



Bureau of Industry and Security



US Department of Commerce

Export Clearance Requirements: BIS

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Export Clearance Requirements

Managing your Export Compliance



Topics of Discussion

- AES Record use
- Responsibilities
 - Standard export transaction
 - Routed export transaction
- Conformity of Documents
- Destination Control Statement
- Non-Material Changes to the License
- Shipping Tolerances





AES Requirements

§758.1

- AES Record is an export control document
- False statements may be a violation of Part 764 of the EAR

Remember, these are the requirements under the EAR!



AES Requirements

§758.1

- By transmitting data via AES, you are certifying to the USG that the:
 - Export is properly authorized by BIS
 - Statements conform with any license issued by BIS (possible exception for routed transactions)
 - Information is true, accurate, and complete



When Do I Include the ECCN on the AES Record?

§758.1(g)

- All licensed exports
- All License Exception exports
 - Exception: TMP - return of unwanted foreign origin items
- All “No License Required” (NLR) exports
 - Exceptions: items controlled only for anti-terrorism (AT) or EAR99

Shipment Information
USPPI
Ultimate Consignee
Intermediate Consignee
Freight Forwarder
Equipment Details
Add Line Item
Line Item 1

Edit Section

Clear Section

View SED

Options

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AESDirect Assistant

- To return to the **Shipment Viewer**, click 'View Shipment'
- To **edit another section**, select the section in the scrollbar, and click 'Edit Shipment'
- To **delete this section**, Click 'Clear Section', and then return to the Shipment Viewer, or Edit another section
- Label Colors: ♦ **Mandatory**, ■ **Conditional**, ● **Optional**

SED: Line Item 1

[Help]

■ *Schedule B or HTS Number (L)* [Help]

[Census Table] [Invalid HTS]

♦ **Commodity Description**

● **Marks & Numbers**

■ *1st Quantity*

■ *Units for 1st Quantity* None Selected



■ *2nd Quantity*

■ *Units for 2nd Quantity* None Selected



♦ **Value in Whole US Dollars**

♦ **Gross Weight in Whole Kilograms**

[Unit Conversion Factors]

♦ **Export Code**

None Selected



[Export Code Full Descriptions]

■ *Origin of Goods*

Not Selected



♦ **License Type** [Help]

Select License Type...



■ *Export License Number*

■ *ECCN*

Export License Number,
License Exception Symbol,
or "NLR"



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SED: Line Item 1

[Help]

■ **Schedule B or HTS Number (L)** [Help]

[Census Table] [Invalid HTS]

♦ **Commodity Description**

● **Marks & Numbers**

■ **1st Quantity**

■ **Units for 1st Quantity** None Selected

■ **2nd Quantity**

■ **Units for 2nd Quantity** None Selected

♦ **Value in Whole US Dollars**

♦ **Gross Weight in Whole Kilograms**

[Unit Conversion Factors]

♦ **Export Code**

None Selected

[Export Code Full Descriptions]

■ **Origin of Goods**

Not Selected

♦ **License Type** [Help]

Select License Type...

[License Code Full Descriptions]

■ **Export License Number**

■ **ECCN**

ECCN

Required for:

BIS Licenses (C30 & C31)

License Exceptions (C35-C58)

“NLR” when controlled for other than AT (C32)



Who is responsible for the export?

§758.3

- Acting through a forwarding or other agent, or delegating authority **does not** relieve anyone of responsibility for compliance with the EAR.

ALL parties that participate in transactions subject to the EAR must comply with the EAR.



What are the Responsibilities of Parties in...

Standard vs. Routed Export Transactions §758.3

- Responsibility for determining the authority to export or reexport and obtaining license or other authorization
 - **Standard Transaction**
 - US Principal Party in Interest (USPPI)
 - **Routed Transaction**
 - USPPI or
 - Duly authorized agent of the Foreign Principal Party in Interest (FPPI), when a writing has taken place



Conformity of Documents

§758.5(b)

When a license is issued by BIS, the information entered on related export control documents (*e.g.*, AES, bill of lading, or air waybill) must be consistent with the license.



Destination Control Statement

§758.6

- To prevent items licensed for export from being diverted while in transit or thereafter.

“These commodities, technology or software were exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to US law prohibited”



Destination Control Statement

§758.6

- **What should it be on?**
 - Invoice and Airway bill
 - Bill of Lading
 - Export control documents that accompany the shipment
- **When is it required?**
 - For all export of items on the Commerce Control List, except for EAR99 items or items exported under license exceptions GFT or BAG.



Non-Material Changes to Export License

§750.7(c)

- Decrease in unit price or total value
- Change in intermediate consignee if the new intermediate consignee is located in the country of ultimate destination
- Change in the address of purchaser or ultimate consignee if the new address is located within the same country shown on the license
- Increase in price or quantity permitted under the shipping tolerance provisions



Shipping Tolerances

§750.11

- Under some circumstances, you may export more than the quantity or value shown on the license.
- Basic Rules:
 - Items licensed by “Dollar Value”-(No shipping tolerance)
 - Items licensed by “Number”-(shipping tolerance available for “dollar value”, but not for “number” of items)
 - Items licensed by “Area, Weight or Measure”-(shipping tolerance available)



Summary-Export Clearances

- The AES Record is a legal document. False statements may be a violation of the EAR.
- All parties to a transaction are responsible for compliance with the EAR.
- Information on export control documents must be consistent with any license issued by BIS.
- The DCS is required for the export of all items, except EAR99.