

Us Census Bureau 24 Hour Ruling Enforced

The Census Bureau recently published final rulings regarding mandatory Automated Export System (AES) filing. The regulations went into effect on July 2, 2008. Shippers, forwarders, and ocean carriers who file or allow inaccurate or tardy export documentation will be subject to hefty penalties.

Exporters who have been required to file a Shipper's Export Declaration ("SED") remain obligated to do so. However, since July 2, 2008 the use of paper SEDs is prohibited and exporters are now required to file export data electronically in the AES system. The obligation to file export data falls on the U.S. Principal Party in Interest ("USPPI"), which is generally the exporter. The new regulations spell out the particulars of filing requirements.

The USPPI is required to provide the exporting carrier (Seaboard) with proof that the filing has been made (or a statement that the cargo is exempt from the filing requirement) at least 24 hours prior to loading of the cargo on the vessel at the U.S. port. Under the regulations, Seaboard is prohibited from loading cargo for which it has not received one of the following within 24 hours of scheduled vessel loading:

- 1) an Internal Transaction Number ("ITN"), which is generated by the AES system and serves as proof that the USPPI has properly filed its export information;
- 2) an authorized exemption legend for cargo not subject to the export filing requirements (e.g. shipments valued at less than \$2,500); or
- 3) a post-departure filing citation, if the USPPI is an authorized post-departure filer (previously known as "Option 4").

Cut-off Times for Shipments to Grand Cayman are:

Thursday Sailing

LCL Cargo & documentation delivered by Wednesday, 10am.

**FCL Cargo delivered to Port by Thursday, 12 noon
Documentation to Seaboard by Wednesday, 10am**

Monday Sailing

**FCL Cargo delivered to Port by Monday, 12 noon
Documentation to Seaboard by Friday, 12 noon**

Violations of the regulations are subject to civil fines of up to \$50,000 and willful violation can result in imprisonment. Thus, Seaboard is prohibited from loading cargo for which it has not timely received proper documentation and appreciates the usual cooperation from its valued customers to ensure timely delivery of documents.