

## § 30.3 Electronic Export Information filer requirements, parties to export transactions, and responsibilities of parties to export transactions.

**(a)General requirements.** The filer of EEI for export transactions is either the USPPI, or the U.S. authorized agent. All EEI submitted to the AES shall be complete, correct, and based on personal knowledge of the facts stated or on information furnished by the parties to the export transaction. The filer shall be physically located in the United States at the time of filing, have an EIN or DUNS and be certified to report in the AES. In the event that the filer does not have an EIN or DUNS, the filer must obtain an EIN from the Internal Revenue Service. The filer is responsible for the truth, accuracy, and completeness of the EEI, except insofar as that party can demonstrate that it reasonably relied on information furnished by other responsible persons participating in the transaction. All parties involved in export transactions, including U.S. authorized agents, should be aware that invoices and other commercial documents may not necessarily contain all the information needed to prepare the EEI. The parties shall ensure that all information needed for reporting to the AES, including correct export licensing information, is provided to the U.S. authorized agent for the purpose of correctly preparing the EEI.

### **(b)Parties to the export transaction—**

**(1)Principal parties in interest.** Those persons in a transaction that receive the primary benefit, monetary or otherwise, are considered principal parties to the transaction. Generally, the principal parties in interest in a transaction are the seller and buyer. In most cases, the forwarding or other agent is not a principal party in interest.

**(2)USPPI.** For purposes of filing EEI, the USPPI is the person or legal entity in the United States that receives the primary benefit, monetary or otherwise, from the transaction. Generally, that person or entity is the U.S. seller, manufacturer, order party, or foreign entity purchasing or obtaining goods for export. The foreign entity shall be listed as the USPPI if it is in the United States when the items are purchased or obtained for export. The foreign entity shall then follow the provisions for filing the EEI specified in § 30.3 and § 30.6 pertaining to the USPPI.

**(i)** If a U.S. manufacturer sells goods directly to an entity in a foreign area, the U.S. manufacturer shall be listed as the USPPI in the EEI.

**(ii)** If a U.S. manufacturer sells goods, as a domestic sale, to a U.S. buyer (wholesaler/distributor) and that U.S. buyer sells the goods for export to a FPPI, the U.S. buyer (wholesaler/distributor) shall be listed as the USPPI in the EEI.

**(iii)** If a U.S. order party directly arranges for the sale and export of goods to a foreign entity, the U.S. order party shall be listed as the USPPI in the EEI.

**(iv)** If a customs broker is listed as the importer of record when entering goods into the United States for immediate consumption or warehousing entry, the customs broker may be listed as the USPPI in the EEI if the goods are subsequently exported without change or enhancement.

**(v)** If a foreign person is listed as the importer of record when entering goods into the United States for immediate consumption or warehousing entry, the customs broker who entered the goods, may be listed as the USPPI in the EEI if the goods are subsequently exported without change or enhancement.

**(3) Authorized agent.** The agent shall be authorized by the USPPI or, in the case of a routed export transaction, the agent shall be authorized by the FPPI to prepare and file the EEI. However, the authorized agent shall not be shown as the USPPI in the EEI unless the agent acts as a USPPI in the export transaction as defined in paragraphs (b)(2)(iii), (iv), and (v) of this section.

**(e)Responsibilities of parties in a routed export transaction.** The Census Bureau recognizes “routed export transactions” as a subset of export transactions. A routed export transaction is a transaction in which the FPPI authorizes a U.S. agent to facilitate the export of items from the United States and to prepare and file EEI.

**(1)USPPI responsibilities.** In a routed export transaction, the FPPI must authorize an agent to prepare and file the EEI, the USPPI shall retain documentation to support the information provided to the agent for preparing the EEI as specified in § 30.10 and must provide the agent with the following information to assist in preparing the EEI:

**(i)** Name and address of the USPPI.

**(ii)** USPPI's EIN or DUNS

**(iii)** State of origin (State).

**(iv)** FTZ if applicable.

- (v) Commercial description of commodities.
- (vi) Origin of goods indicator: Domestic (D) or Foreign (F).
- (vii) Schedule B or HTSUSA, Classification Commodity Code.
- (viii) Quantities/units of measure.
- (ix) Value.
- (x) Export Control Classification Number (ECCN) or sufficient technical information to determine the ECCN.
- (xi) All licensing information necessary to file the EEI for commodities where the Department of State, the Department of Commerce, or other U.S. government agency issues a license for the commodities being exported, or the merchandise is being exported under a license exemption or license exception.
- (xii) Any information that it knows will affect the determination of license authorization

**(2) Authorized agent responsibilities.** In a routed export transaction, if an authorized agent is preparing and filing the EEI on behalf of the FPPI, the authorized agent must obtain a power of attorney or written authorization from the FPPI and prepare and file the EEI based on information obtained from the USPPPI or other parties involved in the transaction. The authorized agent shall be responsible for filing the EEI accurately and timely in accordance with the FTR. Upon request, the authorized agent will provide the USPPPI with a copy of the power of attorney or written authorization from the FPPI. The authorized agent shall also retain documentation to support the EEI reported through the AES. The agents shall upon request, provide the USPPPI with the data elements in paragraphs (e)(1)(i) through (xii) of this section as submitted through the AES. The authorized agent shall provide the following export information through the AES:

- (i) Date of export.
- (ii) Transportation Reference Number.
- (iii) Ultimate consignee.
- (iv) Intermediate consignee, if applicable.
- (v) Authorized agent name and address.
- (vi) EIN or DUNS of the authorized agent.
- (vii) Country of ultimate destination.
- (viii) Method of transportation.
- (ix) Carrier identification and conveyance name.
- (x) Port of export.
- (xi) Foreign port of unloading.
- (xii) Shipping weight.
- (xiii) ECCN.
- (xiv) License or license exemption information.

**(f) Authorizing an agent.** In cases where an authorized agent is filing EEI to the AES, the agent shall obtain a power of attorney or written authorization from the foreign principal party in interest to file the information on its behalf. A power of attorney or written authorization should specify the responsibilities of the parties with particularity and should state that the agent has authority to act on behalf of a principal party in interest as its true and lawful agent for purposes of creating and filing EEI in accordance with the laws and regulations of the United States. In routed export transactions the USPPPI is not required to provide an agent of the FPPI with a power of attorney or written authorization.