



DEPARTMENT OF THE TREASURY
Alcohol and Tobacco Tax and Trade Bureau

Industry Circular

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Alcohol and Tobacco Export Documentation Procedures

To: All Proprietors of Distilled Spirits Plants, Breweries, Bonded Wine Premises, Tobacco Manufacturers, and Export Warehouses

I. Purpose

What is the purpose of this circular?

We are issuing this circular to announce an alternative procedure to allow you to request approval to retain export documentation at your premises. We have found that the alternative procedures we have previously approved, and that you may now use, are insufficient to protect the revenue and present considerable administrative difficulty to the Bureau. We are offering an alternative procedure that remedies the deficiencies in these prior alternative procedures. For exporters who now use an alternative procedure, this circular is our notice to you that we rescind our approval of your current procedure, **effective November 29, 2004**. If you wish to use an alternative procedure, this new procedure is the only alternative we will accept. You must replace any current alternative procedure with this new procedure.

The new alternative procedure includes these features:

- You maintain all copies of required documents at your premises.
- If you export spirits, wines, beer, or tobacco products, you must submit a monthly report of goods exported by an electronic spreadsheet, in the format prescribed by us.
- You must obtain acceptable proof of export within 90 days of removal from your premises. "Proof of export" includes all documents substantiating that the transaction is a removal for export. We will no longer require a signature of a U.S. Customs and Border Protection (CBP) official or forms certifying the export. Our auditors will examine your records to verify these transactions.
- If you do not obtain proof of export, then you must pay the tax by making an increasing tax adjustment on your next return. If you subsequently obtain the proof of export, then you may make a corresponding adjustment decreasing tax. We will consider the period of removal to be the current period. No interest is due on the tax for these removals. Likewise, no interest will be paid for subsequent establishment of proof.

You may choose to use one of the procedures prescribed by regulations, or the new alternative procedure. If you choose to apply for this new alternative procedure, you must submit a letterhead request to us and receive our approval in order to retain all export documents at your premises instead of sending them to our National Revenue Center. These export documents include:

- Form 5100.11, Withdrawal of Spirits, Specially Denatured Spirits, or Wines for Exportation;
- Form 5130.12, Beer for Exportation;
- Form 5200.14, Notice of Removal of Tobacco Products, Cigarette Papers, or Cigarette Tubes; and
- Appropriate proof of exportation.

Who may apply for this alternative procedure?

You may apply for this alternative procedure if you are a Distilled Spirits Plant, Brewery, Bonded Wine Premises, Tobacco Manufacturer, or Export Warehouse.

You may not apply for this alternative procedure if you are an exporter but not the proprietor of the bonded premises from which the spirits or wines were withdrawn. You must still continue to submit TTB F 5100.11 as an application to the National Revenue Center, along with the acceptable proof of exportation within 90 days of the date of withdrawal of the goods.

Why are we allowing you to vary from the requirements of the regulations?

We are reviewing our export regulations and procedures to streamline our process, lessen the burden on industry, and reduce unnecessary paperwork. Currently, each time you export your nontaxpaid products, we require you to submit an export notice to our National Revenue Center (see 27 CFR 28.122, 28.142 and 44.61a). Once you export the product, we require you to send us the appropriate documents evidencing the export (see 27 CFR 28.122, 28.142 and 44.61a).

28.43, and 44.66). As an alternative to current procedures, after receiving approval from us, we will allow you to retain these documents at your premises. We will no longer require you to submit them to us. We believe this alternative procedure will eliminate duplicate copies of paperwork and improve the processing of export documentation for all parties. Our authority to grant an alternative method or procedure is in 27 CFR 28.20 and 44.72.

II. Effect On Existing Approvals

Effective November 29, 2004, we will cancel all existing approved export document retention alternative procedures. If you wish to continue to retain export documents at your premises, you must submit a letterhead request for this new alternative procedure and receive our approval.

III. Request For Alternative Procedure

How do I apply for this alternative procedure?

In order to obtain approval to use this alternative procedure, you must:

- Complete all information required in the attached Letterhead Request for Alternative Procedure.
- Ensure that the individual submitting the request is authorized and has signing authority on file with TTB. This can be obtained by filing For Power of Attorney, or TTB Form 5100.1, Signing Authority for Corporate Officials.
- Complete a separate request for each TTB-approved permit and/or registry.
- Submit your request to:

Paper submissions. Send all paper copies of the request to:

TTB National Revenue Center Attn: Export Alternative Procedure Program 8002 Federal Office Building 550 Main Street Cincinnati, OH

Electronic submissions. You may submit your request in the form of an e-mail sent to exports@ttb.gov, with your request as a Microsoft Word attachment. Please include the name and telephone number of the person submitting the request in the body of the e-mail. As with a paper copy, the individual submitting the request must have signing authority on file with TTB.

Will TTB approve the alternative procedure for all industry members that apply?

No, we retain the right to require submission of the paperwork according to the regulations if we believe there is jeopardy to the revenue or this alternative procedure causes an administrative burden.

IV. Conditions Of Alternative Procedure

Will I still need to complete the export forms the regulations require and obtain appropriate proof of exportation if TTB approves my use of this alternative procedure?

Yes, you must complete all export forms as required by the regulations and obtain acceptable proof of exportation. You must organize and maintain all export documents at your premises, and make them available for inspection by TTB officers during normal business hours. In the event that you do not maintain all export documents available, we will treat the export as a taxable removal, subject to penalties and interest for failure to pay, from the time the product is removed from your premises.

How long must I maintain these documents at my premises?

You must retain all export documents at your premises for a 6-year period from the date of exportation. This retention period is based on 28 U.S.C. 2512, which allows claims for drawback to be reopened up to 6 years after the date of exportation.

What documentation must I submit to TTB?

Once your request to use this alternative procedure is approved, instead of sending in all of the export documents, you must submit to us a monthly report of goods exported showing all exports. We require you to submit these reports to us **electronically**. The electronic report must be submitted via a Microsoft Excel attachment with specific information listed on it. These reports should be forwarded each month via e-mail to exports@ttb.gov attached at the end of this circular.

The monthly report of goods exported is due on or before the 15th day of the month following the month for which the report is prepared. You must submit a separate monthly report of goods exported for each approved operation and premises. Each report must show the applicable registry or permit number, company name, the address of the approved premises, and the month and year it covers. The initial report is due for the month in which your request is approved. Three months after the first submission of the monthly report of goods exported, you must resubmit the report showing that you received payment for each entry or that you made payment on TTB F 5000.24. You must have signing authority on file with TTB in order to e-mail this report to us indicating that you have all proofs of export or that you made the appropriate tax payment.

V. Acceptable Proof Of Exportation

Acceptable proof of exportation includes all documents that substantiate the transaction as a removal for export. Proof of export may include your sales records, commercial records, such as purchase orders, production schedules, inland bills of lading, ocean bills of lading, accounts receivable, letters of credit

proofs of payment and so forth. CBP's certification on TTB Form 5100.11 and TTB Form 5200.14 will no longer be necessary.

Although it is not required, CBP's certification on TTB Forms may still be used as proof of export. In addition, [Industry Circular 2000-2](#) identifies types of documentation that are acceptable proof of export for each type of shipment. We list these documents below.

What documents are acceptable to prove an export to contiguous foreign countries?

Any **one** of these is acceptable for proof of export to Canada or Mexico:

- For alcohol beverages and tobacco products: an export bill of lading (signed by the manufacturer and carrier) containing the information required by 27 CFR part 28 or 44. The export bills of lading should be marked with quantity in traceable units, export location, export permit number, foreign zone, and/or bonded warehouse number.
- For alcohol beverages and tobacco product shipments by rail: a signed railway express receipt containing the information required for an export bill of lading by 27 CFR part 28 or 44.250. This should indicate the shipper, consignee, foreign company, foreign address, nature and quantity of goods.
- For spirits and wine: Form 5100.11, certified by CBP in parts V, VI, and VII.
- For beer: Form 5130.12 (1689), certified by CBP in parts II, III and IV.
 - For tobacco products—
 - Form 5200.14 (2149/2150), certified by CBP in parts II or III.
 - If the shipment is by parcel post, Form 5200.14 (2149/2150), certified in part VI by the postmaster or an authorized post office.
 - If the export is by an individual, please see [ATF Procedure 80-5](#) (or [Industry Circular 81-1](#)) for the procedure. You may also use Form 5200.14 (2149/2150) in parts II and IV.
 - You may use the following documents for alcohol beverages or tobacco if they contain sufficient information to identify the shipment and the TTB export document covering the shipment (we may request additional documentation to support these proofs of export):
 - A landing certificate from an official of Canada or Mexico certifying receipt of the shipment.
 - A statement under penalties of perjury from the carrier who took the shipment into Canada or Mexico.
 - A statement from the foreign customer certifying receipt of the shipment.

What documents are acceptable to prove an export to a non-contiguous foreign country?

Any **one** of the items listed below is acceptable to prove export to a non-contiguous foreign country. You may also use these documents to prove a transfer of goods to United States possessions, including Puerto Rico and the Virgin Islands.

- For alcohol beverages and tobacco products: an export bill of lading (signed by the manufacturer and carrier) containing the information required by 27 CFR part 28 or 44. The export bills of lading should be marked with quantity in traceable units, export location, export permit number, foreign zone, and/or bonded warehouse number.
 - For alcohol beverages and tobacco products through shipment by air: a signed airway bill containing the information required by 27 CFR part 28 or 44.
 - 44. (Do not confuse shipments made by air with shipments for use as supplies—see below). This should indicate the shipper, consignee, foreign company, foreign address, and nature and quantity of goods.
- For tobacco products shipped by parcel post: Form 5200.14 (2149/2150), certified by postal authorities as provided in 27 CFR 44.208.
- For alcohol beverages and tobacco products: a certificate from the export carrier executed under the penalties of perjury and containing the information required by 27 CFR part 28 or 44.
- A certificate of receipt from an official of the foreign country. This must contain sufficient information to identify the shipment and the TTB export document covering the shipment.
- For spirits and wine: Form 5100.11, certified by CBP in parts V and VII.
- For beer: Form 5130.12 (1689), certified by CBP in parts II and IV.
- For tobacco products: Form 5200.14 (2149/2150), certified by CBP in parts III and IV.
 - You may use the following documents for alcohol beverages or tobacco if they contain sufficient information to identify the shipment and the TTB export document covering the shipment (we may request additional documentation to support these proofs of export):
 - A landing certificate from an official of the foreign country certifying receipt of the shipment.
 - A statement under penalties of perjury from the carrier who took the shipment into the foreign country.
 - A statement from the foreign customer certifying receipt of the shipment.

What is acceptable to prove an export as supplies on certain vessels and aircraft?

Any **one** of these is acceptable to prove export for use as supplies on vessels and aircraft:

- For alcohol beverages and tobacco products: a certificate of receipt executed under the penalties of perjury by the master of the vessel, stevedore, or aircraft, as the case may be, and containing the information required by 27 CFR part 28 or 44.
- For spirits and wine: Form 5100.11, certified by CBP in parts V and VII.

- For beer: Form 1689 (5130.12), certified by CBP in part II. In the case of beer used on fishing vessels, CBP must certify parts II and IV.
- For tobacco products: Form 5200.14 (2149/2150), certified by CBP in part IV.

What is acceptable to prove a transfer to and deposit in a customs bonded warehouse (CBW) or a customs manufacturing bonded warehouse (CMBW)?

Prior to making any shipments of this type, you must verify the warehouse is properly qualified with the CBP. The CBW or CMBW operator must complete all applicable information and sign the appropriate form for the export product:

- For spirits and wine: Form 5100.11, part V.
- For beer: Form 5130.12 (1689), part II (modify Item 12 G to show CBW instead of FTZ).
- For tobacco products, through a class 9 CBW (duty free store): Form 5200.14 (2149/2150), part V.

You may not export tobacco products through other classes of customs bonded warehouses.

What is acceptable to prove an export from an export warehouse?

Prior to making any shipments of this type, you must verify the warehouse is properly qualified as an export warehouse (EW). The EW operator must complete all applicable information and must sign Form 5200.14 (2149/2150) in part V. You may not export alcohol beverages through export warehouses.

What is acceptable to prove an export for use by the armed forces?

You may deliver your alcohol beverages or tobacco products to a military base in the United States prior to being shipped to a base in a foreign country. The commanding, supply or receiving officer, or other responsible military personnel at the military base where you deliver the shipment must complete the appropriate form for the product you export.

- For spirits and wine: Form 5100.11, part VIII.
- For beer: Form 5130.12 (1689), part V.
- For tobacco products: Form 5200.14 (2149/2150), part IV.

Alternatively, the responsible military personnel may acknowledge receipt for export on the Department of Defense Form, Transportation Control and Movement Document (TCMD). If you use a TCMD as proof of export, the military personnel must legibly provide this information: (1) Date, (2) discrepancy from bill of lading or shipping document, (3) rank, (4) title, and (5) signature.

If the place of delivery is in a foreign country, handle the shipment as an export to a foreign country and use any of the documents listed in this Industry Circular, as applicable, to prove export. Regardless of the location of the place of delivery, all alcohol beverages or tobacco products you remove on Form 5100.11, 5130.12 (1689), or 5200.14 (2149/2150) for transfer to the armed forces must be used by the military **outside** of the United States. You may not use tobacco products to other Federal departments or agencies for their official use. These instructions also apply to these shipments.

VI. Clarification of Repacking for Export

Finally, in issuing this Industry Circular, we recognize that modern shipping practices often entail consolidation and other repacking procedures between bonded premises until they are laden on board the export carrier. Your commercial records would constitute acceptable proof of export if the goods stop for repacking purposes if **all** of the following conditions exist:

- The foreign destination—the ultimate consignee—is established prior to removal of the goods from the bonded premises, and this is clearly reflected in your commercial records.
- The goods are consistently moving, in accordance with good commercial practice, to the ultimate consignee and the shipping documents show the foreign country as the final destination.
- The repacking is accomplished for reasons of economy or efficiency, with goods consigned directly to the foreign customer—the ultimate consignee.

Accordingly, this Industry Circular supersedes the portion of Industry Circular 2000–2 that addressed our position on in-transit stops of untaxpaid shipments for consolidation purposes. TTB will initiate rulemaking to codify this practice.

VII. Retention Of Supporting Documents

You must continue to maintain all records and documents supporting proof of export forms, as directed by 27 CFR 28.45 and 44.199.

VIII. Questions

Who can answer my questions about this Industry Circular?

If you have questions about this Industry Circular, you may send an e-mail to exports@ttb.gov. You may also contact Barbara Klumpp at the National

Revenue Center at (513) 684-7132, or Joanne Brady at the Regulations and Procedures Division, at (215) 333-7050.

Signed,

Arthur J. Libertucci

Administrator

Alcohol and Tobacco Tax and Trade Bureau

Sample Letterhead Request For Alternative Procedure

Alcohol and Tobacco Tax and Trade Bureau (TTB) National Revenue Center Attn: Export Alternative Procedure Program 8002 Federal Office Building
550 Main Street Cincinnati, OH 45202

Retention of Alcohol and Tobacco Export Documentation Alternative Procedure Request

[Insert business name and permit/registry number] requests to use the alternative procedure in accordance with Industry Circular 2004-3, under the provisions of _____. [Insert "27 CFR 28.20" for alcohol; "27 CFR 44.72" for tobacco]. We request that TTB approve this alternative procedure to allow us to retain notice of exportation forms and documents proving exportation at our premises instead of submitting these documents to the National Revenue Center (NRC).

We understand that all appropriate export documentation outlined in Industry Circular 2004-3 must be completed and maintained at our approved premises and we must make them available to TTB officers upon their request. We also understand that if we cannot make these documents available, TTB will treat the export as a taxable removal, subject to penalties and interest for failure to pay, from the date the product is removed.

We understand that we will be required to prepare a Monthly Report of Goods Exported, as outlined in this circular, containing all information required by TTB. We understand that we must submit this Monthly Report of Goods Exported to TTB as outlined in Industry Circular 2004-3, and that TTB may require submission of all documentation at any given time.

We understand that TTB may rescind this approval at any time if the Bureau determines that this alternative procedure is an administrative burden or in jeopardy to the revenue.

[Insert Name of Authorized Person Submitting Request]

Signature of Authorized Person

Date:

Company Principal Name:

Operating Name (if applicable):

Address of Premises

Street Address:

City, State, Zip Code:

Telephone Number:

Registry Number:

Permit Number (if applicable):

MONTHLY REPORT OF GOODS EXPORTED

NAME OF PROPRIETOR _____

FOR MONTH/YR ENDING _____

ADDRESS OF PREMISES _____

PERMIT/REGISTRY NO. _____

S/N TTB FORM	DATE OF REMOVAL	TYPE OF EXPORT	DESTINATION	TRANSPORT MODE	AMOUNT OF PRODUCT	AMOUNT OF TAX LIABILITY

Column Descriptions:

S/N TTB Form – Serial No. of Forms 5100.11, Transport Mode – Specify type of transportation 5130.12 or 5200.14. used. Date of Removal – Date of removal or withdrawal of Amount of Product – Specify amount of wine gallons, goods exported. proof gallons, or barrels of goods exported. Export – Direct Export, Shipment to Amount of Tax Liability – Total amount of tax liability of Armed Forces, Foreign Trade goods exported. Zone, Customs Bonded Warehouse, Use as Supplies on Vessels or Aircraft. Destination – Destination of goods exported. Proof of Export – Indicate “Y” for proof of export has been received. Indicate “N” for No if proof of export has not been received.

Additional Instructions:

You must obtain proof of export within 90 days from the date of removal. If you have not received adequate proof of export within 90 days from the removal, you must pay applicable taxes, plus interest, and make an adjusting entry on your next Excise Tax Return, Form 5000.24. or fail to pay taxes and interest, we may impose additional penalties and interest.

Three months after the first submission of the Monthly Report of Goods Exported, you must resubmit the summary report showing that you received proof of export for each entry or that you made payment on Form 5000.24. The individual submitting this report must have signing authority on file with