

# International Trade Compliance

(Covering Customs and Other Import Requirements, Export Controls and Sanctions, Trade Remedies, WTO and Anti-Corruption)

Update

Global

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## In this issue:

**United Nations**  
**World Trade Organization (WTO)**  
**World Customs Organization (WCO)**  
**The Americas - North America**  
**The Americas - South America**  
**Asia-Pacific**  
**Europe**  
**Trade Agreements**  
**Newsletters, reports, articles, etc.**  
**Conferences, meetings, seminars, etc.**  
**Section 337 Actions**  
**Antidumping & Countervailing Duty**  
**Investigations, Orders & Reviews**  
**WTO TBT Notifications**  
**Canada: Advance Rulings**  
**Canada: Issued, Revised or Cancelled D-**  
**Memoranda, CNs, etc.**  
**CBP Rulings: Proposed Revocations or**  
**Modifications**  
**European Classification Regulations**  
**Amendments to the CN Explanatory Notes**

## Our New Title Reflects Expanded Content

Beginning with this issue, the title of this publication has been changed from the *Global Customs Update* to the *International Trade Compliance Update* to reflect expanded coverage of export controls, sanctions, Customs and other import requirements, trade remedies and WTO matters. In addition we intend to include coverage of anti-corruption matters that affect international trade.

## United Nations

Source: UN website

### UN Security Council Toughens Sanctions on N. Korea

On 12 June 2009, the U.N. Security Council adopted Resolution 1874 (2009) condemning the May 2009 nuclear tests conducted by the DPR Korea (North Korea) and tightening sanctions against it by blocking funding for nuclear, missile and proliferation activities through targeted sanctions on additional goods, persons and entities, widening the ban on arms imports-exports, and calling on Member States to inspect and destroy all banned cargo to and from that country -- on the high seas (with flag-state consent), at seaports and airports -- if they have reasonable grounds to suspect a violation.

Small arms and light weapons were exempted from the inspections, but the Resolution called on States to exercise vigilance over the direct or indirect supply, sale or transfer to the Democratic People's Republic of those weapons and directed States to notify the "1718" monitoring Committee at least five days prior to selling, supplying or transferring small arms or light weapons to it.

The Resolution called on Member States to prevent the provision of financial services or the transfer to, through, or from their territory of any financial or other assets or resources that could contribute to N. Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes or activities.

Member States and international financial and credit institutions were called on not to enter into new commitments for grants, financial assistance or concessional loans to that country, except for humanitarian and civilian developmental purposes. Member States were called on not to provide public financial support for trade with that country where such support could contribute to the country's "WMD"-related programmes or activities. For full details, see Resolution 1874 (2009) at:

[http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1874%20\(2009\)&Lang=E&Area=UNDOC](http://daccess-ods.un.org/access.nsf/Get?Open&DS=S/RES/1874%20(2009)&Lang=E&Area=UNDOC)

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## World Trade Organization (WTO)

Sources: WTO website and electronic notifications and Member websites

### EU and US Request Consultations With China Over Export Restraints

On June 23, 2009, the U.S. Trade Representative (USTR) and the European Commission each announced that they had requested WTO dispute settlement consultations with China regarding China's export restraints on numerous important raw materials which appear to be part of a policy aimed at providing substantial competitive advantages for the Chinese industries using these inputs. The materials at issue are: bauxite, coke, fluor spar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus, and zinc. USTR said China imposes several different export restraints, including export quotas; export duties which China expressly agreed to eliminate when it joined the WTO; and other export related administrative measures and costs, all of which appear to be inconsistent with WTO principles.

<http://www.ustr.gov/about-us/press-office/press-releases/2009/june/united-states-files-wto-case-against-china-over-export>

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/986&format=HTML&aged=0&language=EN&guiLanguage=en>

### Trade Policy Reviews

Trade Policy Reviews are an exercise, mandated in the WTO agreements, in which member countries' trade and related policies are examined and evaluated at regular intervals. Significant developments that may have an impact on the global trading system are also monitored. For each review, two documents are prepared: a policy statement by the government of the member under review, and a detailed report written independently by the WTO Secretariat. These two documents are then discussed by the WTO's full membership in the Trade Policy Review Body (TPRB). These documents and the proceedings of the TPRB's meetings are published shortly afterwards. A list of all Trade Policy Reviews may be [found here](#). The June 2009 Trade Policy Reviews are listed below with links to the reports:

- [Morocco](#): 24 and 26 June 2009
- [New Zealand](#): 10 and 12 June 2009

### WTO/UNEP Publish Report on Trade and Climate Change

On 26 June 2009 the WTO and the United Nations Environment Programme (UNEP) published a report entitled "Trade and Climate Change" which examines the intersections between trade and climate change from four perspectives: the science of climate change; economics; multilateral efforts to tackle climate change; and national climate change policies and their effect on trade.

[http://www.wto.org/english/news\\_e/pres09\\_e/pr559\\_e.htm](http://www.wto.org/english/news_e/pres09_e/pr559_e.htm)

## World Customs Organization (WCO)

Sources: WCO and member websites

### Cuba, Kazakhstan and Sri Lanka Join Revised Kyoto Convention

On 26 June 2009, Cuba, Kazakhstan and Sri Lanka deposited their instruments of accession to the *International Convention on the Simplification and Harmonization of Customs Procedures* (revised Kyoto Convention) with the World Customs Organization. The revised Kyoto Convention entered into force on 3 February 2006 and now has 62 Contracting Parties.

<http://www.wcoomd.org/press/?v=1&lid=1&cid=6&id=185>

The *International Trade Compliance Update* is a publication of the Global Trade and Commerce Practice Group of Baker & McKenzie. Articles and comments are intended to provide our readers with information on recent legal developments and issues of significance or interest. They should not be regarded or relied upon as legal advice or opinion. Baker & McKenzie advises on all aspects of International Trade law.

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#### *A note on spelling, grammar and dates--*

*In keeping with the global nature of Baker & McKenzie, the original spelling, grammar and date formatting of non-USA English language material has been preserved from the original source whether or not the material appears in quotes.*

## New UN/EDIFACT Message Facilitates Single Window Developments

On June 17, 2009, the UN Centre for Trade Facilitation and Electronic Business (UN/CEFACT) and the World Customs Organization (WCO) announced that a new message had been created for the lodgment of information related to cross-border trade utilising a Single Window to deliver data once only to regulatory agencies.

This new EDIFACT message was approved, but subject to final audit by UN/CEFACT, at its most recent meeting in Rome. It will be known as the Government Cross-Border Regulatory (GOVCBR) message.

Consistent with UN/CEFACT Recommendation 33 on establishing a Single Window to enhance the efficient exchange of information between trade and government, the WCO will be producing message implementation guidelines for Customs authorities on how to use GOVCBR, as part of the release of Version 3.0 of the WCO Data Model which is due to be launched towards the end of the year. The Data Model will be aligned with the UN/CEFACT Core Component Library.

<http://www.wcoomd.org/press/default.aspx?lid=1&id=184>

## WCO Endorses IATA e-Freight Initiative

On 22 June 2009, the World Customs Organization announced that is endorsing the International Air Transport Association's (IATA) [e-freight project](#), and encouraging its Member customs administrations to work collaboratively with their aviation counterparts to facilitate the adoption of e-freight in their respective countries. By the end of 2009, the project plans to replace 16 documents with IATA and WCO electronic messages and by the end of 2010, 20 documents will be supported by an electronic standard, constituting approximately 64% of the paper volume.

<http://www.wcoomd.org/speeches/?v=1&lid=1&cid=8&id=150>

## WCO Launches ENVIRONET to Help Customs Fight Environmental Crime

The World Customs Organization is launching ENVIRONET, an internet-based global communication tool for use in the fight against environmental crime at the border. ENVIRONET is an internet-based global communication tool dedicated to environmental protection. It provides a secure platform for Customs officials, law enforcement authorities, and international organizations as well as their regional networks to cooperate with one another and share real-time information in the course of their daily operations. All commodities that potentially damage the environment and which are covered by trade-related multilateral environment agreements (MEAs) are available for discussion via ENVIRONET. These topics include endangered fauna and flora, ozone depleting substances (ODS), hazardous waste and materials, pesticides, chemical weapons, and living modified organisms (LMOs).

<http://www.wcoomd.org/press/?v=1&lid=1&cid=6&id=183>

## The Americas - North America

### Canada

[\(Also see Antidumping notices, below\)](#)

Source: *Canada Gazette and other Canadian Government websites*

### Canada Repeals UN Rwanda Regulations

On June 24, 2009, the *Canada Gazette* published the *Regulations Repealing the United Nations Rwanda Regulations* which went into effect on June 4, 2009.

<http://www.canadagazette.gc.ca/rp-pr/p2/2009/2009-06-24/pdf/g2-14313.pdf>

## Amendments to the *Customs Act*

In June 2009, amendments (Bill S-2) were made to the *Customs Act* to give the Canada Border Services Agency (CBSA) greater scope and flexibility in its management of risk. The key amendments allow the CBSA to fully implement the Advance Commercial Information program (known as eManifest) and to put in place changes at customs controlled areas. Both initiatives have been previously approved and funded by the Government.

### *Advance Commercial Information*

The amendments will provide the required legislative foundation for eManifest, the third phase of the Advance Commercial Information program. eManifest will change the commercial import process to reflect the CBSA's integrated risk management approach and to keep pace with the changing global environment.

As a result of eManifest, all commercial trade chain members will be required to electronically submit trade information in advance of their shipment's arrival in Canada.

### *Customs controlled areas*

The amendments give CBSA officers the authority and flexibility to examine goods and to question and search people anywhere within a customs controlled area. CBSA believes this will enhance the Agency's ability to combat internal conspiracies at ports of entry and interdict contraband and other illegal items before they reach Canadian communities. Officers will be able to focus on areas of risk and persons of interest and this results in greater security for Canadians.

### *Other amendments*

Some technical and housekeeping items were also part of the June 2009 changes:

- Correct wording in provisions of the *Customs Act* that relate to valuation to reflect the wording in the World Trade Organization's Customs Valuation Agreement (1990).
- Clarify when and in what manner airlines must provide advance passenger information.
- Address language inconsistencies between the French and English versions of the *Customs Act*.

<http://www.cbsa.gc.ca/media/facts-faits/070-eng.html>

## CBSA Posts Summaries of Certain Advance Rulings

The CBSA has recently started to post summaries of certain advance rulings on the CBSA website. Fifteen rulings have been posted to date. The summaries show the product name, technical reference system number, description of the product, analysis and justification and the decision. Not all rulings are given and company names are not included because of business confidentiality. Links to the advance rulings posted to date may be found in the [sepa-rate section below](#).

<http://cbsa-asfc.gc.ca/import/ar-da/recent-eng.html>

## CBSA Announces Customs Tariff for Certain Woollen Fabrics

On June 6, 2009, the CBSA published a notice in the *Canada Gazette*, announcing that the total duty leviable on certain woollen fabrics provided in tariff Nos. 5111.11.90, 5111.20.91, 5111.30.18, 5111.30.91, 5111.90.91, 5112.11.90, 5112.19.94, 5112.20.91, 5112.30.91, 5112.90.91 and 5803.00.29, and imported into Canada during the period beginning July 1, 2009 and ending on June 30, 2010, will not be in excess of (a) C\$2.24 per kilogram for imports from eligible Commonwealth countries; and (b) C\$4.10 per kilogram under the Most-Favoured-Nation Tariff.

<http://canadagazette.gc.ca/rp-pr/p1/2009/2009-06-06/pdf/g1-14323.pdf>

## Duties Removed on Various Inputs

On June 10, 2009, the *Order Amending the Schedule to the Customs Tariff, 2009-1* was published in the *Canada Gazette*. The Order removes the customs duties on a number of manufacturing inputs used in the production of other goods:

- Hexamethylene tetramine
- Certain cotton yarns for use in the manufacture of towels
- Certain woven fabrics for use as knee lining in the manufacture of trousers
- Certain woven fabrics for use in the manufacture of dresses, skirts, vests, blouses, tops and scarves
- Certain viscose rayon yarn for use in the manufacture of mattress ticking
- Certain nylon staple fibres for use in the manufacture of footwear
- Certain narrow woven “hook and loop” pile fabrics
- Certain three and four layer woven and knit fabrics for use in the manufacture of recreational outerwear

<http://www.canadagazette.gc.ca/rp-pr/p2/2009/2009-06-10/pdf/g2-14312.pdf>

## Canada Publishes New NAFTA Rules for Certain Textiles

On June 10, 2009, the *Order Amending the Schedule to the Customs Tariff (Conditions for Special Provisions for the Purposes of the United States Tariff (UST))* was published in the *Canada Gazette*. The Order implements amendments made to Appendix 6 of Annex 300-B of the *North American Free Trade Agreement (NAFTA)* to liberalize the rules of origin applicable to certain textile products traded between Canada and the United States, including chenille fabric containing artificial staple fibres that are unavailable in commercial quantities from North American production, for the purpose of determining their eligibility for duty-free treatment under the NAFTA,. It also corrects a minor error in one of the earlier bilateral additions to Appendix 6. Canada and the United States have agreed to implement the amendments on July 1, 2009. [See US announcement below.](#)

<http://www.canadagazette.gc.ca/rp-pr/p2/2009/2009-06-10/pdf/g2-14312.pdf>

## Canada Proposes Hazardous Products Regulations

On June 20, 2009, the *Canada Gazette* published the following proposed regulations sponsored by the Department of Health:

***Consumer Products Containing Lead (Contact with Mouth) Regulations and Order Amending Part II of Schedule I to the Hazardous Products Act (Consumer Products Containing Lead - Contact with Mouth)***

This regulatory proposal will give Health Canada the legal authority to prevent the import, advertisement or sale of affected products which contain hazardous levels of lead. The proposed regulations set a total lead limit of 90 milligrams of lead per kilogram of product (90 mg/kg) on the following categories of consumer products: (1) products, other than kitchen utensils, whose normal pattern of use requires that they be brought to the user’s mouth; and (2) products in respect of which it is reasonably foreseeable, based on their nature, that they would be used by children under three years of age in learning or play.

***Phthalates Regulations, Order Amending Schedule I to the Hazardous Products Act (Phthalates) and Regulations Amending the Hazardous Products (Toys) Regulations***

The objective of this regulatory proposal is to restrict the sale, importation and advertising in Canada of products that present a likely or potential risk for children to develop adverse health effects from exposure to phthalates by harmonizing Canadian require-

ments for phthalates in soft vinyl children's toys and child care articles with those of the United States and the European Union.

<http://www.canadagazette.gc.ca/rp-pr/p1/2009/2009-06-20/pdf/g1-14325.pdf>

### **Amended Fish Inspection Regulations Proposed**

On June 6, 2009, the *Canada Gazette* published a proposal to amend the *Fish Inspection Regulations* to allow inspectors to certify sport-caught fish exported for personal consumption when such certification is required by the importing country and the fish have been prepared under sanitary conditions. An agreement with the Government of British Columbia will allow provincial inspectors who are designated by the Canadian Food Inspection Agency (CFIA) as inspectors to sign certificates. The proposed regulations are necessary because changes to European Union (EU) health regulations make it mandatory for tourists returning to the EU to obtain a fish export certificate if they want to take home the fish (in excess of one kilogram) they caught during their visit.

<http://www.canadagazette.gc.ca/rp-pr/p1/2009/2009-06-06/pdf/g1-14323.pdf>

### **Organic Products Regulations Issued**

On June 24, 2009, the *Canada Gazette* published the *Organic Products Regulations, 2009* (OPR 2009) which came into force on June 30, 2009. The OPR 2009 will form the basis of a federally regulated system for organic agriculture in Canada. The OPR 2009 provides clarification on the scope of application, address regulatory issues resulting from the incorporation by reference of the Canadian General Standards Board's (CGSB) "Organic Production Systems General Principles and Management Standards" (CGSB 310 Standard) and the "CGSB 32.311 Organic Production Systems Permitted Substances Lists" (PSL), strengthen the Agency's and other federal government departments' ability to negotiate import-export agreements with foreign governments, adjust export requirements to allow flexibility in international trade and provide for a new organic agricultural product legend (legend).

<http://www.canadagazette.gc.ca/rp-pr/p2/2009/2009-06-24/pdf/g2-14313.pdf>

### **Proposed Prohibition of Bisphenol A in Baby Bottles**

On June 27, 2009, the *Canada Gazette* published the Department of Health's regulatory analysis statement and a proposed order to amend Schedule I of the *Hazardous Products Act* to include polycarbonate baby bottles that contain bisphenol A. This action would prohibit the advertisement, sale and importation in Canada of these products which have been shown to have harmful effects on newborns and infants up to the age of 18 months.

<http://www.canadagazette.gc.ca/rp-pr/p1/2009/2009-06-27/pdf/g1-14326.pdf>

### **D-Memoranda and CNs Revised or Cancelled**

[See separate section below](#)

### **Peru-Canada FTA Approved**

On June 18, 2009, Royal Assent was given to *An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru* (Bill C-24, chapter 16, 2009).

<http://www.canadagazette.gc.ca/rp-pr/p1/2009/2009-06-27/pdf/g1-14326.pdf>

## Mexico

[\(Also see Antidumping notices, below\)](#)

### Mexico Rescinds AD Duties on Certain Apparel Imports from China – Imposes Transition Duties

*Contributed by the Baker & McKenzie Mexico Foreign Trade Trade Group*

As previously reported, China and Mexico executed an Agreement through which Mexico was required to eliminate, no later than October 15, 2008, the antidumping duties and proceedings related to diverse Chinese originating goods, listed in Annex 7 of the *Protocol of Accession of the People's Republic of China to the World Trade Organization*. Additionally, as part of this Agreement, the Mexican Ministry of Economy was entitled to impose a “trade remedy” to specific Chinese products. These trade remedies were imposed to 204 products that are still considered by Mexico as sensitive against competition from China and would be gradually eliminated in the following 4 years, while antidumping duties on 749 Chinese products were immediately eliminated.

In 2008, a Mexican producer filed a Constitutional Trial (Amparo) against the aforementioned Agreement, based on the arguments that the Ministry of Economy was illegally concluding the review procedure, that was already initiated, and the imminent elimination of the antidumping duties upon products originated in China, classified under the tariff items 6109.10.01, 6109.90.01, 6109.90.99 and 6110.20.99 of the Mexican General Import and Export Duty Law.

During the Amparo procedure and in the final verdict, the Ministry of Economy was forced to continue with the application of the antidumping duties for the aforementioned tariff items, regardless the Agreement entered by China and Mexico. However, the verdict did not oblige the Ministry of Economy to conclude the antidumping review procedure that was already initiated.

In this regard, the Ministry of Economy continued with the antidumping review procedure upon the Chinese goods classified under tariff items 6109.10.01, 6109.90.01, 6109.90.99 and 6110.20.99. Finally, on May 20, 2009 the final resolution of the antidumping review procedure was published in the *Federal Official Gazette*. Under the final solution, the Ministry of Economy decided to rescind the application of the antidumping duties to the aforementioned tariff items based on guidelines established in the WTO and the Mexican *Foreign Trade Law*.

As a result, the goods originated in China classified under tariff items 6109.10.01, 6109.90.01, 6109.90.99 and 6110.20.99 are no longer subject of antidumping duty payment upon importation into Mexico. However, the goods classified under three of the tariff items (6109.10.01, 6109.90.01 and 6110.20.99) are subject to the trade remedy established in the Agreement executed by Mexico and China, as follows:

Tariff item	Description	Trade Remedy (%)			
		2008	2009	2010	2011
6109.10.01	Of cotton.	140	130	120	80
6109.90.01	Artificial and man made fibers.	140	130	120	80
6110.20.99	The others.	140	130	120	80

As for the goods classified under tariff item 6109.90.99, please note that they are not the subject of trade remedy payment.

## **United States**

[\(Also see Antidumping notices, below\)](#)

Sources: Federal Register and other U.S. Government websites unless otherwise indicated

### **Update on the “Buy American” Requirement of the American Recovery and Reinvestment Act of 2009**

The *American Recovery and Reinvestment Act of 2009* (ARRA) provides significant business opportunities through its funding of numerous large-scale federal, state and local projects. The ARRA also contains certain “Buy American” restrictions that prohibit the use of ARRA funds for any project involving the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States. The [attached update](#) discusses recent developments concerning the implementation of ARRA’s “Buy American” restrictions at the federal, state and municipal levels. The Update also explains the relationship between the ARRA’s “Buy American” provisions and the United States’ international obligations.

### **CIT Requires Refunds of Retaliatory Tariffs for EC Beef Hormone Ban – Finds Authority Expired**

On June 16, 2009, the U.S. Court of International Trade (CIT) held that retaliatory tariffs imposed on certain importations from the European Community (EC) expired by operation of law on June 29, 2007, four years after they were imposed, because the U.S. beef industry did not request renewal within 60 days of the four-year anniversary as required by statute (19 U.S.C. §2417(c)). The CIT therefore ordered U.S. Customs and Border Protection to refund to the importer all retaliatory duties collected as a result of the EC beef hormone ban between July 29, 2007 and March 23, 2009. The importer had entered toasted bread from Spain which were subject to a 100% retaliatory duty. The tariffs had been imposed on certain products from the EC, including the imported bread, because the EC would not permit beef from the United States to be imported into the EC if the beef contained hormones. The WTO had held that the EC’s restrictions violated WTO rules and permitted the United States to obtain compensation in the form of retaliatory duties on certain products. An appeal by the Government is expected. *Gilda Industries, Inc., et al v. United States*, Slip Op. 09-58 (Ct. Int’l Trade June 16, 2009).

[http://www.cit.uscourts.gov/slip\\_op/Slip\\_op09/09-58.pdf](http://www.cit.uscourts.gov/slip_op/Slip_op09/09-58.pdf)

### **Businessman Sentenced to Prison For Illegal Export Scheme**

On June 22, 2009, the U.S. Attorney for the Southern District of Texas announced that the U.S. District Court had sentenced a Mexican businessman to a year in prison and a fine of \$200,000 for illegally attempting to export \$600,000 worth of blank compact disks made in China to Mexico without paying Mexican import duties. The defendant was charged under a 2006 Federal law pertaining to the smuggling of goods from the United States, 18 U.S.C. §554, which carries a maximum sentence of 10 years imprisonment and/or a \$250,000 fine or both. In separate but related cases, two Laredo businessmen who had previously pleaded guilty to illegally attempting to export goods from the United States into Mexico was sentenced to six months in prison and three months home confinement, and five months in prison, respectively. A licensed customs broker involved in the scheme is currently awaiting sentencing.

The investigation was conducted by U.S. Immigration and Custom Enforcement (ICE) and was initiated when ICE detained two in-bond shipments from China comprised of four trailers that were loaded with compact disks from a warehouse owned by one of the businessmen in Laredo. The broker was hired to fraudulently cancel the in-bond documents contrary to United States Customs laws and regulations. The broker hired the other Laredo business, because he believed that he was going to bribe a corrupt U.S. Customs Border and Protec-

tion (CBP) officer to cancel the in-bond documents. That businessman created fraudulent in-bond documents and then forged the name of a CBP officer, thereby making it possible for the blank compact disks to be taken unlawfully to a warehouse owned by the first businessman. There never was a corrupt CBP officer involved in this scheme.

<http://www.usdoj.gov/usao/txs/releases/June%202009/062209Argandona.htm>

## **Major Importers to Pay \$2.3 Million Civil Penalty to CPSC for Violating Federal Lead Paint Ban on Toys**

On June 5, 2009, the U.S. Consumer Product Safety Commission (CPSC) announced that Mattel Inc. and its wholly owned subsidiary Fisher-Price Inc. have agreed to pay a \$2.3 million civil penalty for violating the federal lead paint ban.

The [penalty settlement](#), which has been provisionally accepted by the Commission, resolves CPSC staff allegations that the two companies knowingly (as defined in the Consumer Product Safety Act) imported and sold children's about 95 models of toys with paints or other surface coatings in 2007 that contained lead levels that violated a 30-year-old federal law.

According to the CPSC, the civil penalty is the highest for violations involving importation or distribution in commerce of a regulated product and is the third highest of any kind in CPSC history. It settles allegations that Mattel imported up to 900,000 non-compliant toys between September 2006 and August 2007 and resolves other potential matters. In agreeing to the settlement, Mattel and Fisher-Price deny that they knowingly violated federal law, as alleged by CPSC staff.

<http://www.cpsc.gov/cpscpub/prerel/prhtml09/09237.html>

## **Former Executive of Philadelphia Company Pleads Guilty to Paying Bribes to Vietnamese Officials**

On June 29, 2009, the Department of Justice and the U.S. Attorney for the Eastern District of Pennsylvania announced that a former executive of Philadelphia-based Nexus Technologies Inc. pleaded guilty in connection with his participation in a conspiracy to bribe Vietnamese government officials in exchange for lucrative contracts to supply equipment and technology to Vietnamese government agencies, in violation of the *Foreign Corrupt Practices Act* (FCPA),

According to court documents, Nexus Technologies Inc. was a privately owned export company that identified U.S. vendors for contracts opened for bid by the Vietnamese government to purchase a wide variety of equipment and technology, including underwater mapping equipment, bomb containment equipment, helicopter parts, chemical detectors, satellite communication parts and air tracking systems. The defendant, Joseph Lukas, was a partner in the company. until 2005 and was responsible for overseeing the negotiation of contracts with suppliers in the United States.

In connection with his guilty plea, Lukas admitted that from 1999 to 2005, he and other employees of Nexus Technologies Inc. agreed to pay, and knowingly paid, bribes to Vietnamese government officials in exchange for contracts with the agencies for which the officials worked. The bribes were falsely described as "commissions" in the company's records. Lukas was indicted on Sept. 4, 2008, along with the company and alleged co-conspirators Nam Nguyen, Kim Nguyen and An Nguyen. Cases are still pending against the remaining defendants and the company. At sentencing, scheduled for April 6, 2010, Lukas faces a maximum sentence of 10 years in prison.

<http://www.usdoj.gov/usao/pae/News/Pr/2009/jun/lukasrelease.pdf>

## **SEC vs. Thomas Wurzel – a Lesson for Executives**

*Contributed by Maria McMahon, Baker & McKenzie, Washington, DC*

The number of enforcement actions initiated under the *Foreign Corrupt Practices Act* (FCPA) by the U.S. Securities & Exchange Commission (SEC) against individuals has been increasing. In bringing such actions, the SEC sometimes employs the agency theory to assert jurisdiction over individuals and attach personal liability. As a result, company executives must be particularly vigilant in monitoring the activities of company representatives, consultants, agents and distributors to make certain that provisions of the FCPA are not violated. In addition, executives must ensure that the company has robust due diligence procedures for hiring third parties and that these procedures are strictly followed. The following is a summary of an SEC action where an executive was personally charged with violations of the FCPA that were committed in conduct of company business.

On May 29, 2009, the SEC filed a settled enforcement action against Thomas Wurzel, the former President of ACL Technologies, Inc. (ACL), a second tier subsidiary of United Industrial Corporation (UIC), a public corporation.

The SEC's complaint alleged that Wurzel authorized illicit payments to an Egyptian-based agent "while he knew or consciously disregarded the high probability that the agent would offer, provide, or promise at least a portion of such payments" to Egyptian Air Force officials for the purpose of influencing these officials to award business to UIC.

Specifically, the SEC's complaint alleged that in late 2001 to 2002, Wurzel authorized three forms of illicit payments to the agent:

- (1) payments to the agent under the agent's invoices "for labor subcontracting work";
- (2) a \$100,000 advance payment to the agent in June 2002 for "equipment and materials;" and
- (3) a \$50,000 payment to the agent in November 2002 for "marketing services."

In this matter, the SEC did not have direct evidence that improper payments were made by the agent to influence the decision-making of Egyptian Air Force officials. Instead, the SEC's complaint included extracts from Wurzel's correspondence with the agent where the agent stated that he needs more resources "to satisfy our people", to meet "commitments" and to "keep momentum".

Nevertheless, the SEC charged Wurzel with violations of the anti-bribery, books and records and internal controls provisions of the FCPA, as well as with aiding and abetting UIC's violations of the anti-bribery and books and records provisions of the FCPA.

In a related action against UIC, the SEC also found that UIC's corporate legal department approved the retention of the agent despite a lack of documented due diligence and despite an agency agreement that violated corporate policy.

The Wurzel case provides an example of the SEC's authority to investigate and prosecute violations under Section 30A of the Exchange Act of 1934 ("Section 30A"), which contains the issuer-specific anti-bribery provisions of the FCPA. In the case at hand, Wurzel contended that there was no appropriate mechanism to enforce the FCPA provisions against him, because neither he nor his company (a second-tier subsidiary of UIC, a public corporation) was an issuer for purposes of Section 30A. However, the SEC instituted an action against Wurzel based on the theory that Wurzel, as an agent of a US issuer (a parent company of the subsidiary that employed Wurzel), authorized illicit payments "to obtain or retain business" for that issuer.

### **President Signs Tobacco Legislation Giving FDA Jurisdiction**

On June 22, 2009, President Barack Obama signed the [\*Family Smoking Prevention and Tobacco Control Act\*](#). The legislation grants authority to regulate tobacco products to the U.S. Food and Drug Administration and prohibits certain practices, including the addition of certain

flavorings to tobacco that are likely to make tobacco products appeal to underage persons. The legislation amends the *Federal Food, Drug and Cosmetic Act* to add a new chapter IX Tobacco Products which establishes a new category of controls, independent of those that apply to food, drugs or cosmetics. The tax aspects of tobacco products will remain under the Department of the Treasury, and the growing aspects will remain under the Department of Agriculture.

### President Signs Determinations Making Laos and Cambodia Eligible for Ex-Im Bank Loans

On June 12, 2009, President Obama signed Presidential Determinations 2009-20 and 2009-21 finding that Cambodia and Laos, respectively, have ceased to be Marxist-Leninist states as defined in the *Export-Import Bank Act of 1945*, as amended.

<http://edocket.access.gpo.gov/2009/pdf/E9-14494.pdf>

<http://edocket.access.gpo.gov/2009/pdf/E9-14495.pdf>

### National Emergencies Continued

During the past month, President Obama extended the following national emergencies:

Date signed	Emergency	Link
June 12, 2009	Continuation of the National Emergency With Respect To The Actions and Policies of Certain Members of the Government of Belarus and Other Persons that Undermine Democratic Processes or Institutions in Belarus	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14214.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14214.pdf</a>
June 18, 2009	Continuation of the National Emergency With Respect to the Risk of Nuclear Proliferation Created by the Accumulation of Weapons-Useable Fissile Material in the Territory of the Russian Federation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14675.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14675.pdf</a>
June 22, 2009	Continuation of the National Emergency With Respect to the Western Balkans	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15103.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15103.pdf</a>
June 24, 2009	Continuation of the National Emergency With Respect to North Korea	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15270.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15270.pdf</a>

### USTR Requests Comments on WTO Dispute

On June 17, 2009, the U.S. Trade Representative published in the *Federal Register* a document providing notice that on May 22, 2009, Brazil requested consultations with the United States under the WTO Agreement concerning the antidumping duty investigation on certain orange juice from Brazil, the second antidumping duty administrative review on certain orange juice from Brazil (Department of Commerce Case No. A-351-840), and the “continued use of the US zeroing procedures (‘model’ or ‘simple’ zeroing) in successive antidumping proceedings.” On November 27, 2008, Brazil requested consultations with the United States concerning the first antidumping administrative review on certain orange juice from Brazil and various U.S. laws, regulations, administrative procedures, practices, and methodologies. Those requests may be found at [www.wto.org](http://www.wto.org) contained in documents designated as WT/DS382/1/ Add.1 and WT/DS382/1, respectively. USTR invites written comments from the public concerning the issues raised in this dispute.

<http://edocket.access.gpo.gov/2009/pdf/E9-14256.pdf>

### USTR Announces Effective Date for NAFTA Modifications

In a *Federal Register* notice published on June 26, 2009, USTR announced the effective date for certain *North American Free Trade Agreement* (NAFTA) Rules of Origin modifications relating to textiles, including chenille fabric containing artificial staple fibres that are unavailable in commercial quantities from North American production, would be July 1, 2009. In Proclamation 8323 of November 25, 2008, the President modified the rules of origin for

certain goods of Canada under the NAFTA incorporated in the *Harmonized Tariff Schedule of the United States*. The proclamation stated that the modifications would be effective on the date that the USTR announced in the *Federal Register* and are effective with respect to goods of Canada that are entered, or withdrawn from warehouse for consumption, on or after the date indicated in the notice. The changes were printed in the *Federal Register* of November 28, 2008 (73 Fed. Reg. 72,682). On May 27, 2008, the Government of Canada notified the U.S. Government that it had obtained the necessary authorization to implement the rule of origin changes with respect to goods of the United States. Subsequently, officials of Canada and the United States agreed to implement the changes with respect to each other's eligible goods, effective July 1, 2009. [See Canadian announcement above.](#)

<http://edocket.access.gpo.gov/2009/pdf/E9-15046.pdf>

## **USITC Announces Determination In China Safeguard Investigation**

On June 18, 2009, the U.S. International Trade Commission (ITC) announced its determination in its China safeguard investigation (Inv. No. TA-421-007) involving certain passenger vehicle and light truck tires. The ITC made an affirmative determination (in a 4-2 vote), finding that certain passenger vehicle and light truck tires from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

As a result of the affirmative determination, the ITC will consider the issue of remedy. It will send its report, including its remedy proposal, to the President and the USTR by July 9, 2009. The President will make the final decision concerning whether to provide relief to the industry and the type and duration of any such relief.

[http://www.usitc.gov/ext\\_relations/news\\_release/2009/cr0618gg1.htm](http://www.usitc.gov/ext_relations/news_release/2009/cr0618gg1.htm)

## **Japan, U.S. Sign Arrangement to Align Security Standards for Cross-Border Business**

On June 26, 2009, Japan and the United States in a ceremony in Brussels, signed a mutual recognition arrangement aligning security standards in international trade partnership programs critical to both countries. The arrangement recognizes compatibility between the Japan and U.S. cargo security programs.

The Director General of Japan Customs and Tariff Bureau (CTB) and the Acting Commissioner of U.S. Customs and Border Protection (CBP) agreed to mutual standards in Japan's Partners Authorized Economic Operators program and the U.S.'s Customs-Trade Partnership Against Terrorism program.

According to CBP's press release, the arrangement acknowledges that CTB and CBP will accept the security status of members of each other's programs. It is expected that this arrangement will result in cost savings to both CTB and CBP because the number of supply chain security validations that each customs administration has to conduct will be reduced.

The goal of these arrangements is to link the various international industry partnership programs, so that together they create a unified and sustainable security standard that can assist in securing and facilitating global cargo trade.

For information on the Japan AEO program, visit the [Japan Customs and Tariff Bureau AEO Web site](#).

[http://www.cbp.gov/xp/cgov/newsroom/news\\_releases/07012009\\_2.xml](http://www.cbp.gov/xp/cgov/newsroom/news_releases/07012009_2.xml)

## **CBP Provides Notice of Domestic Interested Party Petitioner's Contesting of Classification Determination**

On June 12, 2009, CBP published a *Federal Register* document providing notice that it had denied a domestic party petition contesting a CBP classification decision and indicating that

the petitioner had given timely notice that it intended to challenge the CBP position in the Court of International Trade. On August 4, 2006, a domestic manufacturer of glass preforms for optical fibers (“optical glass preforms”) filed a domestic interested party petition in accordance with the procedures of section 516 of the *Tariff Act of 1930*, as amended, and 19 C.F.R. Part 175 regarding the tariff classification of imported optical glass preforms. The petition challenged CBP’s classification of optical glass preforms under subheading 7002.20.10, Harmonized Tariff Schedule of the United States (HTSUS), and requested CBP to reclassify all optical glass preforms under subheading 7020.00.60, HTSUS, as other articles of glass, or, alternatively, under 9001.10.00, HTSUS, as unfinished optical fibers. On July 14, 2008, CBP denied the petition and affirmed its decision that optical glass preforms are classified in subheading 7002.20.10, HTSUS, as glass rods of fused quartz or other fused silica, unworked. The petitioner subsequently gave timely notice of its desire to challenge CBP’s classification decision in court pursuant to the applicable law and regulations.

<http://edocket.access.gpo.gov/2009/pdf/E9-13938.pdf>

### **CBP Extends Port Limits of Dayton**

On June 17, 2009, CBP published in the *Federal Register* a final rule which amends the regulations by extending the geographic limits of the port of Dayton, Ohio, to include the Airborne Airpark in Wilmington, Ohio. The extension of the port limits of Dayton, Ohio, is due to the closing of express consignment operations at Dayton International Airport, and the expansion of express consignment operations at Airborne Airpark located in Wilmington, Ohio. At the same time, the user-fee status of Airborne Airpark is terminated.

<http://edocket.access.gpo.gov/2009/pdf/E9-14229.pdf>

### **CBP Posts FAQs on AES Filings**

On May 27, 2009, CBP posted a document entitled “Frequently Asked Questions Filing of Electronic Export Information via the Automated Export System” on the CBP website. The purpose of the document is to provide assistance to the trade community in understanding the expectations of CBP concerning the advance electronic cargo information rules for export shipments.

[http://www.cbp.gov/linkhandler/cgov/trade/automated/aes/cbp\\_ftr\\_faq.ctt/cbp\\_ftr\\_faq.doc](http://www.cbp.gov/linkhandler/cgov/trade/automated/aes/cbp_ftr_faq.ctt/cbp_ftr_faq.doc)

### **CBP Continues to Make Large IPR Seizures**

CBP has reported numerous recent seizures of goods for violations of intellectual property rights (IPR) laws. The press releases or summaries may be found through the following links:

[http://www.cbp.gov/xp/cgov/trade/priority\\_trade/ipr/ipr\\_nr\\_linklist.xml](http://www.cbp.gov/xp/cgov/trade/priority_trade/ipr/ipr_nr_linklist.xml)

[http://www.cbp.gov/xp/cgov/newsroom/news\\_releases/](http://www.cbp.gov/xp/cgov/newsroom/news_releases/)

### **CBP Posts New Informed Compliance Publication**

Since our last *Global Customs Update*, CBP has posted the following new Informed Compliance Publication in the “*What Every Member of the Trade Community Should Know About:*” series:

- [Locks of Base Metal](#)

### **Proposed Revocations or Modifications of CBP Rulings**

[See separate section below.](#)

### **CBP Updates FAQ for Automated Export System**

CBP has posted an update to its Frequently Asked Questions (FAQ) on the Automated Export System (AES). CBP has updated its FAQ document to add three new topics areas: Incomplete Manifest Filing/Bulk Exports, Transportation In-Bond and Non-Vessel Operating Common Carrier. CBP has also updated its FAQ document to add a new question to the

discrepancies topic area regarding how to amend the AES information for the sale of part of cargo once the conveyance has departed the U.S. for foreign. In addition, CBP has revised its answers to several existing FAQ.

[http://www.cbp.gov/linkhandler/cgov/trade/automated/aes/cbp\\_ftr\\_faq.ctt/cbp\\_ftr\\_faq.doc](http://www.cbp.gov/linkhandler/cgov/trade/automated/aes/cbp_ftr_faq.ctt/cbp_ftr_faq.doc)

## Changes in Florence Agreement Procedures

On June 26, 2009, the Departments of Commerce and Treasury and CBP published a final rule in the *Federal Register* which amends the regulations governing the duty-free entry of scientific instruments and apparatus into the United States by educational and nonprofit institutions to implement technical changes required by the passage of the *Miscellaneous Trade and Technical Corrections Act of 2004*, to update the regulations to comport with current CBP practices and changes made in the *Harmonized Tariff Schedule of the United States*, to add a website address for Statutory Import Programs Staff (SIPS), and to remove references to spectrometers pursuant to Presidential Proclamation 7011 of June 30, 1997. The regulations are also amended to reflect the nomenclature changes made necessary by the transfer of the Customs Service of the Department of the Treasury to the Department of Homeland Security. The rule is effective July 27, 2009.

<http://edocket.access.gpo.gov/2009/pdf/E9-14884.pdf>

## Newer FTA Provisions on Government Procurement Implemented

On June 15, 2009, the *Federal Register* published a interim rule jointly agreed to by the General Services Administration, Department of Defense and the National Aeronautics and Space Administration that allows contracting officers to purchase the goods and services of Costa Rica, Oman, and Peru without application of the *Buy American Act* if the acquisition is subject to the applicable trade agreements. The free trade agreements with Costa Rica, Oman, and Peru join the North American Free Trade Agreement (NAFTA), the Australia, Bahrain, Chile, Morocco, and Singapore Free Trade Agreements, and the Dominican Republic-Central America- United States Free Trade Agreement (CAFTA–DR) with respect to the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, which are already in the Federal Acquisition Regulations (FAR). The threshold for supplies and services is \$67,826 for the CAFTA–DR and \$194,000 for the Oman and Peru FTAs. The threshold for construction is \$7,443,000 for the CAFTA–DR and the Peru FTA and \$8,817,449 for the Oman FTA. The present thresholds for government procurement under Trade Agreements is shown below:

Trade Agreement	Supply Contract (equal to or exceeding)	Service Contract (equal to or exceeding)	Construction Contract (equal to or exceeding)
WTO GPA FTAs	\$194,000	\$194,000	\$7,443,000
Australia FTA	67,826	67,826	7,443,000
Bahrain FTA	194,000	194,000	8,817,449
CAFTA–DR (Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	67,826	67,826	7,443,000
Chile FTA	67,826	67,826	7,443,000
Morocco FTA .	194,000	194,000	7,443,000
NAFTA			
–Canada	25,000	67,826	8,817,449
–Mexico	67,826	67,826	8,817,449
Oman FTA	194,000	194,000	8,817,449
Peru FTA .	194,000	194,000	7,443,000
Singapore FTA	67,826	67,826	7,443,000
Israeli Trade Act	50,000	—	—

<http://edocket.access.gpo.gov/2009/pdf/E9-13978.pdf>

## **NOAA to Issue All Seafood Export Certifications for EU/EFTA**

On June 19, 2009, the National Oceanic and Atmospheric Administration (NOAA) published a notice in the *Federal Register* announcing that the NOAA Seafood Inspection Program (NOAA SIP) will become the sole certifying agency for all fish and fishery products for export to European Union (EU) or European Free Trade Association (EFTA) member countries. Previously, the U.S. Food and Drug Administration issued export certifications. The notice states that due to the large volume of demand for these certificates and the need for expedient service, SIP is announcing a change from current practices, including fee structure, for providing Health Certificates for the EU and EFTA. Instructions for requesting an EU Health Certificate can be found on the SIP Web site at: [www.seafood.nmfs.noaa.gov](http://www.seafood.nmfs.noaa.gov).

<http://edocket.access.gpo.gov/2009/pdf/E9-14475.pdf>

## **TTB Issues Temporary Rule on Tobacco**

On June 22, 2009, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published in the *Federal Register* a temporary rule (effective June 22, 2009, through June 22, 2012) which amends the TTB regulations to implement certain changes made to the *Internal Revenue Code of 1986* by the *Children's Health Insurance Program Reauthorization Act of 2009*. The principal changes involve permit and related requirements for manufacturers and importers of processed tobacco and an expansion of the definition of roll-your-own tobacco.

TTB is also soliciting comments from all interested parties on the amendments through a separate notice of proposed rulemaking published elsewhere in the same issue of the *Federal Register*.

<http://edocket.access.gpo.gov/2009/pdf/E9-14546.pdf>

<http://edocket.access.gpo.gov/2009/pdf/E9-14548.pdf>

## **CPSC Releases Reseller's Handbook**

On May 7, 2009, the U.S. Consumer Product Safety Commission (CPSC) released a revision to the "*CPSC Handbook for Resale Store and Product Resellers*" (CPSC Pub. 254). The Handbook was created to help sellers of used products understand the *Consumer Product Safety Improvement Act of 2008* (CPSIA) and existing regulations.

The CPSIA sets strict limits for lead in paint and for lead content. Additionally, three types of phthalates are permanently prohibited in certain toys and child care articles and three other phthalates are prohibited on an interim basis in certain child care articles and children's product that can be placed in a child's mouth.

The purpose of the Handbook is to help resellers to identify the types of products that are affected and to understand how to comply with the law, so they can keep unsafe products out of the hands of consumers. Consumers who regularly buy used products may also find this information helpful in avoiding products that could harm them or their family.

<http://www.cpsc.gov/cpscpub/pubs/thrift/thrguid.pdf>

## **CPSC Stays Enforcement of Lead Levels in Certain Bicycle Parts, Jogging Strollers and Bicycle Trailers**

On June 30, 2009, the CPSC published a notice in the *Federal Register* which announced its decision to stay enforcement of section 101 (a) of the *Consumer Product Safety Improvement Act of 2008* (CPSIA) with regard to certain parts of bicycles, jogger strollers, and bicycle trailers designed or intended primarily for children 12 years of age or younger. The CPSC is staying enforcement of the specified lead level as it pertains to components made with metal alloys, including steel containing up to 0.35 percent lead, aluminum with up to 0.4 percent lead, and copper with up to 4.0 percent lead. This stay of enforcement is effective on June 30, 2009 and will remain in effect until July 1, 2011.

<http://edocket.access.gpo.gov/2009/pdf/E9-15449.pdf>

## CPSC Proposes Registration Rules for Infant Products

On June 29, 2009, the Consumer Product Safety Commission (CPSC) published in the *Federal Register* a notice of proposed rulemaking to implement Section 104(d) of the *Consumer Product Safety Improvement Act of 2008* (CPSIA). Section 104(d) requires the CPSC to promulgate a final consumer product safety rule requiring each manufacturer of a durable infant or toddler product to: provide with each product a postage-paid consumer registration form; keep records of consumers who register such products with the manufacturer; and permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each such product. Written comments must be received by September 14, 2009.

<http://edocket.access.gpo.gov/2009/pdf/E9-15242.pdf>

## APHIS Notices Issued During June 2009

The Animal and Plant Health Inspection Service (APHIS) issued the following *Federal Register* notices during June 2009 (PR indicates proposed rule; FR is a final rule; IR is interim rule; N is notice).

F.R. Date	Subject	Link
June 3, 2009	APHIS: Importation of Eggplant From Israel (FR)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12929.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12929.pdf</a>
June 5, 2009	APHIS: Determination of the High Pathogenicity Avian Influenza Subtype H5N1 Status of Germany and Poland	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13154.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13154.pdf</a>
June 10, 2009	APHIS: Update of Noxious Weed Regulations (PR)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13507.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13507.pdf</a>
June 12, 2009	APHIS: Notice of Availability of an Evaluation of the Highly Pathogenic Avian Influenza Subtype H5N1 Status of Saxony, Germany (N)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13840.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13840.pdf</a>
June 15, 2009	APHIS: Highly Pathogenic Avian Influenza Subtype H5N1 Status of Hungary; Availability of an Evaluation (N)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14004.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14004.pdf</a>
June 30, 2009	APHIS: Movement of Hass Avocados From Areas Where Mexican Fruit Fly or Sapote Fruit Fly Exist	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15416.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15416.pdf</a>

## APHIS Issues New Manuals

During the period covered by this update, APHIS issued the following manuals that affect imported materials. These manuals include inspection and sampling methods and discuss admissibility and import requirements. *Click on the title of the manual to download it.*

- [Fresh Fruits and Vegetable Import Manual](#)
- [Seed Not for Planting Manual](#)
- [Animal Product Manual](#)
- [CITES I-II-III Timber Species Manual](#)
- [Nursery Stock Restrictions](#)
- [Miscellaneous and Processed Products PPQ Manual](#)

## FSIS Issues Directive on Pre-stamping Imported Products

On June 24, 2009, the Food Safety and Inspection Service (FSIS) issued FSIS Directive 9500.4 which provides instructions to import inspection personnel. The directive describes how they are to verify that the requirements for the pre-stamping of imported meat and poultry products are met, and the associated procedures are followed. Import inspection personnel are to reject lots and notify establishment management orally regarding the suspension of pre-stamping activity when the establishment fails to comply with the provisions of the approved pre-stamping procedure as identified in 9 C.F.R. 327.10(d), 327.26, 381.204(f), and 500.5. Other actions may be taken.

<http://www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/9500.4.pdf>

## USPS Revises Customs Label Requirements

On June 5, 2009, the U.S. Postal Service published a final rule in the *Federal Register* which revises *Mailing Standards of the United States Postal Service, International Mail Manual (IMM)* part 123 and several individual sections to comply with Article RL 152.5 of the Universal Postal Union (UPU) *Letter Post Regulations*. Under that provision, all small packet items must bear customs declarations CN 22 (PS Form 2976) or CN 23 (PS Form 2976-A), depending on value and regardless of whether the items are ordinarily subject to customs control in the destination country. Small packets are Letter Post items that are not letters, cards, or flats, and that typically contain merchandise or other goods. The small packet category includes package-size First-Class Mail International™ items and the Priority Mail Small Flat-Rate Box, as well as certain Priority Mail Flat-Rate Envelopes meeting specific physical characteristics. All such items, regardless of contents or value, must bear a PS Form 2976, Customs Declaration CN 22--Sender's Declaration. Current Postal Service standards only require a customs declaration for package-size First-Class Mail International items that contain potentially dutiable contents. The change also applies to “known mailers”, as defined in IMM 123.62, who send documents weighing 16 ounces or more. With the revisions, only mailpieces that meet the physical characteristic of a letter or flat may qualify – small packet items must bear a PS Form 2976.

<http://edocket.access.gpo.gov/2009/E9-13078.htm>

## CITA Commercial Availability Determinations or Requests

Free trade agreements (FTAs) permit a change in the rules of origin to allow the use of certain textile fabrics from outside the FTA region when the regional supply is not available in sufficient quantities to meet commercial requirements. During the period covered by this update, the Committee for the Implementation of Textile Agreements (CITA) made the following commercial availability determinations (D) or published requests (R) under the FTAs indicated. See notice for full description:

FR Date	Fabric and FTA	Link
June 5 2009	CAFTA-DR: Certain Cotton-Polyester Circular Knit Fleece Fabric HTSUS: 6001.21. Fiber Content: 67-73% cotton / 27-33% polyester, Gauge 21 (D)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13179.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13179.pdf</a>
June 5 2009	CAFTA-DR: Certain Cotton-Polyester Circular Knit Fleece Fabric HTSUS: 6001.21. Fiber Content: 67-73% cotton / 27-33% polyester, Gauge 20 (D)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13181.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13181.pdf</a>
June 5 2009	CAFTA-DR: Certain Cotton-Polyester Circular Knit Fleece Fabric HTSUS: 6001.21. Fiber Content: 67-73% cotton / 27-33% polyester, Gauge 20 (D)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13168.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13168.pdf</a>
June 5 2009	CAFTA-DR: Certain Cotton-Polyester Circular Knit Fleece Fabric HTSUS: 6001.21. Fiber Content: 67-73% cotton / 27-33% polyester Gauge 18 (D)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13169.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13169.pdf</a>
June 5 2009	CAFTA-DR: Certain Cotton-Polyester Circular Knit Fleece Fabric HTSUS: 6001.21. Fiber Content: 67-73% cotton / 27-33% polyester Gauge 19 (D)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13183.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13183.pdf</a>
June 23, 2009	CAFTA-DR: Certain Yarn Dyed Plaid Poplin Fabric HTSUS: 5513.31. Fiber Content: 64% to 67% polyester; 33% to 36% cotton (D)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14728.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14728.pdf</a>
June 23, 2009	CAFTA-DR: Certain Cotton Stretch Woven Fabric HTS: 5209.39.0090 and 5209.39.0080. Fiber Content: 96% to 97% cotton/4% to 3% spandex	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14754.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14754.pdf</a>

## CITA Cancels Quota Requirements for Chinese Textiles

On June 22, 2009, CITA published a *Federal Register* document announcing that it had issued a Directive to the CBP Commissioner canceling (as of July 1, 2009) all previous directives concerning ELVIS (electronic visa) and quota reporting requirements for goods exported from China prior to January 1, 2009. This action is consistent with the terms of the bilateral agreement on textiles and apparel between the Governments of the United States of America and the People's Republic of China that was signed on November 8, 2005.

<http://edocket.access.gpo.gov/2009/pdf/E9-14623.pdf>

## CITA Terminates Visa Requirement for Russian Coats

On June 22, 2009, CITA published a *Federal Register* document announcing that it had issued a Directive to the CBP Commissioner terminating (as of July 1, 2009) the textile visa arrangement with Russia for Category 435, women's and girls' wool coats.

<http://edocket.access.gpo.gov/2009/pdf/E9-14631.pdf>

## CITA Reduces Nicaraguan TPL

In a June 26, 2009 *Federal Register* notice, CITA announced that the 2009 Tariff Preference Level (TPL) for non-originating apparel goods from Nicaragua (established under Annex 3.28 of CAFTA-DR) had been reduced to 88,618,262 square meters equivalent to account for the shortfall in meeting the one-to-one commitment for cotton and man-made fiber woven trousers exported from Nicaragua to the United States.

<http://edocket.access.gpo.gov/2009/pdf/E9-15178.pdf>

## NRC Proposes Changes to Nuclear Equipment Export/Import Regulations

On June 23, 2009, the Nuclear Regulatory Commission (NRC) published in the *Federal Register* a proposed rule which would amend its regulations that govern the export and import of nuclear equipment and material. In addition to updating, clarifying and correcting several provisions, this proposed rule would allow Category 1 and 2 quantities of materials listed in the Commission's regulations to be imported under a general license. The proposed rule would also revise the definition of "radioactive waste" and remove the definition of "incidental radioactive material."

<http://edocket.access.gpo.gov/2009/pdf/E9-14679.pdf>

## OFAC Amends Sudanese Sanctions Regulations

On June 10, 2009 the Office of Foreign Assets Controls (OFAC) published in the *Federal Register* a rule amending the *Sudanese Sanctions Regulations* to expand the scope of an existing authorization of certain imports for diplomatic or official personnel to include the provision of goods or services in the United States to the diplomatic missions of the Government of Sudan to the United States and the United Nations, and to the employees of such missions, subject to certain conditions. The amended section (31 C.F.R. §538.515) also authorizes the importation of goods or services into the United States by the regional Government of Southern Sudan and its employees that involve the transit or transshipment of goods through areas of Sudan other than the Specified Areas of Sudan, subject to certain conditions.

<http://edocket.access.gpo.gov/2009/pdf/E9-13523.pdf>

## Additions to OFAC, State Blocking Orders, Designations

During the past month, the following notices adding or removing persons (including entities) to/from blocking lists and the following designations were published in the *Federal Register* by the Office of Foreign Assets Control (OFAC) or by the State Department (State):

F.R. Date	Applicable orders	Link
June 2, 2009	Additional Designation of [28] Entities Pursuant to Executive Order 12978, "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers" (OFAC)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12799.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12799.pdf</a>
June 2, 2009	Additional Designation of two Individuals Pursuant to Executive Order 13224, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism." (OFAC)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12800.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12800.pdf</a>
June 2,	Additional Designation of two Individuals	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-">http://edocket.access.gpo.gov/2009/pdf/E9-</a>

F.R. Date	Applicable orders	Link
2009	Pursuant to Executive Order 13224, (OFAC)	<a href="#">12823.pdf</a>
June 2, 2009	Notice of Review of Foreign Terrorist Organization Designation for Kahane Chai also known as KACH, and other aliases (State)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12821.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12821.pdf</a>
June 19, 2009	Additional Designation of [15] Entities and Individuals Pursuant to Executive Order 12978 (OFAC)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14383.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14383.pdf</a>
June 24, 2009	Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978 (OFAC)	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14838.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14838.pdf</a>

## OFAC Updates List of Sanctioned Individuals/Entities

On June 23, 2009, OFAC published in the *Federal Register* a final rule amending Appendix A to 31 C.F.R. chapter V to: reflect the addition to, or removal from, Appendix A, since it was last published, of the names of individuals and entities subject to the various economic sanctions programs administered by OFAC; provide updated identifying and clarifying information for certain individuals and entities included on the appendix; reflect the addition of Iran as an entity's associated sanctions program in certain circumstances and the removal of certain entities listed in Appendix A to 31 C.F.R. part 560; and reflect the removal of North Korea as a sanctions program under which entities may be blocked. OFAC also is amending the "Appendixes to Chapter V-Note," which contains notes applicable to both Appendix A and Appendix B to 31 C.F.R. chapter V, to reflect changes in the status of several programs and to clarify the obligations of financial institutions with respect to blocked vessels.

<http://edocket.access.gpo.gov/2009/pdf/E9-13801.pdf>

## The Americas - South America

### Argentina

[\(Also see Antidumping notices, below\)](#)

Contributed by Esteban Ropolo & Rufino Becar Varela, Baker & McKenzie, Buenos Aires

### Two Provinces Increase Gross Receipts Tax

Resolution No. 32/2009 passed by the Executive Branch of the Province of Neuquén was published on March 6, 2009. Furthermore, the Dirección General de Rentas of the Province of Corrientes issued Resolution No. 59/2009. Through such Resolutions the rate applicable to final imports for consumption purposes was raised to 3% on the taxable amount, for those Taxpayers under the Gross Receipt Tax performing such transactions and who fail to file the *Certificado de Validación de Datos de Importadores* (Importers' Data Validation Certificate or CVDI) with the Dirección General de Aduanas (National Customhouse). The current rate is 1.5%.

<http://bakerxchange.com/ve/d60T8481XM918563PK/VT=0/page=1#neuquencorrientesgrossreceiptsrateincrease>

### Delayed Entry Into Force of Safety Provisions for Child Care Articles and Toys

The Health Ministry's Resolution No. 256/2009 was published on March 16, 2009 in the *Official Gazette*. The Resolution extends the deadline for the entry into force of the provisions of section 3 of Resolution No. 583/08, which established the procedure of essential safety requirements for the manufacture, import, export, marketing or delivery, free of charge, child care articles and toys.

<http://bakerxchange.com/ve/d60T8481XM918563PK/VT=0/page=1#resolutionno25608publichealth>

## Customhouse Guarantees

General Resolution No. 2577/2009 issued by the Administración Federal de Ingresos Públicos (Federal Tax Authority) was published on March 17, 2009. The resolution modifies the creation of guarantees to secure the payment of tax obligations. Guarantees of importers and exporters include the fixed term deposits with the Banco de la Nación Argentina, the collateral of the mutual guarantee company and the jointly shared common fund. With regard to the foregoing, the resolution establishes the procedure to submit such guarantees and the requirements to be complied with by such entities to be authorized to grant them. Furthermore, new forms for filing the guarantees are approved and the minimum amounts of creditworthiness required for the registration and permanence in the registers of importers/exporters and ancillary commercial agents and customs agents, are unified in the same body of laws.

<http://bakerxchange.com/ve/d60T8481XM918563PK/VT=0/page=1#jointresolutionn257709customhouseguarantees>

[Also see discussion of India-Mercosur Preferential Trade Agreement under India below.](#)

## Brazil

[See discussion of India-Mercosur Preferential Trade Agreement under India below.](#)

## Colombia

Source: *Hong Kong Trade Development Council*

## Colombia Issues New Labelling and Safety Requirements for Tyres

On 22 May 2009, the Hong Kong Trade Development Council (HKTDC) reported that:

The Colombian government recently issued new technical regulations with mandatory labelling and safety requirements for domestically-produced and imported tyres. The regulations apply to new and retreaded pneumatic tyres for use in passenger motor vehicles, vans, four-wheel drive vehicles, and commercial vehicles including lorries, buses, trailers, lorry-tractors and other service vehicles.... The scope of the regulations excludes tyres for use in bicycles, motorcycles, scooters, construction machinery, agriculture or forestry vehicles and certain other vehicles.

Among other things, the regulations establish marking, informational and third-party testing requirements and technical specifications regarding speed limit, resistance and strength for tyres, as well as certain special requirements for retreaded tyres. For example, the regulations require new tyres to be marked clearly, visibly and permanently in Spanish on one or both sides with the following information: (i) manufacturer's identification or brand; (ii) tyre's dimension; (iii) production lot and date of manufacture; (iv) tyre class or type (conventional or radial); (v) pressure limit; (vi) weight limit; (vii) speed limit; and (viii) whether it is a tube or a tubeless tyre. If the tyre is not marked in Spanish, a translation must be included in its user guide. Importers are required to present a conformity certificate issued by an accredited certification body, although a supplier's conformity certificate may be furnished in certain instances. New tyres will be considered to be in compliance with the regulations if they meet the requirements set forth in United Nations standards E/ECE/324 # 30, E/ECE/324 # 54 and E/ECE/324 # 75, Japanese standard JIS D 4230 or U.S. standards FMVSS-109, FMVSS-139 and FMVSS-119.

<http://www.hktdc.com/info/mi/a/baus/en/1X05UYQG/1/Business-Alert-US/Colombia-Issues-New-Labelling-And-Safety-Requirements-For-Tyres.htm>

## Paraguay

Source: *U.S. Immigration and Customs Enforcement*

## Paraguay Investigation Reveals US\$52 Million+ in Evaded Customs Taxes

On June 5, 2009, the Director General of Paraguayan Customs and U.S. Immigration and Customs Enforcement (ICE) reported that in excess of \$52 million dollars in evaded customs taxes on Paraguayan imports was identified by the Government of Paraguay as part of an in-depth investigation of money laundering patterns undertaken with support from the ICE Trade Transparency Unit (TTU).

According to the agencies, of the US\$52,672,464 in unpaid taxes identified, approximately US\$625,000 has been collected by customs officials in uncontested fines to the importers, approximately \$600,000 has been judicially seized, and the remaining amount, more than US\$51 million will undergo review as part of the administrative process for collection or mitigation of the outstanding amounts for collection by Paraguayan authorities.

In August 2006, the Paraguay National Customs Directorate created the Administrative Coordination for Customs Investigations Unit (CAIA) under the auspices of the Umbral Plan, a U.S. Agency for International Development (USAID) infrastructure improvement project. In 2007, ICE trained and equipped the CAIA unit to identify money laundering patterns that exploit the trade system.

The primary mission of the TTU is to aggressively target trade-based money laundering. To assist with this mission, ICE began creating TTUs with foreign trading partners including Argentina, Brazil, Colombia, and Paraguay and most recently Mexico. TTU partners exchange trade information to help agents and analysts detect and track money laundering, contraband smuggling, and trade fraud by analyzing data in ways not previously feasible.

<http://www.ice.gov/pi/nr/0906/090605buenosaires.htm>

[See discussion of India-Mercosur Preferential Trade Agreement under India below.](#)

### Uruguay

[See discussion of India-Mercosur Preferential Trade Agreement under India below.](#)

## Asia-Pacific

### Australia

[\(Also see Antidumping notices, below\)](#)

*Sources: Australian Government websites and newsletters*

### Tobacco Smuggling Convictions

On 23 June 2009, a 37-year-old woman was found guilty and ordered to pay more than A\$50,000 in the Downing Centre Local Court for evading payment of duty and making a false and misleading statement to an officer contrary to the *Customs Act 1901*. Australian Customs and Border Protection (ACBP) investigations began in March 2008 when a shipping container from Dubai arrived in Sydney. The container was found to contain 2,010,000 undeclared cigarettes and 120 kilograms of undeclared loose tobacco and represented a potential duty evasion of more than half a million dollars. Further to the A\$31,000 fine imposed, the judge awarded legal costs of A\$20,000 to the Commonwealth and the defendant was ordered to pay court costs.

An ACBP press release indicated that this case was the latest in a long line of arrests and successful prosecutions for tobacco smuggling over the past year. Earlier in June, a 42-year-old man was convicted and ordered to pay a total of A\$42,375 in fines and court costs in relation to cigarette smuggling offences involving an attempt to defraud the Commonwealth Government of more than A\$462,000 in duty and GST relating to 1.7 million cigarettes concealed in a container that had originated from Shenzhen in China. The cigarettes in that case were seized by ACBP.

<http://www.customs.gov.au/site/page.cfm?c=11659>

<http://www.customs.gov.au/site/page.cfm?c=11629>

## **ACBP Issues Information on Eligibility and Compliance with Enhanced Project By-law Scheme (Item 71 of Sch. 4)**

Australian Customs Notice No. 2009/25 explains the criteria for claiming concessional entry under item 71 of Schedule 4 to the *Customs Tariff Act 1995*. The Enhanced Project By-law Scheme (EPBS), through item 71, provides for the duty free entry of eligible capital goods for major investment projects in the following industries:

- mining;
- resource processing;
- agriculture;
- food processing;
- food packaging;
- manufacturing;
- gas supply;
- power supply; and
- water supply.

In order to claim benefit of item 71, the importer or broker must ensure that all goods satisfy the terms of item 71 and that the imported equipment is specified in an AusIndustry Determination granted for the relevant project. Only eligible goods that are not produced in Australia, or are technologically superior to those made in Australia, are eligible for a concession under the EPBS. Extensive information including a fact sheet, frequently asked questions, policy and administrative guidelines and application forms for the EPBS are available on the AusIndustry website at [www.ausindustry.gov.au](http://www.ausindustry.gov.au). To monitor compliance, imports may be subject to ACBP post-clearance audits. Importers must retain all documentation relating to the imported goods for five years after the entry of the consignment.

<http://www.customs.gov.au/webdata/resources/notices/acn0925.pdf>

## **China (including Hong Kong SAR)**

[\(Also see Antidumping notices, below\)](#)

Sources: Hong Kong Trade Development Council (HKTDC) and Chinese Government websites

## **China Revises 2009 Catalogue of Prohibited Products in Processing Trade**

The Ministry of Commerce and the General Administration of Customs have jointly issued Announcement No.37, 2009, the *2009 Catalogue of Prohibited Products in Processing Trade*, with effect from 3 June 2009. Readjustments were made based on the previous catalogue, with 79 commodity codes of ten-digit removed. Commodity codes removed cover such products as plants, light industrial products, metallic compound, petroleum products, steel and non-ferrous metal products. The readjusted Catalogue now covers 1759 ten-digit commodity codes.

In this readjustment, high emission and high energy-consuming processing trade items are still forbidden.

For details of the adjustments to the *Catalogue of Prohibited Products in Processing Trade* (in Chinese), please visit:

<http://www.mofcom.gov.cn/aarticle/b/c/200906/20090606300331.html>

<http://english.mofcom.gov.cn/aarticle/newsrelease/significantnews/200906/20090606305205.html>

## Export VAT Rebates Increased

Circular No. 88 (2009) issued jointly by the Ministry of Finance (MOF) and the State Administration of Taxation, announces the latest round of export VAT rebate adjustments of rates. From June 1, 2009, the VAT rebate rate for certain products has increased to 15%, while for certain other products, it has risen to 13%. The list of tariff numbers, products (in Chinese) and rates may be found at the MOF website:

<http://szs.mof.gov.cn/shuizhengsi/zhengwuxinxi/zhengcefabu/200906/P020090608291199626548.xls>

## China Cuts, Ends Export Tariffs on Some Products to Boost Exports

On June 22, 2009, the Ministry of Finance (MOF) announced that China will abolish export duties on some grains and industrial products and cut the duties for chemical fertilizers and nonferrous metals from July 1 to promote exports. The Customs Tariff Commission of the State Council will eliminate the export tariffs for wheat, rice, soybeans, vitriol and steel wire. Grains are now subject to a 3-percent export levy. Special export tariffs of 50 percent on chemical fertilizer and fertilizer raw materials including yellow phosphorus, phosphate rock and phosphoric acid are expected to be canceled. According to the MOF announcement, export duties for some nonferrous metals including molybdenum, tungsten and indium will cut by 50% to 5 percent.

The move follows several increases in export tax rebates to support overseas sales amid the global downturn. Since August 2008, China has increased export tax rebates seven times.

<http://english.mofcom.gov.cn/aarticle/newsrelease/commonnews/200906/20090606352494.html>

## India

[\(Also see Antidumping notices, below\)](#)

Source: Indian Government websites

## India Promulgates India-MERCOSUR Rules of Origin

On 30 May 2009, the Government of India issued Notification 56/2009-Customs which promulgates the *Customs Tariff (Determination of Origin of Goods under the Preferential Trade Agreement between the Governments of MERCOSUR Member States comprising the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay and the Republica Oriental del Uruguay and the Republic of India) Rules, 2009* (the Rules). The Rules permit cumulation from other Parties and provide that products are considered to be originating when the CIF value of all non-originating materials from countries other than the Parties and/or of undetermined origin used in its manufacture does not exceed 40% of the FOB value of the final product and the final process of manufacture is performed within the territory of the exporting Signatory Party subject to fulfillment of certain other provisions. In order to qualify as originating, goods must be accompanied by a Certificate of Origin for that shipment issued by a government agency or its designated agent and presented to the customs authorities at the time of importation. Blanket certificates are not permitted.

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/csnt56-2k9.htm>

## India Reduces Duties on Certain Goods From MERCOSUR

On 30 May 2009, the Government of India also published Notification No. 57/2009-Customs, which exempts from 1 June 2009 approximately 450 listed goods from 10% to 100% of the applied rate of duty of customs leviable thereon when imported into India from Argentina, Brazil, Paraguay and Uruguay (Mercosur countries).

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs57-2k9.htm>

## Japan

Sources: Japanese Government and US Office of Textiles and Apparels and NIST websites unless otherwise noted

### Revised Household Goods Quality Labeling Requirements

The Japanese Ministry of Economy, Trade and Industry (METI), Consumer Affairs Department has notified the WTO that it will be revising the Ministerial Notice under the *Household Goods Quality Labeling Law*. The labeling rules affect textile and apparel products, apparel and gloves of leather or synthetic leather, and miscellaneous manufactured goods such as thermos bottles, pots, pans and kettles. The labeling requirements (in English) are found in the [Household Goods Quality Labeling Law Handbook](#).

The revision will appear in “KAMPO” (Official Government Gazette) when it is adopted, and [METI's website](#). The proposed date of adoption is August 1, 2009, with entry into force on August 1, 2010. Parties interested in providing comments on the revision should do so well in advance of August 24, 2009.

<http://web.ita.doc.gov/otexa/hotiss.nsf/7bfa72c94f543da685256e5b00498a4d/c5948e9ba1123eab852575e10043f7e1?OpenDocument>

### Ban on Exports to North Korea

On June 16, 2009, METI announced that “*Measures against North Korea pursuant to the Foreign Exchange and Foreign Trade Laws*” had been approved by the Cabinet on the same day establishing a ban on all exports destined for North Korea by revising relevant regulations, including the *Export Trade Control Order*. The details are as follows:

- The export of all goods destined for North Korea is banned by imposing the obligation to obtain export approval from the METI Minister.
- Transactions of goods that involve the movement of goods from third countries to North Korea (intermediary trading) are banned by imposing the obligation to obtain permission from the METI Minister.
- Goods exported for humanitarian purposes are exempted from the above bans.

These bans on exports to North Korea will be effective from June 18, 2009 to April 13, 2010.

[http://www.meti.go.jp/english/press/data/20090616\\_02.html](http://www.meti.go.jp/english/press/data/20090616_02.html)

### Expansion of the Authorized Economic Operator (“AEO”) System

Contributed by Baker & McKenzie G/BJ Tokyo Aoyama Aoki Komi Law Office

Under Japanese customs law, importers and exporters must generally apply for and obtain import or export permission from a director general of a regional customs office after the goods have been transported into a bonded area. Japan’s AEO system has allowed certain qualified importers, exporters, customs clearing agents, etc., to use simplified customs clearance procedures. Specifically, “certified exporters” (“*tokutei yushutsu sha*”) and exporters using a certified customs clearing agent (“*tokutei itaku yushutsu sha*”) have been allowed to apply for export permission with regard to goods located outside a bonded area (“special export application procedure”).

In March 2009, the Japanese Diet approved Customs reforms which, among other reforms, will expand the AEO system by allowing certain qualified exporters (“*tokutei seizou kamotu yushutsu sha*”) exporting goods manufactured by certain authorized manufacturers (“*nintei seizou sha*”) to use this special export application procedure, thereby making it possible for those exporters to shorten lead times and reduce export costs. “Authorized manufacturers” are those manufacturers certified by a director general of a regional customs office as being capable of properly managing export procedures in compliance with applicable regulatory rules.

This expansion of the AEO system became effective on July 1, 2009.

Also see [article on mutual recognition](#) of U.S. and Japanese Customs security programs in the United States section, above.

## **New Zealand**

Sources: *New Zealand Government websites and newsletters*

### **Updated Fact Sheets Available**

The following updated fact sheets are now available from the N.Z. Customs website:

- No 4 [Export Prohibitions and Restrictions](#)
- No 5 [Import Prohibitions and Restrictions](#)
- No 9 [Permits to Import – Alerts](#)
- No 10 [Permits to Export – Alerts](#)

These updated fact sheets reflect the changes in the *Toothfish Prohibition Order*.

### **Changes to the Tariff of New Zealand – Triethanolamine and Triethanolamine Hydrochloride**

Approval is required from the Ministry of Foreign Affairs and Trade under the *Chemical Weapons (Prohibition) Act 1996* to import and export triethanolamine; and *Customs Export Prohibition Order 2008* to export triethanolamine hydrochloride. To assist importers of triethanolamine hydrochloride, which does not require approval to import, the following new statistical keys will be established in the Tariff of New Zealand on 1 July 2009:

2922.13.00		-- Triethanolamine and its salts
10E	. . . .	Triethanolamine
15F	. . . .	Triethanolamine hydrochloride
19J	. . . .	Other

(Source: *Customs Release* 19 June 2009)

## **Pakistan**

Source: *Pakistan Federal Board of Revenue website*

### **Post Clearance Audit Reorganized**

On 13 June 2009, the Federal Board of Revenue issued Customs General Order No. 03 of 2009 which reorganized the Post Clearance Audit (PCA) structure and functions. Under the order, the aims and objectives of the PCA are to:

- develop a comprehensive monitoring mechanism to verify the correctness of trade related declarations;
- detect and investigate commercial and trade-related frauds and propose measures to prevent its occurrence;
- assist the Federal Board of Revenue to evolve, develop and update systems, procedures and organizational structures meant to scrutinize and ensure compliance of the trade with the national trade laws, procedures and controls; and
- recover the escaped revenues.

A Directorate General of Post Clearance Audit has been established, headed by a Director General and assisted by Director, PCA (North), Lahore, Director, PCA (South), Karachi and Director, PCA (Headquarter), Islamabad. The Director General, Post Clearance Audit, will report to the Member (Customs), Federal Board of Revenue. Functional and territorial jurisdiction of the Directors is set out in the Order.

<http://www.fbr.gov.pk/newcu/CGOs/2009/2009CGO03.pdf>

## Singapore

Source: Singapore Customs website

### Singapore-China Implement FTA Product Specific Rules

On 10 June 2009, Singapore Customs issued Circular 12/2009 announcing that China and Singapore had agreed on product specific rules of origin under their Free Trade Agreement (FTA) which will be applied from 1 June 2009. The product specific rules are found in [Annex 2 to the FTA](#). Products now qualify as originating goods if they meet any of the following:

product may now qualify for the preferential tariff treatment for importation into China under the following rules of origin:

- Product wholly produced or obtained in Singapore;
- Product meeting the local value or the cumulative value content of 40%; or
- Product satisfying the Products Specific Rules provided under Annex 2 of the Agreement.

<http://www.customs.gov.sg/NR/rdonlyres/806059B3-FEBE-4D85-9717-C4270BE42857/24289/CircularCSFTAUpdate1june1.pdf>

## Taiwan

Contributed by Tiffany Huang and Stephen Tan, Baker & McKenzie, Taipei

### Taiwan Ratifies WTO Government Procurement Agreement and Becomes 41<sup>st</sup> Signatory

On June 8, 2009 Taiwan's President Ma ratified the WTO Government Procurement Agreement (GPA) and ensured that Taiwan will become the 41<sup>st</sup> WTO member to accede to the GPA. The WTO Committee on Government Procurement approved Taiwan's application to accede to the GPA on December 9, 2008 and Taiwan's Legislative Yuan endorsed the application on May 15, 2009. According to WTO rules, Taiwan's participation will formally take effect 30 days after the WTO Secretariat receives the ratified document. Please see [attached Client Alert](#) for details.

## Vietnam

Source: Vietnam News Agency

### Border Crossings With Laos and Cambodia Eased

On June 16, 2009, the Vietnam News Agency reported that trucks and buses can now operate without stopping at borders along the East-West Corridor following an agreement that was signed this month between Viet Nam, Laos and Thailand. According to the agreement, each participating country may issue licences to 500 trucks and buses for cross-border transport of goods and tourists to vitalise transportation and tourism activities. As a result, licensed cargo trucks and buses from Thailand and Laos can drive into Viet Nam along the corridor without stopping, and vice versa.

<http://vietnamnews.vn/vnnet.vn/showarticle.php?num=03ECO190609>

## Europe

### European Communities

[\(Also see Antidumping notices, below\)](#)

Sources: Official Journal of the European Union and other official EU, EFTA or Member States' websites unless otherwise noted

## Three Men Jailed for Breaching UK Arms Embargo to Iran

In Notice to Exporters 2009/13 of 5 June 2009, the Export Control Organisation (ECO) announced that 3 men have been jailed for a total of 10 years for conspiracy to export controlled goods. The men were sentenced at Southwark Crown Court following a 5 week trial.

The 3 businessmen were involved in a plot to supply military equipment to keep Iranian F-14 'Tomcat' fighter jets airborne and combat ready. According to the Notice, HM Revenue & Customs (HMRC) uncovered the plot when they found a consignment of oxygen cylinders at Heathrow Airport bound for Tehran, breaking the terms of a 1993 embargo on military goods exported to Iran.

The equipment is specifically tailored for military jets and has limited civilian application. The defendants claimed the items were for use in the health sector, specifically for breathing apparatus in an ambulance. To reinforce their claims, the accused fabricated documents and trade catalogues, but court evidence from technical experts showed this to be untrue.

The men acted as middlemen by sourcing items on E-Bay in the United States and shipping to an address in Florida to avoid export controls, before onward dispatch to Iran via the UK, Romania and Hong Kong. The conspiracy involved a network of illegal shipments and fraudulent documents.

Customs officers had previously warned one of the defendants against such prohibited trade in 2000 when an illegal shipment of lasers to Iran was seized. He claimed the goods were used to project advertising slogans onto the outside of buildings. The devices were in fact not for advertising but battle simulation by tanks. Despite this warning, they continued trading in breach of the UK's export control legislation and Iran sanctions. Additional details are available at the ECO website and in the links within the Notice.

<http://www.berr.gov.uk/whatwedo/europeandtrade/strategic-export-control/latest-news/ecopressarticles/page51669.html>

## Commission Publishes Report on Restrictive Trade Measures by G-20

On 12 June 2009, the European Commission released a report on the restrictive trade measures adopted by G-20. The report provides an overview of the data received since mid-March 2009. It shows that trade restrictive measures continue to be on the rise, including in some G20 members. Moreover, the types of measures identified have become more complex and diversified, notably when they are part of broader stimulus packages. Therefore, increased alertness, as well as political determination to use all opportunities to address the measures put in place so far, remains all the more necessary at this stage.

[http://trade.ec.europa.eu/doclib/docs/2009/june/tradoc\\_143501.pdf](http://trade.ec.europa.eu/doclib/docs/2009/june/tradoc_143501.pdf)

## Commission Establishes Website for Safety and Security Amendment to the Community Customs Code

On 2 June 2009, the European Commission established a website dedicated to the 'Safety and Security Amendment' to the *Community Customs Code*. The [Amendment](#) aims to ensure an equivalent level of protection through customs controls for all goods brought into or out of the EU's customs territory, and covers four major changes to the *Community Customs Code*:

- Requiring traders to provide customs authorities with [information](#) on goods [prior to import to or export from the European Union](#);
- Providing reliable traders with trade facilitation measures (see [Authorised Economic Operator](#));
- Introducing [uniform Community risk-selection criteria](#) for [controls](#), supported by [computerised systems](#) for goods brought into, or out of, the EU customs territory;

- Introducing, Community data base allowing the consultation of all national registration numbers ([EORI](#));

[http://ec.europa.eu/taxation\\_customs/customs/security\\_amendment/general\\_overview/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/security_amendment/general_overview/index_en.htm)

## Commission Makes EORI eLearning Course Available

An eLearning course has been developed by the European Commission under the Customs 2013 Programme to help EU economic operators and customs officials implement the Economic Operators Registration and Identification number (EORI). EORI is part of the 'Safety and Security Amendment' to the Community Customs Code. It provides a single registration number for economic operators that engage in customs activities and will become mandatory as from 1 July 2009.

EORI is intended reduce the administrative burden and simplify procedures for economic operators, and facilitate the identification of security risks and streamline procedures for customs officers. The training has been prepared in collaboration with expert customs officials and is freely available for download. The course can be downloaded in English as a [zip-archive](#).

[http://ec.europa.eu/taxation\\_customs/common/elearning/eori/index\\_en.htm](http://ec.europa.eu/taxation_customs/common/elearning/eori/index_en.htm)

## Commission Issues Notice on Tariff Classification

On 12 June 2009, the European Commission published in the *Official Journal* a Communication in accordance with Article 12(5)(a) of Council Regulation (EEC) No 2913/92 on the information provided by the customs authorities of the Member States concerning the classification of goods in the customs nomenclature. The Communication transmits *Amendments to the Harmonised System Explanatory Notes* and the *Compendium of Classification Opinions*, approved by the Customs Cooperation Council (CCC doc. NC1377) — report of the 42<sup>nd</sup> Session of the HS Committee) and notes that a Binding Tariff Information ceases to be valid from 12 June 2009 if it becomes incompatible with the interpretation of the customs nomenclature as a result of those international tariff measures. See Communication for full list of affected provisions.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:133:0001:0002:EN:PDF>

## GTP Countries List Revised to Remove Venezuela

On 12 June 2009, the *Official Journal* published Commission Decision of 11 June 2009 amending Decision 2008/938/EC on the list of the beneficiary countries which qualify for the special incentive arrangement for sustainable development and good governance, provided for in Council Regulation (EC) No 732/2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011. Venezuela has been removed from the list because it has not ratified the *United Nations Convention Against Corruption*.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:149:0078:0079:EN:PDF>

## Commission Issues Tariff Classification Regulations

[See separate section below](#) for tariff classification regulations issued by the European Commission during the period covered by this Update.

## Commission Issues Amendments to CNEN

[See separate section below](#) for amendments to the explanatory notes to the *Combined Nomenclature of the European Communities* (CNEN) that were published in the *Official Journal* during the period covered by this Update.

## Duty Suspensions Published

On 30 June 2009, the *Official Journal* published Council Regulation (EC) No 564/2009 of 25 June 2009 amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products. The revised annexes contain expiry dates for the suspensions. Most of the suspensions will commence on 1 July 2009.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0004:0017:EN:PDF>

## New Toy Safety Directive Issued

On 30 June 2009, the *Official Journal* published Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys. The Directive requires all economic operators intervening in the supply and distribution chain to take appropriate measures to ensure that under normal and reasonably foreseeable conditions of use, the toys they place on market do not jeopardise the safety and health of children and that they make available on the market only toys which comply with the relevant Community legislation. The Directive is intended to provide a clear and proportionate distribution of obligations which correspond to the role of each operator in the supply and distribution process.

The Directive recognises that certain tasks can be executed only by the manufacturer, and distinguishes clearly between the manufacturer and operators further down the distribution chain. The Directive also distinguishes clearly between the importer and the distributor, as the importer introduces toys from third countries to the Community market.

The manufacturer retains the obligation of carrying out the complete conformity assessment procedure for toys. However, importers are required to make sure that the toys they place on the market comply with the applicable requirements and that they do not place on the market toys which do not comply with such requirements or which present a risk. Importers will be responsible for making sure that conformity assessment procedures have been carried out and that product marking and documentation drawn up by manufacturers are available for inspection by the supervisory authorities.

Importers will generally be required to indicate on the toy their name and the address at which they can be contacted. Exceptions are provided for in cases where the size or nature of the toy does not allow for such an indication. This includes cases where importers would have to open the packaging to put their name and address on the product.

Any economic operator that either places a toy on the market under its own name or trademark or modifies a toy in such a way that compliance with applicable requirements may be affected will be considered to be the manufacturer and will assume the obligations of the manufacturer. The Directive lays down new safety requirements, including those related to the presence of certain chemicals and hazardous or dangerous substances and establishes a system of traceability. The Directive also establishes standards for conformity assessment bodies.

In order to allow toy manufacturers and other economic operators sufficient time to adapt to the requirements laid down by the Directive, it provides for a transitional period of two years after the entry into force during which toys which comply with Directive 88/378/EEC may be placed on the market. In the case of chemical requirements, the transitional period is set at four years so as to allow the development of the harmonised standards which are necessary for compliance with those requirements. Member States must establish penalties to enforce the Directive.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:170:0001:0037:EN:PDF>

## Updated FTA Diagonal Cumulation Table Published

On 16 June 2009, the Commission published in the *Official Journal* a notice concerning the date of application of the protocols on rules of origin providing for diagonal cumulation be-

tween the Community, Algeria, Egypt, Faroe Islands, Iceland, Israel, Jordan, Lebanon, Morocco, Norway, Switzerland (including Liechtenstein), Syria, Tunisia, Turkey and West Bank and Gaza Strip.

Cumulation can be only applied if the countries of final manufacture and of final destination have concluded free trade agreements, containing identical rules of origin, with all the countries participating in the acquisition of originating status, *i.e.* with all the countries from which all the materials used originate. Materials originating in the country which has not concluded an agreement with the countries of final manufacture and of final destination shall be treated as non-originating. Specific examples are given in the Explanatory Notes concerning the pan-Euro-Mediterranean protocols on rules of origin.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:136:0021:0022:EN:PDF>

## Council Publishes Consolidated Text of TIR Convention

On 26 June 2009, the *Official Journal* published Council Decision of 28 May 2009 publishing in consolidated form the text of the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention) of 14 November 1975 as amended since that date. The TIR system enables goods to be transported within an international transit regime with a minimum of interference by customs administrations en route and provides, through its international guarantee chain, relatively simple access to the required guarantees. The consolidated text incorporates several amendments of the TIR Convention that have been adopted in different phases since 1975 in accordance with the procedure set out in Articles 59 and 60 of that Convention. The aim of these amendments, which were made at various stages, was to make the TIR procedure more secure and to adapt it to the changing transport and customs environment.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:165:0001:0094:EN:PDF>

## EU and Switzerland Update Conformity Measures

On 19 June 2009, the *Official Journal* published Decision No 2/2008 of 16 May 2008 of the Committee updating the legal references in the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in relation to conformity assessment.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:158:0001:0046:EN:PDF>

## ECHA Publishes New Concise Guidance

The European Chemicals Agency (ECHA) has launched a new series of shortened versions of the REACH Guidance Documents and Fact Sheet on the inclusion of substances in the List of Substances Subject to Authorisation.

[http://echa.europa.eu/doc/press/na\\_09\\_09\\_new\\_concise\\_guidance\\_20090624.pdf](http://echa.europa.eu/doc/press/na_09_09_new_concise_guidance_20090624.pdf)

## ECHA Recommends Strict Control for Seven Substances of Very High Concern

The ECHA has recommended that seven chemical substances of very high concern should not be used without specific authorisation. Three of the recommended substances are classified as toxic to reproduction, one as carcinogenic and three fulfil the criteria for being persistent, bioaccumulative and toxic (PBT) or very persistent and very bioaccumulative (vPvB). They are all used in products to which consumers and workers are exposed. The seven substances are:

- *musk xylene (vPvB)*. A fragrance enhancer which is used for example in detergents, fabric softeners and fabric conditioners;
- *4,4'-diaminodiphenylmethane - MDA* (carcinogenic). A hardener which is used for example in epoxy resins and adhesives;

- *short chained chlorinated paraffins - SCCPs* (PBT and vPvB). A substance mostly used as flame retardant and/or plasticiser in various applications such as highperformance rubber, sealants, paints or textile coating;
- *hexabromocyclododecane - HBCDD* (PBT). A flame retardant which is used for example in polystyrene, which is then further processed for the production of insulation panels/boards or packaging products, and in textile applications;
- *bis(2-ethylhexyl)phthalate - DEHP* (Toxic for reproduction). A plasticiser which is used in a wide range of PVC and other polymers applications, such as for example flooring, roofing, coated fabrics, medical devices or primary packaging of medicinal products, as well as in various preparations such as for example sealants, adhesives and inks;
- *benzylbutylphthalate - BBP* (Toxic for reproduction). A plasticiser which is used for example in polymer products, and in particular in PVC for flooring applications, in textile and leather coating, as well as in various other preparations such as sealants, coating and inks or adhesives;
- *dibutylphthalate - DBP* (Toxic for reproduction). A specialist plasticiser which is used in particular in various polymer (PVC/non-PVC) applications (such as floor covering or primary packaging of medicinal products), and as a component of various preparations such as adhesives or paints.

[http://echa.europa.eu/doc/press/pr\\_09\\_07\\_annex\\_xiv\\_rec\\_20090602.pdf](http://echa.europa.eu/doc/press/pr_09_07_annex_xiv_rec_20090602.pdf)

## REACH Regulations Amended

On 26 June 2009, the *Official Journal* published Commission Regulation (EC) No 552/2009 of 22 June 2009 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII. Annex XVII has been renamed 'Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles' and several of its provisions have been clarified.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:164:0007:0031:EN:PDF>

## Import-Export of Ozone Depleting Substances

On 11 June 2009, the European Commission published in the *Official Journal* a Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2010 and undertakings intending to request for 2010 a quota for these substances intended for laboratory and analytical uses (2009/C 132/12). The Notice points out that the Regulation governing these activities is being revised and is expected to be in effect by 1 January 2010.

The Notice points out that certain substances are generally banned and that any import or export of substances exempted from the general import or export ban requires a licence by the Commission, except in cases of transit, temporary storage, customs-warehousing or free zone procedure as referred to in Regulation (EC) No 450/2008, lasting not longer than 45 days. Also the import or export of Dibromodifluoromethane is exempted from the licensing requirement.

Any undertaking that wishes to import or export controlled substances in 2010 and that has not requested an import licence or export authorisation in the previous years, needs to notify the Commission by submitting no later than 1 July 2009 the registration form available online at: <http://ec.europa.eu/environment/ozone/ods.htm> and follow the procedure described in paragraph V of the Notice. Further requirements are provided in the Notice.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:132:0019:0021:EN:PDF>

## Intra-Community Transfer of Defence-Related Products Simplified

On 10 June 2009, the *Official Journal* published Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of

defence-related products within the Community. The Directive seeks to harmonise the relevant laws and regulations of Member States in such a way as to simplify the intra-Community transfer of defence-related products in order to ensure the proper functioning of the internal market. The Directive only deals with rules and procedures as far as defence-related products are concerned, and does not affect the policies of the Member States regarding the transfer of defence-related products. Member States are not precluded under certain conditions from taking other measures in individual cases where they consider it necessary for the protection of their essential security interests.

The Directive does not apply to defence-related products which only pass through the territory of the Community (those products which are not assigned a customs-approved treatment or use other than the external transit procedure or which are merely placed in a free zone or free warehouse and where no record of them has to be kept in an approved stock record). This Directive covers all the defence-related products which correspond to those listed in the Common Military List of the European Union, including their components and technologies.

Any transfer of defence-related products within the Community will be subject to prior authorisation through general, global or individual transfer licences granted or published by the Member State from whose territory the supplier wishes to transfer defence-related products. Member States will be able to exempt transfers of defence-related products from the obligation of prior authorisation in specific cases listed in the Directive. For additional details see the Directive.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:146:0001:0036:EN:PDF>

## Miscellaneous Notices

During the past month, the following miscellaneous notices were published in the *Official Journal*.

OJ Date	Notice	Link
13 June 2009	List of customs offices empowered to handle formalities for the exportation of cultural goods, published in accordance with Article 5(2) of Council Regulation (EC) No 116/09	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:134:0009:0013:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:134:0009:0013:EN:PDF</a>
13 June 2009	List of ports where landing or transhipping is allowed of frozen fish caught by third-country fishing vessels in the north-east Atlantic fisheries convention area	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:134:0014:0015:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:134:0014:0015:EN:PDF</a>
18 June 2009	Commission Decision of 15 June 2009 amending Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC as regards extension of the temporary derogations from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Mauritius, Seychelles and Madagascar with regard to tuna and tuna loins	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0046:0049:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0046:0049:EN:PDF</a>

## Restrictive Measures Established, Amended, Corrected

During the past month, the following restrictive measures were established, amended or corrected:

OJ Date	Restrictive Measure	Link
11 June 2009	Commission Regulation (EC) No 490/2009 of 10 June 2009 amending for the 107th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:148:0012:0013:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:148:0012:0013:EN:PDF</a>

OJ Date	Restrictive Measure	Link
12 June 2009	Commission Regulation (EC) No 496/2009 of 11 June 2009 amending Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:149:0060:0061:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:149:0060:0061:EN:PDF</a>
16 June 2009	Council Regulation (EC) No 501/2009 of 15 June 2009 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2009/62/EC	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:151:0014:0016:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:151:0014:0016:EN:PDF</a>
16 June 2009	Council Common Position 2009/468/CFSP of 15 June 2009 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2009/67/CFSP	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:151:0045:0050:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:151:0045:0050:EN:PDF</a>
18 June 2009	Corrigendum to Council Regulation (EC) No 501/2009 of 15 June 2009 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2009/62/EC	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0050:0050:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0050:0050:EN:PDF</a>
19 June 2009	Council Decision of 6 April 2009 concerning the conclusion of consultations with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement (2009/472/EC) [Restrictions on cooperation]	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:156:0026:0030:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:156:0026:0030:EN:PDF</a>
19 June 2009	Corrigendum to the notice for the attention of the persons, groups and entities on the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (see Annex to Council Regulation 2009/.../EC of 15 June 2009)	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:139:0016:0016:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:139:0016:0016:EN:PDF</a>

## France

### ECHR Finds Confiscation of Currency and a Fine Was Disproportionate to the Violation

Contributed by *Thérèse-Anne Amy, Baker & McKenzie, Paris*

On February 26, 2009, the European Court of Human Rights (ECHR) held that France had violated the *European Convention on Human Rights Convention* Protocol 1 article 1, protecting the right to peaceful enjoyment of possessions, when it sanctioned a private individual for failing to declare a cash amount to the customs authorities at the Franco–Andorran border (confiscation of the total amount and fine). The *tribunal correctionnel* (minor offences court) and then the *Cour d' appel* (court of appeal) had declared the claimant guilty of failure to meet filing obligations for the amounts pursuant to article 464 of the *Customs Code* and sentenced him to confiscation of the total amount and payment of a fine representing half of the amount in question on the basis of article 465 of the *Customs Code*. The *Cour de cassation* (Supreme Court) subsequently dismissed the appeal on points of law lodged by the claimant.

The claimant cited Protocol 1 article 1, alleging that the confiscation and fine imposed were disproportionate to the nature of the violation. In keeping with its reasoning, the ECHR appreciates whether there is provision for violation of a right protected by the Convention and whether it corresponds to a goal of public interest before verifying whether the violation according to the text is in proportion with the objective sought. The Court thus considered that the French legislative provision does in fact correspond to a public interest goal, i.e. the fight against laundering of money derived from drug traffic. It emphasizes that a growing

number of international legal instruments and European community standards have implemented efficient means making it possible to control the transborder flow of capital. Among them is the system of mandatory declaration of cash amounts carried across borders and sanctions in case of failure to declare.

As regards whether the French authorities delivered a fairly balanced decision between the public interest and the protection of the claimants fundamental rights, the European court first noted that in the absence of the claimant's prosecution or convictions for money laundering, the sole illegal behaviour that could be held against him was the informed failure to declare the amounts carried. The Court also emphasized the heaviness of the sanction risked in France compared to the provisions set up in other Member States, limited to a fine and where applicable, a confiscation concerning the remainder of the amount exceeding the amount to declare.

Finally, the Court points out that since 2004, the French authorities have amended article 465 of the *Customs Code*, so that it no longer provides for automatic confiscation and reduces the amount of the fine to a quarter of the amount that the violation concerns.

In view of the above, the Court logically concludes that the sanction imposed on the applicant was disproportionate, in violation of the Convention Protocol 1. *Griffhorst v. France*, No. 28336/02 (ECHR, February 26, 2009).

## Germany

### How General Licenses Simplify Export Compliance in Germany

*Contributed by Ulrich Ellinghaus and Julia Pfeil, Baker & McKenzie, Frankfurt / Main*

For an excellent discussion of the general export licensing regime in Germany, please see the [attached Newsletter](#) prepared by Baker & McKenzie's Public Law Group in Germany.

## United Kingdom

### New Guides and Publications

During the past month, the following guides and other publications were issued by HM Revenue and Customs:

- [Classifying your imports or exports](#) Notice 600 (April 2009)
- [Export Control System \(ECS\) - Indirect export movements from 1 July 2009](#)
- [Withdrawal of Venezuela from list of countries receiving preference under GSP](#) (June 2009)
- [Tariff Preference: Burkina Faso certifying authority for issue of GSP Forms A](#) (June 2009)
- [Declaring Ship and Aircraft Stores/Supplies to HMRC at Export](#) (June 2009)
- [Imports of fruit and vegetables: relaxation of conformity/processing controls](#) (June 2009)

### UK's ECO Now Part of New Department

On 9 June 2009, the Export Control Organisation ECO became part of the new Department for Business, Innovation and Skills (BIS) which was formed by merging the Department for Innovation, Universities and Skills (DIUS) with the Department for Business, Enterprise & Regulatory Reform (BERR).

<http://www.berr.gov.uk/aboutus/pressroom/page51711.html>

### UK Amends Export Control Order 2008

On 12 June 2009, the ECO issued Notice to Exporters 2009/15 to announce amendments made by the BIS (see above) to the *Export Control Order 2008*. The relevant amendments ap-

pear in the [Export Control \(Amendment\) Order 2009 \(S.I. 2009 No 1305\)](#) (the amending Order) which came into force on 16th June 2009.

The amending Order makes the following changes:

- Replaces entry ML9 in Schedule 2 to bring under control certain vessels which, although not designed or modified for military use have similar characteristics to vessels of war;
- Extends trade controls in Category B in Part 2 of Schedule 1 to include certain additional weapons sights which are designed for small arms and light weapons;
- Adds Angola and Namibia to the list of destinations subject to enhanced transit controls in Part 4 of Schedule 4; and
- Corrects a misleading parenthetical explanation in article 35 of the 2008 Order.

The [UK Strategic Export Control Lists](#) were amended to reflect the changes.

<http://www.berr.gov.uk/whatwedo/europeandtrade/strategic-export-control/latest-news/notice-to-exporters/page51667.html>

## UK Launches Strategic Export Controls: Reports and Statistics Website

On 8 June 2009, the ECO issued Notices to Exporters - 2009/14 announcing the launch of an online searchable database of export licensing statistics: [Strategic Export Controls: Reports and Statistics website](#)

The website will provide users with licensing information to the same degree of detail as currently provided in the published *Reports on Strategic Export Controls* but will also allow users to produce bespoke reports with data published from 1 January 2008 onwards for non-standard time periods (subject to a 30 day minimum period) and also sort data by categories of equipment for individual destinations to which that category has been licensed. Historical reports can also be accessed on this site in PDF format to view or download.

<http://www.berr.gov.uk/whatwedo/europeandtrade/strategic-export-control/latest-news/notice-to-exporters/page51665.html>

### **Russia**

*Contributed by Alexander Bychkov, Baker & McKenzie, Moscow*

## Changes to VAT Exemption on Imports of Technological Equipment In Force

At the end of 2008, the VAT exemption on technological equipment being imported into Russia as an in-kind charter capital contribution was repealed. However, because the list of covered products was not published, the provision remained dormant until the end of April 2009 when Decree of the Russian Government introduced the list of technological equipment that has no Russian-manufactured analogues. According to the new rule, the VAT exemption will apply only to equipment which is included in the list. Notably, the ground for import is not relevant, it can be either a charter capital contribution or a foreign trade contract. According to the new rules enactment provisions, they become fully effective starting from July 1, 2009. The list of the qualified equipment is [attached](#) at the end of this Update.

## Trade Agreements

### Peru-Canada FTA Approved By Canada

On June 18, 2009, Royal Assent was given to *An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru* (Bill C-24, chapter 16, 2009).

<http://www.canadagazette.gc.ca/rp-pr/p1/2009/2009-06-27/pdf/g1-14326.pdf>

## EU and Several African Countries Sign Interim EPA

On 4 June 2009, the European Commission announced that the European Union signed an interim Economic Partnership Agreement (EPA) with Botswana, Lesotho and Swaziland. Mozambique has signalled its intention to sign this agreement in the near future, but its trade minister was unable to come to Brussels. This interim agreement secures EU market access for these countries while negotiations for a full EPA with the seven country Southern African Development Community (SADC) EPA group are ongoing. The other members of the SADC EPA group are South Africa, Namibia and Angola. Declarations attached to the interim EPA set out how the EU and the SADC EPA group will address outstanding controversial issues in the negotiations for a full EPA.

[http://ec.europa.eu/trade/issues/bilateral/regions/acp/pr040609\\_en.htm](http://ec.europa.eu/trade/issues/bilateral/regions/acp/pr040609_en.htm)

## EU and West African Countries Agree on Timing of EPA

On 17 June, the European Commission announced that the European Union and West African countries have agreed to conclude a regional agreement on trade in goods and development cooperation by October 2009. The agreement to be reached by October 2009 with the whole West African region will cover trade in goods, some trade rules and development cooperation, and will lay the foundations for a comprehensive agreement between the EU and West Africa. The “EPA Programme for Development” (PAPED) was identified as an essential pillar to boost competitiveness of the region, reduce adjustment costs of the EPA, and support regional integration.

European and West African negotiators had met earlier in Cotonou (Bénin) and again just before the ministerial meeting in Brussels. Compromises were found on export taxes and free circulation, and on EPA-related development co-operation. It was agreed to continue negotiations on services and certain trade-related issues, such competition and sustainable development, in a phase to be initiated in January 2010. Some other topics including the Most Favoured Nation (MFN) clause were identified as issues where a compromise needs to be found.

[http://ec.europa.eu/trade/issues/bilateral/regions/acp/pr170609\\_en.htm](http://ec.europa.eu/trade/issues/bilateral/regions/acp/pr170609_en.htm)

## Japan Signs CMAAs with Russia and the Netherlands

In May 2009, Japan signed separate Customs Mutual Assistance Agreements with the [Russian Federation](#) and with the [Kingdom of the Netherlands](#).

## Newsletters, reports, articles, etc.

### Baker & McKenzie Global VAT/GST Newsletter – May 2009

Baker & McKenzie’s *Global VAT/GST Newsletter* provides a quick update into important developments in the field of VAT/GST across the globe. In order to maximize the effectiveness of this newsletter to you, most articles will be brief and are designed to flag topics that are likely to affect multi-national businesses.

May 2009 [http://www.bakernet.com/NR/rdonlyres/EE227494-771A-46C7-92C7-BF2733CD12AF/0/global\\_vatgst\\_news\\_may09.pdf](http://www.bakernet.com/NR/rdonlyres/EE227494-771A-46C7-92C7-BF2733CD12AF/0/global_vatgst_news_may09.pdf)

Contacts for the *Global VAT/GST Newsletter* are:

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[Jan Snel](#) (Steering Committee, Baker & McKenzie Global VAT Group)

[Edmund Leow](#) (Chair, Baker & McKenzie APAC VAT Group)

## Conferences, meetings, seminars, etc.

### 2009 CBP Trade Symposium Dates Announced

On June 29, 2009, U.S. Customs and Border Protection announced that the 2009 Trade Symposium is scheduled for December 8 – 10, 2009, and will be held at the Walter E. Washington Convention Center in Washington, DC. Further information regarding registration procedures and symposium details will be made available in the early fall. Please be sure to mark your calendars for this event.

[http://www.cbp.gov/xp/cgov/trade/trade\\_outreach/trade\\_symposium\\_09.xml](http://www.cbp.gov/xp/cgov/trade/trade_outreach/trade_symposium_09.xml)

### FDA Seminar for Manufacturers and Importers of Medical Devices

On June 24, 2009, the U.S. Food and Drug Administration Center for Devices and Radiological Health and Office of Regulatory Affairs, in cooperation with AdvaMed's Medical Technology Learning Institute, announced a series of three public seminars in July and August 2009 on FDA medical device regulations entitled, *The Essentials of Medical Device Regulations: A Primer for Manufacturers and Importers*.

These 2-day public seminars, which are designed to address the training needs of startup and small device manufacturers and their suppliers, will include both industry and FDA perspectives and a question and answer period.

<http://edocket.access.gpo.gov/2009/pdf/E9-14907.pdf>

### BIS Export Control Seminars

The following 2009 export control and compliance training outreach events are listed on the U.S. Bureau of Industry and Security's (BIS) updated training schedule:

Date	Location	Program
July 21-22	Austin, TX	How To Develop an Export Management / Compliance Program
July 28-29	Arlington, VA	Complying with US Export Controls
July 30	Arlington, VA	Encryption Controls
August 19-20	Universal City, CA	Complying with US Export Controls
September 10-11	Del Mar, CA	Complying with US Export Controls
September 15-16	Oklahoma City, OK	Complying with US Export Controls
September 17	Oklahoma City, OK	Complying with ITAR-Export Defense Articles and Services
September 23-24	San Jose, CA	Complying with US Export Controls

[www.bis.doc.gov/seminarsandtraining/elsem.htm](http://www.bis.doc.gov/seminarsandtraining/elsem.htm)

### Past B&M Webinars Available On-line

Need to brush up on a legal topic? Baker & McKenzie webinars feature our lawyers and other knowledgeable professionals presenting information and insight into timely issues. You can choose a recorded webinar from our webinar page to view at your convenience. Some of the available webinars are listed below:

- [Changing From a Cost Center to a Profit Center: Duty Savings in China, Mexico and the United States](#), May 2009
- [Strategic Protection Against Customs Enforcement Actions](#), April 2009
- [How to Remain Compliant with the Customs Laws with Limited Resources](#), March 2009
- [Impact of the US Election on US and Global Trade](#), Feb. 2009
- [EU New Customs Enforcement Activity and AEO](#), Jan. 2009
- [US Exit Tax - What You Need To Know](#), July 2008

- [Around the World in 30 Days: Compliance in China](#) July 2008
- [Contract Manufacturing in China, Thailand and Mexico](#) June 2008
- [Around the World in 30 Days: Compliance in Russia](#) June 2008
- [Around the World in 30 Days: Compliance in the European Union](#) June 2008
- [Around the World in 30 Days: Compliance in Latin America](#) June 2008
- [Import Compliance and M&A Transactions: A View from the US and Mexico](#) May 2008
- [Transfer Pricing and Royalty Payments: A View from Around the World](#) April 2008

In addition, the site currently has free webinars available from the following series:

- Global Customs Practice 2008 Webinar Series
- Global Customs Practice 2007 Webinar Series
- Expanding Your Business Globally
- Importing Around the World
- Homeland Security
- Trade Compliance
- Intellectual Property Rights
- IT/Communications
- Global Sourcing - Destination the World
- Global Customs: Opportunities and Pitfalls
- Transfer Pricing (Tax)
- VAT/GST
- Labor and Employment
- Corporate Compliance and many others. Go to this link for the full listing:

<http://www.bakernet.com/BakerNet/Resources/Webinars/default.htm>

## Section 337 Actions

In the United States, section 337 of the Tariff Act of 1930 as amended (19 U.S.C. §1337) provides *in rem* relief from unfair practices in import trade, including unfair methods of competition in the importation of articles, importation and sale in the United States of articles which infringe U.S. patents, registered trademarks, copyrights or mask works. Listed below are 337 actions published during the past month by the U.S. International Trade Commission, the independent United States agency charged with enforcement of section 337.

Ref. Number	Commodity	Action	Link
337-TA-565 (Consolidated Enforcement Proceeding and Enforcement Proceeding II)	Certain ink cartridges and components thereof	Notice of a Commission determination not to review an enforcement initial determination finding a violation of cease and desist orders and a consent order; schedule for filing written submissions on civil penalties	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14941.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14941.pdf</a>
337-TA-623	Certain r-134a coolant (otherwise known as 1,1,1,2- tetrafluoroethane)	Notice of Commission determination to review the remand determination of the presiding administrative law judge and to extend the target date	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13110.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13110.pdf</a>
337-TA-629	Certain silicon microphone packages and products containing the same	Notice of Commission final determination of violation; issuance of a limited exclusion order; termination of investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14204.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14204.pdf</a>
337-TA-631	Certain liquid crystal display devices and products containing the same	Notice of Commission decision to affirm-in-part and reverse-in-part a final initial determination finding a violation; issuance of a limited exclusion order and a cease and desist order; and termination of the investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15387.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15387.pdf</a>

Ref. Number	Commodity	Action	Link
337-TA-662	Certain tunable laser chips, assemblies, and products containing same	Notice of a Commission determination to terminate the investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12932.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12932.pdf</a>
337-TA-663	Certain mobile telephones and wireless communication devices featuring digital cameras, and components thereof	Notice of Commission decision not to review an initial determination amending the complaint and notice of investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14665.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14665.pdf</a>
337-TA-665	Certain semiconductor integrated circuits and products containing same	Notice of Commission determination not to review an initial determination granting-in-part and denying-in-part complainant's motion for leave to amend the complaint and notice of investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13327.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13327.pdf</a>
337-TA-666	Certain cold cathode fluorescent lamp ("CCFL") inverter circuits and products containing the same	Notice of Commission decision not to review an initial determination correcting the name of ASUS Computer International in the complaint and notice of investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13129.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13129.pdf</a>
337-TA-667, 337-TA-673	Certain electronic devices, including handheld wireless communications devices	Notice of Commission determination not to review an initial determination granting motion to amend the notice of investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14942.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14942.pdf</a>
337-TA-677	Certain course management system software products	Notice of institution of an investigation based upon a complaint filed on behalf of Blackboard Inc., alleging patent infringement	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13381.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13381.pdf</a>
337-TA-678	Certain energy drink products	Notice of institution of an investigation based upon a complaint filed on behalf of Red Bull GmbH and Red Bull North America, Inc., alleging trademark infringement	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14205.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14205.pdf</a>
337-TA-679	Certain products advertised as containing creatine ethyl ester	Institution of investigation based on a complaint filed on behalf of UNeMed Corporation alleging false advertising in violation of the Lanham Act and the Nebraska Uniform Deceptive Trade Practices Act	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14670.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14670.pdf</a>

## Antidumping & Countervailing Duty Investigations, Orders & Reviews

In order to assist our clients in planning, we are listing antidumping and countervailing duty notices published or posted during the past month from the U.S., Canada, Mexico, the EU, Australia, and China, and occasionally other countries.

Key: AD, ADD=antidumping, antidumping duty, CVD=countervailing duty or subsidy, LTFV=less than fair value



### United States Department of Commerce, International Trade Administration (ITA)

Ref. Number	Merchandise/Country	Action	Link
A-570-933	Frontseating service valves from China	Notice of correction to ADD order	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12649.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12649.pdf</a>
A-570-846	Brake rotors from China	Final results and partial rescission of the 2007 ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12821.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12821.pdf</a>
A-533-848	Commodity matchbooks from India	Notice of preliminary determination of sales at LTFV and postponement of final determination	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12826.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12826.pdf</a>
A-489-805	Certain pasta from Turkey	Notice of final results of ADD changed circumstances review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12829.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12829.pdf</a>
A-570-831	Fresh garlic from China	Extension of time limit for the final results of new shipper reviews	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13068.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13068.pdf</a>
A-570-893, A-552-802	Certain frozen warmwater shrimp from China and Vietnam	Notice of extension of time limit for the final results of the third administrative reviews	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13064.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13064.pdf</a>
A-570-901	Certain lined paper products from China	Notice of intent to rescind, in part, ADD administrative review and extension of time limit for the preliminary results of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13069.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13069.pdf</a>
C-580-837	Certain cut-to-length carbon quality steel plate from S. Korea	Notice of rescission of CVD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13070.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13070.pdf</a>
C-533-821-)	Certain hot rolled carbon steel flat products from	Partial rescission of CVD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-">http://edocket.access.gpo.gov/2009/pdf/E9-</a>



United States Department of Commerce, International Trade Administration (ITA)

Ref. Number	Merchandise /Country	Action	Link
	India		<a href="#">13071.pdf</a>
C-357-813	Honey from Argentina	Rescission of CVD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13067.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13067.pdf</a>
C-423-809	Stainless steel plate in coils from Belgium	Preliminary results of CVD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13066.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13066.pdf</a>
C-552-805	Polyethylene retail carrier bags from Vietnam	Postponement of preliminary determination in the CVD investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13062.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13062.pdf</a>
A-580-836	Certain cut-to-length carbon quality steel plate from S. Korea	Partial rescission of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13191.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13191.pdf</a>
A-427-818	Low enriched uranium from France	Notice of rescission of ADD administrative reviews	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13198.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13198.pdf</a>
A-489-807	Certain steel concrete reinforcing bars from Turkey	Notice of court decision not in harmony with final results of administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13193.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13193.pdf</a>
A-570-898	Chlorinated isocyanurates from China	Preliminary results of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13340.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13340.pdf</a>
A-570-848	Freshwater crawfish tail meat from China	Preliminary results of ADD administrative review and intent to rescind review in part	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13345.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13345.pdf</a>
A-570-803	Heavy forged hand tools, with or without handles from China (axes and adzes)	Rescission of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13341.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13341.pdf</a>
A-570-832	Pure magnesium from China	Preliminary results of 2007/2008 ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13344.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13344.pdf</a>
A-570-878	Saccharin from China	Continuation of ADD order	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13487.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13487.pdf</a>
A-423-808	Stainless steel plate in coils from Belgium	Preliminary results of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13343.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13343.pdf</a>
A-427-801	Ball bearings and parts thereof from France	Preliminary results of changed circumstances review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13493.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13493.pdf</a>
A-580-839	Certain polyester staple fiber from S. Korea	preliminary results of the 2007/2008 ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13510.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13510.pdf</a>
A-588-846	Certain hot-rolled flat-rolled carbon- quality steel products from Japan	Final results of antidumping duty administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13623.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13623.pdf</a>
A-570-909	Certain steel nails from China	Extension of time limit for the preliminary results of the new shipper review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13737.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13737.pdf</a>
A-331-802	Certain frozen warmwater shrimp from Ecuador	Notice of extension of time limit for the final results of the third administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13875.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13875.pdf</a>
C-570-944	Certain oil country tubular goods from China	Postponement of preliminary determination in the CVD investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14037.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14037.pdf</a>
A-201-805	Certain circular welded non-alloy steel pipe and tube from Mexico	Preliminary results of ADD changed circumstances review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14366.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14366.pdf</a>
A-570-851	Certain preserved mushrooms from China	Final results of ADD new shipper reviews	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14362.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14362.pdf</a>
A-201-836	Light-walled rectangular pipe and tube from Mexico	Preliminary results of ADD changed circumstances review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14369.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14369.pdf</a>
A-405-803	Purified carboxymethylcellulose from Finland	Notice of final results of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14373.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14373.pdf</a>
A-570-894	Certain tissue paper products from China	Affirmative final determination of circumvention of the ADD order	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14359.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14359.pdf</a>
A-570-831	Fresh garlic from China	Final results and partial rescission of the 13th ADD administrative review and new shipper reviews	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14358.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14358.pdf</a>
A-570-891	Hand trucks and certain parts thereof from China	Notice of partial rescission, intent to rescind and extension of preliminary results of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14472.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14472.pdf</a>
A-570-939	Certain tow behind lawn groomers and certain parts thereof from China	Final determination of sales at SL	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14470.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14470.pdf</a>

**United States Department of Commerce, International Trade Administration (ITA)**

<i>Ref. Number</i>	<i>Merchandise/Country</i>	<i>Action</i>	<i>Link</i>
C-570-940	Certain tow behind lawn groomers and certain parts thereof from China	Final affirmative countervailing duty determination	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14471.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14471.pdf</a>
A-580-816	Certain corrosion-resistant carbon steel flat products from S. Korea	Notice of rescission of ADD administrative review, in part	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14243.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14243.pdf</a>
A-351-838	Certain frozen warmwater shrimp from Brazil	Notice of rescission of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14244.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14244.pdf</a>
A-552-801	Certain frozen fish fillets from Vietnam	Final results of the third new shipper reviews	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14607.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14607.pdf</a>
A-570-822	Certain helical spring lock washers from China	Extension of time limit for the preliminary results of the 20072008 ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14730.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14730.pdf</a>
A-570-945	Prestressed concrete steel wire strand from China	Initiation of ADD investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14721.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14721.pdf</a>
C-570-946	Prestressed concrete steel wire strand from China	Initiation of CVD investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14743.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14743.pdf</a>
A-570-947	Certain steel grating from China	Initiation of ADD investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15018.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15018.pdf</a>
C-570-948	Certain steel grating from China	Initiation of CVD investigation	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15017.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15017.pdf</a>
A-570-865	Certain hot rolled carbon steel flat products from China	Rescission and preliminary rescission of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15176.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15176.pdf</a>
A-549-817	Certain hot-rolled carbon steel flat products from Thailand	Notice of partial rescission of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15177.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15177.pdf</a>
A-588-850	Certain large diameter carbon and alloy seamless standard, line, and pressure pipe from Japan	Rescission of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15493.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15493.pdf</a>
A-580-810	Certain welded stainless steel pipes from S. Korea	Final results of ADD administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15492.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15492.pdf</a>
A-570-831	Fresh garlic from China	Initiation of new shipper review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15459.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15459.pdf</a>
A-570-855	Non-frozen apple juice concentrate from China	Preliminary results for the administrative review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15454.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15454.pdf</a>
A-570-832	Pure magnesium from China	Initiation of ADD new shipper review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15488.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15488.pdf</a>
A-570-890	Wooden bedroom furniture from China	Preliminary results of new shipper review	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-15495.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-15495.pdf</a>

**United States International Trade Commission (USITC)**

<i>Ref. Number</i>	<i>Merchandise/Country</i>	<i>Action</i>	<i>Link</i>
731-TA-1013 (Review)	Saccharin from China	Determination that revocation of the ADD order would be likely to lead to continuation or recurrence of material injury	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12633.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12633.pdf</a>
701-TA-464 and 731-TA-1160 (Preliminary)	Prestressed concrete steel wire strand from China	Institution of AD and CVD investigations and scheduling of preliminary phase investigations.	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-12835.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-12835.pdf</a>
701-TA-465 and 731-TA-1161 (Preliminary)	Certain steel grating from China	Institution of CVD and ADD investigations and scheduling of preliminary phase investigations	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13111.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13111.pdf</a>
731-TA-1012 (Review)	Certain frozen fish fillets from Vietnam	Determination that revoking the existing ADD order would be likely to lead to continuation or recurrence of material injury	<a href="http://www.usitc.gov/ext_relations/news_release/2009/er0615gg1.htm">http://www.usitc.gov/ext_relations/news_release/2009/er0615gg1.htm</a>
701-TA-463 and 731-TA-1159 (Preliminary)	Oil country tubular goods from China	Determination that there is a reasonable indication that an industry in the United States is materially injured	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13526.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13526.pdf</a>
701-TA-466 and 731-TA-1162 (Prelim.)	Wire decking from China	Institution of ADD and CVD investigations and scheduling of preliminary phase investigations	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-13703.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-13703.pdf</a>



## United States International Trade Commission (USITC)

Ref. Number	Merchandise/Country	Action	Link
TA-421-7	Certain passenger vehicle and light truck tires from China	Determination that products are being imported in such increased quantities or under such conditions as to cause or threaten to cause market disruption to domestic producers	<a href="http://edocket.access.gpo.gov/2009/pdf/E9-14943.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14943.pdf</a>



## Canadian International Trade Tribunal (CITT)

Ref. Number	Merchandise/Country	Action	Link
PI-2009-001	Mattress innerspring units originating in or exported from China	Determination of reasonable indication of injury	<a href="http://www.citt-tcce.gc.ca/dumping/prelnq/determin/pi2j001_e.asp">http://www.citt-tcce.gc.ca/dumping/prelnq/determin/pi2j001_e.asp</a>
PB-2008-003	Aluminum extrusions originating in or exported from China	Decision that ADD or CVD would not or might not be in the public interest	<a href="http://www.citt-tcce.gc.ca/dumping/interest/consider/pb2i003_e.asp">http://www.citt-tcce.gc.ca/dumping/interest/consider/pb2i003_e.asp</a>



## Canada Border Services Agency (CBSA)

Ref. Number	Merchandise/Country	Action	Link
AD 1308	Certain Carbon and Stainless Steel Fasteners from Taiwan	Notice of re-investigation	<a href="http://www.cbsa-asfc.gc.ca/sima-lmsi/ri-re/ad1308/ad1308-ri08-nti-eng.html">http://www.cbsa-asfc.gc.ca/sima-lmsi/ri-re/ad1308/ad1308-ri08-nti-eng.html</a>
4214-23 AD 1377	Certain waterproof footwear originating in or exported from China and Vietnam	Statement of reasons	<a href="http://www.cbsa-asfc.gc.ca/sima-lmsi/i-e/ad1377/ad1377-i08-pd-eng.html">http://www.cbsa-asfc.gc.ca/sima-lmsi/i-e/ad1377/ad1377-i08-pd-eng.html</a>



## NAFTA Panels

Ref. Number	Merchandise/Country	Action	Link
No NAFTA panel cases this month			



## Mexico - Ministry of Economy

Ref. Number	Merchandise/Country	Action	Link
E.C. 03/09	Frozen bovine meat from the European Union	Initial resolution of sunset review procedure.	<a href="http://www.economia.gob.mx/pics/pages/104_base/040609.pdf">http://www.economia.gob.mx/pics/pages/104_base/040609.pdf</a>
C.P. 05/09	Bottle type related to hydraulic jack from China	Initial resolution of an administrative coverage product procedure related to the final resolution imposing ADD upon hydraulic jack's bottle type.	<a href="http://www.economia.gob.mx/pics/pages/104_base/110609a.pdf">http://www.economia.gob.mx/pics/pages/104_base/110609a.pdf</a>
R.21/05-Applica	Electric material, machines and devices from China	Dismissal of the administrative appeal filed by Applica de México, S. de R.L. de C.V., challenging the final resolution of the sunset review procedure imposing ADD, regarding the Trade Remedy Agreement entered by China and Mexico.	<a href="http://www.economia.gob.mx/pics/pages/104_base/110609b.pdf">http://www.economia.gob.mx/pics/pages/104_base/110609b.pdf</a>
R.21/05-Toastmater	Electric material, machines and devices from China	Dismissal of the administrative appeal filed by Toastmaster de México, S.A. de C.V., challenging the final resolution of the sunset review procedure imposing ADD, regarding the Trade Remedy Agreement entered by China and Mexico.	<a href="http://www.ordenjuridico.gob.mx/Federal/PE/APE/APC/SE/Resoluciones/2009/11062009(3).pdf">http://www.ordenjuridico.gob.mx/Federal/PE/APE/APC/SE/Resoluciones/2009/11062009(3).pdf</a>
1a. Rev. 15/07	Mushroom <i>agaricus</i> from China	Final resolution of the review procedure from Calkins & Burke Limited, imposing ADD.	<a href="http://www.economia.gob.mx/pics/pages/104_base/150609.pdf">http://www.economia.gob.mx/pics/pages/104_base/150609.pdf</a>



## European Union

Ref. Number	Merchandise/Country	Action	Link
2009/C 131/12	Certain castings originating in China	Notice of initiation of a partial interim review of the AD measures	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:131:0018:0019:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:131:0018:0019:EN:PDF</a>
2009/453/EC	Sodium metal originating in the USA	Commission Decision of 11 June 2009 terminating the anti-subsidy proceeding	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:149:0074:0075:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:149:0074:0075:EN:PDF</a>
2009/454/EC	Sodium metal originating in the USA	Commission Decision of 11 June 2009 terminating the AD proceeding	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:149:0076:0077:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:149:0076:0077:EN:PDF</a>
(EC) No 499/2009	Hand pallet trucks and their essential parts originating in China	Council Regulation extending the definitive ADD imposed by Regulation (EC) No 1174/2005 to imports of the same product consigned from Thailand, whether declared as originating in Thailand or not	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:151:0001:0005:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:151:0001:0005:EN:PDF</a>
(EC) No 500/2009	Certain castings originating in China	Council Regulation amending Regulation (EC) No 1212/2005 imposing a definitive ADD	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:151:0006:0013:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:151:0006:0013:EN:PDF</a>
(EC) No 512/2009	Furfuryl alcohol originating in China	Commission Regulation initiating a 'new exporter' review of Council Regulation (EC) No 1905/2003 imposing a definitive ADD, repealing the duty with regard to imports from one exporter and making these imports subject to registration	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:153:0006:0009:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:153:0006:0009:EN:PDF</a>
2009/C 142/05	Polyester staple fibres originating in S. Korea	Notice of initiation of a partial interim review of the AD measures	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:142:0004:0005:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:142:0004:0005:EN:PDF</a>
2009/C 145/12	Certain side-by-side refrigerators originating in S. Korea	Commission notice concerning the AD measures in force: change of the address of a company subject to an individual ADD	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:145:0018:0019:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:145:0018:0019:EN:PDF</a>
(EC) No 261/2008	Certain compressors originating in China	Corrigendum to Council Regulation imposing a definitive ADD	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:166:0079:0079:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:166:0079:0079:EN:PDF</a>



## Australian Customs Service

Ref. Number	Merchandise/Country	Action	Link
ACDN 2009/13	Various	AD and CVD actions - Status Report as at 31 May 2009	<a href="http://www.customs.gov.au/webdata/resources/notices/Status_Report_as_at_30_April_2009.pdf">http://www.customs.gov.au/webdata/resources/notices/Status_Report_as_at_30_April_2009.pdf</a>
ACDN 2009/14	Hot dip galvanised steel pipe exported from Thailand	Initiation of continuation inquiry	<a href="http://www.customs.gov.au/webdata/resources/notices/ACDN_2009_14_hot-dip-gal-continuation.pdf">http://www.customs.gov.au/webdata/resources/notices/ACDN_2009_14_hot-dip-gal-continuation.pdf</a>
ACDN 2009/18	Certain hollow structural sections exported from China and Malaysia	Termination of investigation	<a href="http://www.customs.gov.au/webdata/resources/notices/ACDN_2009_18.pdf">http://www.customs.gov.au/webdata/resources/notices/ACDN_2009_18.pdf</a>
ACDN 2009/20	Certain aluminium extrusions exported from China	Initiation of an investigation into alleged dumping and subsidisation	<a href="http://www.customs.gov.au/webdata/resources/notices/ACDN_200920_-_Initiation_-_Aluminium_Extrusions_China.pdf">http://www.customs.gov.au/webdata/resources/notices/ACDN_200920_-_Initiation_-_Aluminium_Extrusions_China.pdf</a>



## New Zealand Ministry of Economic Development

Reference	Merchandise/Country	Action	Link
24 April 2009	Galvanised Wire from Malaysia	Dumping review	<a href="http://www.med.govt.nz/templates/MultipageDocumentTOC_40909.aspx">http://www.med.govt.nz/templates/MultipageDocumentTOC_40909.aspx</a>
2 March 2009	Reinforcing Steel Bar and Coil from Thailand	Dumping review	<a href="http://www.med.govt.nz/templates/MultipageDocumentTOC_40403.aspx">http://www.med.govt.nz/templates/MultipageDocumentTOC_40403.aspx</a>

**China Ministry of Commerce (MOFCOM)**

Ref. Number	Merchandise / Country	Action	Link
	Grain oriented flat-rolled electrical steel imported from the United States and Russia	Initiation of AD investigation	<a href="http://english.mofcom.gov.cn/aarticle/newsrelease/commonnews/200906/20090606294800.html">http://english.mofcom.gov.cn/aarticle/newsrelease/commonnews/200906/20090606294800.html</a>
	Gas chromatograph-mass spectrometer (GC/MS) imported from Japan	Termination of AD investigation	<a href="http://english.mofcom.gov.cn/aarticle/newsrelease/commonnews/200904/20090406186839.html">http://english.mofcom.gov.cn/aarticle/newsrelease/commonnews/200904/20090406186839.html</a>

**International Trade Commission of the Ministry of Economic Affairs (Taiwan)**

Ref. Date	Merchandise / Country	Action	Link
2008-04-10	Type I and Type II of Portland cement and of its clinker from the Philippines and South Korea	Determination that revocation of the ADD would not be likely to lead to continuation or recurrence of injury	<a href="http://www.moeaitc.gov.tw/ITCWEB/webform/wfrmNews.aspx?pagestyle=2&amp;programid=250&amp;news_id=2205">http://www.moeaitc.gov.tw/ITCWEB/webform/wfrmNews.aspx?pagestyle=2&amp;programid=250&amp;news_id=2205</a>
2008-04-10	Art Paper from Japan	Determination on Court remand that revocation of the ADD order would be likely to lead to continuation or recurrence of injury	<a href="http://www.moeaitc.gov.tw/ITCWEB/webform/wfrmNews.aspx?pagestyle=2&amp;programid=250&amp;news_id=2208">http://www.moeaitc.gov.tw/ITCWEB/webform/wfrmNews.aspx?pagestyle=2&amp;programid=250&amp;news_id=2208</a>

**Argentina Ministry of Economy and Production  
Secretariat of Industry, Commerce and Small and Medium Enterprises**

Ref. Number	Merchandise / Country	Action
Resolution 87/09	One-time recordable compact discs (CD-R) manufactured in Paraguay	Institution of AD investigation
Resolution 86/09	Certain denim fabric ("Denim") manufactured in China.	Institution of AD investigation
Resolution 83/09	Fixed blade knives for cooking and butcher's with stainless steel blades and plastic handle, manufactured in China and Brazil	Institution of AD investigation
Resolution 46/09	Certain steel wheels of the types used in buses, trucks, trailers and semi-trailers, manufactured in China	Institution of AD investigation
Resolution 42/09	Certain footwear for men, women or children and intended for daily, social, or sport use, excluding certain orthopedic footwear and ski and snowboard footwear manufactured in China.	Institution of AD investigation

**Government Of India Ministry Of Finance (Department Of Revenue)**

Reference	Merchandise / Country	Action	Link
56/2009-Cus	Cold rolled flat products of stainless steel originating in, or exported from, China PR, Japan, Korea, EU, South Africa, Taiwan (Chinese Taipei), Thailand and USA	Amendment to 38/2009-Cus imposing a provisional anti-dumping duty	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs38-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs38-2k9.htm</a>
58/2009-Cus	Compact discs-recordable (CD-Rs), originating in, or exported from Iran, Malaysia, Korea ROK, Thailand, United Arab Emirates and Vietnam	Imposition of definitive ADD	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs58-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs58-2k9.htm</a>
61/2009-Cus	Potassium carbonate, originating in, or exported from, the EU, China, Korea RP and Taiwan	Continuation of definitive ADD	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs61-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs61-2k9.htm</a>
62/2009-Cus	Certain ceramic glazed tiles from China	Imposition of provisional anti-dumping duty	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs62-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs62-2k9.htm</a>
63/2009-Cus	Certain vitrified and porcelain tiles from UAE and China	Exclusion of certain companies from ADD after new shipper review	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs63-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs63-2k9.htm</a>
64/2009-Cus	Certain vitrified and porcelain tiles from UAE and China	Rescission of provisional ADD on companies pending review	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs64-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs64-2k9.htm</a>
66/2009-Cus	6-Hexanelactam, originating in, or exported from, Japan, EU, Nigeria and Thailand	Extension of ADD pending completion of review	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs66-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs66-2k9.htm</a>



**Government Of India Ministry Of Finance (Department Of Revenue)**

Reference	Merchandise /Country	Action	Link
67/2009-Cus	Vitamin C, originating in, or exported from China	Continuation of ADD	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs67-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs67-2k9.htm</a>
71/2009-Cus	Aluminium flat rolled products and aluminium foil from China	Imposition of safeguard duty	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs71-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs71-2k9.htm</a>
72/2009-Cus	Aluminium flat rolled products and aluminium foil from China	Rescission of provisional safeguard duty	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs72-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs72-2k9.htm</a>
73/2009-Cus	Diethyl thio phosphoryl chloride from China	Imposition of provisional ADD	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs73-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs73-2k9.htm</a>
74/2009-Cus	Phosphoric acid of all grades and all concentration from Korea RP	Imposition of provisional ADD	<a href="http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs74-2k9.htm">http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k9/cs74-2k9.htm</a>

**Administrative Review Requests**

In a [June 1, 2009 Federal Register](#) notice, the U.S. Department of Commerce announced that it will receive requests to conduct administrative reviews of various ADD and CVD orders and findings with June anniversary dates:

Antidumping Duty Proceedings - Country/ Merchandise	Case No.	Period
P.R. of China: Apple Juice Concentrate, Non-Frozen	A-570-855	6/1/08-5/31/09
Artist Canvas	A-570-899	6/1/08-5/31/09
Chlorinated Isocyanurates,	A-570-898	6/1/08-5/31/09
Color Television Receivers	A-570-884	6/1/08-5/31/09
Folding Metal Tables and Chairs	A-570-868	6/1/08-5/31/09
Furfuryl Alcohol	A-570-835	6/1/08-5/31/09
Polyester Staple Fiber	A-570-905	6/1/08-5/31/09
Silicon Metal	A-570-806	6/1/08-5/31/09
Sparklers	A-570-804	6/1/08-5/31/09
Tapered Roller Bearings	A-570-601	6/1/08-5/31/09
Japan: Carbon and Alloy Seamless Standard, Line Pressure Pipe (Over 4 1/2 Inches)	A-588-850	6/1/08-5/31/09
Carbon and Alloy Seamless Standard, Line Pressure Pipe (Under 4 1/2 Inches)	A-588-851	6/1/08-5/31/09
Hot-Rolled Carbon Steel Flat Products	A-588-846	6/1/08-5/31/09
South Korea: Polyethylene Terephthalate (PET) Film	A-580-807	6/1/08-5/31/09
Spain: Chlorinated Isocyanurates	A-469-814	6/1/08-5/31/09
Taiwan: Helical Spring Lock Washers	A-583-820	6/1/08-5/31/09
Stainless Steel Butt-Weld Pipe Fittings	A-583-816	6/1/08-5/31/09

Countervailing Duty Proceedings - Country/ Merchandise	Case No.	Period
None		

Suspension Agreements - Country/ Merchandise	Case No.	Period
Russia: Ammonium Nitrate	A-821-811	6/1/08-5/31/09

**Requested Reviews**

In a [June 24, 2009 Federal Register](#) notice, the U.S. Department of Commerce announced that it has received timely requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates and requests to partially revoke certain orders. See actual notices for companies requesting review or partial revocation:

Antidumping Duty Proceedings - Country/ Merchandise	Case No.	Period
BELGIUM: Stainless Steel Plate in Coils	A-423-808	5/1/08 - 4/30/09
FRANCE: Ball Bearings and Parts Thereof	A-427-201	5/1/08 - 4/30/09
GERMANY: Ball Bearings and Parts Thereof	A-428-201	5/1/08 - 4/30/09
INDIA: Certain Welded Carbon Steel Standard Pipes and Tubes	A-533-502	5/1/08 - 4/30/09
ITALY: Ball Bearings and Parts Thereof	A-475-201	5/1/08 - 4/30/09
JAPAN: Ball Bearings and Parts Thereof	A-588-201	5/1/08 - 4/30/09

<i>Antidumping Duty Proceedings – Country/ Merchandise</i>	<i>Case No.</i>	<i>Period</i>
REPUBLIC of KOREA: Certain Polyester Staple Fiber	A-580-839	5/1/08 - 4/30/09
TAIWAN: Certain Circular Welded Carbon Steel Pipes and Tubes	A-583-008	5/1/08 - 4/30/09
TAIWAN: Polyester Staple Fiber	A-583-833	5/1/08 - 4/30/09
P.R. of CHINA: Pure Magnesium	A-570-832	5/1/08 - 4/30/09
TURKEY: Certain Welded Carbon Steel Pipe and Tube	A-489-501	5/1/08 - 4/30/09
Light-Walled Rectangular Pipe and Tube	A-489-815	1/30/08- 4/30/09
UNITED KINGDOM: Ball Bearings and Parts Thereof	A-412-201	5/1/08 - 4/30/09
<i>Countervailing Duty Proceedings - Country/ Merchandise</i>	<i>Case No.</i>	<i>Period</i>
BELGIUM: Stainless Steel Plate in Coils	C-423-809	1/1/08 - 12/31/08
<i>Suspension Agreements - Country/ Merchandise</i>	<i>Case No.</i>	<i>Period</i>

None

## Advance Notification of Sunset Reviews

In a [June 1, 2009 Federal Register](#) notice, the U.S. Department of Commerce advised that the following cases were scheduled for five-year (“Sunset”) reviews for July 2009.

<i>Antidumping Duty Proceedings - Merchandise / Country</i>	<i>Case No.</i>
Barium Chloride from the PRC	A-570-007 (3rd Review)
Chloropicrin from the PRC	A-570-002 (3rd Review)
Floor-Standing, Metal-Top Ironing Tables and Parts Thereof from the PRC	A-570-888
Polyethylene Retail Carrier Bags from the PRC	A-570-886
Polyethylene Retail Carrier Bags from Malaysia	A-557-813
Polyethylene Retail Carrier Bags from Thailand	A-549-821
Sorbitol from France	A-427-001 (3rd Review).
Stainless Steel Wire Rod from Italy	A-475-820 (2nd Review).
Stainless Steel Wire Rod from Japan	A-588-843 (2nd Review).
Stainless Steel Wire Rod from South Korea	A-580-829 (2nd Review)
Stainless Steel Wire Rod from Spain	A-469-807 (2nd Review)
Stainless Steel Wire Rod from Taiwan	A-583-828 (2nd Review).
Tetrahydrofurfuryl Alcohol from the PRC	A-570-887
<i>Countervailing Duty Proceedings - Merchandise / Country</i>	<i>Case No.</i>




None


<i>Suspension Agreements - Merchandise / Country</i>	<i>Case No.</i>
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



None

## WTO TBT Notifications

Member countries of the World Trade Organization (WTO) are required under the Agreement on Technical Barriers to Trade (TBT Agreement) to report to the WTO all proposed technical regulations that could affect trade with other Member countries. The WTO Secretariat distributes this information in the form of “notifications” to all Member countries. This chart summarizes notifications in English posted by the WTO during the past month. If you are interested in obtaining copies of any of these notifications, please contact [stuart.p.seidel@bakernet.com](mailto:stuart.p.seidel@bakernet.com) who will try to obtain the text. Some notifications are only available in the official language of the country publishing the notification. *Note: All dates are given as mm/dd/yyyy; National flags are not scaled for relative comparison.*

<i>Country</i>	<i>Notification</i>	<i>Date Issued</i>	<i>Final Date for Comments</i>	<i>Merchandise Covered</i>
 Albania	ALB/34	6/9/2009	8/9/2009	Personal protective equipment
 Albania	ALB/35	6/15/2009	8/15/2009	State aid
 Argentina	ARG/250	5/11/2009	6/12/2009	Tea























Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Argentina	ARG/249	5/11/2009	6/12/2009	Camomile
 Argentina	ARG/198/Add.1	6/11/2009	Not given	Matches and toothpicks
 Argentina	ARG/233/Add.1	6/12/2009	Not given	Gas appliances for domestic use
 Argentina	ARG/166/Add.4	6/11/2009	Not given	Latex paints
 Argentina	ARG/64/Add.2	6/23/2009	Not given	Labelling of products packaged and measured
 Argentina	ARG/65/Add.2	6/23/2009	Not given	Pre-packaged products
 Argentina	ARG/151/Add.14	6/18/2009	Not given	Bicycles
 Bahrain	BHR/127	6/2/2009	8/2/2009	Fruit drink
 Bahrain	BHR/128	6/2/2009	8/2/2009	Frozen peaches
 Bahrain	BHR/129	6/2/2009	8/2/2009	Tehena
 Bahrain	BHR/130	6/2/2009	8/2/2009	Bouillons and consommés
 Bahrain	BHR/131	6/4/2009	8/4/2009	Halal Food
 Bahrain	BHR/126	6/2/2009	8/2/2009	Foods based on milk for infants
 Brazil	BRA/331	6/25/2009	6/22/2009	Medical devices
 Brazil	BRA/332	6/25/2009	6/22/2009	Enzyme detergents
 Brazil	BRA/333	6/25/2009	7/27/2009	Food packaging
 Brazil	BRA/334	6/25/2009	6/27/2009	Phytomedicines
 Canada	CAN/269	6/4/2009	8/6/2009	Kettles for household use
 Canada	CAN/244/Add.1	6/8/2009	Not given	Prescription status of medicinal ingredients for human use
 Canada	CAN/264/Corr.1	6/9/2009	Not given	Small vessels
 Canada	CAN/111/Add.6	6/10/2009	Not given	Telecommunications Equipment
 Canada	CAN/270	6/10/2009	8/13/2009	Telecommunications equipment
 Canada	CAN/271	6/25/2009	8/20/2009	Non-medicinal ingredients for human use
 Canada	CAN/272	6/25/2009	10/11/2009	Radiocommunications equipment
 Canada	CAN/273	6/25/2009	10/11/2009	Radiocommunications equipment
 Canada	CAN/274	6/25/2009	10/11/2009	Radiocommunications equipment
 Canada	CAN/275	6/25/2009	8/12/2009	Drugs for human use and veterinary drugs
 Chile	CHL/92	5/28/2009	7/30/2009	Luminaires for road and street lighting
 China	CHN/627	6/9/2009	8/9/2009	Solid chemical fertilizers
 China	CHN/628	6/9/2009	8/9/2009	Compound fertilizer
 China	CHN/629	6/9/2009	8/9/2009	Monoammonium phosphate and diammonium phosphate
 China	CHN/630	6/9/2009	8/9/2009	Clomazone
 China	CHN/631	6/9/2009	8/9/2009	Buprofezin
 China	CHN/632	6/9/2009	8/9/2009	Ethephon
 China	CHN/633	6/9/2009	8/9/2009	Thiophanate-methyl
 China	CHN/634	6/9/2009	8/9/2009	Isocarbophos

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 China	CHN/635	6/9/2009	8/9/2009	Propiconazole
 China	CHN/636	6/9/2009	8/9/2009	Fenitrothion
 China	CHN/637	6/9/2009	8/9/2009	Bensulfuron-methyl
 China	CHN/638	6/9/2009	8/9/2009	Thifensulfuron-methyl
 China	CHN/639	6/9/2009	8/9/2009	Prometryn
 China	CHN/640	6/9/2009	8/9/2009	Methomyl
 China	CHN/641	6/9/2009	8/9/2009	Protective gloves
 China	CHN/642	6/9/2009	8/9/2009	Chemical protective clothing
 China	CHN/643	6/9/2009	8/9/2009	Protective clothing against liquid acids and alkalis
 China	CHN/644	6/9/2009	8/9/2009	Personal fall protection equipment
 China	CHN/645	6/9/2009	8/9/2009	Personal fall protection equipment
 China	CHN/646	6/9/2009	8/9/2009	Lanyards
 China	CHN/647	6/9/2009	8/9/2009	Cigarettes (HS 2402)
 China	CHN/648	6/9/2009	8/9/2009	Cigarettes (HS 2402)
 China	CHN/649	6/19/2009	7/19/2009	Solid wastes as raw materials (SWRM)
 China	CHN/650	6/19/2009	8/19/2009	Laser stereo lithography prototyping machine (HS 8456)
 China	CHN/651	6/19/2009	8/19/2009	Daylight press (HS 8465)
 China	CHN/652	6/19/2009	8/19/2009	Internal mixer for processing of plastics and/or rubber (HS 8465)
 China	CHN/653	6/19/2009	8/19/2009	Calenders for processing plastics and/or rubber (HS 8465)
 China	CHN/654	6/19/2009	8/19/2009	Safety signs for mining machinery (HS 8430)
 China	CHN/655	6/19/2009	8/19/2009	Mining machinery safety signs about symbols for hazard pictorial (HS 8430)
 China	CHN/656	6/19/2009	8/19/2009	Full face tunnel boring machine and part face tunnel boring machine (HS 8430)
 China	CHN/657	6/19/2009	8/19/2009	Mechanical mining shovel (HS 8430)
 China	CHN/658	6/19/2009	8/19/2009	Slat feeder, belt feeder, chain feeder, reciprocating feeder, circular feeder, screw feeder, scraper feeder and vibration feeder (HS 8430)
 China	CHN/659	6/19/2009	8/19/2009	Vibrating screen, fixed screen and rotating screen (HS 8430)
 China	CHN/660	6/22/2009	8/22/2009	Grinding and ultra-micro grinding equipment (HS 8430)
 China	CHN/661	6/22/2009	8/22/2009	Mineral processing equipment (HS 8430)
 China	CHN/662	6/19/2009	8/19/2009	Underground load-haul-dump (HS 8430)
 China	CHN/663	6/22/2009	8/22/2009	Conveyors for underground mine (HS 8430)
 China	CHN/664	6/22/2009	8/22/2009	Carbon steel seamless tubes and pipes for nuclear power plant
 China	CHN/665	6/22/2009	8/22/2009	Alloy steel seamless tubes and pipes for nuclear power plant
 China	CHN/666	6/22/2009	8/22/2009	9% Nickel steel plates for pressure vessels (HS 7208, 7225)

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 China	CHN/667	6/22/2009	8/22/2009	Stainless steel plate, sheet and strip for pressure equipments
 China	CHN/668	6/22/2009	8/22/2009	Low voltage equipments
 China	CHN/669	6/22/2009	8/28/2009	Explosion protected electric equipments
 China	CHN/670	6/22/2009	8/22/2009	Power support for coal mine - power set legs and rams
 Colombia	COL/127	4/29/2009	8/6/2009	Domestic and personal hygiene products (HS 1520, 2815, 3402, 3804, 3808, 4818)
 Colombia	COL/128	4/30/2009	7/28/2009	Hydrocarbons, oil and gas
 Colombia	COL/131	5/26/2009	8/19/2009	Chocolate
 Colombia	COL/129	5/20/2009	8/18/2009	Steam boilers
 Colombia	COL/132	6/3/2009	8/28/2009	Brake fluids, hoses, cylinder sleeves, rubber seals, friction material, drums, master cylinders, wheel cylinders and discs
 Colombia	COL/71/Add.3	6/25/2009	Not given	LPG cylinders, LPG tanks (HS 7311, 3923)
 Costa Rica	CRI/92	6/3/2009	8/12/2009	Pharmaceutical products
 Costa Rica	CRI/91	6/28/2009	8/17/2009	Fertilizers, soil conditioners
 Costa Rica	CRI/90	6/18/2009	Not given	Fishing regulations, sharks
 Costa Rica	CRI/88	5/1/2009	Not given	Medicines
 Estonia	EST/5	6/9/2009	8/9/2009	Alcohol labeling
 European Communities	EEC/39/Add.1	6/3/2009	Not given	All categories of motor vehicles and their trailers as defined in Council Directive 70/156/EEC as amended by Commission Directive 2001/116/EC
 European Communities	EEC/251/Add.1	6/3/2009	Not given	Short-range communication devices
 European Communities	EEC/244/Add.1	6/11/2009	Not given	Organostannic compounds
 European Communities	EEC/253/Add.1	6/11/2009	Not given	Lamp oils and grill lighter fluids
 European Communities	EEC/277	6/23/2009	8/23/2009	Non-directional household lamps
 European Communities	EEC/278	6/23/2009	9/23/2009	Food
 European Communities	EEC/279	6/23/2009	9/23/2009	Food
 France	FRA/99	5/14/2009	7/14/2009	Fire and panic hazards in buildings
 France	FRA/101	5/20/2009	7/1/2009	Dry cleaning treatments
 France	FRA/102	6/4/2009	8/1/2009	Organic amendments, compost
 France	FRA/103	6/4/2009	8/1/2009	Fertilizer
 Honduras	HND/59	6/9/2009	8/17/2009	Biofuels
 Hong Kong, China	HKG/32	6/8/2009	8/8/2009	Showers for bathing (HS 3922)
 Israel	ISR/314	6/2/2009	8/2/2009	Toys (HS 9501-9503)
 Israel	ISR/315	6/2/2009	8/2/2009	Single and combination taps (HS 8481.80)
 Israel	ISR/316	6/2/2009	8/2/2009	Mechanical mixing tap with a single handle (HS 8481.80)
 Israel	ISR/317	6/2/2009	8/2/2009	Shower roses (HS 8481.80)

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Israel	ISR/318	6/2/2009	8/2/2009	Hinged lamination doors (HS 4418.20)
 Israel	ISR/319	6/2/2009	8/2/2009	Gas-oil for diesel engines (HS 2710.19)
 Israel	ISR/320	6/9/2009	8/9/2009	Electric cables (HS 8544)
 Israel	ISR/321	6/9/2009	8/9/2009	Glass containers for food and beverages (HS 7010)
 Japan	JPN/300	6/11/2009	8/21/2009	Drugs (HS 30)
 Japan	JPN/289/Add.1	6/24/2009	Not given	Rice, rice products and products which contain rice as a ingredient characterizing the products
 Japan	JPN/301	6/24/2009	8/27/2009	Fish ham and fish sausage
 Japan	JPN/302	6/24/2009	8/27/2009	Edible vegetable oils and fats
 Japan	JPN/303	6/24/2009	8/24/2009	Textile goods, miscellaneous manufactured goods
 Japan	JPN/304	6/25/2009	8/25/2009	Electronic appliances printed wiring boards
 Kenya	KEN/141	6/11/2009	8/11/2009	Lead acid batteries (HS 8506)
 Kenya	KEN/142	6/11/2009	8/11/2009	Lead acid batteries (HS 8506)
 Kenya	KEN/143	6/11/2009	8/11/2009	Lead acid batteries (HS 8506)
 Kenya	KEN/144	6/11/2009	8/11/2009	Solar power systems
 Kenya	KEN/145	6/11/2009	8/11/2009	Solar power systems
 Kenya	KEN/146	6/11/2009	8/11/2009	Solar power systems
 Kenya	KEN/147	6/12/2009	8/12/2009	Solar power systems
 Kenya	KEN/148	6/12/2009	8/12/2009	Solar power systems
 Kenya	KEN/149	6/12/2009	8/12/2009	Solar power systems
 Kenya	KEN/150	6/12/2009	8/12/2009	Solar power systems
 Kenya	KEN/151	6/12/2009	8/12/2009	Telecommunication Systems (HS 8544)
 Kenya	KEN/152	6/12/2009	8/12/2009	Telecommunication Systems (HS 8529)
 Kenya	KEN/153	6/12/2009	8/12/2009	Telecommunication Systems (HS 8529)
 Kenya	KEN/154	6/12/2009	8/12/2009	Telecommunication Systems (HS 8529)
 Kenya	KEN/155	6/12/2009	8/12/2009	Telecommunication Systems (HS 8518)
 Korea, Republic of	KOR/217	6/2/2009	8/2/2009	Pharmaceutical products
 Kuwait	KWT/21	6/4/2009	8/4/2009	Melamine in food and feeds
 Mexico	MEX/176	6/2/2009	Not given	Mechanized tortilla-making machines
 Mexico	MEX/175	6/28/2009	8/17/2009	Cereals, foods prepared from cereals, edible seeds, flour, semolina or mixtures thereof, and bakery products
 Mexico	MEX/175/Add.1	5/28/2009	Not given	Cereals, foods prepared from cereals, edible seeds, flour, semolina or mixtures thereof, and bakery products
 Mexico	MEX/176/Add.1	6/17/2009	Not given	Mechanized tortilla-making machines
 New Zealand	NZL/50	6/4/2009	7/20/2009	Dairy products
 New Zealand	NZL/51	6/17/2009	9/17/2009	External power supplies, air conditioners, heat pumps, appliances, digital decoders without hard drive

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Peru	PER/23	5/28/2009	8/6/2009	Personal hygiene products (HS 1520, 2815, 3402, 3804, 3808, 4818)
 Philippines	PHL/108	6/23/2009	7/31/2009	Petroleum products
 South Africa	ZAF/98	6/24/2009	9/10/2009	Coffee (HS 0901)
 Sweden	SWE/98	6/3/2009	8/28/2009	HCFC's
 Sweden	SWE/99	6/4/2009	8/28/2009	Construction products
 Switzerland	CHE/111	6/9/2009	8/15/2009	Telecommunication equipment
 Switzerland	CHE/112	6/11/2009	8/11/2009	Newly registered cars
 Taiwan Economy	TPKM/70	6/9/2009	8/9/2009	Lenses of sunglasses (HS 90)
 Taiwan Economy	TPKM/71	6/23/2009	8/23/2009	Vehicle safety
 Taiwan Economy	TPKM/72	6/23/2009	8/1/2009	Laser speedometers (HS 8092.39)
 Thailand	THA/309	6/10/2009	8/10/2009	Telecommunications cable (HS 8544)
 Thailand	THA/310	6/10/2009	8/10/2009	Liquefied petroleum gas cylinders (HS 7311)
 Thailand	THA/311	6/11/2009	8/11/2009	Liquefied petroleum gas cylinders (HS 7311)
 Trinidad and Tobago	TTO/61	6/3/2009	7/31/2009	Motor-operated appliances
 Trinidad and Tobago	TTO/62	6/4/2009	7/31/2009	Household water heaters
 Trinidad and Tobago	TTO/63	6/4/2009	7/31/2009	Household refrigerators and freezers
 Trinidad and Tobago	TTO/64	6/4/2009	7/31/2009	Electric fans
 Trinidad and Tobago	TTO/65	6/4/2009	7/31/2009	Microwave cooking appliances
 Trinidad and Tobago	TTO/66	6/4/2009	7/31/2009	Fluorescent-lamp ballasts
 Trinidad and Tobago	TTO/67	6/4/2009	7/31/2009	Food preparing machines
 Trinidad and Tobago	TTO/68	6/11/2009	8/9/2009	Metallic outlet boxes
 Trinidad and Tobago	TTO/69	6/11/2009	8/9/2009	Nonmetallic outlet boxes
 Trinidad and Tobago	TTO/70	6/11/2009	8/9/2009	Attachment plugs and receptacles
 Trinidad and Tobago	TTO/71	6/11/2009	8/9/2009	Cord sets and power-supply cords
 Trinidad and Tobago	TTO/72	6/23/2009	8/6/2009	Synthetic laundry detergent powder
 Trinidad and Tobago	TTO/73	6/23/2009	6/19/2009	Loadbearing concrete masonry units
 Turkey	TUR/2	6/17/2009	8/17/2009	Construction products
 Uganda	UGA/46	6/17/2009	8/17/2009	Polyethylene materials and carrier bags
 Ukraine	UKR/22	6/17/2009	8/17/2009	Machinery, equipment, components or units and mobile equipment
 Ukraine	UKR/23	6/17/2009	8/17/2009	New electrical household devices
 Ukraine	UKR/24	6/17/2009	8/17/2009	Machines, replacement equipment, security components; lifting equipment; chains, ropes and the textile strips; removable mechanical transmission devices; partially completed vehicles
 Ukraine	UKR/25	6/18/2009	8/18/2009	Design of ships
 Ukraine	UKR/26	6/18/2009	8/18/2009	Rational use of energy in industrial enterprises

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Ukraine	UKR/27	6/18/2009	8/18/2009	Food products
 Ukraine	UKR/28	6/18/2009	8/18/2009	Agricultural and forestry tractors
 Ukraine	UKR/29	6/18/2009	8/18/2009	Agricultural and forestry tractors
 Ukraine	UKR/30	6/18/2009	8/18/2009	Radio equipment and telecommunications terminal equipment
 Ukraine	UKR/31	6/18/2009	8/18/2009	Safety and health protection of workers
 Ukraine	UKR/32	6/18/2009	8/18/2009	Agricultural and forestry tractors
 Ukraine	UKR/33	6/18/2009	8/18/2009	Providing railroad transport services
 Ukraine	UKR/34	6/18/2009	8/18/2009	Pressure equipment
 Ukraine	UKR/35	6/18/2009	Not given	Measuring equipment
 Ukraine	UKR/36	6/18/2009	Not given	Simple vessels working under pressure
 Ukraine	UKR/37	6/18/2009	Not given	Non-automatic measuring apparatus
 United Arab Emirates	ARE/24	6/25/2009	8/25/2009	Canned humus
 United Arab Emirates	ARE/25	6/25/2009	8/25/2009	Preserved tomatoes
 United States	USA/400/Add.1	6/4/2009	Not given	Beverage vending machines (HS 8418.10-69, 8476.11-19)
 United States	USA/417/Add.1	6/4/2009	Not given	Bottled water (HS 2201-2202)
 United States	USA/468	6/4/2009	7/27/2009	Fuels and fuel additives (HS 2710)
 United States	USA/469	6/4/2009	7/28/2009	Potatoes (HS 0701)
 United States	USA/271/Add.7	6/8/2009	Not given	National Organic Program
 United States	USA/465/Add.1	6/8/2009	Not given	Turbine engines (HS 8411.11-82)
 United States	USA/466/Add.1	6/8/2009	Not given	Commercial heating, air-conditioning, and water-heating equipment (HS 8516.10, 8419.11, 8419.19, 8418.61, 8415.10-83, 8516.10)
 United States	USA/470	6/11/2009	8/14/2009	Coal mine dust personal monitors (HS 9306, 6506.10)
 United States	USA/471	6/25/2009	8/21/2009	Replacement tires (HS 4011)

## Canada: Advance Rulings

The Canada Border Services Agency (CBSA) has begun to post summaries of certain advance rulings on the CBSA website. The summaries show the product name, technical reference system number, description of the product, analysis and justification and the decision. Not all rulings are given and company names are not included because of business confidentiality. Click on the subject listed to view the summary. The summaries posted to date involve:

- [Aluminum and plastic container for eye shadow](#)
- [Ballet pointe shoes](#)
- [Billiard cue cases](#)
- [Composite panel of polypropylene with honeycomb core](#)
- [Firefighter coat/jacket and firefighter pants](#)
- [Frozen chicken crostini](#)
- [Global positioning system receiver](#)
- [Guide block milling machine](#)
- [Heater hoses](#)

- [Interactive music game package](#)
- [Lighted Christmas reindeer sculptures](#)
- [Makeup kits](#)
- [Satellite meter](#)
- [Tribrachs](#)
- [Waterproof winter boots](#)

## Canada: Issued, Revised or Cancelled D-Memoranda, CNs, etc.

The following is a list of Canada Border Services Agency D-Memoranda, Customs Notices (CNs) and other publications issued, revised or cancelled during the past month.

*Dates are given in yyyy/mm/dd format*

Date	Reference	Action	Title
2009-06-30	<a href="#">CN09-014</a>		Proposed Regulatory Amendments and Proposed New Regulations Related to the Implementation of the Canada-European Free Trade Association Free Trade Agreement
2009-06-30			<a href="#">Summary of the Air Services Policy Framework and Air Mode Report</a>
2009-06-23	Fact Sheet		<a href="#">Amendments to the Customs Act</a>
2009-06-23	Fact Sheet		<a href="#">eManifest: Modernizing business at the border</a>
2009-06-19	<a href="#">D11-4-27</a>	Revised	Canada-Costa Rica Free Trade Agreement (CCRFTA) Costa Rica Free Zone Regimes
2009-06-19	<a href="#">D10-14-57</a>	Revised	Tariff Classification of Certain Articles Using Bluetooth® Technology
2009-06-10	<a href="#">D11-4-22</a>	Revised	Tariff Preference Levels
2009-06-17		New	<a href="#">Audit of Delegated Authority Under Section 33 of the Financial Administration Act</a>
2009-06-12	<a href="#">CN09-013</a>		Export Summary Reporting Program Review
2009-06-10		New	<a href="#">Tariff Amendments T2009-4</a>
2009-06-05			<a href="#">Camping in Canada This Summer?</a>
2009-06-03	<a href="#">CN09-012</a>		Highway Sufferance Warehouse Closure (Port Hawkesbury, N.S.)
2009-06-02	<a href="#">CN09-011</a>		Temporary Importations Using the 2010 Olympic and Paralympic Winter Games Remission Order
2009-06-01			<a href="#">Are you a Canadian citizen planning on travelling to the United States? New U.S. document requirements come into effect on June 1. Get your approved documents now.</a>

## CBP Rulings: Proposed Revocations or Modifications

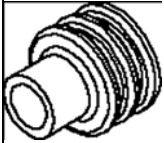
The following table summarizes proposals published in the weekly *Customs Bulletin and Decisions* during the past month by U.S. Customs and Border Protection pursuant to 19 U.S.C. §1625(c) to revoke or modify binding rulings or treatment previously accorded to substantially identical merchandise.

Published in CBP Bulletin	Product(s) or Issue(s)	Old Classification or Position	New Classification or Position	Ruling(s) to be Modified or Revoked	Comments Due
06/12/09	Eligibility under the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA) of certain hosiery containing nonoriginating elastomeric yarns <a href="http://www.cbp.gov/linkhandler/cgov/trade/legal/bulletins_decisions/bulletins_2009/vol43_06122009_no24/43genno24.ctt/43genno24.pdf">http://www.cbp.gov/linkhandler/cgov/trade/legal/bulletins_decisions/bulletins_2009/vol43_06122009_no24/43genno24.ctt/43genno24.pdf</a>	Eligible	Not eligible (elastomeric yarn contained in the component that determines the classification of a textile or apparel good must be "wholly formed" in Party)	NY N028235 (M)	07/12/09
06/26/09	Tariff classification of photosensitive sensors. <a href="http://www.cbp.gov/linkhandler/cgov/trade/legal/bulletins_decisions/bulletins_2009/vol43_06262009_no26/43genno26.ctt/43genno26.pdf">http://www.cbp.gov/linkhandler/cgov/trade/legal/bulletins_decisions/bulletins_2009/vol43_06262009_no26/43genno26.ctt/43genno26.pdf</a>	8541.40.80	8543.70.96	NY K86469, (R) NY I87325 (R)	07/26/09

*Dates are given in mm/dd/yy format*

## European Classification Regulations

The table below shows the Classification Regulations that were published in the *Official Journal* during the period covered by this *Global Customs Update*.

Reference Number	Description of the goods	Classification (CN code)	Reasons
Commission Regulation (EC) No 475/2009 of 5 June 2009	<p>An article made of plastics (a so-called 'cable seal') (*) with overall dimensions of approximately 1 cm (diameter) × 0,8 cm (length).</p> <p>The article has a central hole and is fitted with ribs on the outer surface.</p> <p>It is designed for use with electrical connectors in motor vehicles to protect the electrical connection from dust, moisture, oil and other elements ordinarily found in the environment of a car.</p> <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0011:0012:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0011:0012:EN:PDF</a></p>	<p>3926 90 97</p>  <p>[The image is purely for information]</p>	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3926, 3926 90 and 3926 90 97.</p> <p>The article is not considered to be a part of an electrical apparatus within the meaning of Note 2(b) to Section XVI as its presence is not necessary for the connector to function but only improves its functionality. Classification under heading 8538 as a part suitable for use solely or principally with the apparatus of heading 8536 is therefore excluded.</p> <p>The product is not considered to be an insulating fitting for electrical appliances of heading 8547 as it is not specifically designed for insulating purposes but for protecting the electrical connections.</p> <p>The article is therefore to be classified under CN code 3926 90 97, as other articles of plastics.</p>
Commission Regulation (EC) No 476/2009 of 5 June 2009	<p>A system consisting of the following components:</p> <ul style="list-style-type: none"> <li>— a high resolution television camera mounted onto a submersible vehicle (a so-called 'Remote Operated Vehicle (ROV)'),</li> <li>— a control device, incorporating a display, for the remote control of the vehicle and of the camera, for example by means of a joystick, and the visualisation of the images captured by the camera,</li> <li>— an electric cable.</li> </ul> <p>The first component weighs approximately 3,6 kg. The total weight of the system is approximately 32 kg.</p> <p>The system is used for underwater operations involving the capture of images and their transfer by cable to the display on the control device. It is operational up to a depth of approximately 90 m.</p> <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0013:0014:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0013:0014:EN:PDF</a></p>	<p>8525 80 19</p>	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, Note 4 to Section XVI and by the wording of CN codes 8525, 8525 80 and 8525 80 19.</p> <p>The essential character of the component, consisting of a television camera (of CN code 8525 80 19) mounted onto a submersible vehicle, is provided by the camera and not by the vehicle, which merely transports the camera over a limited distance.</p> <p>Consequently, this component is to be classified, if presented separately, under CN code 8525 80 19.</p> <p>As the individual components are interconnected and the system consists of individual components intended to contribute together to a clearly defined function, covered by one of the headings in Chapter 84 or 85, Note 4 to Section XVI is applicable.</p> <p>The function of the system is to capture images without storing them. Therefore, the whole system is to be classified under CN code 8525 80 19 as a television camera.</p>
Commission Regulation (EC) No 477/2009 of 5 June 2009	<p>1. A product consisting of a rectangular plate of semi-tempered glass upon which several anti-reflective and absorbent layers of plastic are bonded.</p> <p>The product is not framed.</p> <p>It is used in the manufacture of plasma monitors.</p> <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0015:0016:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0015:0016:EN:PDF</a></p>	<p>9001 90 00</p>	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9001 and 9001 90 00.</p> <p>The layers of plastic give the product the characteristics of an optical element. Classification under heading 7007 as safety glass, consisting of toughened (tempered) or laminated glass, is excluded.</p> <p>Unmounted optical elements of plastics are covered by heading 9001, whether or not optically worked (see also the HS Explanatory Notes to heading 9001, (D)).</p> <p>The product is therefore to be classified under CN code 9001 90 00 as other optical elements</p>

Reference Number	Description of the goods	Classification (CN code)	Reasons
Commission Regulation (EC) No 477/2009 of 5 June 2009	<p>2. A product consisting of a rectangular plate made of semi-tempered glass upon which several anti-reflective and absorbent layers of plastic are bonded.</p> <p>The product is framed with a metal band.</p> <p>It is used in the manufacture of plasma monitors</p> <p><a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0015:0016:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0015:0016:EN:PDF</a></p>	9002 20 00	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9002 and 9002 20 00.</p> <p>The layers of plastic give the product the characteristics of an optical element/optical filter. Classification under heading 7007 as safety glass, consisting of toughened (tempered) or laminated glass, is therefore excluded.</p> <p>Mounted optical elements of plastics are covered by heading 9002, whether or not optically worked (see also the HS Explanatory Notes to heading 9001, (D) and 9002).</p> <p>The product is therefore to be classified under CN code 9002 20 00 as an optical filter.</p>

## Amendments to the CN Explanatory Notes

The table below shows amendments to the explanatory notes to the *Combined Nomenclature of the European Communities* that were published in the Official Journal during the period covered by this Global Customs Update.

Official Journal	CN code or page	Description of Articles or Provision	Link to Official Journal
30 June 2009 2009/C 148/05	Page 81: Chapter 19	First paragraph: insert the word 'normally' before the word 'calculated'.	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:148:0009:0009:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:148:0009:0009:EN:PDF</a>

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## Russia: List of Items Exempted From VAT

Code as per TN VED <sup>1</sup>	Description of Equipment
8402 11 000 1 8402 12 000 1 8402 19 100 1 8402 19 900 1	Steam boilers (part of shipboard equipment)
8408 10 260 0 8408 10 310 0 8408 10 410 0 8408 10 510 0 8408 10 610 0 8408 10 810 0	Internal combustion engines (Diesel and semi-Diesel engines), newly manufactured, intended for sea-going ships under Commodity Items 8901 - 8906; deep-sea tugs under Sub-sub-item 8904 00 100 0; and naval ships under Sub-sub-item 8906 10 000 0
8411 82 200 1 8411 82 600 1	Gas turbines intended for use as part of factory-assembled gas-compressor plants
8413 20 000 1	Manually-operated pumps for use in commercial aviation
8413 30 200 2	Fuel pumps for use in commercial aviation
8413 30 800 2	Lubricating oil pumps and coolant pumps for internal combustion engines, for use in commercial aviation
8413 81 000 1	Pumps for use in commercial aviation
8414 10 200 0	Vacuum pumps for use in semiconductor manufacturing
8414 30 200 1 8414 30 890 1	Refrigeration equipment compressors for use in commercial aviation
8414 30 810 1	Refrigeration equipment compressors, in excess of 0.4 kW, hermetic or semi-hermetic, for use in commercial aviation
8414 51 000 1	Table, wall, floor, ceiling, roof or window fans with built-in motors not in excess of 125 W, intended for use in commercial aviation
8414 80 110 1 8414 80 190 1	Turbo compressors intended for use in commercial aviation
8414 80 220 1 8414 80 280 1	Positive-displacement compressors, reciprocating, with differential operating pressure not in excess of 15 bar, for use in commercial aviation
8414 80 510 1	Positive-displacement compressors, reciprocating, with differential operating pressure of more than 15 bar and with output not exceeding 120 cubic meters per hour, for use in commercial aviation
8414 80 750 1	Positive-displacement rotary multi-shaft compressors, screw-rotor type, for use in commercial aviation
8414 80 780 1	Positive-displacement rotary multi-shaft compressors, for use in commercial aviation
8414 80 800 1	Air-supply or vacuum pumps, compressed air machines or gas compressors, extraction or recycle extraction hoods and ventilated cabinets, for use in commercial aviation
8415 83 000 1	Air conditioning installations having no built-in refrigerating units, for use in commercial aviation
8417 10 000 0	Kilns and furnaces for the burning, smelting and other processes of thermal treatment of ores, pyritic ores or metals
8419 20 000 0	Medical, surgical and laboratory sterilizers
8419 39 900 1	Driers for use in the medical industry
8419 89 300 0	Vacuum metal vapor deposition installations
8419 89 981 0	Equipment for use in the medical industry
8420 10 100 0	Rolling presses and other roller-type machines used in the textile industry
8421 19 200 1	Laboratory centrifuges for use in the medical industry
8421 19 700 1	Centrifuges, centrifugal separators and extraction apparatus for use in the medical industry
8421 22 000 0	Equipment and apparatus intended to filter or purify beverages, with the exception of water
8421 23 000 1	Equipment and apparatus used in internal combustion engines to filter oil or fuel, intended for use in commercial aviation
8421 29 000 1	Equipment and apparatus intended to filter or purify fluids, for use in the medical industry
8421 31 000 1	Air filters for use with internal combustion engines in commercial aviation
8421 39 200 1	Equipment and apparatus used to filter or purify air, equipped with a system for spinning-mill waste accumulation
8421 39 400 0	Equipment and apparatus for wet-gas filtration or wet-gas purification

<sup>1</sup> TN VED - Russian acronym that stands for "Commodity Classification for the purposes of Foreign Economic Activity" - B & M Translations

## Russia: List of Items Exempted From VAT

Code as per TN VED <sup>1</sup>	Description of Equipment
8422 20 000 1	Equipment for washing and drying bottles or other containers, for use in the medical industry
8422 30 000 1	Equipment for filling and capping bottles and jars, covering boxes, sealing bags or other containers, placing under seals, labeling, capping or stoppering bottles, jars, tubes and similar containers, for use in the medical industry
8422 30 000 3	Equipment for bottling beverages or placing beverages in jars, at extra pressure, and for capping and labeling bottles and jars, with a capacity of at least 30,000 bottles or jars per hour
8422 40 000 1	Packaging or wrapping equipment, for use in the medical industry
8422 40 000 3	Equipment for plastic film wrapping of goods placed on pallets, operating rate of at least 70 pallets per hour
8422 40 000 4	Collation packing equipment using thermosetting film to pack goods, operating rate of at least 30 pack units per minute
8422 40 000 5	Equipment for packing rolls with diameters ranging from 600 to 1500 millimeters and widths ranging from 300 to 3200 millimeters
8422 40 000 6	Equipment for packing palletized empty paper bags using a plastic film no more than 16 millimeters wide, capable of handling no more than 3,500 paper bags per pallet
8423 20 000 0	Belt conveyor scales for continuous weighing of manufactured items
8426 41 000 2	Wheel-mounted self-propelled mechanisms with load carrying capacity of at least 75 tons, intended for operation at environment temperatures of minus 50 degrees Celsius or lower
8426 49 001 0	Pipe-laying machines with weight handling capacity of 90 tons or more, intended for operation at environment temperatures of minus 50 degrees Celsius or lower
8428 20 980 1	Air-operated hoists and conveyors for moving textile fibers
8428 31 000 0	Continuous-action elevators and conveyors for goods or materials, specially adapted for operation below ground
8428 90 300 0	Rolling mill equipment, roller-table gear for product feed and removal, tilting equipment and manipulators for handling ingots, slabs, spheres and billets
8429 11 002 0	Tractor-mounted dozers with a straight or angle blade group and engines of 400 hp or more, intended for operation at environment temperatures of minus 50 degrees Celsius or lower
8429 51 100 0	Front-end single-bucket loaders specially designed for operation below ground
8433 59 300 0	Grape picking combines
8435 10 000 0	Equipment for wine and cider making, equipment for manufacturing fruit juices or similar beverages
8436 21 000 0	Incubators and brooders
8438 10 900 0	Equipment for the manufacture of macaroni, spaghetti or similar products
8438 30 000 0	Equipment for use in the sugar industry
8438 40 000 0	Equipment for use in the brewing industry
8438 80 100 0	Tea or coffee processing equipment
8438 80 910 0	Beverage making or manufacturing equipment
8439 10 000 1	Conical mills for working cellulose fiber into cellulose pulp
8439 10 000 2	Sorting machines for working cellulose fiber into cellulose pulp
8439 20 000 1	Microcrepe paper manufacturing equipment
8439 30 000 0	Paper or paperboard finishing equipment
8440 10 100 0	Paper-folding machines
8440 10 200 0	Collating machines
8440 10 300 0	Thread sewing machines, wire stitching machines and stapling machines
8440 10 400 0	Adhesive binding machines
8441 10 100 1	Combination machine tools intended for length cutting and re-reeling paper rolls, featuring 16 pairs of knife discs, positional accuracy of at least 0.25 millimeters, tambour shaft width of at least 6400 millimeters and ready-to-use paper roll width of at least 420 millimeters
8441 10 200 0	Longitudinal slitting machines and transverse cutting machines
8441 10 300 0	Guillotine cutting machines
8441 10 400 0	Three-knife trimming machines
8441 20 000 1	Sac-making machines for manufacturing 410-670 millimeter long and 320-500 millimeter wide sacs having bottom width of 90-140 millimeters, with output rate of at least 300 sacs per minute
8441 30 000 0	Machines for the manufacture of cardboard crates, boxes, pipes, drums or similar containers, using methods other than molding
8441 40 000 0	Machines for molding articles of paper pulp, paper or cardboard
8442 30 100 0	Machines, apparatus and fittings for casting and setting up print type, with or without a casting device, with the exception of photo-setting machines

## Russia: List of Items Exempted From VAT

Code as per TN VED <sup>1</sup>	Description of Equipment
8442 50 210 0	Plates, cylinders or lithographic stones for printing purposes, engraved, intended for relief printing
8442 50 230 0	Plates, cylinders or lithographic stones, with lithographic representations, intended for flat-bed printing
8443 11 000 0	Web offset presses
8443 12 000 0	Sheet-fed offset presses, for office use
8443 13 310 0	Sheet-fed offset presses, newly manufactured, for use with paper sheets with sizes not in excess of 52 by 74 centimeters
8443 13 350 0	Sheet-fed offset presses, newly manufactured, for use with paper sheets with sizes of more than 52 by 74 centimeters, but not in excess of 74 by 107 centimeters
8443 14 000 0	Feed roll-type presses intended for relief printing, with the exception of flexographic printing presses
8443 15 000 0	Relief printing press, other than feed roll-type presses and other than flexographic printing presses
8443 16 000 0	Flexographic printing presses
8443 17 000 0	Gravure printing presses
8443 19 200 1	Cylinder textile printing presses using mesh screens
8443 19 200 2	Cylinder textile printing presses using flat mesh screens
8443 19 200 3	Textile thermal printing machines for transfer printing
8443 19 400 0	Printing machines, for use in semiconductor manufacturing
8443 32 100 1	Printers with personal computer or computer network connection capability, for textile printing purposes
8443 39 900 1	Textile printing machines
8444 00 100 0	Chemical textile material extrusion machines
8445 11 000 0	Hackling machines for textile fiber preparation
8445 12 000 0	Combing machines for textile fiber preparation
8445 13 000 1	Speed frames for textile fiber preparation
8445 13 000 2	Drawing frames featuring devices to adjust linear belt density, for textile fiber preparation purposes
8445 19 000 1	Textile fiber preparation machines, fiber cleaners
8445 19 000 2	Textile fiber preparation machines, multi-box mixing machines
8445 19 000 3	Web-forming machines for textile fiber preparation
8445 20 000 1	Ring spinning frames for use in the textile industry
8445 30 100 0	Slubbing frames for use in the textile industry
8445 30 900 1	Double-twist twisting machines for use in the textile industry
8445 40 000 1	Warp winding frames featuring automatic yarn quality control and automatic yarn defect curing capabilities
8445 90 000 1	Cylinder warping machines
8446 10 000 0	Textile machines
8446 21 000 0	
8446 30 000 0	
8447 11 100 1	Circular fabric machine
8447 12 100 1	
8447 12 100 2	
8447 20 200 0	Warp knitting machines (including Raschel machines), sewing-knitting machines
8448 11 000 0	Shed dobby apparatus and Jacquard machines, mechanisms intended to decrease the number of cards, card repeating machines, punch card machines or card binding machines
8449 00 000 0	Equipment used to manufacture or finish felted fabric or cloth or unwoven materials, whether in pieces or cut to size, including felt hat manufacturing equipment; hat-blocks
8451 40 000 1	Wool scouring machines
8451 40 000 2	Yarn dyeing machines
8451 80 100 0	Machines used in the manufacture of linoleum or other floor coverings and intended for the paste-coating of woven-type base material or other base materials
8451 80 300 1	Shearing machines
8451 80 800 1	Gas-singeing machines for the treatment of fabrics, with working width of at least 180 centimeters
8452 21 000 0	Automatic sewing machines
8453 10 000 0	Equipment used for skin or hide preparation, curing and treatment
8453 20 000 0	Shoe making or shoe repair equipment
8454 10 000 0	Converters for use in the iron and steel industry and foundry engineering
8454 30 100 0	Injection-molding machines
8454 30 900 1	Continuous casting machines
8454 30 900 2	Continuous slab casting machines

## Russia: List of Items Exempted From VAT

Code as per TN VED <sup>1</sup>	Description of Equipment
8455 10 000 0	Pipe-rolling mills
8455 21 000 1	Hot-rolling mills or combined hot-rolling and cold-rolling mills
8455 21 000 2	
8455 21 000 9	
8456 10 001 0	Machine tools intended for laser-assisted machining of any materials by means of removing portions of material using laser emission
8457 10 100 2	Digital program control plane horizontal milling centers, high-speed (3000 rpm or more, but not in excess of 15000 rpm), for use in the aircraft industry
8457 10 900 2	Digital program control milling centers, high-speed (5000 rpm or more, but not in excess of 15000 rpm), for use in the aircraft industry
8460 21 900 1	Multi-axes machines intended for profiled surface grinding, equipped with 10 kW to 100 kW electric motors, for use in the aircraft industry
8462 41 100 1	Broaching machines intended for making grooves in guide-vane covers and capable of handling work pieces with external diameters ranging from 200 to 1300 millimeters, for use in the aircraft industry
8464 20 110 0	Optical glass grinding and polishing machines
8464 20 200 0	Machine tools for ceramics machining
8464 90 200 0	
8465 10 900 0	Machines for working wood, cork, bone, hardened rubber, solid plastic or similar solid materials, capable of performing diverse machining operations without tool replacement between operations and featuring automatic movement of articles being machined
8475 10 000 0	Machines for the assembly of electric glass bulbs, electronic glass valves, electronic glass tubes or cathode-ray or gas-discharge glass lamps
8475 21 000 0	Machines for the manufacturing of optical glass fiber or partially finished products of which optical glass fiber is manufactured
8477 10 000 0	Injection casting machines
8477 40 000 0	Vacuum casting machines and other hot shaping machines
8477 51 000 0	Machines for tire inner tube molding or tire inner tube reconditioning, for tire molding or tire retreading or other manufacturing tire inner tubes
8477 59 100 0	Presses for working rubber or plastics
8477 80 110 0	Machines for the treatment of reactive resins
8477 80 930 0	Blenders, kneading machines and mixers
8478 10 000 0	Tobacco preparation or tobacco making equipment
8479 20 000 0	Equipment for the extraction or making of animal oil or non-volatile vegetable fats or oils
8479 30 100 1	Continuous action presses for the manufacture of MDF panels, with output of up to 50 cubic meters per hour
8479 40 000 0	Rope or wire rope manufacturing machines
8479 89 300 0	Hydraulically-operated advancing supports for use in mines
8486 20 900 1	Machines and apparatus for the manufacture of semiconductor devices or electronic chips, using light emission or photon emission, with the exclusion of laser emission
8486 20 900 2	Dry process etching machines and apparatus for use on semiconductor materials
8486 20 900 3	Apparatus for the removal of photo resist materials or for cleaning semiconductor wafers
8486 30 100 0	Chemical vapor deposition apparatus for use on substrates of liquid-crystal devices
8486 30 300 0	Dry process etching apparatus for use on substrates of liquid-crystal devices
8486 30 600 0	Physical sputter deposition apparatus for use on substrates of liquid-crystal devices
8486 40 000 1	Focused ion beam mills for manufacturing or restoring semiconductor device mask patterns
8501 20 000 1	Direct and alternating current motors, 735 W to 150 kW, for use in commercial aviation
8501 32 800 1	Direct current motors, 50-75 kW, for use in commercial aviation
8501 33 000 1	Direct current motors, 75- to 150 kW, and generators, 75 kW to 375 kW, for use in commercial aviation
8501 40 200 1	Single-phase alternating current motors, 735 W to 750 W, for use in commercial aviation
8501 40 800 1	Single-phase alternating current motors, up to 150 kW, for use in commercial aviation
8501 52 900 1	High-phase alternating current motors, 37 kW to 75 kW, for use in commercial aviation
8501 53 500 0	High-phase alternating current traction motors with capacity of more than 75 kW
8501 63 000 0	Alternating current generators (synchronous generators), with capacity ranging from 375 kVA to 750 kVA
8502 13 400 0	Power generating assemblies equipped with compression-ignition conventional engines (Diesel or semi-Diesel engines) with capacity ranging from 750 kVA to 2000 kVA
8502 20 800 0	Power generating assemblies equipped with spark-plug ignition conventional engines, with capacity of over 750

## Russia: List of Items Exempted From VAT

Code as per TN VED <sup>1</sup>	Description of Equipment
	kVA
8502 31 000 0	Wind-driven power generating plants
8514 20 100 0	Furnaces and chambers operating on the basis of the induction phenomenon
8514 20 800 0	Furnaces and chambers operating on the basis of the phenomenon of dielectric loss
8514 30 190 0	Infrared furnaces
8514 40 000 0	Equipment for the thermal treatment of materials employing the method of electromagnetic induction or dielectric loss
8515 29 100 0	Jam welding machines

# Inbound Trade Compliance

## Newsletter

Washington, DC

BAKER & MCKENZIE

July 2009

### Update on the “Buy American” Requirement of the American Recovery and Reinvestment Act of 2009

The American Recovery and Reinvestment Act of 2009 (“ARRA”) provides significant business opportunities through its funding of numerous large-scale federal, state and local projects. The ARRA also contains certain “Buy American” restrictions that prohibit the use of ARRA funds for any project involving the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States. While several federal agencies have issued recent guidance concerning the eligibility of products under contracts and public works projects funded by the ARRA, this is a rapidly evolving and confusing area of the law, and companies should be aware that there has been increased enforcement in recent years concerning the origin of products sold to the U.S. Government.

There are two interim procurement rules with which potential contractors and sub-contractors should first become familiar: (1) the Federal Acquisition Regulation (“FAR”) interim rule for direct federal procurements that use ARRA funds; and (2) the Office of Management and Budget (“OMB”) interim rule for ARRA financial assistance awards to states and sub-federal entities. Both interim rules are limited to projects that use Recovery Act funds for the construction, alteration, maintenance or repair of public buildings and public works. Thus, the interim rules are separate from the traditional Buy American Act regulations, which apply generally to federal procurements, and the Trade Agreements Act regulations, which apply to federal procurements and some sub-federal procurements that meet or exceed certain specified dollar thresholds. Whether a particular product is eligible for an ARRA-funded project will largely depend on the identity of the procuring or awarding entity.

With regard to federal projects that use ARRA funds, most Federal agencies must adhere to the international agreement obligations of the United States, which require that construction materials of certain designated countries receive equal consideration with offers of domestic construction materials when the total contract amount meets or exceeds specified dollar thresholds.

By contrast, as many potential contractors and sub-contractors are finding out, many states and most municipalities are not bound by these international

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agreement obligations, and as a result, contractors are severely limited in what products they can offer in bids for state and sub-federal ARRA-funded construction projects. For example, contractors will not be able to offer most Canadian-origin and Mexican-origin construction materials for state and sub-federal projects funded by ARRA. This is because, of the forty states that have agreed to be bound by at least one or more international agreements, no state has agreed to treat products of North American Free Trade Agreement (“NAFTA”) countries (i.e., Canada and Mexico) equally with domestic offers. In addition, although Canada is a member of the World Trade Organization Government Procurement Agreement (“WTO GPA”), no state has agreed to apply the WTO GPA obligations to Canadian-origin products, because Canada has never agreed to offer the procurement of its provinces under NAFTA or the WTO GPA. It is also important to keep in mind that some states have their own Buy American laws, which may be applicable. Most municipalities are not bound by any international agreement obligations. As a result, ARRA-funded projects at the municipal level are limited generally to domestic construction materials, unless a waiver of the ARRA Buy American restrictions has been granted.

In the age of globalization, wherein many American firms rely on global production chains for sourcing and the integration of both domestic and foreign materials into a final product, the Buy American provision of ARRA has created complications for, not only non-U.S. companies, but many U.S. companies as well. In addition, some countries are taking retaliatory measures as a result of the ARRA Buy American restriction. Recently, an association of Canadian municipalities passed a resolution that advocates barring the award of municipal contracts to firms from countries that discriminate against Canadian firms. Last month, it was reported that China also has reversed its earlier position that it would not implement a “Buy China” policy for its \$587 billion stimulus plan. Instead, it has issued a directive that all levels of government should direct stimulus money to Chinese-origin products first.

Firms interested in offering their products for ARRA-funded projects should confirm that the relevant origin-eligibility requirements are satisfied. Whether anything other than a “domestic manufactured good” or a “domestic construction material” may be used in an ARRA-funded construction project (absent a waiver), will depend, in large part, on (i) the identity of the entity offering the contract or award (e.g., federal agency, state, municipality, etc.), and (2) the total amount of the contract or award.

\* \* \*

The foregoing is intended only to provide a general overview of recent developments concerning ARRA-funded construction projects. If you have questions about how these changes might affect your company, please contact us. We are also available to discuss how other recent developments within the field may impact your business, including the accession of Taiwan to the WTO GPA, the elimination of the Buy American Act’s 50% domestic component test for commercially available off-the-shelf items, and recent False Claims Act litigation concerning the country of origin of products offered for sale to the U.S. Government.

# International Trade & WTO

## Client Alert

國際通商法律事務所

BAKER & MCKENZIE

June 2009

### TAIWAN RATIFIES WTO GOVERNMENT PROCUREMENT AGREEMENT AND BECOMES 41ST SIGNATORY

On June 8, 2009 Taiwan's President Ma ratified the WTO Government Procurement Agreement (GPA) and ensured that Taiwan will become the 41st WTO member to accede to the GPA. The WTO Committee on Government Procurement approved Taiwan's application to accede to the GPA on December 9, 2008 and Taiwan's Legislative Yuan endorsed the application on May 15, 2009. According to WTO rules, Taiwan's participation will formally take effect 30 days after the WTO Secretariat receives the ratified document.

Taiwan's accession to the GPA, which was originally slated for 2003, ends six years of intense negotiations that often revolved around the politically sensitive nomenclature used to describe Taiwan. As a GPA signatory, Taiwan opens its own government procurement—amounting to more than US\$ 20 billion (NTD 660 billion) in 2007—to greater international competition while it gains competitive access to a worldwide government procurement market estimated at US\$ 5.5 trillion per year.

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With respect to the other GPA signatories, Taiwan's much-welcomed GPA membership also means that its government procurement law will no longer attach domestic procurement set-offs to government projects. The set-offs, which can be as much as 30%, have long been viewed as a major obstacle to a truly competitive procurement environment. Their elimination will usher Taiwan into a new procurement era as the island embarks on the Ma administration's ambitious NT\$ 3.99 trillion (US\$ 120 billion) infrastructure-intensive "i-Taiwan" program.

The GPA is a plurilateral WTO agreement that with Taiwan's accession applies to 41 WTO members. It gives signatories national treatment to the goods, services and suppliers of the other signatories. GPA members agree to conduct government procurement in a fair, transparent and predictable manner in accordance with specified principles and procedures.

We would be pleased to provide additional information upon request.

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# General Export Licenses in Germany

Public Law Group, Germany

BAKER & MCKENZIE

## Newsletter

15 May 2009

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## How General Licenses Simplify Export Compliance in Germany

### I. General Rule: Export of Items on Export List Requires a License

In Germany, the export of all items included in the German Export List (*Ausfuhrliste* – AL) requires a license. The Export List includes

- Germany's national Military List (with military items subject to export controls);
- the European Dual Use List (exports of dual use items are subject to the European Dual Use Regulation (Regulation 1334/2000), which includes, in its Annex I, the European Dual Use List); and
- few German national listings for dual use items.

### II. General Export Licenses Allow Immediate Export and Provide Planning Reliability

In order to facilitate export licensing procedures, the German Federal Office for Economics and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle – BAFA) has issued several General Export Licenses. For exports which are within the scope of these General Licenses no application is required. Instead, only some basic formalities must be complied with. Effective 1 February 2009, all 11 currently existing German national General Export Licenses have been prolonged. In the following, we will provide an overview on the General Export Licenses available in Germany. These are of immense practical relevance for exporters, as they allow immediate exports of otherwise restricted goods as well as planning reliability during their period of applicability.

### III. Available General Export Licenses in Germany

General Export Licenses only cover exports to the countries which are specified in the respective General License. As a rule, General Licenses are not available for countries against which a European arms embargo is in place. All General Licenses include further details to specify exactly for which goods and subject to which conditions the License in question is available.

German General Export Licenses may be divided into two groups: Licenses which relate to specific goods (e.g. telecommunications items) and licenses which relate to the particular circumstances of an export (e.g. re-exports of goods which had been shipped to Germany for repairs).

### ***Community General Export Authorisation (CGEA)***

The Community General Export Authorisation (CGEA) has not been issued by BAFA, but has been adopted by the European Commission. CGEA is therefore valid in all Member States of the European Union. CGEA applies to most dual use items of the European Dual Use List. CGEA is valid only for exports to Australia, Canada, Japan, New Zealand, Norway, Switzerland and USA.

Because CGEA includes exports of all dual use goods which are also subject to German General Licenses for dual use goods, the German General Licenses for dual use goods do not apply to exports to Australia, Canada, Japan, New Zealand, Norway, Switzerland and USA; instead, exports of dual use goods to these States must be made under CGEA.

### ***General License 10 (GA-10) – Computers and similar equipment***

GA-10 applies to computers and similar equipment which are subject to export controls because they incorporate controlled cryptographic features. In principle, all basic cryptography which is subject to export control is covered by GA-10.

In addition, GA-10 applies to high-performance computers up to an adjusted peak performance (APP) of 0.8 Weighted TeraFLOPS (WT). GA-10 also covers replacement parts for such high-performance computers.

### ***General License 16 (GA-16) – Telecommunications and information security***

As far as telecommunications equipment is concerned, GA-16 covers radio equipment operating in the 1,5 MHz to 87,5 MHz band; optical fibers and accessories; and commercial civil base stations for mobile telecommunications networks.

In addition, as regards information security items, GA-16 covers most types of basic cryptography and cryptographic software.

### ***General License 22 (GA-22) – Military explosives, including propellants, pyrotechnics and oxidizers***

GA-22 only applies to transfers. Only shipments to other Member States of the European Union may be made under GA-22.

### ***General License 12 (GA-12) – Exports with a value of less than EUR 5,000***

GA-12 exempts exports with a value of less than EUR 5,000 from licensing requirements. In relation to GA-12, the value of an export is determined in accordance with the value of the respective goods as indicated in the agreement which is the basis for the export. It is, on the one hand, not permitted to artificially divide a single economic transaction with the aim to meet the EUR 5.000 threshold. On the other hand, if a shipment contains controlled and non-controlled items, only the value of the controlled items must be taken into account for calculating the value of an export.

GA-12 applies to the export of (most) dual use goods, but is not valid for the export of military goods.

### **General License 13 (GA-13) – Exports under certain circumstances**

Among the sets of circumstances covered by GA-13, the re-export of dual use items which have been sent to Germany for repairs and the export of items as replacements is of most practical relevance. In addition, GA-13 applies to exports of dual use items to German or European public authorities outside Germany and to German, European or NATO forces outside Germany.

GA-13 applies to the export of dual use goods. As far as military goods are concerned, the German Statute on Foreign Trade and Payments (*Aussenwirtschaftsverordnung – AWV*) contains a similar list of circumstances identifying when an export license is not required for military goods.

\*\*\*

In the following, we list further General Licenses, which are not of lesser practical relevance:

- General License 9 (GA-9) – Nuclear-grade graphites and finished graphite products
- General License 18 (GA-18) – Military clothing and personal equipment which provides signature suppression
- General License 19 (GA-19) – Military off-road vehicles which have been equipped to provide ballistic protection
- General License 20 (GA-20) – Trading and brokering with regard to military items with final destination Australia, Canada, Japan, New Zealand, Norway, Switzerland and USA
- General License 21 (GA-21) – Military protective and decontamination equipment; biopolymers for the detection or identification of certain materials; and equipment providing ballistic protection
- General License 23 (GA-23) – Re-exports of military goods after repairs have been made and export of military goods as replacements

The German texts of all General Export Licenses can also be found at BAFA's webpage: <http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/verfahrenserleichterungen/allgemeingenehmigungen/index.html>

## **IV. General Requirements for making use of General Export Licenses**

In comparison to an application for an individual export license, the formal requirements for making use of a General Export License are rather easy to comply with:

The exporter must send a registration letter to the German Federal Office for Economics and Export Control (*Bundesamt für Wirtschaft und Ausfuhrkontrolle – BAFA*) prior to the first export or within 30 days after the first export under the respective General License has been made. Consequently, there is no waiting period after submitting the registration letter to BAFA before making use of a General License.

Exports made under CGEA, under GA-9 and GA-19 must be reported to BAFA in January and in June of each year. No reporting duties apply for exports under all other General Licenses. Records of all exports made under any General License must be kept for three years, beginning with the calendar year following the year in which the respective export has been made. These records must be provided to BAFA upon request.

Companies which export controlled goods from Germany – regardless whether such export is made under a General License or under an individual license – must formally appoint an Export Control Officer at Board Level.

*Article by Julia Pfeil, Baker & McKenzie Frankfurt*

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