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AES CHANGES IMPACTED BY EXPORT CONTROL REFORM IMPLEMENTATION RULE

On Tuesday, April 16, 2013, the Department of Commerce, Bureau of Industry and Security published a final rule (<http://www.gpo.gov/fdsys/pkg/FR-2013-04-16/pdf/2013-08352.pdf>) that will become effective October 15, 2013. As a result of this rule, the following changes will be made to the Automated Export System (AES) in order for exporters and authorized agents to successfully report electronic export information in the AES.

The Addition of “600 series” Export Control Classification Numbers (ECCN)

ECCNs 9A610, 9A619, 9B610, 9B619, 9C610, 9C619, 9D610, 9D619, 9E610 and 9E619 will be added to the AES ECCN reference table. See the following instructions to determine which “600 series” ECCNs are eligible for certain license types. By using any of the License Exceptions or a Special Comprehensive License, you are certifying that the terms, provisions, and conditions described in the EAR have been met.

- C30 (BIS license), C31 (BIS Special Comprehensive License), C40 (TMP), C41 (RPL), C42 (GOV), and C59 (STA) – “600 series” ECCNs are eligible to the extent permitted under parts 740 and 752 of the EAR.
- C32 (NLR with a reason for control other than or in addition to AT) – All “600 series” ECCNs created under this final rule are eligible if exported to Canada. Some of these “600 series” items were previously authorized under an International Traffic in Arms Regulations (ITAR) Canadian exemption (SCA).
- C35 (LVS) – The following “600 series” ECCNs are eligible: 9A610, 9A619, 9B610, 9B619, 9C610, and 9C619.
- C44 (TSU) – The following “600 series” ECCNs are eligible: 9D610, 9D619, 9E610, and 9E619.

If the “600 series” ECCNs are reported under any other license type, AES will generate a fatal error back to the filer. With the exception of “600 series” .y paragraph exports (described below), an AES filing is required for exports of items classified under “600 series” ECCNs, regardless of the value of the item or destination.

The Addition of a New License Type (C60) for the AES Collection of “600 series” .y Paragraph Exports

A new license type (C60) DY6 will be created in AES for the reporting of items that fall under “600 series” ECCNs with a paragraph “.y.” If an AES filer submits electronic export information containing a “600 series” ECCN with a paragraph “.y,” then the filer must do so under C60. Items under the .y paragraphs of the “600 series” ECCNs may be exempt from reporting in AES if their value is \$2,500 or less or they are destined for Canada.

- C60 (DY6) – Reporting an ECCN is not required, but when reported, only the following “600 series” ECCNs are eligible: 9A610, 9A619, 9B619, 9D610, 9D619, 9E610, and 9E619. When C60 is used, the filer must report DY6 in the License Number field.

Items subject to the EAR, including “600 series” ECCNs that are licensed by the State Department under the International Traffic in Arms Regulations (ITAR)

Under a delegation of authority, the State Department may license an item subject to the EAR on an ITAR license pursuant to new section 120.5(b) of the ITAR. If this occurs, the AES filer must report the ECCN (including “600 series” ECCNs) or the EAR99 designation in the ECCN field in AES, even if the license type is S05 (DSP-5). All other fields associated with license type S05 are required, such as registration number, significant military equipment indicator, DDTC eligible party certification indicator, USML category code, DDTC unit of measure and DDTC quantity.

A complete list of all of the AES License Type codes and reporting instructions for these types can be found at

http://www.cbp.gov/xp/cgov/trade/automated/aes/tech_docs/aestir/june04_intro/appendices/

For questions regarding these upcoming AES changes, please contact the Bureau of Industry and Security by email at ECR_AES@bis.doc.gov or at one of the phone numbers below.

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