



U.S. CUSTOMS & BORDER PROTECTION
AREA PORT OF PEMBINA, ND
INFORMATION NOTICE

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SUBJECT: Guidance on Date of Export Foreign Trade Regulations Penalties

Effective immediately, CBP will utilize the following guidelines for the issuance of Foreign Trade Regulations (FTR) penalties for reporting an incorrect date of export in the Electronic Export Information (EEI) filing submission via the Automated Export System (AES) or AESDirect:

- Penalties will be issued when the cargo is exported prior to the filing of the EEI submission (except for approved Option 4 post-departure filers);
- No penalty will be issued when the EEI has a reported date of export between **1 and 4 days**, prior to the actual date of export;
- A penalty may be issued when the date of export reported on the EEI submission is **5 or more days** prior to the actual date of export. It is the responsibility of the USPPI or their authorized agent to update the EEI submission to reflect the correct date of export. No penalty will be issued if the date of export is updated prior to, or on the date of export.

Penalties against the exporter, or their authorized agent, will be waived if adequate evidence is provided, such as paper documentation or email traffic that demonstrates they are not the party responsible for the violation.

for Mary Delaquis
Area Port Director