

# 5 Takeaways from CBP's Rulemaking on AED

Plus a couple of key points about the STOP Act

As directed by the STOP Act, Customs and Border Protection (CBP) issued its long-awaited **rulemaking** on Mandatory Advance Electronic Information for International Mail Shipments.

Below we list five major takeaways from the CBP interim final rule:

## 1 Timeframe for Transmitting

USPS must transmit the foreign post's AED to CBP prior to loading the shipment onto the transporting conveyance (i.e. planes) in the originating country. And USPS has to provide updates to CBP as new data becomes available during international transport.

### What's the STOP Act?

The Synthetic Trafficking and Opioid Prevention (STOP) Act, signed into law in October 2018, seeks to stop the movement of opioids and other illicit narcotics through the international mail system. It requires foreign posts to provide the Postal Service with advance electronic data (AED) on 100 percent of inbound packages by January 1, 2021\*.

\*The law allows for waivers based on a country's ability to collect the data; a low volume of shipments; or if it poses a low risk.

### What Is Meant by AED?

Advance Electronic Data (AED) refers to electronic messages with information about the shipper, recipient, and contents of a cross-border package. To provide AED, USPS relies on foreign posts' capability to digitize and transmit data generally provided on customs declaration forms.

## 2 One-Year Grace Period

CBP "will show restraint in enforcement" for one year as long as USPS is making significant progress toward compliance and a good faith effort to comply with the rule to the extent of its current ability.

## 3 Documents & Domestic?

Invites comments on whether CBP should require AED on: mail shipments classified as EMS or parcel post that contain documents; and on mail that is sent using channels that USPS identifies as "domestic" subject to customs examination, such as mail from APO/ FPO/DPO addresses.

## 4 Remediation Options

No new information regarding the treatment of non-compliant items. USPS is directed to refuse items or "apply remediation" (destruction, seizure, controlled delivery or other law enforcement initiatives, or correction of the failure), but no explicit direction or criteria for each method.

## 5 Potential Penalties

CBP may fine USPS up to \$5,000 per violation, although the penalty can be reduced or dismissed.

**Comments on rulemaking are due by May 14.**

USPS adheres to the global standards established by the UPU for the particular data element requirements for the AED it collects:

**ITMATT** - Item Attribute Information, or information about the characteristics of mail items and contents already collected through customs declarations forms, including content, weight and value of goods in the package, as well as sender and recipient information.

**PREDES** - Pre-advice of Despatch Information, or the movement of the package by the carrier, to include receptacle and flight information and destination international mail facility.