



Mandatory AES

Understanding The New Bureau Of Census Foreign Trade Regulations

Presented by
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What is AES?

- Bureau of Census is responsible for collecting, compiling and publishing trade statistics (13 USC sec 301)
 - Information on imports is obtained from Customs entry filing
 - Information on exports was originally obtained from the filing of Shippers Export Declarations (SED) V-7512 form which was provided to the carrier by the Forwarder and from the carrier to Customs
- “AES” stands for “Automated Export System,” It is an electronic data interface and collection program operated by Census
- “AES-Direct” is a free internet based portal for filing export information through the AES.



History of AES

- In 1995 Census offered AES as a voluntary option for filing export information
- In 2003, use of AES was made mandatory for all shipments of items on the Commerce Control list (“CCL”) and the ITAR Munitions List (USML).
- In 2002, Section 1404(b) of the Foreign Relations Auth. Act (PL 107-228)
 - Required AES filing for all shipments requiring the filing of export information, when an SED was otherwise required
 - Increased Census penalties for non- or late filings and filing of false export information



History of Mandatory AES

- Text of a proposed rule to make AES mandatory was issued February 17, 2005 (70 FR 8200)
- Inter-agency issues arose, which prevented issuance of final rule
 - Sharing of specific exporter data with 3rd countries
 - Use of “Option 4” post-departure filing
- Final rule to make AES mandatory was issued June 2, 2008 (73 FR 32548)
 - Effective date of new rules: July 2, 2008
 - Implementation date (enforcement): September 30, 2008



Why mandatory AES?

Electronic filing strengthens the U.S. Government's ability to prevent the export of certain items by unauthorized parties to unauthorized destinations and end users

AES aids in targeting, identifying, and when necessary confiscating suspicious or illegal shipments prior to exportation.

15 CFR Sec 30.1 (b)



How does AES work?

- Using AES or *AESDirect* the exporter or authorized filing agent transmits shipper export data directly to Census
- AES validates the data and generates either a shipment confirmation number (ITN) or an error message back to the filer.
- Exporter annotates shipment documents with Proof of filing citation (ITN) or exemption Legend
- Carrier matches ITN information with its own electronic data filing for transmission of carrier manifest information



AESDirect

Reduce Exporting Stress with AES



Getting Started

- [How To Register](#)
- [Registration Form](#)
- [Terms & Conditions](#)
- [Privacy Policy](#)

Log In

- [Certification Quizzes](#)
- [AESDirect](#)

Training

- [AESDirect Tutorial](#)
- [AESPcLink Overview](#)
- [User Guide](#)
- [Online Training](#)
- [Workshops](#)

Using AESDirect

- [Who to Contact](#)
- [Support Center](#)
- [Browser Support](#)
- [Developers Center](#)
- [News](#)

AESPcLink

- [About AESPcLink](#)
- [Getting Started](#)
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Related Sites

- [Government Sites](#)
- [Partner Sites](#)

AESDirect Newsflash [AESPcLink Version 5.0 Available](#)

Welcome to AESDirect

AESDirect is the U.S. Census Bureau's free, internet based system for filing Shipper's Export Declaration (SED) information to the Automated Export System (AES). It is the electronic alternative to filing a paper SED, and can be used by U.S. Principal Parties in Interest (USPPIs), forwarders, or anyone else responsible for export reporting.

Why AESDirect?

AESDirect significantly streamlines the export reporting process by reducing the paperwork burden on the trade community, reducing costly document handling and storage, and ensuring that export information is filed in a timely manner. AESDirect improves the quality of the export trade statistics, helping the Census Bureau provide the Government and the public more accurate information.

AESDirect System Requirements

AESDirect does not require any software or hardware investment, however there are some minimum system requirements. Check the [Browser Support](#) page for details.

AESWebLink and EDI Upload

If you are a software or internet application vendor you can connect your application to AESDirect using AESWebLink or EDI Upload. More information on AESWebLink and EDI Upload is contained in the [Developers Center](#).

AESPcLink

The Windows based desktop PC component of the AESDirect Service. AESPcLink allows any AESDirect filer to enter their SEDs off-line and connect to AESDirect using the Internet to submit their SEDs. It has been designed as an integral component of AESDirect and is available to any authorized user. [Check the About AESPcLink page for more information.](#)

AESDirect: Main Menu

Support:
Census: 1-800-549-0595
AESDirect: 1-877-715-4433

AESDirect
[Home](#)

Account Maintenance:
[Change Password](#)
[Change Admin Code](#)
[Change Response Email](#)
[Update Account Profile](#)

Documentation:
[Support Center](#)
[Tutorial](#)

AESDirect News

- ◆ **NewsFlash:** AESDirect *PcLink* Version 6.0 Available
- ◆ See the [News Section](#) for the Latest AESDirect News

Shipments

- ◆ [Create New Shipment](#)
- ◆ [Retrieve Existing Shipment](#)
- ◆ [Shipment Reporting Center](#)
- ◆ [Delete Shipment from AES](#)

Profiles

- ◆ [USPPI Profile Maintenance](#)
- ◆ [Consignee Profile Maintenance](#)
- ◆ [Forwarder Profile Maintenance](#)

Templates

- ◆ [Delete Templates](#)

EDI

- ◆ [Upload an EDI File](#)
- ◆ [Shipment Reporting Center](#)

AESDirect Archive Service

- ◆ [Retrieve an Archived Shipment](#)
- ◆ [Archived Shipment Reporting Center](#)

AESDirect VPN

- ◆ [Download E-Response VPN Software](#)
- ◆ [Download EDI VPN Software](#)

AESDirect: Shipment Editor: SED: USPPI

- Shipment Information
- USPPI
- Ultimate Consignee
- Intermediate Consignee
- Freight Forwarder
- Equipment Details
- Add Line Item
- Line Item 1

Edit Section

Clear Section

View SED

Options

[Main Menu](#)

[AES Codes](#)

Related Sites:

[AESDirect](#)

[Privacy Policy](#)

AESDirect Assistant

- ◆ To return to the **Shipment Viewer**, click 'View Shipment'
- ◆ To **edit another section**, select the section in the scrollbox, and click 'Edit Shipment'
- ◆ To **delete this section**, Click 'Clear Section', and then return to the Shipment Viewer, or Edit another section
- ◆ Label Colors: **Mandatory**, **Conditional**, **Optional**

SED: USPPI [\[Help\]](#)

Company Information

Name

ID Number

Contact Information

First Name

Last Name

Phone Number

Cargo Origin [\[Help: What Address Should be Reported?\]](#)

Address Line 1

Address Line 2

City

State

Postal Code

[\[Top of Page\]](#)

AESDirect: Shipment Editor: SED: Ultimate Consignee

- Shipment Information ▲
- USPPI
- Ultimate Consignee
- Intermediate Consignee
- Freight Forwarder
- Equipment Details
- Add Line Item
- Line Item 1 ▼

Edit Section

Clear Section

View SED

Options

- [Main Menu](#)
- [AES Codes](#)

- Related Sites:**
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- ◆ Label Colors: **Mandatory**, **Conditional**, **Optional**

SED: Ultimate Consignee [\[Help\]](#)

Company Information

Name

Contact Information

Name

Phone

Company Address

Address Line 1

Address Line 2

City

State (L)

Country (L)

Postal Code

[\[Top of Page\]](#)

AESDirect: Shipment Editor: SED: Line Item 1

- Shipment Information ▲
- USPPI
- Ultimate Consignee
- Intermediate Consignee
- Freight Forwarder
- Equipment Details
- Add Line Item
- Line Item 1 ▼

Edit Section

Clear Section

View SED

Options

[Main Menu](#)
[AES Codes](#)

Related Sites:
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[Privacy Policy](#)

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- ◆ To **delete this section**, Click 'Clear Section', and then return to the Shipment Viewer, or Edit another section
- ◆ Label Colors: **Mandatory**, **Conditional**, **Optional**

SED: Line Item 1 [\[Help\]](#)

Schedule B/HTS (L) [\[Help\]](#) [\[Census Table\]](#) [\[Invalid HTS\]](#)

Description

Marks & Num

1st Quantity Units

2nd Quantity Units

Value (whole US\$)

Gross Wt. (whole KG)

[\[Unit Conversion Factors\]](#)

Export Code [\[Full Descriptions\]](#)

Origin

License Type

Export License Number

ECCN

Is this commodity a **Used Vehicle**?

VIN/Product ID

ID Type

Veh. Title

Veh. Title State

[\[Top of Page\]](#)



Impact of Mandatory AES

- What is Impact of Mandatory AES?
 - Ensures accurate and timely collection of export information
 - Allows better enforcement of export regulations and targeting of possible violations



Section Analysis of New FTR

■ **Subpart A -- General Requirements**

- 30.1 -- Purpose and definitions.
- 30.2 -- General requirements for filing Electronic Export Information (EEI).
- 30.3 -- Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.
- 30.4 -- Electronic Export Information filing procedures, deadlines, and certification statements.
- 30.5 -- Electronic Export Information filing application and certification processes and standards.



Section Analysis of New FTR

■ **General Requirements**

- 30.6 -- Electronic Export Information data elements.
- 30.7 -- Annotating the bill of lading, air waybill, or other commercial loading documents with the proof of filing citations, and exemption legends.
- 30.8 -- Time and place for presenting proof of filing citations, and exemption and exclusions legends.
- 30.9 -- Transmitting and correcting Electronic Export Information.
- 30.10 -- Retention of export information and authority to require production of documents.



Section Analysis of New FTR

- **Subpart D—Exemptions From Filing of Electronic Export Information**
 - 30.35 -- Procedure for shipments exempt from filing requirements.
 - 30.36 -- Exemption for shipments destined to Canada.
 - 30.37 -- Miscellaneous exemptions.
 - 30.38 -- Exemption from the requirements for reporting complete commodity information.
 - 30.39 -- Special exemptions for shipments to the U.S. Armed Services.
 - 30.40 -- Special exemptions for certain shipments to U.S. government agencies and employees.



Section Analysis of New FTR

- **Subpart H—Penalties**

- 30.70 -- Violation of the Clean Diamond Trade Act.
- 30.71 -- False or fraudulent reporting on or misuse of the Automated Export System
- 30.72 -- Civil penalty procedures
- 30.73 -- Enforcement
- 30.74 -- Voluntary self-disclosure



Section Analysis of New FTR

- **Subpart B—Export Control and Licensing Requirements**
 - 30.15 -- Introduction
 - 30.16 -- Export Administration Regulations
 - 30.17 -- Customs and Border Protection regulations
 - 30.18 -- Department of State regulations
 - 30.19 -- Other federal agency regulations



Section Analysis of New FTR

- **Subpart C—Special Provisions and Specific-Type Transactions**
 - 30.25 -- Values for certain types of transactions
 - 30.26 -- Reporting of vessels, aircraft, cargo vans, and other carriers and containers
 - 30.27 -- Return of exported cargo to the United States prior to reaching its final destination
 - 30.28 -- “Split shipments” by air
 - 30.29 -- Reporting of repairs and replacements



Section Analysis of New FTR

- **Subpart E—General Carrier and Manifest Requirements**
 - 30.45 -- General statement of requirement for the filing of carrier manifests with proof of filing citations for the electronic submission of export information or exemption legends when Electronic Export Information filing is not required.
 - 30.46 -- Requirements for the filing of export information by pipeline carriers.
 - 30.47 -- Clearance or departure of carriers under bond on incomplete manifests.



Section Analysis of New FTR

- **Subpart F—Import Requirements**

- 30.50 -- General requirements for filing import entries
- 30.51 -- Statistical information required for import entries
- 30.52 -- Foreign Trade Zones
- 30.53 -- Import of goods returned for repair
- 30.54 -- Special provisions for imports from Canada
- 30.55 -- Confidential information, import entries, and withdrawals



Section Analysis of New FTR

- **Subpart G—General Administrative Provisions**
 - 30.60 Confidentiality of Electronic Export Information.
 - 30.61 Statistical classification schedules.
 - 30.62 Emergency exceptions.
- **Appendices**
 - [Appendix A To Part 30—Sample Power of Attorney and Written Authorization](#)
 - Appendix B To Part 30—ES Filing Codes
 - Appendix C To Part 30—Summary of Exemptions and Exclusions from EEI filing
 - [Appendix D To Part 30—AES Filing Citation, Exemption and Exclusion Legends](#)
 - Appendix E To Part 30—FTSR to FTR Concordance



Key Features Of The FTR

- Electronic filing of export information (“**EEI**”) is now required whenever an SED was required
- Only the “Internal Transaction Number” or “ITN” is acceptable as proof of filing citation on export documentation
- Establishes pre-departure times apply for filing EEI (except for those companies that received post-departure (Option 4) filing privileges
- A moratorium continues on granting of option 4 filing privileges for any new companies



Key Features Of The FTR

- Establishes a voluntary self-disclosure procedure for reporting violations of the FTR
- Implements new penalties for late filing and non-filing of EEI; as well as penalties for filing false export information
- In the case of “routed export” transactions, the agent of the FPPI must provide the USPPI with its PA or written authorization, if requested, before USPPI provides required EI
- Allows the use of an estimated date of exportation if the actual date is unknown at the time of filing



Key Features Of The FTR

- In the case of Post-departure filing, fatal errors must be reported within 10 days after filing
- AES pass-words must be changed after an employee with direct access to AES has left the company
- Clarifies that a USPPI may act as an agent of the FPPI in a routed export for purposes of filing the EEI, when authorization is issued

Sample Written Authorization
SAMPLE FORMAT: Written Authorization

**WRITTEN AUTHORIZATION TO PREPARE OR TRANSMIT ELECTRONIC
EXPORT INFORMATION**

I, _____, authorize
(Name of U.S. Principal Party in Interest)
_____ to act as authorized agent for
(Name of Authorized Agent)

export control, U.S. Customs, and Census Bureau purposes to transmit such export information electronically that may be required by law or regulation in connection with the exportation or transportation of any goods on behalf of said U.S. Principal Party in Interest. The U.S. Principal Party in Interest certifies that necessary and proper documentation to accurately transmit the information electronically is and will be provided to the said Authorized Agent. The U.S. Principal Party in Interest further understands that civil and criminal penalties may be imposed for making false or fraudulent statements or for the violation of any U.S. laws or regulations on exportation and agrees to be bound by all statements of said authorized agent based upon information or documentation provided by the U.S. Principal Party in Interest to said authorized agent.

Signature: _____
(U.S. Principal Party in Interest)

Capacity: _____

Date: _____



When Is an AES Filing required?

- Section 30.2-- Unless an exemption applies, an EEI filing is required for shipments:
 - From the United States (including FTZs) to a foreign country
 - From Puerto Rico to a foreign country
 - From The U.S. Virgin Islands to a foreign country
 - To Puerto Rico from the United States
 - To the U.S. Virgin Islands from the United States or Puerto Rico



Exclusions from filing EEI

- The following transactions are outside the FTR and do not require an EEI filing (Section 30.2(d) & Appx C) :
 - Goods shipped under CBP bond through the United States, Puerto Rico, or the U.S. Virgin Islands from one foreign country or area to another where such goods do not enter the consumption channels of the United States.
 - Goods shipped from the U.S. territories and goods shipped between the United States and these territories do not require EEI filing.
 - Goods transiting U.S. territories to foreign destinations require EEI filing.



Who Must File EEI?

- Sec. 30.3 -- The filer of EEI for export transactions can be:
 - the USPPI
 - the authorized agent, or
 - in a routed export transaction, the authorized U.S. agent of the FPPI (the FPPI can appoint the USPPI to act as agent for affecting the export transaction)
 - In rare cases, it can be a foreign entity purchasing or obtaining goods for export so long as they are physically in the U.S. at the time the goods are purchased or obtained for export.



Who Must File EEI?

- Who Is The USPPI?
 - The person or legal entity in the United States that receives the primary benefit, monetary or otherwise, from the [export] transaction.
 - Generally, that person or entity is the U.S. seller, manufacturer, order party.

- Illustrations Of a USPPI From Sec 30.3(b)(2)
 - If a U.S. manufacturer sells goods directly to an entity in a foreign area, the U.S. manufacturer is to be listed as the USPPI
 - If a U.S. manufacturer sells goods, as a domestic sale, to a U.S. buyer (wholesaler/distributor) and that U.S. buyer sells the goods for export to a FPPI, the U.S. buyer (wholesaler/ distributor) is to be listed as the USPPI
 - If a U.S. order party directly arranges for the sale and export of goods to a foreign entity, the U.S. order party is to be listed as the USPPI



Routed Export Transactions (30.3(e))

- In a “routed transaction” the Foreign Principal Party in Interest (FPPI) accepts responsibility for the export transaction, including obtaining any license or determining if any license exception applies
- Acceptance of responsibility for the export transaction must be in writing. See 758.3, EAR, 30.3(e)(1)
- If FPPI accepts responsibility for the transaction, USPPPI is still identified on AES filing as USPPPI



Routed Export Transactions

- Example of written acceptance:

“I undertake to determine any export license requirements, to obtain any export license license or other official authorization, and to carry out any customs formalities for the export of the goods”

-- BXA Federal Register Notice, July 10, 2000, page 42566.



Routed Export Transactions

- Responsibilities of USPPI in a routed export transaction (15 CFR § 30.3(e)(1)):
 - Provide to forwarder or FPPI:
 - Name and address of USPPI
 - USPPI IRS or EIN number
 - Point of origin of shipment
 - Description of goods
 - Origin of merchandise (f) or (d)
 - Schedule B number
 - Quantity
 - Value
 - ECCN if requested by FPPI or sufficient information to determine



Routed Export Transactions

- Responsibilities of Forwarder or agent in routed transactions (30.3(e)(2)):
 - Obtain Power of Attorney from FPPI to prepare and file EEI
 - Prepare and file EEI based in part on info provided by USPPI
 - Upon request, provide USPPI with appropriate documentation verifying that that US PPI information was accurately reported on SED or AES



Sec 30.4 -- EEI filing procedures

- Two electronic filing options exist for transmitting EEI by the USPPI or authorized agent
 - Pre-departure
 - Post-departure
- Post Departure filing is only allowed for previously approved entities
- Currently there is a moratorium on approving new entities for post departure filing privileges



Mandatory Pre-departure Filing

- The EEI must be transmitted prior to departure for the following types of shipments:
 - (1) Used self-propelled vehicles as defined in 19 CFR 192.1
 - (2) Essential and precursor chemicals requiring a permit from the DEA
 - (3) Shipments defined as “sensitive” by Executive Order or
 - (4) Shipments where a U.S. government agency requires pre-departure filing
 - (5) Shipments defined as “routed export transactions” (see § 30.3(e))



Mandatory Pre-departure Filing

- (6) Shipments to countries where complete outbound manifests are required prior to clearing vessels or aircraft for export (see U.S. Customs and Border Protection regulations 19 CFR 4.75(c) and 122.74(b)(2) for a listing of these countries)

- (7) Items identified on the USML of the ITAR (22 CFR 122.22(b))
 - (i) *Air or truck shipments*. The export information must be electronically filed at least 8 hours prior to departure.
 - (ii) *Sea or rail Shipments*. The export information must be electronically filed at least 24 hours prior to departure.

- (8) Exports that require a license from BIS, unless BIS has approved post-departure filing privileges for the USPPI



List Of Countries Requiring Complete Manifests (19 CFR 4.75(c))

Countries for which vessels may not be cleared until complete manifests and export declarations are filed (this list has not been updated by CBP):

- Albania
- Bulgaria
- Cambodia
- China, People's Republic of
- Cuba
- Czechoslovakia
- Estonia
- German Democratic Republic (Soviet Zone of Germany and Soviet Zone sector of Berlin)
- Hungary
- Iran
- Iraq
- Laos
- Latvia
- Libya
- Lithuania
- Mongolian People's Republic
- North Korea
- Polish People's Republic (Including Danzig)
- Rumania
- South Yemen
- Union of Soviet Socialist Republics
- Viet Nam



New Pre-departure Filing Time Frames

- For non-USML shipments, file the EEI and provide the ITN to the carrier as follows:
 - Vessel cargo
 - twenty-four hours prior to loading cargo
 - Air cargo, including Air Express Couriers
 - two hours prior to scheduled departure
 - Truck cargo, including Express Consignment Couriers
 - No later than one (1) hour prior to the arrival of the truck at the United States border
 - For rail cargo and all other forms of transportation
 - no later than two (2) hours prior to exportation



AES Downtime Procedures

- For non-USML shipments when AES is unavailable
 - If the participant's AES is unavailable, the filer must delay the export of the goods or find an alternative filing method
 - If AES or *AESDirect* is unavailable, the goods may be exported and the filer must:
 - Provide the appropriate downtime filing citation as described in § 30.7(b) and Appendix D; and
 - Report the EEI at the first opportunity AES is available



Post-Departure Filing

- Post-departure filing
 - no later than ten calendar days from the date of exportation
 - Certified AES authorized agents or service centers may transmit information post-departure on behalf of USPPIs approved for post-departure
 - Must provide the exporting carrier with the proof of filing citation and exemption and exclusion legends as described in § 30.7.



Annotating the proper exemption legends or proof of filing citations for shipments

- Shipments that are exempt from filing of EEI must bear an exemption legend (see Appendix D)
 - The USPPI or the authorized agent is responsible for annotating the proper exemption legend or proof of filing citation on:
 - The bill of lading, air waybill, or other commercial loading document for presentation to the carrier.
 - The carrier is responsible for transmitting the appropriate exemption legend or proof of filing citation to the CBP Port Director at the port of exportation
 - The exemption legend or proof of filing citation identify that the shipment information has been accepted as transmitted and electronically filed using the AES.



Sec. 30.7: Annotating the proper exemption legends or proof of filing citations for shipments

- The exemption legend or proof of filing citation must appear on the bill of lading, air waybill, or other commercial loading documentation and the manifest and must be clearly visible and include any of the following:
 - (1) The exemption legend or proof of filing citation will include the statement, ``AES," followed by
 - The returned confirmation number provided by AES when the transmission is accepted, referred to as the Internal Transaction Number (ITN).
 - For Option 4 filers, the exemption statement, ``AESPOST," followed by the USPPI's EIN and Date.
 - If an agent is use to file, the filer's identification number follows that of the the USPPI and then the date field



Internal Transaction Numbers

- The time of receipt is quantified by the date and time the Internal Transaction Number (ITN) is generated, which AES records.
- Why ITN's?
 - Customs survey of AES Exemption statements
 - 13,000 AES exemption statements
 - found 25% to be invalid at the time of export.



Internal Transaction Numbers

- ITN provides a link to a create date and time for the record in AES to verify compliance with pre-departure filing requirements.
- ITN format starts with an "X", followed by:
 - an 8-position date (century, year, month, day) and
 - a 6-position sequential number assigned by the AES system.
- ITN number is mandatory for all non-post-departure and non-exempt shipments

Filing Citations & Exemption Legends

Appendix D to Part 30

AES FILING CITATION, EXEMPTION AND EXCLUSION LEGENDS

I. USML Proof of Filing Citation	AES ITN Example: AES X20060101987654.
II. AES Proof of Filing Citation subpart A § 30.7	AES ITN Example: AES X20060101987654.
III. AES Postdeparture Citation-USPPIUSPPI is filing the EEI	AESPOST USPPI EIN mm/dd/yyyy Example: AESPOST 12345678912 01/01/2006.
IV. Postdeparture Citation-Agent	AESPOST USPPI EIN—Filer ID mm/dd/yyyy Example: AESPOST 12345678912—987654321 01/01/2006.
V. AES Downtime Citation—Use only when AES or AES <i>Direct</i> is un- available.	AESDOWN Filer ID mm/dd/yyyy Example: AESDOWN 123456789 01/ 01/2006.
VI. Standard Exclusions are found in 15 CFR 30, Subpart A, § 30.2(d)(1) through § 30.2(d)(4). The following types of transactions shall be excluded from EEI filing: (1) Goods Shipped from U.S. territories	NOEEI § 30.2(d)(site corresponding number).
(2) Goods Shipped to or from Guantanamo Bay Naval Base in Cuba and the United States.	
(3) Inbond Shipments through the United States, Puerto Rico, and the U.S. Virgin Islands.	
VII. Exemption for Shipments to Canada	NOEEI § 30.36.
VIII. Exemption for Low-Value Shipments	NOEEI § 30.37(a).
IX. Miscellaneous Exemption Statements are found in 15 CFR 30 Sub- part D § 30.37(b) through § 30.37(u).	NOEEI § 30.37 (site corresponding alphabet).
X. Special Exemption for Shipments to the U.S. Armed Forces	NOEEI § 30.39
XI. Special Exemptions for Certain Shipments to U.S. Government Agencies and Employees (Exemption Statements are found in 15 CFR 30 Subpart D § 30.40(a) through § 30.40(d).	NOEEI § 30.40 (site corresponding alphabet).
XII. Split Shipments by Air “Split Shipments” should be referenced as such on the manifest in accordance with provisions contained in § 30.28, “Split Shipments by Air.” The notation should be easily iden- tifiable on the manifest. It is preferable to include a reference to a split shipment in the exemp- tion statements cited in the example, the notation SS should be in- cluded at the end of the appropriate exemption statement.	AES ITN SS Example: AES X20060101987654 SS.
Proof of filing citations by pipeline	NOEEI § 30.8(b).



AES Exemptions

- Low Value Shipments (Section 30.37(a))
 - A shipment is exempt from filing EEI if the value of the commodities--
 - shipped from one exporter to one consignee
 - on a single exporting carrier and
 - classified under an individual Schedule B number
 - is \$2,500 or less.
 - If the shipment contains a mixture of:
 - individual Schedule B commodity numbers valued \$2,500 or less and individual Schedule B commodity numbers valued over \$2,500,
 - only those commodity numbers valued \$2,500 or more need be reported on a AES record.



Low Value Exemption

- Low Value exemption does not apply to exports:
 - Destined for Cuba, Iran, Iraq, Libya, North Korea, Serbia (excluding Kosovo), Sudan and Syria.
 - Requiring a Department of Commerce license under the EAR.
 - Requiring a Department of State, Office of Defense Trade Controls export license under the International Traffic In Arms Regulations (ITAR)
 - Subject to the ITAR but exempt from license requirements.



Canada Exemption (Sec 30.36)

- Shipments where the ultimate destination is Canada.
- This exemption also applies to shipments from one point in the United States or Canada to another point thereof by routes passing through the other country.
- Exemption does not apply to the following shipments:
 - Requiring a Department of Commerce license.
 - Requiring a Department of State, Office of Defense Trade Controls, export license under the International Traffic in Arms Regulations (ITAR-22 CFR parts 121-130).
 - Subject to the ITAR but exempt from license requirements.
 - Requiring a Department of Justice, Drug Enforcement Administration, export declaration



Other Exemptions

- See Appendix C for a complete listing of all other miscellaneous exemptions

Appendix C to Part 30—Summary of Exemptions and Exclusions from EEI Filing

A. EEI is not required for the following types of shipments:¹

1. Exemption for shipments destined to Canada (§ 30.36).

2. Valued \$2,500 or less per Schedule B/ HTSUSA classification for commodities shipped from one USPPI to one consignee on a single carrier (§ 30.37(a)).

3. Tools of the trade and their containers that are usual and reasonable kinds and quantities of commodities and software intended for use by individual USPPIs or by employees or representatives of the exporting

¹Exemption from the requirements for reporting complete commodity information is covered in § 30.38; Special exemptions for shipments to the U.S. Armed Services are covered in § 30.39; and Special exemptions for certain shipments to U.S. Government agencies and employees are covered in § 30.40.

14. Carrier's stores, not shipped under a bill of lading or an air waybill, supplies and equipment, including usual and reasonable kinds and quantities of bunker fuel, deck engine and steward department stores, provisions and supplies, medicinal and surgical supplies, food stores, slop chest articles, and saloon stores or supplies for use or consumption on board and not intended for unloading in a foreign country. (See Table 5 if shipped under a bill of lading or an air waybill (§ 30.37(n)).

15. Dunnage not shipped under a bill of lading or an air waybill, of usual and reasonable kinds and quantities not intended for unloading in a foreign country (§ 30.37(o)).

16. Shipments of aircraft parts and equipment; food, saloon, slop chest, and related stores; and provisions and supplies for use on aircraft by a U.S. airline. (EAR license exception (AVS) for aircraft and vessels 15 CFR 740.15(c); § 30.37(p)).

17. Baggage and personal effects, accompanied or unaccompanied, of persons leaving the United States including members



Sec. 30.9 Transmitting And Correcting EEI

- Filer has a responsibility to:
 - transmit correct EEI data at time of filing
 - Transmit changes to EEI data as soon as incorrect information as identified
 - Refiles EEI must identify proper fields indicating corrected data.
- Warning Messages
 - Filer must correct data within 4 days of receipt of transmission
- Fatal Errors– Means EEI data was not accepted
 - For pre-departure shipments, data must be corrected and resubmitted prior to export
 - Post-departure, must be corrected within 10 days of departure



AES Compliance Reports

- The U.S. Census Bureau monitors and reviews filer's data through AES for quality, timeliness and coverage.
- The AES Branch of the Census Bureau's Foreign Trade Division reviews the data, sends monthly Compliance Reports, and contacts filers as needed
- On each AES Compliance Report, a compliance rate is calculated for the current statistical month
- As a part of Best practices, a company should review its AES compliance reports
- The AES Best Practices Manual is available from Census at:
- http://www.census.gov/foreign-trade/aes/documentlibrary/bp/aes_bestpractices.html.



EEI Data Elements (30.6)

- Mandatory Data Elements
 - USPPI information
 - Name
 - Address
 - USPPI identification No.
 - Contact information
 - Date of Export
 - Ultimate Consignee
 - U.S. State of Origin
 - Country of Ultimate Destination (country where the goods are to be used, consumed or further processed)
 - Method of Transportation
 - Carrier or conveyance name
 - Port of Export
 - Related party indicator
 - Domestic or foreign goods indicator
 - Commodity Classification Number (Schedule B or HTS 10 digit No.)
 - Commodity Description
 - Unit of measure
 - Primary quantity
 - Shipping weight
 - Value
 - Export Information Code (Appx B)

EEI Data Elements (30.6)

- Shipment reference number (XTN)
- Line number (ids the specific commodity line on shipment)
- DOT Haz-mat indicator no.
- In bond code
- License /Exemption Code (see Appendix B.III)
- Routed Export Transaction indicator
- Line no. action indicator
- Filing option indicator (Pre or Post departure filing)

TE	Temporary exports to be returned to the United States	C32	NLR—No License Required (controlled for other than or in addition to Anti-Terrorism)
TL	Merchandise leased for less than a year	C33	NLR—No License Required (All others, including Anti-Terrorism controls ONLY)
IS	Shipments of merchandise imported under a Temporary Import Bond for return in the same condition	C35	LVS—Limited Value Shipments
CR	Shipments moving under a carnet	C36	GBS—Shipments to B Countries
GP	U.S. Government shipments	C37	CIV—Civil End Users
MS	Shipments consigned to the U.S. Armed Forces	C38	TSR—Restricted Technology and Software
GS	Shipments to U.S. Government agencies for their use	C40	TMP—Temporary Imports, Exports, and Re-exports
UG	Gift parcels under Bureau of Industry and Security License Exception GFT	C41	RPL—Servicing and Replacement of Parts and Equipment
DD	Other exemptions:	C42	GOV—Government and International Organizations
	Currency	C43	GFT—Gift Parcels and Humanitarian Donations
	Airline tickets	C44	TSU—Technology and Software—Unrestricted
	Bank notes	C45	BAG—Baggage
	Internal revenue stamps	C46	AVS—Aircraft and Vessels (AES not required)
	State liquor stamps	C47	APR—Additional Permissive Re-exports
	Advertising literature	C48	KMI—Key Management Infrastructure
	Shipments of temporary imports by foreign entities for their use	C49	TAPS—Trans-Alaska Pipeline Authorization Act
RJ	Inadmissible merchandise (For Manifest Use Only by AES Carriers)	C50	ENC—Encryption Commodities and Software
AE	Shipment information filed through AES (See §§ 30.50 through 30.58 for information on filing exemptions.)	C51	AGR—License Exception Agricultural Commodities
Part III—License Codes		C53	APP—Adjusted Peak Performance (Computers)
Department of Commerce, Bureau of Industry and Security (BIS), Licenses		C54	SS-WRC—Western Red Cedar
C30	Licenses issued by BIS authorizing an export, reexport, or other regulated activity.	C55	SS—Sample—Crude Oil Samples
C31	SCL—Special Comprehensive License	C56	SS-SPR—Strategic Petroleum Reserves



Conditional Data Elements

- Authorized Agent identification information
- Immediate consignee
- FTZ identifier
- Foreign Port of Unlading
- Export License number
- ECCN number
- Secondary unit of measure, if required
- Secondary Qty
- Vehicle Id. Number
- Vehicle ID Qualifier (type of vehicle)
- Vehicle title number
- Vehicle title state code no.
- Import Entry no. (for transshipments that have not occurred under bond)
- Transportation reference no. (vessel booking no., air way bill no., etc.)
- Seal number for container
- Equipment number (I.e., container number)



Exporting Defense Articles 22 CFR § 123.22

- The reporting of export information shall be made using the Automated Export System (AES) or directly to the Directorate of Defense Trade Controls (DDTC)
 - Any license or other approval authorizing the permanent export of hardware must be filed at a U.S. Port before export
 - Licenses or other approvals for the permanent export of technical data and defense services shall be retained by the applicant who will send the export information directly to DDTC.
 - Temporary export or temporary import licenses for such items need not be filed with the U.S. Customs and Border Protection, but must be presented to the U.S. Customs and Border Protection for decrementing of the shipment prior to departure and at the time of entry.



Conditional Data Elements

- Depart of State Data Reporting Requirements
 - DDTC registration number
 - DDTC Significant Military Equipment indicator
 - DDTC eligibility party certification (for exemptions only)
 - USML Category code
 - DDTC unit of measurement
 - DDTC quantity
 - DDTC exemption code
 - DDTC license line number



Export Value

- Section 30.6(17) Value
 - the value to be reported shall be
 - selling price to FPPI or
 - cost or market value if not sold
 - Must include inland freight, insurance, and other charges to U.S. port of export



Export Value

- Value Exclusions
 - The value reported is to exclude:
 - The cost of loading on the exporting vessel, aircraft, car or vehicle at the port of exportation;
 - freight, insurance, and any other charges or transportation costs beyond the port of export;
 - duties, taxes, or other assessments imposed by foreign countries.
- “Ex-works” prices require an addition for inland transportation, insurance, and other charges to U.S. port of export
- If the actual amount of such domestic costs is not available, an estimate of the domestic costs should be added.



Export Value: Sec 30.29

- Reporting the Value of Repairs and Alterations
 - The value of repairs and alterations made on articles previously imported for such purposes should be reported under Schedule B number 9801.10.0000
 - These articles should be reported as domestic merchandise
 - The value reported should represent only the total value of repairs and alterations made in the United States
 - If there is no charge, a value representing the cost of repairs to the manufacturer or a reasonable estimate thereof must be reported



Carrier Requirements (30.45)

- Carriers shall not be granted clearance and shall not depart until complete manifests or other required documentation (for ocean, air, and rail carriers) have been delivered to CBP Port Director
- Required document shall contain the appropriate AES proof of filing citations or exemption legends
- Manifests may be filed via paper or electronically through the AES Vessel Transportation Module
- Failure to file a manifest is a violation and renders the carrier subject to the penalties provided for in Subpart H



Subpart H--New Census Penalties (30.71)

- Failure to file and late filings
 - \$1,000 per day per delinquency not to exceed \$10,000 per violation
- Non-filing violations, i.e., incorrect/ false Information
 - Civil Penalties = \$10,000 per violation
 - Criminal Penalties = \$10,000 per violation and/or 5 years in jail
- Enforcement delegated to DOC/ OEE and CBP/ICE



Sec 30.74 -- Voluntary Self-Disclosure

- Voluntary self-disclosure is a mitigating factor in determining what administrative sanctions, if any, will be sought
 - Does not apply if agency has the same or substantially similar information from another source and
 - commenced an investigation or inquiry in connection with that information
 - Effect of disclosure will be weighed against any aggravating factors
 - Must be made with with the full knowledge and authorization of senior management



Sec 30.74 -- Voluntary Self-Disclosure

- Information requirements
 - if a violation is suspected or a violation is discovered, conduct a thorough review of all export transactions for the past five years
 - Initial Notification
 - must be in writing and be sent to Chief, Foreign Trade Division, U.S. Census Bureau
 - include the name of the person making the disclosure
 - The notification should describe the general nature, circumstances, and extent of the violations.
 - If violations involve other gov. agency disclosing party is responsible for notifying other agency



Sec 30.74 -- Voluntary Self-Disclosure

- The **narrative account** should include:
 - The kind of violation involved, for example, failure to file EEI, failure to correct fatal errors, failure to file timely corrections
 - Describe all data required to be reported under the FTR that was either not reported or reported incorrectly
 - An explanation of when and how the violations occurred
 - The complete identities and addresses of all individuals and organizations, whether foreign or domestic, involved in the activities giving rise to the violations



Sec 30.74 -- Voluntary Self-Disclosure

- measures taken to minimize the likelihood that violations will occur in the future
- the nature of the review conducted
- A description of any mitigating circumstances
- *Correction of Electronic Export Information*
 - Report all data required under the FTR that was not reported. Report corrections for all data reported incorrectly.
 - All reporting of unreported data or corrections to previously reported data shall be made through AES



Presentation Materials

- PDF version of materials is available at:
www.tuttlelaw.com/seminar/mandatory_aes.pdf
- New FTR regulations may be downloaded from:
www.tuttlelaw.com/customs_material/e8-12133.pdf

Thank You For You Participation!

We will be sending out a short survey to obtain your opinion about this program and to gage your interest in other presentations using a web based format. We hope you will participate.



Census Contacts & Information

You may call 1-800-549-0595 with any questions you may have regarding the FTR or AES.

We encourage you to attend “The AES Compliance Seminars,” or the “*AES PcLink* Certification Workshops” offered in various cities in the United States.

To find out more about these seminars and workshops, visit our Web site at <www.census.gov/trade>.

U.S. Census Bureau

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Spotlight: AESDirect plans to implement increased security measures as of October 1, 2008. View detailed information regarding all of the changes in our special [Newsletter](#).

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