

*The International
Trade Compliance
And Operations
Experts for
129 years!*

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Goodbye SED, Hello AES Filing!

Let us all bid a fond farewell to the good old Shipper's Export Declaration (the 7525V). As of June 2, 2008, the submission to the government of export information must now be through the Automated Export System (AES). After September 30, 2008, the SED in paper form will be rejected and not considered to be a valid filing of information as required under the Foreign Trade Regulations (15CFR§30).

For those of us who have for decades plunked out an SED on a typewriter, the one thing we could say at the end of our efforts was that we had a hardcopy document of what was, or *was supposed to be*, submitted to the U.S. Government. Forwarders would simply take the SED that the exporter provided and hand it over to the carrier, who would hand it over to U.S. Customs, who would then hand it over to the Census Bureau. The forwarder would enter some additional transport information that may not have been known to the exporter when the form was prepared but, the fundamental regulatory information came from the exporter itself. The exporter understood that it "owned" the information because it was the exporter who actually completed the form.

Now, in the 21st Century, automation has replaced the typewriter and the interface with that automation has, in many cases, become the forwarding agent. A majority of exporters now employ their forwarders to undertake the input of Electronic Export Information (EEI) into the AES. This is not a bad thing. *However*, what an exporter is often not left with in this modern era is any evidence of what the forwarding agent actually did on their behalf. It may be great that the exporter doesn't have to generate an SED but, unfortunately, too many exporters are generating nothing at all by way of conveying export information to their forwarding agent. They are often left with no record of what was told to the government about the export shipment.

An exporter should have some written record of regulatory information that it conveyed to its forwarding agent. One suggestion is the Unz & Co. [EASI-SLI form](#). As a modern day replacement for the legacy SLI form, it provides an efficient means to convey all relevant and necessary data to the agent filing the EEI on behalf of the exporter as well as providing a copy to be returned as evidence that filing through AES was accomplished and accepted.

Continued...

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Goodbye SED, Hello AES Filing! *Continued*

Exporters cannot be lulled into the belief that an automated environment has mitigated, in any way, their recordkeeping requirements under the Foreign Trade Regulations, the Export Administration Regulations, the Customs Regulations, or the International Traffic in Arms Regulations. An exporter of goods from the United States must be able to fully and completely document every aspect of an export transaction, maintain those records for a period of five years, and must be able to produce a hardcopy record within a reasonable period of time.

AES is a system that is now accessed by a number of agencies of government to monitor and track the export of goods. The going-in information that these regulatory agencies are viewing is that which was filed on the exporter's behalf through AES. *So, what record do you have of what was filed with your name on it?*

When CBP, or ICE, or OEE agents come in and ask you to pull some records based on the ITNs and associated XTNs, do you even know what they are talking about? Go ahead and tell them that "my forwarder does that for me, I don't keep those kinds of records." You've just dug yourself into a rather deep hole.

Think back to the old SED days, or ask an old timer how it worked. You always had a record of what the government was told about an export shipment and in maintaining that record, you could usually relate it back quite readily to the remaining business records of the company to support what was declared about the international transaction. In the current and future automated environment, you still must be able to do the very same thing.

As a recordkeeping starting point, review the Foreign Trade Regulations (15CFR) Part 30.10. Then check out the Export Administration Regulations and the U.S. Customs Regulations.