

# **Frequently Asked Questions of the Foreign Trade Regulations (FTR)**

## **Electronic Export Information**

### **What is Electronic Export Information (EEI)? [FTR Section 30.1(c)]**

EEI is the electronic export data as filed in the Automated Export System. This is the electronic equivalent of the export data formerly collected from the Shipper's Export Declaration.

### **Why is filing Electronic Export Information (EEI) mandatory? [FTR Section 30.1(a)]**

Public Law 107-228 authorizes the Secretary of Commerce to publish regulations mandating that all persons who are required to file export information under Chapter 9 of Title 13, United States Code, file such information through the Automated Export System. The information collected is necessary to compile the official U.S. export statistics for the United States, enforcing U.S. export laws and regulations, and other purposes authorized by the Secretary of Commerce as listed in FTR Section 30.60.

### **Who can file the Electronic Export Information (EEI)? [FTR Section 30.2]**

The U.S. Principal Party in Interest or a U.S. authorized agent can file EEI through the Automated Export System.

### **Can corrections be made to an Electronic Export Information (EEI) filing? [FTR Section 30.9]**

Yes. Corrections, cancellations, or amendments to the EEI should be transmitted to the Automated Export System (AES) as soon as they are identified. If you are having problems correcting an AES error, contact the Data Collection Branch at (800) 549-0595, option 1 or via email at [itmd.askaes@census.gov](mailto:itmd.askaes@census.gov).

### **Why is the reuse of a shipment reference number (SRN) prohibited? [FTR Section 30.6(a)(19)]**

The SRN cannot be reused because of Automated Export System (AES) limitations. If you reuse the SRN, the AES will override the previous shipment's information.

### **What is a shipment and when is a shipment required to be filed? [FTR Section 30.1(c)]**

A shipment is defined as all goods being sent from one U.S. Principal Party in Interest to one consignee located in a single country of destination on a single conveyance and on the same day. You must file Electronic Export Information when the value of the goods is over \$2,500 per Schedule B or the shipment is identified in FTR Section 30.2(a)(1)(iv). For example, Company A in the U.S. receives a purchase order from Company B in France. The order contains the purchase of a kayak, valued at \$3,000, and a bicycle, valued at \$3,500. Company A ships both items to Company B on the same aircraft on the same day. Therefore, this is considered one shipment and both items should be filed under one Automated Export System record.

### **Based on the destination of the goods, when is it necessary to file Electronic Export Information? [FTR Section 30.2(a)(1)(i) & (ii)]**

Shipped From	To
United States	Foreign Countries
United States	Puerto Rico
United States	U.S. Virgin Islands
Puerto Rico	United States
Puerto Rico	Foreign Countries

Puerto Rico	U.S. Virgin Islands
U.S. Virgin Islands	Foreign countries
U.S. Foreign Trade Zones	Puerto Rico
U.S. Foreign Trade Zones	U.S. Virgin Islands
U.S. Foreign Trade Zones	Foreign countries

**Can multiple invoices for the same customer be used to create one Automated Export System (AES) record?**

Yes. If the invoices are for goods from the same U.S. Principal Party in Interest to the same foreign customer located in a single country of destination leaving on a single conveyance and on the same day, then one AES record can be created.

**Is it possible to have multiple U.S. Principal Parties in Interest (USPPI) on one booking or bill of lading? If so, how many different shipments have to be filed in the Automated Export System (AES)?**

The number of AES filings depends on the details of the transaction and how they compare to the definition of a shipment listed in FTR Section 30.1(c). A shipment is defined as, "All goods being sent from one USPPI to one consignee located in a single country of destination on a single conveyance and on the same day." It is possible to have multiple Internal Transaction Numbers for one booking or bill of lading. For each shipment, the applicable proof of filing, exemption, or exclusion citation has to be included on the commercial loading documents. The FTR does not regulate commercial loading documents; as a result, for additional questions, please contact U.S. Customs and Border Protection.

### **Automated Export System (AES)**

**Why was the Social Security Number (SSN) eliminated for use as an identification number in the Automated Export System (AES)? What identification number is used in place of the SSN?**

The Office of Management and Budget mandated the Census Bureau to eliminate the collection of the SSN for AES on March 24, 2010. This rule was implemented to ensure that a U.S. Principal Party in Interest's or U.S. authorized agent's SSN is protected in accordance with the Privacy Act of 1974, Title 5, United States Code, Section 552a. In place of the SSN, US citizens/permanent residents will use an Employer Identification Number (EIN). Information on how to obtain an EIN on-line, by phone, fax or mail can be found at the Internal Revenue Service website ([www.irs.gov](http://www.irs.gov)) or at the Census Bureau's website ([https://www.census.gov/foreign-trade/regulations/trb\\_obtaining\\_an\\_ein.pdf](https://www.census.gov/foreign-trade/regulations/trb_obtaining_an_ein.pdf) and [https://www.census.gov/foreign-trade/regulations/trb\\_obtaining\\_an\\_ein\\_3rd\\_party.pdf](https://www.census.gov/foreign-trade/regulations/trb_obtaining_an_ein_3rd_party.pdf)).

**If a customer ships his/her personal items or ships very seldom, does he/she have to obtain an Employer Identification Number (EIN)?**

Regardless of the type of items being shipped or the shipping frequency, any U.S. person/entity shipping goods to a foreign country that requires filing Electronic Export Information in the Automated Export System will need to obtain an EIN from the Internal Revenue Service.

**I do not own a business. Can I still apply for an Employer Identification Number (EIN)?**

Yes, an EIN can be obtained for government reporting purposes even when a person does not own a business. The Census Bureau has a resource for obtaining an EIN for exporting purposes located at [https://www.census.gov/foreign-trade/regulations/trb\\_obtaining\\_an\\_ein.pdf](https://www.census.gov/foreign-trade/regulations/trb_obtaining_an_ein.pdf).

**Can a foreign entity file Electronic Export Information (EEI) in the Automated Export System (AES)? [FTR Section 30.3(b) and 30.6(a)]**

No. An Employer Identification Number (EIN) is required to register as an AES filer. A foreign entity that is in the United States at the time when goods are purchased or obtained for export shall be listed as the U.S. Principal Party in Interest (USPPI) but must select a U.S. authorized agent to file the EEI on their behalf. The foreign entity's passport number, DUNS number, border crossing number, or any number assigned by U.S. Customs and Border Protection shall be reported as the USPPI identification number.

**What are the filing timeframes for submitting Electronic Export Information (EEI) in the Automated Export System (AES)? [FTR Section 30.4(b)]**

There are different timeframes for USML shipment and Non-USML shipments. The timeframes vary by method of transportation. See below for both non-USML and USML shipments.

<b>USML Shipments [FTR Section 30.4 (b)(1)] &amp; 22 CFR 123.22(b)]</b>	<b>Non- USML Shipments [FTR Section 30.4 (b)(2)]</b>
24 hours prior to vessel departure	24 hours prior to vessel loading
8 hours prior to truck departure	1 hour prior to truck arriving at U.S. border
8 hours prior to scheduled air departure	2 hours prior to scheduled air departure
24 hours prior to train departure	2 hours prior to train arriving at U.S. border
Mail Exports: Refer to 22 CFR 123.24	2 hours prior to mail export

Note: Used self-propelled vehicles must be filed 72 hours prior to export. Shipments between the United States and Puerto Rico are exempt from the advanced filing timeframes highlighted in the FTR section 30.4(b)(3). However, the proof of filing, postdeparture, AES downtime, exemption, or exclusion citation must be presented to the carrier prior to the arrival of goods at the port of unloading for shipments between the United States and Puerto Rico.

**Is there flexibility with the current filing time frame for bulk exports? [FTR Section 30.4(b)]**

No. All exporters, including bulk cargo exporters must submit their export information according to the filing time frames found in FTR Section 30.4; however, exporters are permitted to provide estimated cargo information prior to loading. Once the correct cargo information is known, the U.S. Principal Party in Interest or authorized agent must update the Automated Export System record with the accurate information.

## **Parties to Export Transactions**

**Who is the U.S. Principal Party in Interest (USPPI) in an export transaction? What identification number should be reported in the Automated Export System (AES) record? [FTR Section 30.3(b)(2)]**

The USPPI is 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, customs broker, or the foreign entity if in the United States when purchasing or obtaining the goods for export. In the AES, the USPPI ID Number is the USPPI's Employer Identification Number (EIN). If a foreign entity meets the criteria to be the USPPI, the foreign entity is identified using their passport number, DUNS number, border crossing number, or any number assigned by U.S. Customs and Border Protection in lieu of an EIN. A social security number cannot be reported in the USPPI identification field.

**When should a customs broker be listed as the U.S. Principal Party in Interest (USPPI) in an Automated Export System (AES) filing?**

There are two scenarios where a customs broker would be listed as the USPPI.

1. The U.S. customs broker is listed as the importer of record when entering goods into the U.S. for immediate consumption or warehousing entry and the goods are subsequently exported without change or enhancement.

2. The U.S. customs broker formally enters merchandise into the U.S. on behalf of a foreign entity listed as the importer of record and the goods are subsequently exported without change or enhancement.

If the customs broker refuses to be listed as the USPPI, they should return the goods to the original party abroad who sent the shipment to the U.S. and that party would have to find a broker or U.S. entity who is willing to import the goods and serve as the USPPI when the goods are exported.

**Can a freight forwarder be listed as the U.S. Principal Party in Interest (USPPI) in the Automated Export System (AES)? [FTR Section 30.3(b)(2)]**

Typically, a freight forwarder is not the USPPI. However, a freight forwarder can be listed as the USPPI when they are:

- Acting as a U.S. order party.
- Acting as the U.S. customs broker and listed as the importer of record when entering goods into the U.S. for immediate consumption or warehousing entry and the goods are subsequently exported without change or enhancement.
- Acting as the U.S. customs broker and formally entering merchandise into the U.S. on behalf of a foreign entity listed as the importer of record and the goods are subsequently exported without change or enhancement.

**When should the freight forwarder field be completed in the Automated Export System (AES)?**

This field should be completed when an authorized agent is filing the Electronic Export Information (EEI) in the AES on behalf of the U.S. Principal Party in Interest or the Foreign Principal Party in Interest. This field can also be completed for licensable shipments where the license indicates a specific freight forwarder. However, if a USPPI is filing the EEI for their own shipment, the freight forwarder section would remain blank.

**Can the foreign broker of the Foreign Principal Party in Interest (FPPI) provide a power of attorney (POA) or written authorization in a routed export transaction?**

The FPPI may authorize a foreign broker to arrange for the export of goods from the United States by providing them with a POA or written authorization. The foreign broker would then provide a POA or written authorization to a U.S. authorized agent to facilitate the movement of the goods and file in the Automated Export System (AES). For example, Company A in France has authorized Broker X, through a POA or written authorization, in France to arrange for the export of goods from the U.S. Broker X then authorizes an agent within the United States via a POA or written authorization to move the goods and file in the AES.

**What are the ultimate consignee types and how do I determine which ultimate consignee type to report in the Automated Export System? [FTR Section 30.6(a)(28)]**

The four ultimate consignee types are direct consumer, reseller, government entity, and other/unknown. You are required to select one of the four ultimate consignee types. Your selection should be based on the business function that most often applies. If more than one type could apply, report the type that applies most often. Below are the definitions for the four ultimate consignees:

- (1) Direct Consumer: a non-government institution, enterprise, or company that will consume or use the exported good as a consumable, for its own internal processes, as an input to the production of another good or as machinery or equipment that is part of a manufacturing process or a provision of services and will not resell or distribute the good.
- (2) Government Entity: a government-owned or government-controlled agency, institution, enterprise, or company.
- (3) Reseller: a non-government reseller, retailer, wholesaler, distributor, distribution center or trading company.

- (4) Other/Unknown: an entity that is not a Direct Consumer, Government Entity or Reseller, as defined above, or whose ultimate consignee type is not known at the time of export.

Let's take a look at a scenario and determine who the ultimate consignee is. Company A in the U.S. files a shipment in AES to their customer in France, and the French party will be incorporating the purchased goods into their own product, which will then be sold. The party in France is the ultimate consignee, and the ultimate consignee type would be a Direct Consumer because the goods were consumed as an input into the production of another good. In contrast, if the French party were to sell the items they purchased from Company A without consuming or inputting the goods into the production of another item, then the French ultimate consignee would be a Reseller.

**Who is responsible for providing the ultimate consignee type in a routed export transaction? [FTR Section 30.3(e)]**

In a routed export transaction, the authorized agent is responsible for providing the ultimate consignee. Therefore, they are also responsible for providing the ultimate consignee type because that data element describes the ultimate consignee.

**Should the exporting carrier accept cargo if the U.S. Principal Party in Interest (USPPI) provides the postdeparture citation without the date of export? [FTR Appendix B]**

No. The exporting carrier should not accept cargo with an incomplete citation. The proper postdeparture citation should read "AESPOST USPPI EIN mm/dd/yyyy" if a USPPI is filing or "AESPOST USPPI EIN - Filer ID mm/dd/yyyy" if an authorized agent is filing.

**Can a Non-Vessel Operating Common Carrier (NVOCC) be listed as a carrier in the Automated Export System (AES)? [FTR Section 30.6(a)(8)]**

Yes. A NVOCC can be listed as the carrier in the AES for vessel shipments. The Standard Carrier Alpha Code of the NVOCC should be reported in the AES.

**Is the carrier subject to fines and penalties? [FTR Section 30.45]**

Yes. All parties to the export transaction are subject to fines and penalties. The carrier responsibilities are identified in FTR Section 30.3(c)(3) and failure to adhere to these responsibilities could result in fines or penalties.

## **Licensed Shipments**

**What are the regulations that require filing in the Automated Export System (AES) for the Nuclear Regulatory Commission (NRC)?**

Title 10 Code of Federal Regulations Part 110 requires shipments requiring a NRC license to be filed in the AES. These shipments must be filed predeparture per FTR Section 30.4(a)(9), and filed regardless of value per FTR Section 30.2(a)(1)(iv)(E).

**Do all exported shipments destined for Country Groups E:1 and E:2 require an Automated Export System (AES) filing? [FTR Section 30.16(d)]**

Country Groups E:1 and E:2, as set forth in Supplement No. 1 to Title 15 Code of Federal Regulations Part 740, are terrorist supporting countries and typically require an AES filing. There are some specific shipments that are exempt from AES filing. The exemptions are identified in FTR Section 30.37(y). However, we strongly suggest you contact the Bureau of Industry and Security at 202-482-4811 and the Office of Foreign Assets Control at 800-540-6322 for more information about exporting goods to these countries.

**Do I need an export license to ship my product to a particular market? How do I get a license?**

The Census Bureau is not an export licensing agency. Export licenses are generally necessary when authorization is required for an export because of the commodities being shipped, country of ultimate

destination, or end user. The Bureau of Industry and Security has information pertaining to export licensing agencies located at <https://www.bis.doc.gov/index.php/about-bis/resource-links>.

**What is the difference between “EAR99” and “No License Required” (NLR) license exceptions as defined in the Export Administration Regulations (EAR)?**

EAR99 is a classification for an item. It indicates that a particular item is subject to the EAR, but not specifically described by an Export Control Classification Number (ECCN) on the Commerce Control List (CCL). While the classification describes the item, the authorization for shipment of that item may change, depending on the circumstances of the transaction. NLR stands for the "No License Required" designation. NLR may be used for either EAR99 items, or items on the CCL that do not require a license for the destination. However, exports of an EAR99 item to an embargoed country, an end-user of concern, or in support of a prohibited end-use may require an export license.

**What is an Export Control Classification Number (ECCN)? When is it required in the Automated Export System (AES)?**

An ECCN is an alphanumeric classification used in the Commerce Control List (CCL) to identify items for export control purposes. Contact the Bureau of Industry and Security's (BIS) Office of Exporter Services at (202) 482-4811 or their Western Regional Office on (949) 660-0144 or (408) 998-8806 for guidance in determining your ECCN using the CCL. The ECCN is required in the AES for licensed shipments, license exception shipments, and for "no license required" (NLR) shipments of items on the Commerce Control List having a reason for control other than or in addition to anti-terrorism (AT). See 15 CFR 758.1(g) for more information.

**Do all licensed goods require an Automated Export System (AES) filing? [FTR Section 30.2(d)(5)]**

No. Shipments where the ultimate destination is the United States or shipments to international waters where the person/entity assuming control of the shipment is a citizen or permanent resident of the United States are not required to be filed in the AES. However, you must properly annotate your loading documents with the exclusion legend “NOEEI Section 30.2(d)(5).”

## **Exclusions, Exemptions and Citations**

**How do I file Electronic Export Information (EEI) for goods with the same Schedule B classification code, but one item is of domestic origin with a value over \$2,500 and the other is of foreign origin with a value under \$2,500? [FTR Section 30.37(a)]**

The filer would file EEI for the domestic item over \$2,500 and use the exemption 30.37(a) for the foreign item under \$2,500.



**Do I need to file the Electronic Export Information for luggage that I am taking for a vacation in a foreign country? [FTR Section 30.37(p)]**

No. Filing is not required for baggage and personal effects when they are not shipped as cargo under a bill of lading or an air waybill and the shipment is not identified in FTR Section 30.2(a)(1)(iv).

**Is the exclusion legend required to be annotated on your shipping documentation? [FTR Section 30.7(b)]**

Yes. The exclusion legend is required to be placed on the bill of lading, airway bill, export shipping instruction, or other commercial loading documents.

**What are the filing requirements for in-transit shipments through the United States? [FTR Section 30.2(d)(1)]**

In-transit shipments of goods from one foreign country to another where such goods do not enter the consumption channels of the United States are excluded from filing the Electronic Export



Information. Currently, there are no filing requirements for in-transit shipments. For merchandise that is not intended to enter the consumption channels of the United States but that is formally entered via the U.S. Customs and Border Protection Form 7501 or through the Automated Broker Interface, an Automated Export System filing must be completed at the time of export if the value is over \$2,500 per Schedule B, or if the shipment is identified in FTR Section 30.2(a)(1)(iv).

**Do I need to file for shipments of empty containers if the value is over \$2,500? [FTR Section 30.37(v)]**

When containers are moving, either loaded or empty, without transfer of ownership or title, in their capacity as carriers of goods or as instruments of such carriers, they are not required to be filed. However, if ownership of such containers is transferred, an Automated Export System filing would be required if the value of the containers is over \$2500.

**Merchandise is presented for entry into the U.S. and is rejected prior to being cleared for importation by Customs and Border Protection (CBP). The goods are subsequently exported to the place of origin or another foreign destination. Is an Automated Export System (AES) filing required? [FTR Section 30.2(d)(1)]**

No. The merchandise did not enter the commerce of the United States and as a result, the shipment is not an export. The commercial loading documents should be annotated with the statement “NOEEI §30.2(d)(1)”.

**Based on the destination of the goods, when is Electronic Export Information (EEI) not required? [FTR Section 30.36 and 30.2(d)(2)]**

Shipped From	To
United States	Canada (as noted in Section 30.36)
U.S. Virgin Islands	United States
U.S. Virgin Islands	Puerto Rico
United States/Puerto Rico/Virgin Islands	Other U.S. Territories**
Other U.S. Territories**	United States

\*\* American Samoa, Baker Island, Commonwealth of the Northern Mariana Islands, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingmen Reef, Midway Islands, Navassa Island, Palmyra Atoll, and the Wake Island.

## Value

**Company A is exporting a licensed commodity. The selling price of the commodity is \$10,000 and the value of the license obtained by Company A is \$100,000. The cost of domestic freight transportation and insurance is \$250. How would Company A report the value and the license value in the Automated Export System (AES)? [FTR Section 30.6(a)(17) and 30.6(b)(15)]**

According to the FTR Section 30.1(c), value is defined as the selling price in U.S. dollars (or the cost if the goods are not sold), plus inland and domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. In this scenario, Company A would add the selling price of the commodity (\$10,000) plus domestic freight transportation and insurance (\$250) and report the sum (\$10,250) in the value field in AES. Because the goods are licensed, the filer is also required to complete the license value field. Therefore, Company A would report the license value as \$10,000.

*Please note: If the shipment does not require a license, the license value field is to be left blank.*

**Company A in the US owns Company B in China. Company A is shipping goods to Company B at no charge to Company B. How would Company A file the value in the Automated Export System (AES)? [FTR Section 30.6(a)(17)]**

Since the goods are not sold, the value in this scenario is the cost of the goods, plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. The cost of goods is the sum of expenses incurred in the USPPI's acquisition or production of the goods.

**What value should be reported for defective items that have been imported into the United States and need to be returned overseas?**

For products that are being returned that have market value, report the market value plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. If the product has no market value due to poor quality (i.e. spoiled fruits), then report the import value plus inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export of the product.

**How do discounts affect the value reported in the Automated Export System?**

Report net selling price, exclusive of any unconditional discounts. Discounts conditioned on the act or performance by the customer, such as discounts for cash or payments in 30 days, are not to be deducted from the selling price.

### **Repairs and Replacements**

**A company in Ecuador sent goods back to a manufacturer in the United States to be repaired. When the goods are returned to Ecuador, how should this be reported in the Automated Export System (AES)? If the goods are under warranty, are there additional requirements? [FTR Section 30.29(a)]**

For non-licensed goods that were temporarily imported for repair and declared as such on import, report:

- Schedule B: 9801.10.0000.
- Value: The cost of parts and labor, plus inland and domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export.

For licensed goods that were temporarily imported for repair and declared as such on import, report:

- Schedule B: 9801.10.0000.
- Value: The cost of parts and labor, plus inland and domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export.
- License Value: The value designated on the export license that corresponds to the commodity being exported.

If the goods are repaired under warranty, the filer should report the information as explained above. It is also recommended that the bill of lading, air waybill, or other commercial loading documents include the statement, "This product was repaired under warranty."

Section 30.29 of the FTR only states parts and labor because we do not want the original value to be included. However, the repair value should include inland or domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. If the repair value is over \$2,500 per Schedule B number, then Electronic Export Information must be filed.

**Company A in Japan purchased goods from Company B in the United States. After a week, the goods proved defective and Company A wants the goods replaced. Since the goods are under warranty, Company A sends the defective goods back to Company B. After receiving the defective goods, how should Company B handle the export of the replacement goods? [FTR Section 30.29(b)(2)]**

For non-licensed replacement goods, report:



- Schedule B: The Schedule B number or HTSUSA classification commodity number of the replacement goods.
- Value: The value of the replacement goods, plus inland and domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export.

For licensed replacement goods, report:

- Schedule B: The Schedule B number or HTSUSA classification commodity number of the replacement goods.
- Value: The value of the replacement goods, plus inland and domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export.
- License Value: The value designated on the export license that corresponds to the commodity being exported.

Goods that are replaced under warranty shall include the statement, “Product replaced under warranty, value for EEI purposes” on the bill of lading, airway bill, or other commercial loading documents. Place the notation below the proof of filing citation, exemption, or exclusion legend.

## **Household Goods**

### **Is an Automated Export System (AES) filing required for household goods? [FTR Section 30.38]**

Household goods are usual and reasonable kinds and quantities of personal property necessary and appropriate for use by the U.S. Principal Party in Interest (USPPI) in the USPPI’s dwelling in a foreign country. If the total value of the household goods is over \$2,500 or the shipment falls under a mandatory filing requirement listed in FTR Section 30.2(a)(1)(iv), an AES filing is required. When exporting household goods, Schedule B or HTSUSA commodity classification codes and domestic/foreign indicator are not required in the AES filing. You are required to select “HH” as the export information code in the AES.

### **Can I export household goods to my immediate family and use the limited reporting for household goods? [FTR Section 30.38]**

No. Household goods are items for use by the U.S. Principal Party in Interest (USPPI), in the USPPI’s dwelling in a foreign country.

### **I am shipping five refrigerators to India. Can the limited reporting for household goods be used? [FTR Section 30.38]**

The limited reporting for household goods can only be used if the refrigerators are being exported to the U.S. Principal Party in Interest’s home in India for their personal use.

## **Used Self-Propelled Vehicles**

### **What information does a person have to provide to Customs and Border Protection (CBP) to export a vehicle?**

The Internal Transaction Number, Vehicle Identification Number, and title must be submitted to the CBP port of export 72 hours prior to exportation. The Census Bureau encourages people to contact the port of export they will be traveling through for more information about the requirements for exporting vehicles. The contact information for each port can be found at <https://www.cbp.gov/contact/ports>.

### **Are you able to file used self-propelled vehicles postdeparture? [FTR Section 30.4(a)(1)]**

No. Postdeparture filing is not allowed for the export of used self-propelled vehicles as defined in Title 19, Code of Federal Regulations Part 192.1.

### **Can a Manufacturer’s Statement of Origin (MSO) or a Manufacturer’s Certificate of Origin (MCO) exempt a filer from reporting used self-propelled vehicles in the Automated Export System (AES)?**

No. The MSO or MCO does not exempt a filer from reporting a used self-propelled vehicle in the AES. For additional questions about exporting used self-propelled vehicles, please contact Customs and Border Protection at [cbpvehicleexports@cbp.dhs.gov](mailto:cbpvehicleexports@cbp.dhs.gov).

### **Split Shipments**

**For split shipments, what is the timeframe in which the succeeding part(s) of the shipment must be exported? [FTR Section 30.28]**

24 hours by vessel or 7 days by air, truck, or rail. If the succeeding parts of the shipment are not exported within time frames specified above, a new Automated Export System (AES) record must be filed and amendments must be made to the original AES record.

**How can I prevent getting costly penalties for shipments that are filed late due to the carrier splitting the shipment? [FTR Section 30.6(c)(3)]**

When the carrier splits a shipment and the subsequent shipments are not exported within 24 hours by vessel or 7 days by air, truck or rail, the filer would have to update the original shipment and file new shipments for the subsequent shipments that are later exported. The filer would be able to use the original Internal Transaction Number (ITN) data element field to reference the ITN of the original shipment. By reporting the original ITN, it allows Customs and Border Protection to identify Automated Export System filings that are associated with previously filed shipments. Therefore, providing CBP with additional information to allow them to conduct a more thorough review of the shipment prior to assessing any penalties.

### **International Waters**

**What is the definition of international waters? [FTR Section 30.1]**

International waters are waters outside the U.S. territorial sea, which extends 12 nautical miles measured from the baselines of the United States, and outside the territory of any foreign country, including the territorial waters thereof. Note that vessels, platforms, buoys, undersea systems, and other similar structures that are located in international waters, but are attached permanently or temporarily to a country's continental shelf, are considered to be within the territory of that country.

**If I am shipping goods to a customer in international waters, would I need to file in the Automated Export System (AES)? If so, what should be reported as the country of ultimate destination? [FTR Section 30.6(a)(5)(i)]**

For shipments to international waters, the country of ultimate destination to be reported is the nationality of the person or entity assuming control of the goods. If the ultimate consignee is a U.S. entity, no AES filing is required per the exclusion listed in FTR Section 30.2(d)(5).

### **Canada**

**Why is there an exemption for shipments to Canada?**

Under the terms of a Memorandum of Understanding signed by the U.S. Census Bureau, Customs and Border Protection, Statistics Canada, and Canadian Customs, each country substitutes the other's import data as their export data.

**I am shipping my goods from the United States to France via Montreal, Canada. Does the exemption for shipments to Canada apply?**

No. The exemption only applies to goods destined to Canada.

**I am shipping my goods to Montreal, Canada by truck (or rail) for loading on an airplane destined to Germany. What is the mode of transport?**

Report the mode by which the goods leave the United States. In this case, report truck or rail as appropriate.

## **Puerto Rico**

### **Is Electronic Export Information required for shipments that clear a U.S. port but are ultimately destined for Puerto Rico?**

No. Shipments that are entered into the U.S. from a foreign country with an ultimate destination of Puerto Rico are not required to be filed in the Automated Export System. Transactions of this nature appear in our import statistics with the U.S. port as the port of entry and Puerto Rico as the port of unloading.

### **Company A in Puerto Rico is sending pills to Company B in Delaware to be packaged and subsequently exported to Company C in Canada. How is this transaction filed in the Automated Export System (AES)?**

File one AES record with Company A as the U.S. Principal Party in Interest and Company B as the ultimate consignee. When the goods are exported to Canada, no AES filing is required per FTR Section 30.36 (unless the scenario falls under one of the mandatory filing requirements listed in FTR Section 30.2(a)(1)(iv)). The exemption citation “NO EEI 30.36” should be annotated on the commercial loading documents.

### **Are there routed export transactions between the United States and Puerto Rico? Can the Foreign Principal Party in Interest (FPPI) in Puerto Rico in a routed export transaction file the Automated Export System (AES) record? Is a power of attorney or written authorization required if the FPPI in Puerto Rico is filing in the AES?**

Yes. There are routed export transactions between the United States and Puerto Rico. A Puerto Rican entity can file the Electronic Export Information in the AES. If the FPPI is filing, a power of attorney or written authorization is not required. However, it is recommended that the USPPI request some type of documentation to prevent duplicate filings.

### **My goods are loaded on a ship in Jacksonville and shipped to San Juan where they are reloaded into another ship for delivery to the Dominican Republic. What is the port of exportation?**

San Juan. This is where the goods are loaded on the exporting carrier.

### **Is an Automated Export System (AES) filing required for goods moving from a U.S. Foreign Trade Zone (FTZ) to Puerto Rico?**

Yes. An AES filing is required for goods moving from a U.S. FTZ to Puerto Rico as indicated in FTR Section 30.2(a)(1)(ii).

## **Confidentiality**

### **Our overseas office is requesting a copy of an Electronic Export Information (EEI) filing for a mutual customer. Can I provide them with this information? [FTR Section 30.60(c)]**

No. EEI cannot be shared with foreign entities or foreign governments for any purpose.

### **A company in France offered to scan and archive all of my company's old Electronic Export Information (EEI). If we send the old EEI filings to a foreign company for archiving purposes, are we being compliant with the Foreign Trade Regulations (FTR)? [FTR Section 30.60(c)]**

No. EEI cannot be shared with foreign entities or foreign governments for any purpose.

### **Can a U.S. Principal Party in Interest hire a foreign company located abroad to input data elements in the USPPI's third-party Automated Export System software? The foreign company would only be preparing the data elements in AES, not actually submitting the filing. [FTR Section 30.60]**

FTR Section 30.60 outlines the confidentiality provisions of the EEI. Specifically, Section 30.60(c)(4) states that the EEI shall not be disclosed for “nonofficial purposes,” either in whole or in part to foreign entities or foreign governments for any purpose. Furthermore, the FTR requires that the filer of the EEI be physically located in the United States. Therefore, while the foreign party may not be submitting the EEI, they would

be gaining access to confidential information, and as such, would violate FTR Section 30.60(c)(4).

**Can a U.S. company's foreign subsidiary file or store Electronic Export Information (EEI) on their behalf? [FTR Section 30.60]**

FTR Section 30.60 outlines the confidentiality provisions of the EEI. Specifically, Section 30.60(c)(4) states that the EEI shall not be disclosed for "nonofficial purposes," either in whole or in part to foreign entities or foreign governments for any purpose. Furthermore, the FTR requires that the filer of the EEI be physically located in the United States.

**A foreign country's government is requesting a copy of the Electronic Export Information that was filed in the Automated Export System. Is it a violation of the Foreign Trade Regulations to provide them with a copy?**

Yes. FTR Section 30.60 outlines the confidentiality provisions of the EEI. Specifically, Section 30.60(c)(4) states that the EEI shall not be disclosed for "nonofficial purposes," either in whole or in part to foreign entities or foreign governments for any purpose.

### **Miscellaneous**

**Who issues penalties for violations of the Foreign Trade Regulations (FTR)? [FTR Section 30.73]**

The Secretary of Commerce has delegated the authority for enforcing the FTR to the Department of Homeland Security's Customs and Border Protection and Immigration and Customs Enforcement, as well as the Department of Commerce's Office of Export Enforcement. These agencies determine penalties for violations of the FTR. Subpart H of the FTR outlines the penalty provisions.

**I ship to a distributor in France who sells and ships these goods all over Europe. What is the country of ultimate destination?**

France. This is the last known destination at the time of exportation. If you ship directly to your distributor's customer in Germany, report Germany.

**I am shipping goods to a contractor located on a U.S. military base in a foreign country. Is this shipment exempt under FTR Section 30.39?**

No. Shipments consigned to contractors are not exempt. The "armed services" exemption is strictly limited to shipments consigned to the U.S. armed services for their exclusive use.

**Is an Automated Export System filing required for shipments to the armed services exchange systems?**

No. The exchange systems are considered part of the armed services.

**What is postdeparture filing and how do I become a postdeparture filer? [FTR Section 30.4(c)]**

Postdeparture filing is a privilege granted to approved U.S. Principal Parties in Interest to file Electronic Export Information up to five calendar days after the date of export. In August 2003, the Census Bureau, in agreement with Customs and Border Protection, placed a moratorium on accepting new applications for Postdeparture filing.

**What are the procedures in a situation where an ocean shipment has received multiple shipping instructions, listing multiple consignees in the same container? [FTR Section 30.1(c)]**

The exporting carrier may proceed to load the cargo as long as they have Internal Transaction Numbers or exemption or exclusion legend for each shipment from one U.S. Principal Party in Interest to one ultimate consignee as defined by the FTR.

**If a shipping container is sold while outside the customs territory of the United States, how do you file Electronic Export Information in Automated Export System? [FTR Section 30.26]**

If the vessel, aircraft, locomotive, rail car, trucks, other vehicles, trailers, pallets, cargo vans, lifts vans, or similar shipping container is outside customs territory of the United States at the time of sale or transfer to foreign ownership, the port of export should be reported as the last port of clearance or departure from the United States prior to sale or transfer. In addition, the date of export shall be the date of sale and the country of destination shall be the country of new ownership. The country for which the vessel clears, or the country of registry of the vessel, should not be reported as the country of ultimate destination in the EEI, unless such country is the country of new ownership.

**Is Electronic Export Information (EEI) required for goods donated for relief or charity?**

An EEI filing is required for any shipment of goods donated for relief or charity valued over \$2,500 per Schedule B number or the shipment is identified in FTR Section 30.2(a)(1)(iv). If an EEI filing is required, then there are four Schedule B numbers that can be used. Those numbers are found in Chapter 98 of the Schedule B book under subheading 9802. See the chart below for information on these Schedule B numbers.

Schedule B Number	Description	Unit of Measurement
9802.10.0000	Food products	x no unit required
9802.20.0000	Medicinal and pharmaceutical products	x no unit required
9802.30.0000	Wearing apparel (including footwear and headwear)	x no unit required
9802.40.0000	Donated articles, not elsewhere specified	x no unit required

The Export Information Code to be reported is "CH" (see Appendix B, Part II) for shipments of goods donated for relief or charity. The value to be reported is the market value plus inland and domestic freight, insurance, and other charges to the U.S. seaport, airport, or land border port of export. If that value is not known, estimate how much you would receive if the goods were sold.

**Goods from Alabama, Pennsylvania, and New Jersey are all being shipped to one warehouse where the goods will be consolidated for export. I am unsure of the origin of these goods. What address do I report in the Automated Export System? What do I report as the origin of the goods? [FTR Section 30.6(a)(1)(ii)]**

If a shipment involves goods leaving from multiple locations and they are consolidated for export, the address to be reported is the location from which the commodity with the greatest value began its journey to the port of export. If such information is not known, report the address in the state in which the commodities are consolidated for export. If you are unable to identify which portion is foreign and which is domestic, provide your best estimate. Report foreign goods separately from goods of domestic production even if the commodity classification number is the same.

**Company A has goods that entered one port on an in-bond movement, but the goods were then placed in a bonded warehouse (or Foreign Trade Zone), and are then withdrawn for export. Is Company A required to file in the Automated Export System (AES)? [FTR Section 30.2(a)(1)(i)(C)]**

Since the goods were placed in a bonded warehouse or Foreign Trade Zone pending export, the shipment must be filed in the AES if the goods are valued over \$2,500 per Schedule B number or the shipment falls under a mandatory filing requirement listed in Section 30.2(a)(1)(iv) of the FTR. By placing the goods in a bonded warehouse or Foreign Trade Zone, there is a break in the in-bond movement and a proof of filing citation, postdeparture, AES downtime, exemption, or exclusion legend is required.

**What is a Kimberley Process Certificate (KPC) and how is the KPC provided to the Census Bureau? [FTR Section 30.1; FTR Section 30.2(a)(1)(iv)(G); & FTR Section 30.7(c)]**

The KPC is the official document that must accompany any export shipment of rough diamonds. All export shipments that require a KPC for rough diamonds, classified under the 6-digit Harmonized Schedule subheadings 7102.10, 7102.21, and 7102.31, are required to be reported in the Automated Export System regardless of value or destination. The KPC must be faxed immediately after exportation to the Census Bureau on (800) 457-7328 or provided by other methods as permitted by the Census Bureau.