

AES Newsletter

Volume 1, Issue 20

October 2004

Full Mandatory Electronic Filing of The Shipper's Export Declaration

Congress passed and the President signed into law P.L. 107-228, the Security Assistance Act of 2002, which gives the Secretary of Commerce the authority to issue regulations requiring full electronic filing of all export information covered by Title 13, Chapter 9. Provisions in this law also provide for penalties for failure to file and false filing.

Plans are being developed for implementation in the second quarter of 2005. See Trade Act of 2002 link on page 2.

**AUTOMATED EXPORT SYSTEM BRANCH
BUREAU OF CENSUS
FOREIGN TRADE DIVISION
WASHINGTON, DC 20233
TEL: (800) 549-0595 FAX: (301) 457-1159**

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Fatal Error Report

- Under 15CFR part 30.64, Automated Export System (AES) filers are required to correct fatal errors for export shipment transactions, prior to exportation of the merchandise or prior to the tenth day after exportation if you are an approved Option 4 filer. In an effort to assist AES filers with unresolved Fatal Errors, the AES branch will provide a Fatal Error Report.

The report will provide a list of the Shipment Reference Numbers that were fatally rejected by AES and have not been corrected as of the date of the report.

What should you do?

1. If the shipment has been exported using the same shipment reference number, you **MUST** correct and resubmit this transaction. If you fail to correct these errors in a timely manner, you are not in compliance with the regulations and subject to fines, seizures or penalties. See below **HOW TO CORRECT FATAL ERRORS** on page 4.
2. If the shipment has been exported using a **NEW** shipment reference number and you have received an ITN for the shipment, there is no action necessary for that particular shipment reference number on the fatal error list.

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Trade Act of 2002

A summary of the final Trade Act regulations, and the Final Rule for required advanced presentation of electronic cargo information, as well as the matrix of rules by mode of transport may be found at the Customs and Border Protection website. The specific site location (URL) is:

www.cbp.gov/xp/cgov/import/communications_to_industry/advance_info/

Summary of Changes to the June 2004 AESTIR

*****Stay Abreast of AES Updates*****

Link to: http://www.customs.gov/xp/cgov/export/aes/tech_docs/aestir/june04_intro/

Updated 10/20/04. Includes changes to Appendix A, Port of Export Codes, License Type Codes, Export Information Codes and much, much more.

2004 Schedule B/HTS (Harmonized Tariff Schedule) File

The 2004 downloadable version of Schedule B Numbers, the revised July 2004 HTS Numbers and HTS Numbers **Not Valid** For Export may be accessed on the Foreign Trade website. Please link to:

<http://www.census.gov/foreign-trade/aes/documentlibrary/index.html#cordance>

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Good News

93.6%
**of eligible export
shipments are filed
in AES**

AES Statistics

AES- September 2004*

Filers –	12,972
LOIs –	19,738
Shipments –	1, 015,514
Option 4 Approvals –	2,186

AESDirect

As Of October, 06 2004

Registrants –	16,799
Operational –	12,221

Shipments in September 2004
387,187

Rate of shipments reported late = 3.09% This figure includes Data Entry Center late filings that were not reflected on prior reports.

*Includes AESDirect

Customs' Corner

Fatal Errors

CBP is working in conjunction with the Census Bureau's Foreign Trade Division (FTD) to correct AES fatal error messages and identify filers who are not responding with corrections. **Customs efforts will include unannounced visits.** The FTD is assisting with a Fatal Error Report (Page 1) and instructions on how to resolve Fatal Errors (Page 4). **Please Note: non-compliance can subject you to fines, seizures and/or penalties. In addition, you could lose your filing privileges in AES.**

New/Used Vehicle Clarification

As described in 19 CFR 192, "Used" vehicle refers to any self-propelled vehicle, the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser."

Example: A vehicle with 10 miles is sold to an ultimate purchaser by a dealership. This vehicle is now considered "Used" if exported.

"New" vehicles are vehicles exported by dealerships or manufacturers to foreign dealerships. No title has been transferred to an ultimate purchaser.

A "certified" copy, as required by 19 CFR 192, is a printout or duplication of a title issued by a government authority and is signed and/or embossed as a copy of an original.

Example: If no title is available for a vehicle, a "certified" copy might be obtained from the Department of Motor Vehicles in the state the vehicle is registered. An exporter must petition the state for this copy and have the copy signed by a representative as being a "certified" copy of the original. A "notarized" copy of an original title from a notary public is not acceptable.

Policy questions regarding these definitions may be directed to either Jeanee Panoke or Linda Shoupe at the telephone number or e-mail address below.

U. S. Customs and Border Protection Contacts

U.S. Customs and Border Protection (CBP), Interdiction and Security (Outbound) office:

- Jeanee Panoke, oversees AES issues related to Air, Rail, Truck and Vessel shipments and the NVOCC environment,
(202) 344-1167 jeanee.panoke@dhs.gov
- Linda Shoupe, oversees issues related to USML or CCL shipments, or other State Department issues,
(202) 344-3251 linda.shoupe@dhs.gov



Fatal Error Report

Cont'd From Page 1

3. If the shipment has NOT been exported and is NOT scheduled to be exported, there is no action necessary for that particular shipment reference number on the fatal error list. You are NOT required to correct the fatal error for a shipment that will never be exported.
4. **DO NOT attempt to CANCEL/DELETE a shipment that has been fatally rejected, as this will generate an additional fatal error.**



How To Correct Fatal Errors

1. For each shipment that needs to be corrected, note the fatal error response code.
2. To resolve the error, view the fatal error response code in the AESTIR Appendix A at <http://www.census.gov/foreign-trade/redirects/aestir-appendix-a.html>
 - a. Open the Microsoft Word document "AESTIR Appendix A".
 - b. Select EDIT: FIND from the file menu or key CTRL+F
 - c. Type the your code in the text box and click the "Find Next" button.
 - d. Read the Resolution for the Response Code.
3. After reading the error resolution, retrieve the shipment from the AES system.
4. Correct the error as suggested in AESTIR Appendix A (which you read in Step 2).
5. Submit the shipment.
6. Check for the ITN. The ITN is your confirmation that the shipment has been accepted. The ITN must be received prior to export for Option 2 or pre-departure filers or within 10 days of export for Option 4 or post-departure filers.
7. If you are correcting this shipment after the date of exportation, expect to receive a compliance alert reflecting the late submission.
8. Once you've received an ITN, no further action is necessary for that shipment reference number.
9. In the future, make sure that you have an ITN for all shipments before they are exported or prior to the tenth day after exportation if you are an approved Option 4 filer.

If you need further assistance, please contact a Census AES Client Representative by e-mail at ASKAES@census.gov or by phone at 1-800-549-0595. ♦

AESWebLink Enhancement

-Now Includes Status Inquiry Service-

Recently, *AESDirect* introduced a new inquiry transaction into the WebLink interface. *AESDirect* WebLink developers can now program to allow their WebLink users to obtain the latest AES shipment status directly into their desktop web application, or other web enabled device, through a simple automated browser inquiry transaction to *AESDirect*.

Previously, *WebLink* users could only retrieve shipment status by logging onto the *AESDirect* web interface. The new WebLink inquiry transaction allows the submission of a status query that will return the status of any shipment previously submitted to *AESDirect*. A WebLink inquiry transaction can be submitted at any time for any shipment submitted to the filer's *AESDirect* account (within the one year time period prior to archiving).

In response, WebLink will send the current AES status and AES ITN (Internal Transaction Number), if available. The response is designed to be viewed by the user and is also easily processed by the user to allow the shipment status and AES ITN to be extracted.

The inquiry transaction is of particular importance if the WebLink provider/user wishes to capture the ITN for their client-side application for logistical and compliance purposes.



New Fatal Error Implemented

Response Code 566--Country Must Be Kimberly Process Participant

The Clean Diamond Trade Act of 2003, Public Law 108-19, implements the Kimberley Process Certification Scheme. The Process in the United States authorizing the President to prohibit the importation into or exportation from the United States of any rough diamond from whatever source, classified under the six-digit Harmonized Classification Numbers 710210, 710221 and 710231, unless the rough diamond is controlled through the Process.

On October 4, 2004, AES included a new edit to fatally reject the filing of any export shipment transaction under HS numbers 710210, 710221, and 710231, if the export shipment is destined to a country not participating in the Kimberley Certificate Program. For the list of participating countries, please link to the State Department's Federal Register Notice at:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-18021.pdf>



*****NOTIFICATION*****

SENT TO ALL DATA ENTRY CENTER (DEC) PARTICIPANTS

The Data Entry Center (DEC) Program is coming to an end March 31, 2005. The U.S. Census Bureau, Foreign Trade Division would like to thank you for your cooperation and participation in this program. This letter serves as our written notification terminating the agreement between your company and the Census Bureau as required by the signed Export Initiative Agreement.

Therefore, as of April 1, 2005, your DEC indicator will be turned off and your company may not show yourselves as the filer of the export information unless you have power of attorney or written authorization from the U.S. Principal Party in Interest (USPPI). Until electronic filing of exports becomes mandatory, you may continue to key and transmit export information from a document completed by the USPPI without obtaining a power of attorney or written authorization.

Upon implementation of AES Mandatory filing, the only options available to you as a Non-Vessel Operating Common Carrier, Express Air Courier, other carrier or port authority are as follows:

- **You may become an authorized agent, where you must require a power of attorney or written authorization from your client - the USPPI or Foreign Principal Party in Interest to file export information in AES.**
- **You may become a certified service center where you are responsible for transmitting the export information in AES on behalf of your client. These transmissions must show the USPPI or forwarding agent as the authorized filer and you, the service center as the transmitter.**

If you have power of attorney or written authorization for your clients and have decided to become an authorized agent, please send an e-mail notification to ftddec@census.gov to have your DEC status changed in AES. To become a certified service center, you must submit a letter of intent in AES. If you decide not to become an authorized agent or a certified service center, please inform your clients that they will be required to file themselves or engage an authorized agent to file on their behalf. If your clients decide to file themselves, the Census Bureau is available to assist them through this process. They must register through *AESDirect* at www.aesdirect.gov or contact the AES Branch by telephone at 1-800-549-0595 or by e-mail at askaes@census.gov.

If you have any questions concerning the elimination of the DEC Program or if you are a DEC filer but did not receive the notification, please contact Mr. Mark Markovic, Acting Chief, Data Collection Coordination Branch by telephone on (301) 763-2259, by fax on (301) 457-1641 or by e-mail at ftddec@census.gov.



COMMON REPORTING PROBLEMS

- **Fatal Error 068 Shipment Not On File; Action Not Allowed**

This error results from attempting to delete a shipment that has not been accepted by AES. Shipments that have received fatal errors have not been accepted into AES and can not be deleted. If this error resulted from an attempt to cancel a fatal error shipment, no further action is necessary.

- **Fatal Error 075 Shipment On File; Action Not Allowed**

This error results when a filer is attempting to ADD ("A") a shipment using a previously accepted Shipment Reference Number. If filer is attempting to send a new shipment, please change the Shipment Reference Number and resend. If the shipment is supposed to edit a previously accepted shipment, please resend as a CHANGE ("C") or REPLACE ("R").

- **Fatal Error 088 Line On File; Action Not Allowed**

This error results when a filer is attempting to send a change ("C") to a previously accepted shipment but has kept the action flag on the line items as an add ("A"). Resend shipment indicating a change ("C") on the line item.



Transmissions To and From Puerto Rico

U.S. to Puerto Rico Shipments

- Country of Ultimate Destination Code - report PR
- U.S. State of Origin Code - report a valid USPS code
- Ultimate and Intermediate Consignee Address - Country Code - report as US
- State Code - report as PR; use PR Zip Code

Puerto Rico to U.S. Shipments

- Country of Ultimate Destination Code - report as US
- U.S. State of Origin Code - report as PR
- Ultimate and Intermediate Consignee Address - Country Code - report as US
- State Code - report a valid USPS code and
U.S. Zip Code



Schedule B/HTS

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The 2004 Schedule B is available for browsing at:
<http://www.census.gov/foreign-trade/schedules/b/#browse>

The 2004 HTS is available to the trade for viewing and reference on the ITC website at:
<http://www.usitc.gov/taffairs.htm>



Helpful USML Web Links

DDTC Frequently Asked Questions:

<http://www.census.gov/foreign-trade/aes/documentlibrary/mandatoryaesfaqs.html>

DDTC Licensable Shipment Reporting Requirements Matrix and the June 2004 AESTIR Introduction and Guidelines:

http://www.customs.gov/xp/cgov/export/aes/tech_docs/aestir/



AES and AESDirect on the Road

For locations and specific dates of AES meetings, Export Regulations seminars, AESDirect/AESPcLink workshops and other events-seminars, conferences, exhibits, etc., please link to:

<http://www.census.gov/foreign-trade/aes/meetingsandpresentations/index.html>

If you are interested in having an AESDirect/AESPcLink workshop in your area or if you or any Organization you know would like to sponsor a meeting or desire our participation in a meeting, please contact:

Nan Clark

(301) 763-3787 or E-mail: nannie.m.clark@census.gov

NOTICE: We will charge a small fee per person due to cost incurred for the rental of computer labs. Advance registration is required for all AESDirect/AESPcLink workshop attendees.



AES Contact Information

AESDirect Helpdesk

Everyday, 7:00am - 7:00pm ET

Voice: 877- 715-4433

Fax: 301-562-7795

E-mail: boc-support@tradegate2000.com

Census AES Branch

Monday through Friday, 8:00am - 6:00pm ET

Voice: 800- 549-0595

Fax: 301-457-1159

E-mail: ASKAES@census.gov



Regulation Contact Information

Regulations Outreach and Education Branch

Monday through Friday, 7:30am - 5:30pm ET

Voice: 301 763-2238

Fax: 301-457-3765

E-mail: ftdregs@census.gov

We need your e-mail address

Please send your e-mail address to:

ASKAES@census.gov

Include in the message the name of the company and the name of the contact person. This helps us get information to you more timely.



Customs Client Representative Branch Phone List

Please link to:

<http://www.customs.gov/linkhandler/cgov/export/aes/creplist.ctt/creplist.xls>

Other Phone Numbers/Website Addresses

Commodity Analysis Branch (Schedule B classification questions):

Durable Goods: (301) 763-3259

Non-Durable Goods: (301) 763-3484

Bureau of Industry and Security (licensing questions)

Washington, DC (202) 482-4811

Western Regional Office (714) 660-0144

WEB SITES

BUREAU OF CENSUS, FOREIGN TRADE

WWW.CENSUS.GOV/TRADE

BUREAU OF CUSTOMS AND BORDER PROTECTION

WWW.CBP.GOV

BUREAU OF INDUSTRY and SECURITY

WWW.BIS.DOC.GOV