

# Changes to the Foreign Trade Regulations

Effective April 5<sup>th</sup>, 2014, the U.S. Bureau of the Census is amending its regulations to reflect new export reporting requirements. Specifically, the Census Bureau is requiring mandatory filing of export information through the Automated Export System (AES) 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, the Census Bureau is making remedial changes to the FTR to improve clarity and to correct errors. Oceanair's Shipper's Letter of Instruction (SLI) had been updated to reflect these changes. This list is not exhaustive. For the actual regulation see: <http://www.census.gov/foreign-trade/regulations/regs/regulations20130314-federalregister05435.pdf> Those with the broadest impact are highlighted.

Following is a partial summary of these changes:

- 1) Section 30.2(a)(1)(iv) is amended by adding paragraph (E) for shipments licensed by the Nuclear Regulatory Commission (NRC). This change was made to provide clarity that shipments licensed by the NRC **MUST** be filed via the AES.
- 2) Section 30.4(a) is amended by adding the requirement that shipments licensed by the NRC must be filed Pre-Departure.
- 3) Section 30.4(c) is amended by modifying the filing timeframe for post-departure shipments from 10 calendar days to 5 calendar days from the date of export.
- 4) Section 30.6(a) is amended by adding a new filing requirement for ultimate consignee type. The ultimate consignee types are: Consumer, Government, Reseller or Other/Unknown.
- 5) Section 30.16 is amended by adding paragraph (d) to include the filing requirement for shipments destined for a country listed in Country Group E:1. For shipments destined for a Group E:1 country, the EEL is required, regardless of value, unless such shipment is eligible for one of more exemptions in 30.37(y).
- 6) Section 30.28 is amended to clarify that split shipments now include all modes of transportation and that all parts of the shipment must leave within 24 hours from the same port.
- 7) License Value. For shipments requiring an export license, also report the value designated on the export license that corresponds to the commodity being exported.
- 8) Dept. of State requirements. The following information must be provided via the SLI
  - a) DDTC Registration number.
  - b) DDTC Significant Military Equipment (SME) indicator.
  - c) DDTC eligible party certification indicator. Certification by the US exporter that they are an eligible participant in defense trade.

d) DDTC USML Category code.

- 9) Section 30.9 is updated to reflect that failure to respond to fatal error messages for shipments filed pre-departure prior to export of the cargo subjects the principal party or authorized agent to penalties provided for in Subpart H of this part. For EEI that generates a warning message, the correction shall be made within four (4) calendar days of receipt of the original transmission.
- 10) Section 30.29 is amended to reflect that the return of USML goods temporarily exported for repair and alteration and declared as such on importation shall have a Schedule B number of 9801.10.0000. In the Value Field, report the value of the parts and labor; in the License Value field, report the value designated on the export license that corresponds to the commodity being exported.
- 11) Goods that are replaced under warranty at no charge to the customer shall include the statement, "Product replaced under warranty, value for EEI purposes" on the bill of Lading, Air Waybill, or other commercial loading documents. Report the Schedule B or HTSUSA classification commodity number of the replacement parts.