

EXTERNAL USE ONLY

INFORMATIONAL NOTICE

SUBJECT: Changes to the Foreign Trade Regulations Export Requirements

On March 14, 2013, the U.S. Census Bureau (Census) published new export reporting requirements under the Foreign Trade Regulations (FTR) in the Federal Register that become effective January 8, 2014. Specifically, Census is requiring mandatory filing of export information through the Automated Export System (AES) or through AES *Direct* for all shipments of used self-propelled vehicles and temporary exports. In addition to adopting new export reporting requirements and modifying the post-departure filing program, Census is making remedial changes to the FTR to improve clarity and to correct errors.

Changes to the FTR include:

1. **Post-departure filing (Option 4 program) (15 CFR 30.5)**
 1. Post-departure (Option 4 Program) filing timeframe to complete the Electronic Export Information (EEI) in AES will be reduced from 10 calendar days to 5 calendar days.
 2. A moratorium on accepting new applications for post-departure filing is still in place.
2. **Household Goods**
 1. The definition of household goods has changed to: 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 that are shipped under a bill of lading or an air waybill and are not intended for sale.
 2. The household goods export code can only be used for shipments where the USPPI is the ultimate consignee.
3. **Used Self-Propelled Vehicles**
 1. All used self-propelled vehicles must be filed in the AES regardless of value or country of destination **(15 CFR 30.2(a)(1)(iv)(H))**.
 2. All used self-propelled vehicles must be filed in AES 72 hours prior to export **(15 CFR 30.4(b)(5))**.
4. **Port of Export (15 CFR 30.6(a)(9))**
 1. Clarification of port of export specifies that the port of export for shipments by overland transportation is where the goods cross the U.S. border into Canada or Mexico, including transshipments through Canada or Mexico to other countries.

2. The language for port of export was revised in **15 CFR 30.6(a)(9)** to include FTR **15 CFR 30.6(a)(9)(i) and (ii)**.
5. **Split Shipments (15 CFR 30.28)**
 1. The requirements regarding split shipments will apply to all modes of transportation, not just specific to the air environment as it exists today.
 2. The definition of split shipments has changed to the following: A shipment booked for export that is divided by the carrier into more than one conveyance and sent on two or more conveyances of the same carrier from the same port within 24 hour for cargo transported by vessel and 7 days for all other modes of transportation.
 6. **Exclusions**
 1. AES filing is NOT required for licensed goods where the country of ultimate destination is the United States or for goods destined to international waters where the person(s) or entity assuming control of the item(s) is a U.S. citizen or permanent resident alien of the United States (**15 CFR 30.2(d)(5)**).
 2. The Exclusion legend is required to be reported on the bill of lading, air waybill, export shipping instructions, or other commercial loading documents.
 7. **Exemptions (15 CFR 30.37)**
 1. **The following exemptions were ADDED to the FTR changes:**
 1. Exports of technical data and defense service exemptions as defined in 22 CFR 123.22 (b)(3)(iii) are exempt from the EEI filing requirements in AES (**15 CFR 30.37(u)**).
 2. Reporting vessels, aircraft, cargo vans, and other carriers and containers when shipping as tools of international trade (**15 CFR 30.37(v)**).
 3. Shipments to Army Post Office, Diplomatic Post Office, Fleet Post Office (**15 CFR 30.37(w)**).
 4. Shipments exported under License Exception BAG (**15 CFR 30.37(x)**).
 5. Specific types of shipments destined for a country listed in Country Group **E:1 (15 CFR 30.37(y))**. **Country Group E:1** are Cuba, Iran, North Korea, Sudan, and Syria. These countries support acts of international terrorism.
 2. **The following exemptions were REMOVED:**
 1. **Temporary shipments:** temporary shipments of goods valued over \$2,500 per Schedule B or that fall under **15 CFR 30.2(a)(1)(iv)** must be filed in the AES. When reporting temporary exports report the appropriate export information code for temporary goods, such as “TE” export intended for return and “TP” domestic merchandise (§30.37(q) and I).
 2. In-bond (in-transit) shipments (§30.37I). This is covered under the current exclusion (30.2(d)(1)).
 8. **International waters**
 1. **International Waters Change in Definition-** waters located 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 water 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.

2. For licensed shipments to international waters, it will be required that the person designated on the export license must be reported as the ultimate consignee (§30.6).
3. For Bureau of Industry and Security license exceptions and non-licensed shipments to international waters the filer will be required to report the nationality of the person(s) or entity assuming control of the item(s) subject to the Export Administration Regulations (§30.6(a)(5)(i)).

9. **Data elements (15 CFR 30.6)**

Two data elements were ADDED:

1. **License value** – Report the value indicated on the license.
2. **Ultimate consignee** –There are four types: Direct Consumer, Government Entity, Reseller, and Other/Unknown. Other/Unknown is an entity that does not fall under one of the other three ultimate consignee types or whose type is not known at the time of export.

The U. S. Census Bureau will continue its outreach and education efforts for the trade community through the AES Compliance Seminars and Workshops throughout the United States, as well as [Webinars and other presentations](#). For further information on their outreach and education efforts or for assistance with filing EEI, contact the Census Regulations staff at 1-800-549-0595, option 3 or via email at ftdregs@census.gov.