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Commercial Invoice for Import Transactions

by Practical Law Commercial Transactions

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A sample commercial invoice to be used in an import sale of goods transaction. The commercial invoice is the principal shipping document used by US Customs and Border Protection (CBP) to determine the tariff classification, value, and duty owed on the goods contained in the shipment, and whether to clear or deny the cargo for entry into the US, inspect the cargo, or request additional information from the importer. This Standard Document has integrated drafting notes with important explanations and drafting tips.

READ THIS BEFORE USING DOCUMENT

This Standard Document is a sample form of commercial invoice, which is the principal shipping document in an import transaction. The commercial invoice is typically prepared by the foreign supplier or seller, or the supplier's or seller's agent, and included with the shipment, as well as electronically forwarded to the freight forwarder together with other shipping documents.

The seller may also send the documentation directly to the importer or the importer's customs broker, which submits the commercial invoice as part of the entry documentation to be filed with and reviewed by [US Customs and Border Protection](#) (CBP). Some freight forwarders offer customs brokerage services. If they do not (or if the importer prefers to use a different broker), the freight forwarder may offer to forward the documents to the broker as part of its services, if the seller does not send the documentation to the broker directly.

The foreign supplier or seller is typically the exporter and the consignor and the buyer is typically the importer and the consignee.

CBP reviews the commercial invoice to determine:

- The tariff classification, value, and duty owed on the goods contained in the shipment.
- Whether to clear the cargo for entry into the US, deny entry, inspect the cargo, or request additional information from the importer.

For more information about tariff classification and valuation, see [Practice Note, Importing Goods into the US: Overview: Tariff Classification and Valuation](#). For a sample company policy addressing compliance with US import laws and regulations, see [Standard Document, Import Compliance Policy](#).

A commercial invoice can also serve as the bill from the seller (exporter) to the buyer that sets out the amount to be paid for the goods by the buyer, including any costs or charges not included in the price of the goods, such as freight and insurance.

Together with the bill of lading, packing list, and other documents, the commercial invoice is also typically required for payment under a letter of credit. A letter of credit is a common form of payment in international sale of goods transactions. For a sample form of commercial letter of credit to be used in an international sale of goods transaction, see [Standard Document, Commercial Letter of Credit for International Sale Transactions](#).

For a sample form of non-negotiable bill of lading, see [Standard Document, Bill of Lading Terms and Conditions](#).

For a sample form of packing list, see [Standard Document, Packing List](#). For more information about freight forwarders, see [Practice Note, Logistics: Freight Forwarding](#). For more information on drafting and negotiating freight forwarding agreements, see [Standard Document, Freight Forwarding Agreement](#).

Contents of Commercial Invoice

All commercial invoices for imported merchandise must contain the information listed in [19 C.F.R. Section 141.86](#). This Standard Document aims to include this information, as well as other information typically found in commercial invoices. There is no required format for commercial invoices, and this form represents just one way to format a commercial invoice. It is organized into several charts based on information about:

- The seller or exporter, together with basic information about the shipment (see [Drafting Note, Seller and Shipment Information](#)).
- The recipient of the goods, and the buyer, if different (see [Drafting Note, Ship To and Sold To](#)).
- The goods in the shipment (see [Drafting Note, Goods Shipped](#)).

This Standard Document must be revised to include additional information if it is used for certain classes of merchandise, such as footwear, which are identified in [19 C.F.R. Section 141.89](#).

The seller must furnish an accurate invoice. Furnishing an inaccurate or incomplete invoice, including invoices containing vague or incomplete merchandise descriptions, may lead to:

- The declaration of an incorrect tariff classification, value, or rate of duty on entry.
- Heightened CBP scrutiny of the shipment.
- CBP's issuance of Requests for Information (CBP Form 28s).
- CBP's imposition of penalties on the importer for failure to exercise reasonable care.
- Delayed customs clearance and entry of the goods into the US, which also typically leads to added expense.

Compliance with CBP's invoice requirements ultimately rests with the importer. Therefore, importers should review all commercial invoices for accuracy and completeness before they are submitted to CBP.

For more information about commercial invoices, see [Practice Note, Core Elements of an Import Compliance Program: Commercial Invoices](#).

Assumptions

This Standard Document assumes that:

- **This Standard Document is a sample form to be used for the import of goods into the US.** Invoices used in domestic transactions, including the domestic resale of goods that have already been imported into the US, tend to include only basic information about the sale, including the quantity, basic description of the goods, unit price, and total invoice amount.
- **The invoice is being used for one distinct shipment from one consignor to one consignee using one commercial carrier.** Be cautious when using one invoice for merchandise assembled for shipment or for installment shipments. For example, merchandise assembled for shipment may be included in one invoice, but only if, among other requirements:
 - the goods are shipped to the same consignee by one commercial carrier; and
 - the original bills or invoices covering the merchandise are attached to the commercial invoice and show the actual price paid or to be paid.
- **This form should not be used for export transactions.** A US exporter should consult with the freight forwarder regarding requirements related to:
 - export clearance by US government authorities, for example, regarding possible license requirements, embargoes, sanctions, or specific filing requirements (see [Practice Note, Core Elements of an Export Compliance Program](#)); and
 - customs clearance of goods in the destination country.
- **This Standard Document is being used in a business-to-business transaction.** This Standard Document should not be used for a consumer contract, which may involve legal and regulatory requirements and practical considerations that are beyond the scope of this resource.

- **This Standard Document is not industry-specific.** This Standard Document does not account for any industry-specific laws, rules, or regulations that may apply to certain transactions.

Bracketed Items

Bracketed items in ALL CAPS should be completed with the facts relevant to the organization. Bracketed items in sentence case are either optional provisions or include alternative language choices to be selected, added, or deleted at the drafter's discretion.

Commercial Invoice

Seller and Shipment Information

Seller: [NAME]	Invoice Date: [DATE]
Address: [ADDRESS]	Invoice Number: [NUMBER]
Contact Person: [NAME], [TITLE]	Purchase Order Number: [NUMBER]
Tax Identification[/VAT] Number: [NUMBER]	[Customer Reference Number: [NUMBER]]
Phone: [NUMBER]	Mode of Shipment: [Ocean freight/Air freight/[OTHER]]
	Bill of Lading/Air Waybill Number: [NUMBER]
	Country of Origin: [COUNTRY]
	Port of Entry: [US PORT]
	Terms of Sale: [INCOTERMS/OTHER]
	Terms of Payment: [Net 30 days/[OTHER]]
	Currency of Settlement: [US Dollars/[OTHER CURRENCY]]
	Total Number of Packages: [NUMBER] [UNITS]
	Total Weight: [NUMBER] [UNITS]

SELLER AND SHIPMENT INFORMATION

This section sets out information about the seller or exporter, as well as basic information about the shipment.

Some of the information requested is specifically required by CPB regulations, for example, the US port of entry and the goods' country of origin. It also includes other information to help all of the participants in the transaction, including the carrier, keep track of the shipment.

Ship To and Sold To

Ship To: [NAME]	Sold To: [NAME]
Address: [ADDRESS]	Address: [ADDRESS]
Contact Person: [NAME], [TITLE]	Contact Person: [NAME], [TITLE]
Tax Identification[/VAT] Number: [NUMBER]	Tax Identification[/VAT] Number: [NUMBER]
Phone: [NUMBER]	Phone: [NUMBER]

SHIP TO AND SOLD TO

The party receiving the goods ("Ship To") can either be the same party or a different party than the buyer ("Sold To").

Goods Shipped

Quantity/Unit of Measure	Description of Goods	Package	Harmonized	Unit Price	Total Value
		Description and Marks	Tariff Schedule Number	(include currency)	(include currency)
[NUMBER]	[DESCRIPTION]	[TYPE OF PACKAGE]	[NUMBER]	[NUMBER]	[NUMBER]
[UNIT OF MEASURE]	[Item Number/SKU]	[MARKS]			
[NUMBER] [UNIT OF MEASURE]	[DESCRIPTION]	[TYPE OF PACKAGE]	[NUMBER]	[NUMBER]	[NUMBER]
	[Item Number/SKU]	[MARKS]			
[NUMBER] [UNIT OF MEASURE]	[DESCRIPTION]	[TYPE OF PACKAGE]	[NUMBER]	[NUMBER]	[NUMBER]
	[Item Number/SKU]	[MARKS]			
[NUMBER] [UNIT OF MEASURE]	[DESCRIPTION]	[TYPE OF PACKAGE]	[NUMBER]	[NUMBER]	[NUMBER]
	[Item Number/SKU]	[MARKS]			

Include currency in below boxes.

Total Value of Goods: [NUMBER]
Discount or Rebate: [NUMBER]
Invoice Subtotal: [NUMBER]
[Freight/Shipping] and Handling: [NUMBER]
Insurance: [NUMBER]
Other Charges: [NUMBER]
TOTAL INVOICE AMOUNT: [NUMBER]

GOODS SHIPPED

This section sets out detailed information required by CBP regulations to help CPB determine the tariff classification, value, and duty owed on the goods contained in the shipment.

While the commercial invoice must contain a sufficiently detailed description of the merchandise to enable CBP to classify the goods under the appropriate [Harmonized Tariff Schedule](#) (HTS) number, there is no CBP requirement to include the HTS number on the commercial invoice. Some companies prefer to include it because, for example, it may assist the customs broker in making entry of the goods. Other companies prefer not to include it because, for example, the importer and the foreign seller may not agree on the classification. Either way, it is the importer's legal responsibility to exercise reasonable care when declaring the HTS code on entry, and CBP's responsibility to fix the

classification when it liquidates the entry. Liquidation is CBP's final computation of the duties accruing on an individual entry of imported merchandise.

To make its value determination, CBP must know the true value of the goods, and not just the invoiced value. Therefore, this Standard Document follows the common practice of requiring the parties to disclose:

- Any discount in the price of the goods.
- Other costs that they might mistakenly assume are nondutiable. For example, a space is included for "other charges," such as:
 - commissions that are not otherwise reflected in the invoice; and
 - assists provided by the importer, including quantity, origin, and value.

Assists are statutorily specified items that, if supplied by the importer free of charge or at reduced cost for use in the production of the goods, must be added to the price actually paid or payable and included in the dutiable value to the extent they are not otherwise included in the price actually paid or payable (19 U.S.C. §§ 1401a(b)(1)(C) and 1401a(h)(1)(A)).

Examples of assists include:

- Materials, components, parts, and similar items incorporated in the imported merchandise.
- Tools, dies, molds, and similar items (for example, printing plates) used to manufacture goods to be imported into the US.
- Merchandise consumed in the production of the imported merchandise, for example, chemicals.
- Artwork, engineering, design work, development, and plans and sketches that are undertaken outside the US and are necessary to produce the imported merchandise. However, this work is not an assist if it is:
 - performed by a person domiciled in the US that is acting as an employee or agent of the buyer; and
 - is incidental to other engineering, development, artwork, design work, or plans or sketches that are undertaken within the US.

(19 C.F.R. § 152.102(a).)

If the parties need space to explain the nature of the assists, they can use the notes section below.

Notes

[NOTES]

NOTES

The parties can include other required or helpful information if there is not enough space in the charts above, such as a detailed description of any assists provided by the importer.

Certification

I certify that the description of goods and other information contained in this invoice are true and correct.

Signed:

Name:	[NAME]
Title:	[TITLE]

CERTIFICATION

Commercial invoices must identify by name a responsible employee of the exporter who has or can readily obtain knowledge of the transaction ([19 C.F.R. § 141.86\(j\)](#)). That person should sign the invoice.

PRODUCTS

PLC US Commercial Transactions, PLC US Law Department

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