

AES Newsletter

Volume 1, Issue 3

March 1999

The Exporter of Record Issue

Closer to closure

The issue of "Exporter of Record" is getting closer to closure. The Bureau of the Census (Census) and the Bureau of Export Administration (BXA) are evaluating the comments received from the initial notice of proposed rulemaking issued August 6, 1998, and determined that the initial rule needed more clarification.

Census has determined that the U.S. seller of the merchandise, for export, must be shown in box 1a. of the Shipper's Export Declaration (SED) for statistical purposes. The only time a freight forwarder can be shown in box 1a is if the forwarder is the applicant on a BXA license. This enables the Census to meet our obligations to the Office of the U.S. Trade Representative and

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agencies under the International Trade Administration by being able to identify the actual exporter of record by the employer identification number reported on the SED.

The Census plans to clarify the responsibilities, for statistical purposes, associated with being the exporter of record. For statistical purposes, those responsibilities include providing Census or the consignee's forwarder with accurate commodity detail information.

The BXA is primarily concerned about licensing and enforcement issues. They are planning to clearly define the exporter's responsibilities with regard to licensing. The BXA agrees that being shown in box 1a. of the SED does not necessarily mean that the exporter of record is the "target" of an enforcement action. The Office of Export Enforcement (BXA) has indicated that one of the best ways to show your intentions, at the time of export, is to have control over the preparation of the SED.

The Census and BXA plan to issue revised notices of proposed rulemakings. The public will have 60 days to comment on the proposed rules. Also, during this time, Census and BXA will schedule 8-10 townhall meetings to discuss the proposed rule.

If you have questions, concerns, or comments, call Jerome Greenwell or Frank Korpusik on 301-457-2238.



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Federal Register notices on the AES regulations:

On February 12, 1999 the Department of Commerce and the Department of Treasury issued joint notices of proposed rulemaking on the regulations that surround AES. To read the notices in their original format point your web browser to:

www.access.gpo.gov/su_docs/fedreg/a990212c.html

OPTION 4 IS HERE

New error messages and new exemption statements

Option 4: No Pre-Departure Information

Option 4 will be placed in service on March 28, 1999. It allows approved exporters, or their forwarders, to file complete shipment information up to 10 days after departure, with no pre-departure notification message. The approval process for Option 4 is the same as the process for AES-PASS. Interested exporters must send a letter of intent to the AES Team at the Foreign Trade Division. The AES Team will forward the letter to the other four agencies. In thirty days the Foreign Trade Division will send a letter of either acceptance or denial (and the denial agency) to the exporter.

The exporter is responsible for alerting its forwarders of Option 4 approval, and furnishing them with a copy of the approval letter. AERP exporters will be given priority status in the approval process in recognition of the December 31, 1999 termination of the AERP program.

Exporters or their designated forwarders have until March 28, 2000, to convert from AES-PASS to Option 4.

Option 4 requires new error messages to address compliance and timeliness issues. These messages are listed on page 3 of this newsletter. Option 4 also requires a new exemption statement for Customs inspection. This new exemption statement is also described on this page.

New Record Formats Available

The new record formats for commodity filing and transportation filing are available on the Customs Web Site:

WWW.CUSTOMS.USTREAS.GOV/AES

If you have difficulty downloading the documents, and need a hard copy, please call your Census Client Representative.

Option 4 Exemption Statements

With the implementation of Option 4, there are new exemption statements to alert the carrier and U.S. Customs that an SED is not required.

The new exemption statement to be reported on the ocean bill of lading, air waybill, or other commercial documents prior to departure.

If the approved exporter reports for themselves:

"NO SED REQUIRED-AES-OPT4 [followed by the 11 digit EIN of the approved exporter]"

for example:

"NO SED REQUIRED-AES-OPT4-123456789AB"

If the forwarder reports for the approved exporter:

"NO SED REQUIRED-AES-OPT4 [followed by the 11 digit EIN of the approved exporter, a dash, and the Filer ID number]"

for example:

"NO SED REQUIRED-AES-OPT4-123456789AB-987654321"

In these examples, the text of the exemption statement runs to two lines. This is not required.

If you have any questions, please contact your Census Representative.

AES Statistics:

As of March 15, 1999

Filers (Freight forwarders, exporters, and service centers): 155

Participating exporters: over 14,300

Total number of export lines reported in the month of February: 99,400

NEW ERROR MESSAGES FOR OPTION 4

164 FATAL ERR - AES-PASS/OPTION 4 NOT YET ACTIVE

Data Elements: Post Departure Filing Indicator/Exporter ID

Reason: The fatal error message occurs when the AES-PASS or Option 4 approved exporters' privilege is not yet active.

Resolution: Contact your AES Customs Client Representative.

165 FATAL ERR - AES-PASS/OPTION 4 PRIVILEGE REVOKED

Data Elements: Post Departure Filing Indicator/Exporter ID

Reason: The fatal error message occurs when the exporter's AES-PASS or Option 4 privilege has been revoked.

Resolution: Contact your AES Customs Client Representative.

169 FATAL ERR - INVALID AES-PASS/POST-DEPARTURE FILING INDICATOR

Data Elements: Exporter ID, AES-PASS/POST-Departure Filing Indicator

Reason: The fatal error message occurs when the AES-PASS or Post-Departure Filing Indicator field, has an invalid value. The valid indicator is "P" for AES-PASS, and the valid indicator is "4" for Option 4.

Resolution: The correct values are P for AES-PASS and 4 for Option 4 shipments. A space will be present for non AES-PASS shipments. One of three must be reported in the AES indicator field.

321 WARN ERR - USED VEHICLES INELIGIBLE FOR OPTION 4

Data Elements: Harmonized Schedule or Schedule B Number

Reason: The warning message occurs when a used vehicle is entered under filing Option 4. Used vehicles are not acceptable entries and you are transmitting data that is not in compliance with filings for Option 4.

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Resolution: AES will accept the data; however, the above warning message will be captured for monitoring purposes and the exporter may risk losing the ability to transmit electronically under Option 4.

322 WARN ERR - LICENSE SHIPMENT INELIGIBLE FOR OPTION 4

Data Elements: License Code, License Number and Export Control Classification Number

Reason: This warning message occurs when licensable shipments are entered under filing Option 4.

Resolution: AES will accept the data; however, the above warning message will be captured for monitoring purposes and the exporter may risk losing the ability to file electronically under Option 4.

323 WARN ERR - STATE LICENSE INELIGIBLE FOR OPTION 4

Data Elements: License Codes, License Number

Reason: This warning message occurs when State Department licenses are entered under filing Option 4.

Resolution: Contact your Customs or Census Client Representative.

335 INFO ERR - SHIPMENT REPORTED LATE

Data Elements: Date of Exportation, Date of Arrival, Correction Flag, System Date

Reason: This information message occurs when the Header Correction Flag is missing and the Line Correction flag is missing and the Date of Exportation or [Date of Arrival for exports between the U.S. and Puerto Rico] precedes the system date. This shows the transmission was not made pre-departure. Additionally, if an approved Option 4 filer transmits the post-departure data past the 10 working days of the date of exportation, this message will be generated.

Resolution: Verify the Date of Exportation [or Date of Arrival for exports between the U.S. and Puerto Rico] is correctly reported. If correct, please ensure that future shipments are reported prior to the carrier's departure or within Option 4 timeframes.

E-MAIL ADDRESSES

In an effort to disseminate information more quickly, the Census Reps would like to ask that the AES contact person send an e-mail message to:

AESLOI@ccmail.census.gov

Include in the message the name of the company, and the contact person's name.

This will help the Census Reps get information to you quickly when necessary.

If your Exemption Statement is wrong, your cargo could be held by Customs

If you are concerned about, or have had problems with Customs in the past regarding your exemption statement, your Census Client representatives can verify the accuracy of your exemption notation – simply fax a sample document to your Census Client Representative with a note requesting a review.

There are two ways to note an AES SED exemption on an air waybill, ocean manifest or other commercial document. You may use the ITN (internal transaction number) that you receive as confirmation and acceptance of your transaction. Or you may use the XTN (external transaction number), which is a combination of the filer's EIN and the shipment reference number you've assigned. Please review your procedures and make sure you are correctly noting the SED exemptions.

IMPORTANT PHONE NUMBERS AND E-MAIL ADDRESSES

CENSUS CLIENT REPRESENTATIVES:

WENDY PEEBLES	(301) 457-3540	WENDY.D.PEEBLES@CCMAIL.CENSUS.GOV
GERRY HORNER	(301) 457-3539	GERARD.J.HORNER@CCMAIL.CENSUS.GOV
PAUL NEWMAN	(301) 457-3540	PAUL.F.NEWMAN@CCMAIL.CENSUS.GOV
KRISTAL BYRD	(301) 457-3541	KRISTAL.A.BYRD@CCMAIL.CENSUS.GOV
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LESLIE ALBERTSON	(301) 457-3541	LESLIE.S.ALBERTSON@CCMAIL.CENSUS.GOV
LILY WONG	(301) 457-8012	LILY.C.WONG@CCMAIL.CENSUS.GOV
MARK VIATOR	(301) 457-3829	MARK.A.VIATOR@CCMAIL.CENSUS.GOV

REGULATIONS BRANCH (SED QUESTIONS): (301) 457-2238

COMMODITY ANALYSIS BRANCH (COMMODITY CLASSIFICATION QUESTIONS):

DURABLE GOODS: (301) 457-3259

NON-DURABLE GOODS: (301) 457-3484

BUREAU OF EXPORT ADMINISTRATION (LICENSING QUESTIONS) (202) 482-4811

U.S. CUSTOMS:

PAT MORRIS (703) 921-7470 PAT.MORRIS@CUSTOMS.TREAS.GOV

IMPORTANT WEB SITES:

CENSUS BUREAU, FOREIGN TRADE DIVISION [HTTP://WWW.CENSUS.GOV/FOREIGN-TRADE/WWW](http://www.census.gov/foreign-trade/www)

U.S. CUSTOMS SERVICE [HTTP://WWW.CUSTOMS.USTREAS.GOV/AES](http://www.customs.ustreas.gov/aes)

BUREAU OF EXPORT ADMINISTRATION: [HTTP://WWW.BXA.DOC.GOV](http://www.bxa.doc.gov)