatures, where required, must be hand written in **blue ink** on the printed form. Signature blocks are not fillable via your keyboard. The form cannot be submitted electronically.

10. To print the completed form, click the “PRINT” icon found on the top left of the fillable form or the “” (printer) icon on the Adobe Acrobat tool bar. Do **not** click the “PRINT” icon on the browser tool bar, as that will only create a copy of the form embedded in the web page.
11. If you want to save a completed fillable form, [you will need to purchase and download another Adobe Acrobat product.](#)

III. General Information

A. What is this Limited Power of Attorney?

This limited Power of Attorney is a legal instrument by which a principal (importer, consignee, exporter, shipper, ISF importer, etc.) grants certain powers and authority in favor of an agent (customs broker, forwarder, ISF filer, etc.). Essentially, the Power of Attorney legally enables Kuehne + Nagel, Inc. to act as **attorney-in-fact** on behalf of its clients in transacting their business with the government and third parties, within the limits prescribed and to the extent expressly authorized. That includes those activities involving transactions with Customs concerning the declaration and entry of merchandise, the payment of duties, taxes and other fees collected by Customs, and the filing of ISF, and with Census for the filing of electronic export information in AES, and for other purposes.

B. When do I need a Power of Attorney from the shipper?

Under the terms of sale Delivered Duty Paid (DDP), the shipper of the merchandise holds title and bears any risk for the merchandise until delivered, customs cleared and duty paid. That means that the shipper is responsible for all costs incurred (including customs clearance and duty) up to the point at which the goods are delivered to the buyer. Only the owner or purchaser has the right to declare and make entry of goods imported into the United States. The term “owner” is defined as a party with a demonstrable financial interest in the imported merchandise. Therefore, under DDP terms, since the shipper retains ownership and risk for the goods at the time of entry, the shipper will have the right to declare and enter the goods as importer of record. In these cases the shipper must grant a power of attorney in favor of a licensed customs broker, such as Kuehne + Nagel, Inc.

C. What is an Import Security Filing?

On January 26, 2009 the new rule titled Import Security Filing (ISF) and Additional Carrier Requirements (commonly known as “10+2”) went into effect pursuant to the SAFE Port Act of 2006 and the Trade Act of 2002. This rule applies to import cargo shipped to the United States by vessel; it does not apply to cargo arriving by other modes of transportation. Before merchandise arriving by vessel can be imported into the United States (or lawfully leave port for freight remaining on board – FROB), the “ISF Importer” (party causing the goods to enter the limits of a port in the U.S.), or their agent (e.g. licensed customs broker), must electronically submit certain advance cargo data elements to CBP in the form of an Importer Security Filing.

D. What is an Authorized Forwarding Agent?

An authorized forwarding agent is an individual or legal entity physically located in or otherwise under the jurisdiction of the United States that has obtained a Power of Attorney or written authorization from a U.S. principal party at interest (USPPI) or foreign principal party at interest (FPPI) to

facilitate the movement of cargo from the United States to a foreign destination and/or prepare and file the electronic export information (EEI).

E. What is the step-by-step process?

1. Once it is determined that Kuehne + Nagel, Inc. must obtain a Power of Attorney from its client, it is important that this is done **BEFORE** cargo is shipped to the United States. That will avoid unnecessary and often costly delays when the cargo arrives at the U.S. port of entry/exit.

Provide the customer with a blank Power of Attorney with the control number **KNU003 e-POA/BALZZ 01/10** and the detailed instructions in the next section for completion of the form. It is not acceptable to provide the Kuehne + Nagel, Inc. power of attorney form by faxcopy or to scan and send it as an eMail attachment to a customer for execution. **This is an unequivocal policy statement; there are no exceptions.**

2. ***For Non-Resident Entities (Foreign Powers of Attorney)*** have the completed and signed numbered FPoA sent to the attention of Bal ZZA at (410) 412-7326 via facsimile or as a scanned image attachment for eMail to foa.prevalidation@kuehne-nagel. When sending a faxcopy, a cover page that identifies the KNNA-US employee and branch location representing the customer must always be provided. Cover information for Bal ZZA's reply should also include the customer's K+N contact's full name, department code, telephone/telefax numbers, and eMail address.
3. If on review of the faxcopy or scanned image FPoA Bal ZZA believes that the original can be validated on receipt, then a pre-validation notice will be sent by eMail instructing for the transmittal of the original page numbered FPoA by overnight courier. If the faxcopy or scanned image attachment reveals that corrections are necessary, then a message will be sent to the customer's K+N contact with detailed advice for that purpose.
4. The original FPoA, as executed by the customer on the current Kuehne + Nagel, Inc. official form must be sent by overnight courier directly to the attention of Bal ZZA at the KNNA-US Baltimore branch office. Once the original FPoA has been received and validated, it will be added to the current list of valid FPoA's, which can be accessed through the KNNA-US Intranet site at <http://nycapps.int.kn/branches/customsbrokerage/FPoA/>. An official validation notice will be sent to the KNNA-US office designated for managing the customer's business with a copy to the customer's K+N contact at origin/destination.
5. ***For US Resident/Domestic Powers of Attorney***, have the completed and signed numbered power of attorney sent directly to the local KNNA-US branch that will handle the business.
6. Powers of attorney with amendments, strike-outs, white-outs, erasures, lined out terms, modifications, or changes of any kind, will not be accepted for the purposes of transacting the customer's business without the express prior approval of Bal ZZ.

D. Additional Required Information

The following information is required in addition to the FPoA:

1. The U.S. ports at which the client will require KNNA-US services. If the client will be shipping to multiple destinations, it is necessary that

a single KNNA-US branch/department/contact is designated to coordinate the business at our end. That is not done by Bal ZZA. The designation of a single KNNA-US branch/department/contact will allow KNNA-US to provide a satisfactory level of service.

2. It is very important that you ask your customer if they have previous experience as Importer of Record in the United States. If they have previously acted as Importer of Record, then we will need their customs assigned importer identification number.
3. We must know if the client has a continuous customs bond.
4. We must know if the client has any binding rulings issued by the U.S. Customs Service.

E. Customs Bonds

In general, a customs bond is required for entry of imported merchandise into the United States. A customs bond acts as a security for compliance with U.S. law and payment of duties, taxes, and/or fees due the U.S. government by reason of importation. For entry purposes, there are two types of customs bonds, a “single transaction” bond, and a “continuous term” bond. A single transaction bond will apply to only one customs entry. A continuous bond is self-renewing and billed annually and may be applied to all customs entries filed by the principal during the term of the bond. Information and pricing for customs bonds should be requested from the KNNA-US customs brokerage manager you have designated to coordinate the customer’s customs business. This service is not arranged through Bal ZZA.

IV. Step-by-step Instructions

A. Principal Types

Before going forward, it is important to know how the principal granting the power of attorney has organized its business. In general there are five basic principal types:

Individual – A person.

Partnership – A business owned by two or more parties personally at risk for the company’s debts.

Corporation – A business owned by shareholders whose risk is limited to their investment.

Sole Proprietorship – A business owned by an individual.

Limited Liability Company – (For U.S. resident companies only!) An entity obtaining some characteristics of both a corporation and a partnership and managed by its members, managers or officers.

For identification purposes, it is recommended that the person granting the Power of Attorney check mark “✓” the appropriate principal type box in the upper right hand corner of the form.

B. Completing the form:

1. Insert the full legal name in the first blank space labeled “**(Full name of individual, partnership, corporation, sole proprietorship, or limited liability company) (Identify)**”. Unless a trade name will also be used, this name must match exactly the name to be shown on commercial invoices and the principal’s customs bond.

Individuals – The person’s full (first and last) name should be shown.

Corporations – Insert the full legal name of the corporation as appears on its license, charter and/or articles of incorporation. If the corporation is doing business under a different trade name (d/b/a), then both the full legal name and d/b/a name should be shown (e.g., XYZ Limited d/b/a ABC Company).

Partnership – Insert the full name of each partner. In the case of a limited partnership, only the name(s) of the general partner(s) authorized to act on behalf of the partnership should be shown. If the partnership is doing business under a different trade name (d/b/a), then both the full legal names of the partners and d/b/a name should be shown (e.g., Adam Smith, John Smith, William Smith d/b/a The Smith Brothers).

Sole Proprietorship – Insert the full name of the individual proprietor followed by the business name (e.g., John Doe d/b/a XYZ Enterprises).

Joint Ventures should follow the instructions specified for **Partnerships**.

2. Select from the drop down menu the appropriate principal type (Individual, Partnership, Corporation, Sole Proprietorship, or Limited Liability Company) in the blank space labeled “**(Individual, partnership, corporation, sole proprietorship, or limited liability company) (select one)**” following the words, “**doing business as...**”
3. Insert the country name in which the company is chartered, incorporated, or otherwise established in the blank space following the words, “**under the laws of the State of...**”
4. Insert the complete street address including: street number, street name, city/town, county/state/province, country **and** postal code of the company headquarters, or other location (where all official government correspondence will be sent), in the blank space following the words, “**residing or having a principal place of business at...**” For individuals, the complete address of the person’s principal residence should be shown. This is a multi-line text box that allows two complete lines of text.
5. Have the Power of Attorney signed by a **duly authorized** company official in the blank space following the words “**caused these presents to be sealed and signed: (Signature)...**” **If the blank Power of Attorney has been printed from electronic format, the signature must be made in blue ink. The Signature blocks are not fillable via your keyboard.**

Individual – must be signed by the individual (contact Bal ZZ if the individual is a minor or otherwise not legally competent)

Partnership – must be signed by any one of the general partners. If the principal is a limited partnership, the Power of Attorney must be signed by the general partner authorized to bind the partnership unless the partnership agreement states otherwise, in which case a copy of the partnership agreement must be provided with the Power of Attorney. If the principal is a limited liability partnership, then the Power of Attorney must be signed by a partner.

Corporation – must be signed by a duly authorized company official. The president, vice president, secretary or treasurer of the corporation, is assumed to have this authority; any other person signing for a corporation must be authorized to do so by resolution of the Board of

Directors and a certification from the corporate secretary certifying to that effect should accompany the Power of Attorney.

Sole Proprietorship – must be signed by the owner.

6. Select, from the drop down calendar, the date of execution in the blank space following the word “**(Date)**”.
7. **ON THE RIGHT SIDE OF THE FORM.** For individuals and sole proprietorships, the “Individual or Partnership Certification” is **OPTIONAL** provided that a copy of the signer’s government issued photo identification is furnished with the Power of Attorney. Otherwise, the certification must be completed by a person authorized by local government to attest to the authenticity of signatures. If the grantor is a U.S. corporation, or a U.S. corporation acting in the capacity of general partner, then the certification titled **CORPORATE CERTIFICATION (FOR U.S. FIRMS ONLY)** should be completed as may be applicable.
8. The section titled “**CERTIFICATION (FOR NON-RESIDENT ENTITIES ONLY)**” is **REQUIRED for all non-resident corporations** and must be completed by a company official **other** than the one who granted the Power of Attorney with his/her signature on the left hand side.
9. The individual making the certification should insert his/her job title or capacity in the first blank space labeled “**(Title)**”; insert the full company name in the blank space labeled “**(Company Name)**”; insert the name of the company official who granted the Power of Attorney in the blank space labeled “**(Grantor’s Name)**”; then insert the date, from the drop down calendar, that the Power of Attorney was signed in the blank space labeled “**(DD/MM/YY)**”.
10. Insert the job title of the company official who granted the Power of Attorney in the blank space labeled “**(Grantor’s Title)**”; then insert the country in which the company is legally registered in the blank space labeled “**(Country/Jurisdiction)**”.
11. The individual making the certification must sign his/her name and insert the date in the blank spaces provided following the words “**(Signature).....(Date).....**” **If the blank Power of Attorney has been printed from electronic format, then the signature must be made in blue ink.**
12. The individual making the certification must insert his/her name in the blank spaces provided following the word “**(Print Name).....**”

C. Once the Form Has Been Completed

U.S. Resident/Domestic Powers of Attorney

Once completed, printed and signed please send the original numbered form to the attention the customs manager at the KNNA-US local clearing office that will be controlling the business.

Foreign Powers of Attorney

Once completed, please send a copy of the executed form to the attention of “Bal ZZA” at fax #410-412-7326 or **attach a scanned completed copy for eMail to fpoa.prevalidation@kuehne-nagel.com**. The faxcopy or scanned image will be reviewed for “pre-validation”. Either a notice of pre-validation or correction advice will be provided via eMail. Once a notice of “pre-validation” has been provided, the original (control numbered) form, **intact**, with **original**

signatures must be sent to the attention of “Bal ZZA” at the following address:

Kuehne + Nagel, Inc.
810 Landmark Drive
Suites 221-229
Glen Burnie, MD 21061

Power of Attorney forms completed on a facsimile will not be validated despite containing original signatures.

It is recommended that the sender keep a copy of the completed and signed Power of Attorney for their records.