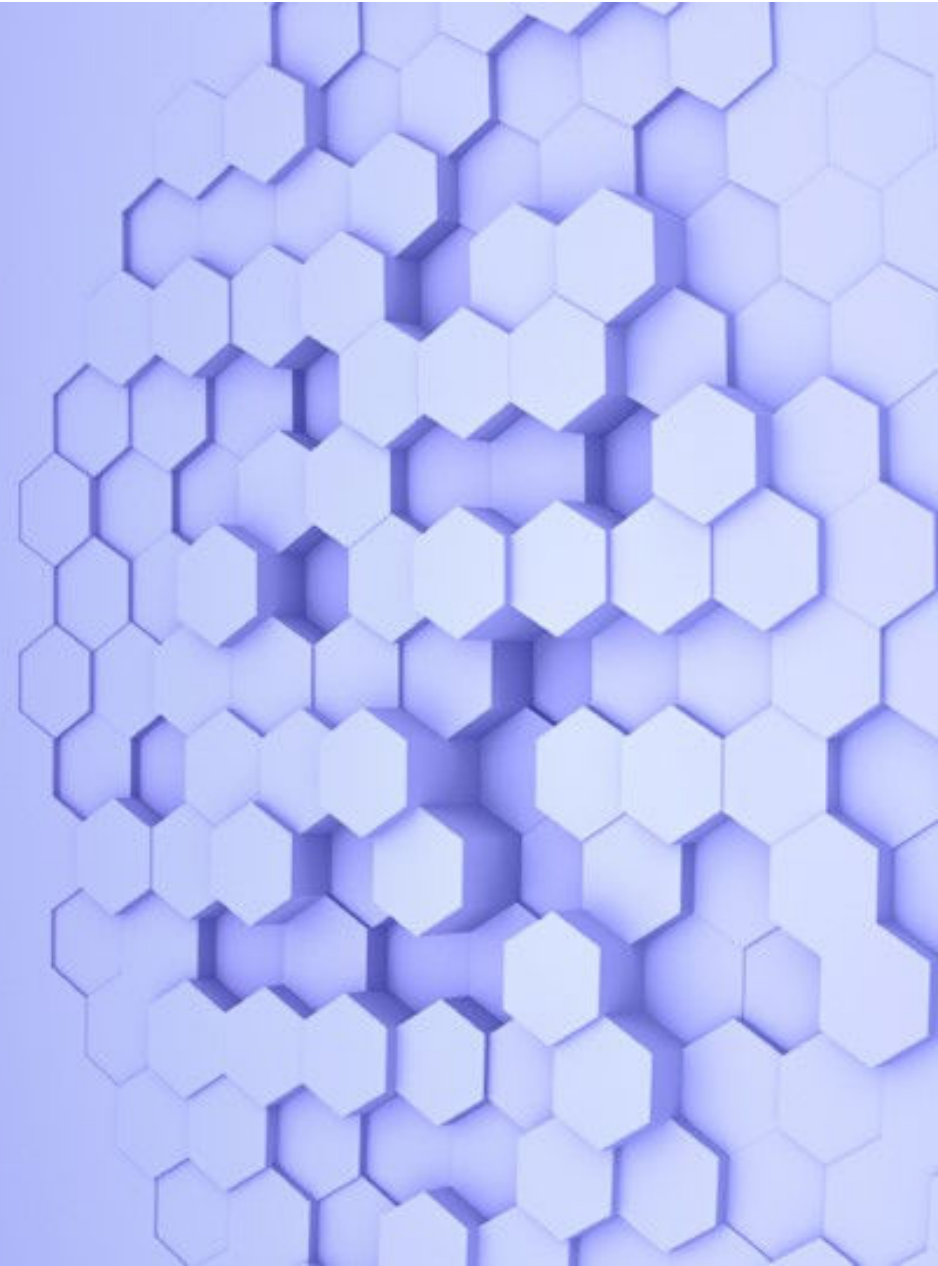


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Customs and key compliance developments

14 – 16 May 2024





Annual Compliance Conference 2024

01 Antitrust compliance
30 April – 1 May 2024

02 Sanctions and export controls
7 – 9 May 2024

03 Customs and key compliance developments
14 – 16 May 2024

04 Anti-bribery and corruption and economic crime
22 – 23 May 2024

05 ESG, supply chain and product compliance
3, 5 and 6 June 2024



EMEA customs: what's trending?

Wednesday 15 May 2024





Speakers



Jenny Revis
Partner (Chair)
London



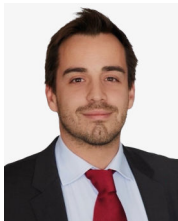
Virusha Subban
Partner
Johannesburg



Laya Aoun-Hani
Counsel
Dubai



Carolin Insel
Senior Associate
Dusseldorf



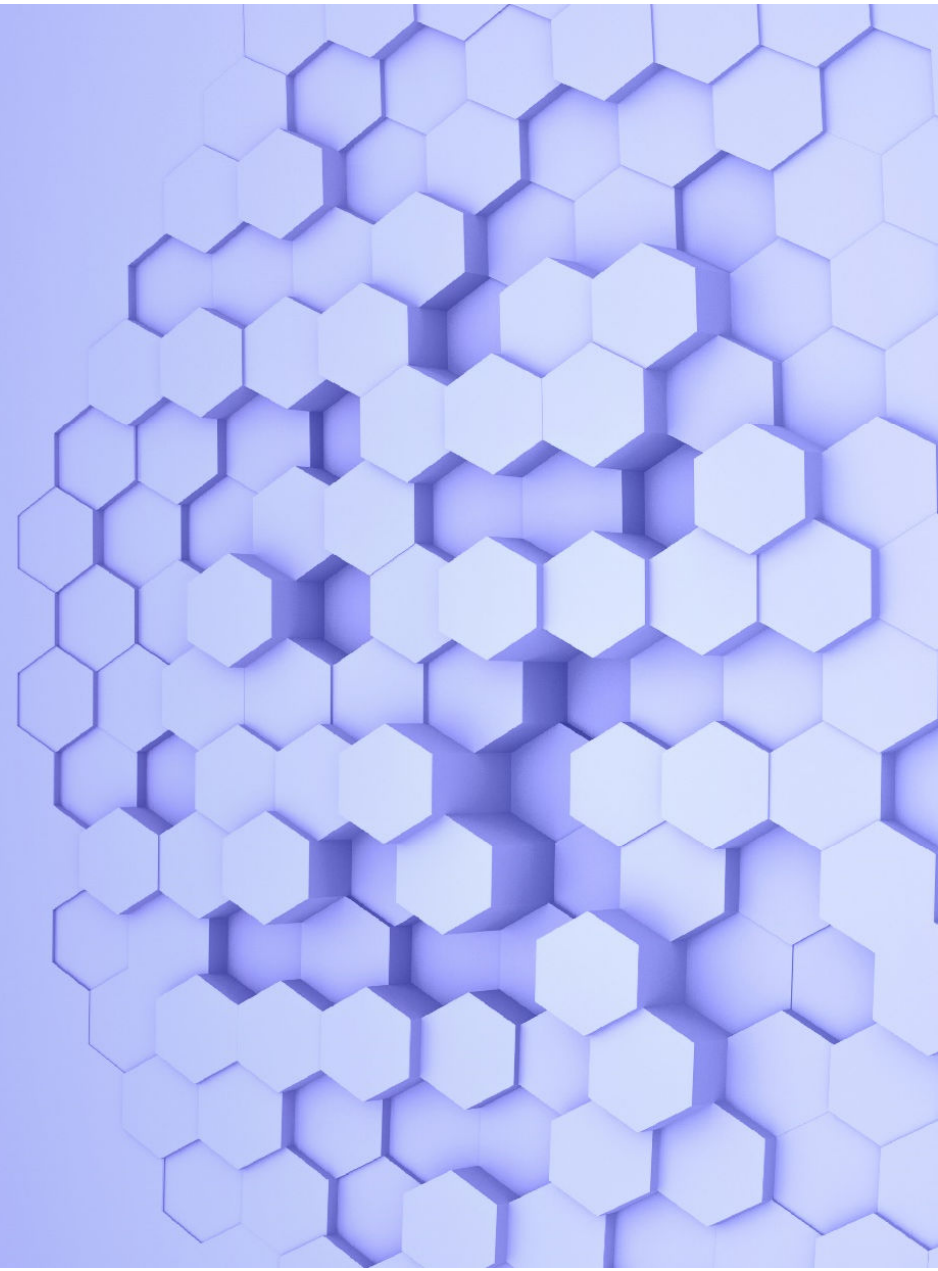
Albert Arenas
Associate
Barcelona



Kelvin Hong
Senior Associate
London



01 EU





CBAM Compliance aspects

What needs to be checked?

- Review import/export flows and in-scope products.
- Prepare a Matrix to identify accountability and responsibilities amongst the stakeholders involved in the supply chain.
- Review EU import footprint and potential cost and impacts on their processes, considering the new proposed scope of CBAM.
- Preparing to comply with the transitional period requirements – including review required data (e.g., on embedded emissions and carbon price at the manufacturing sites), identify potential gaps, review potential restructuring of the supply chain, review how to report (incl. who should report), assess their contractual positions (draft/ amend clauses), advise on their relationship with their customs representative and support in drafting SOP.
- Register in the EU CBAM portal and contact with the National Competent Authorities.





Forced Labor Compliance aspects

What needs to be checked?

- Review of import/export flows and in-scope products per specific economic sectors and per supplier and country of origin.
- Prepare a Matrix to each stage of the supply chain as manufacturing, harvest and extraction. Regulation includes in its scope the working or processing related to the products
- Build an internal robust process to gather all the information that will need to be put at the disposal of the Customs Authorities.
- Due Diligence guidelines to be published by the Commission





Plastic Tax Compliance aspects

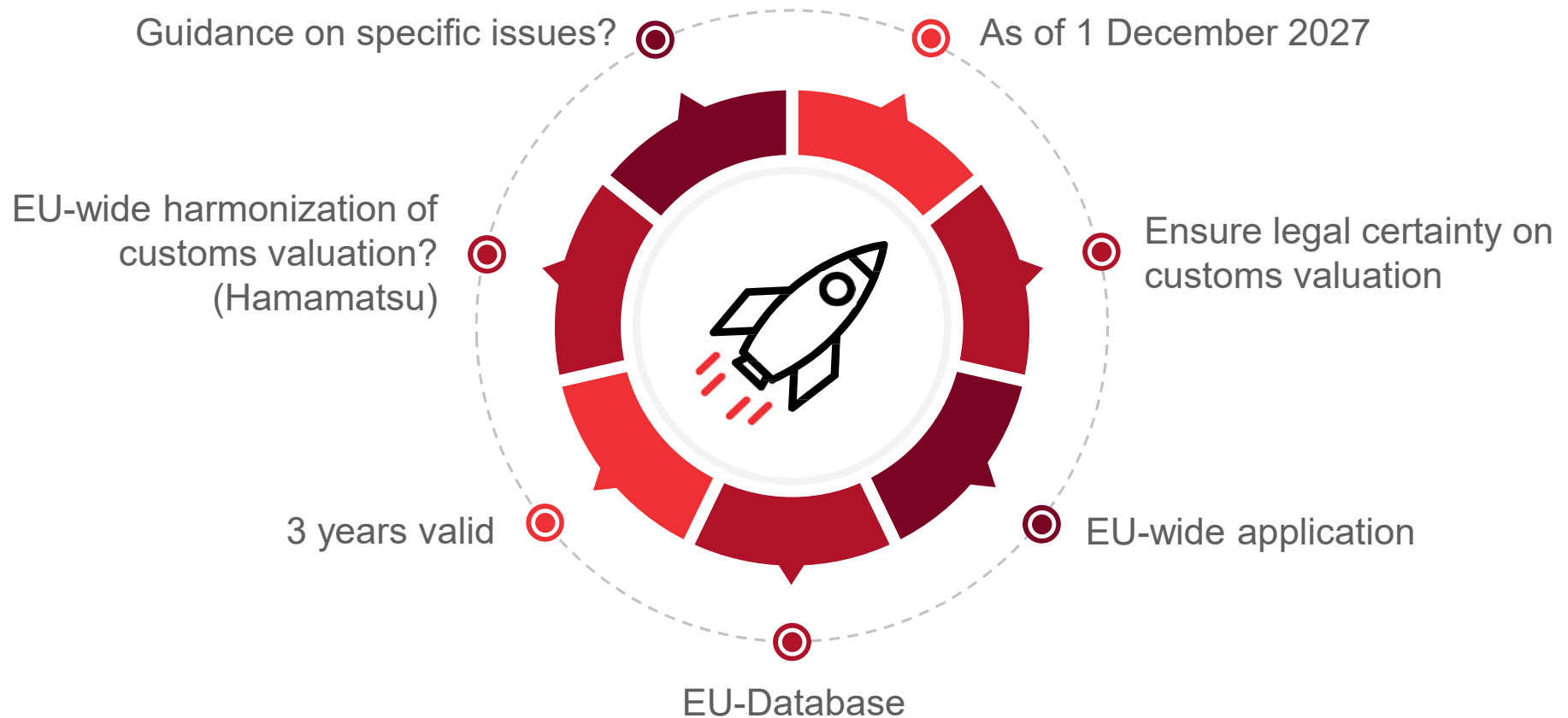
What needs to be checked?

- Review local regulation per import territory.
- Review import flows and in-scope products and the plastic packaging used in the transport.
- Request suppliers to provide with the relevant Plastic Tax data in advance.
- Review SAD amendments and guidance to fulfil additional boxes and any documentation needed (i.e. re-used plastics certification).
- Communicate with customs representative and provide with the Plastic Tax data to fulfill the SAD and annexed documents accordingly.
- Internally keep traceability in terms of inbound/outbound flows after the import (including EU supplies) in terms of justifying a potential refund.



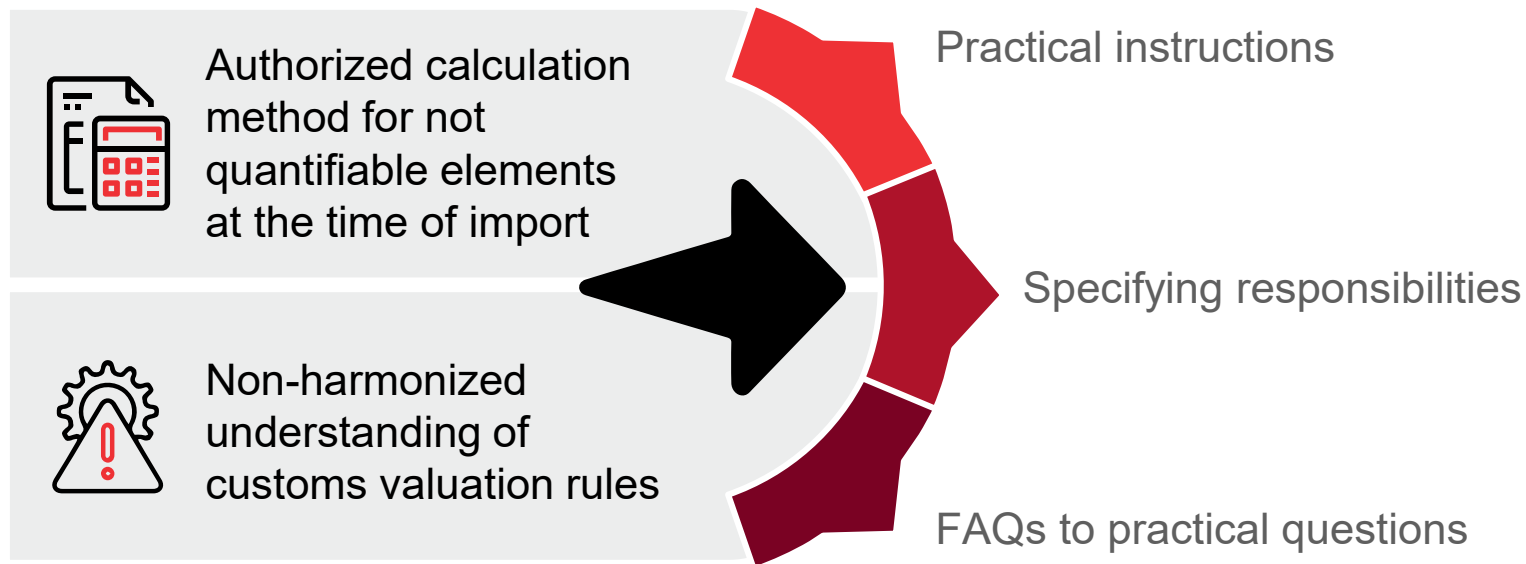
Recent Developments in the EU

Binding Valuation Information



Recent Developments in the EU

Guidance on Article 73 UCC authorization



Recent Developments in the EU

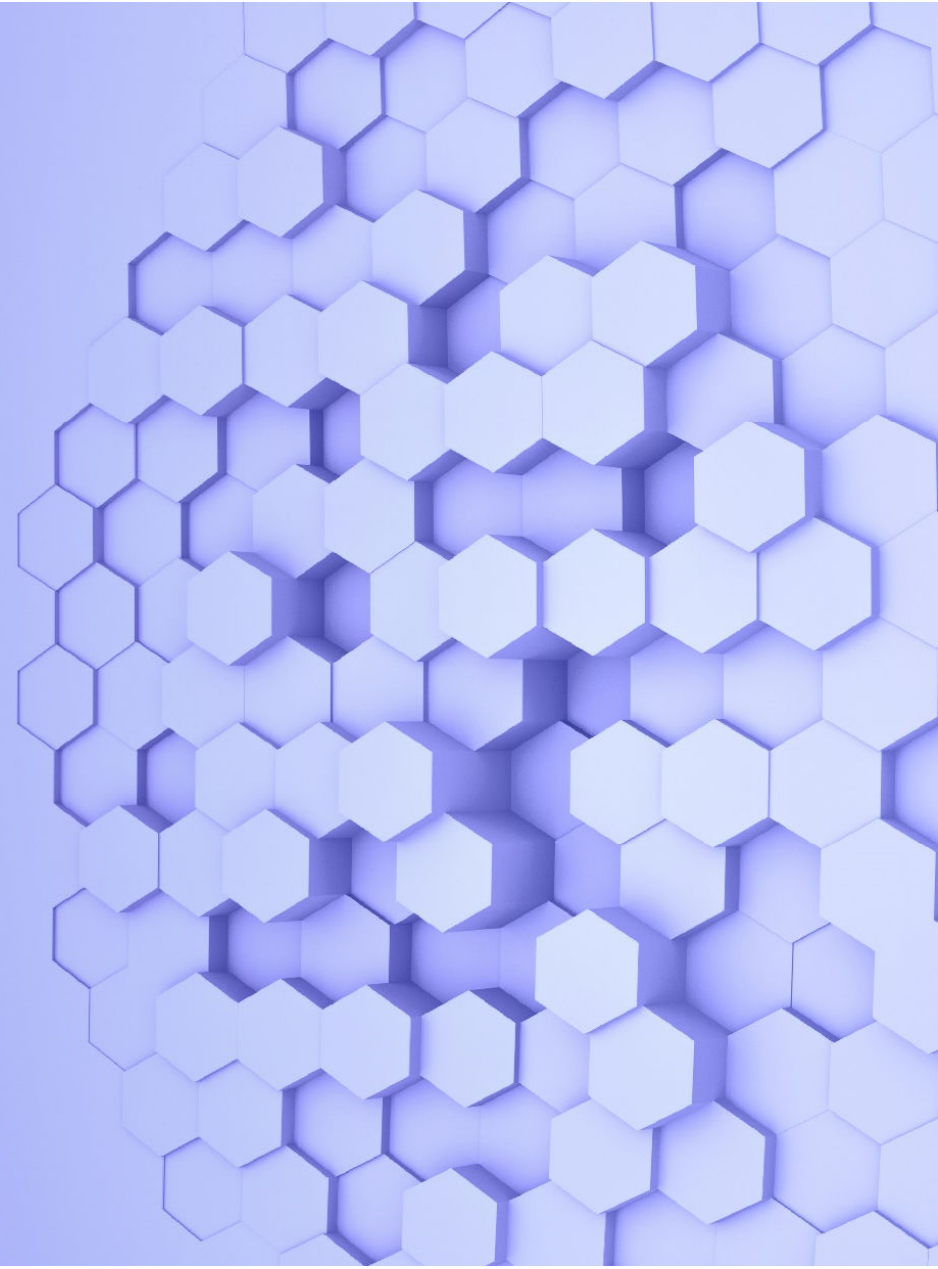
EU Customs Valuation Compendium



- Guidance by the EU Commission for Member States administrations
 - Presents the customs valuation treatment of specific cases
 - Overview of important judgements of the ECJ
 - Update in April 2024
 - Damaged or defective goods upon importation
 - Buying commissions
 - Prototype cars and development services
-



02 UK



UK: Key Trends & Developments

1. New HMRC policy on customs valuation



- Customs valuation in the context of related party transactions
- Margin-based transfer pricing policy
- Defensibility of transaction value method
- Alternative valuation methods

2. Ongoing ratification of CPTPP



- One of the biggest FTAs
- China, Taiwan, Ukraine, Costa Rica, Uruguay and Ecuador
- Protocol of Accession signed; ratification underway
- "Gold standard" for FTAs

UK: Key Trends & Developments

3. Compliance with IP authorisation conditions



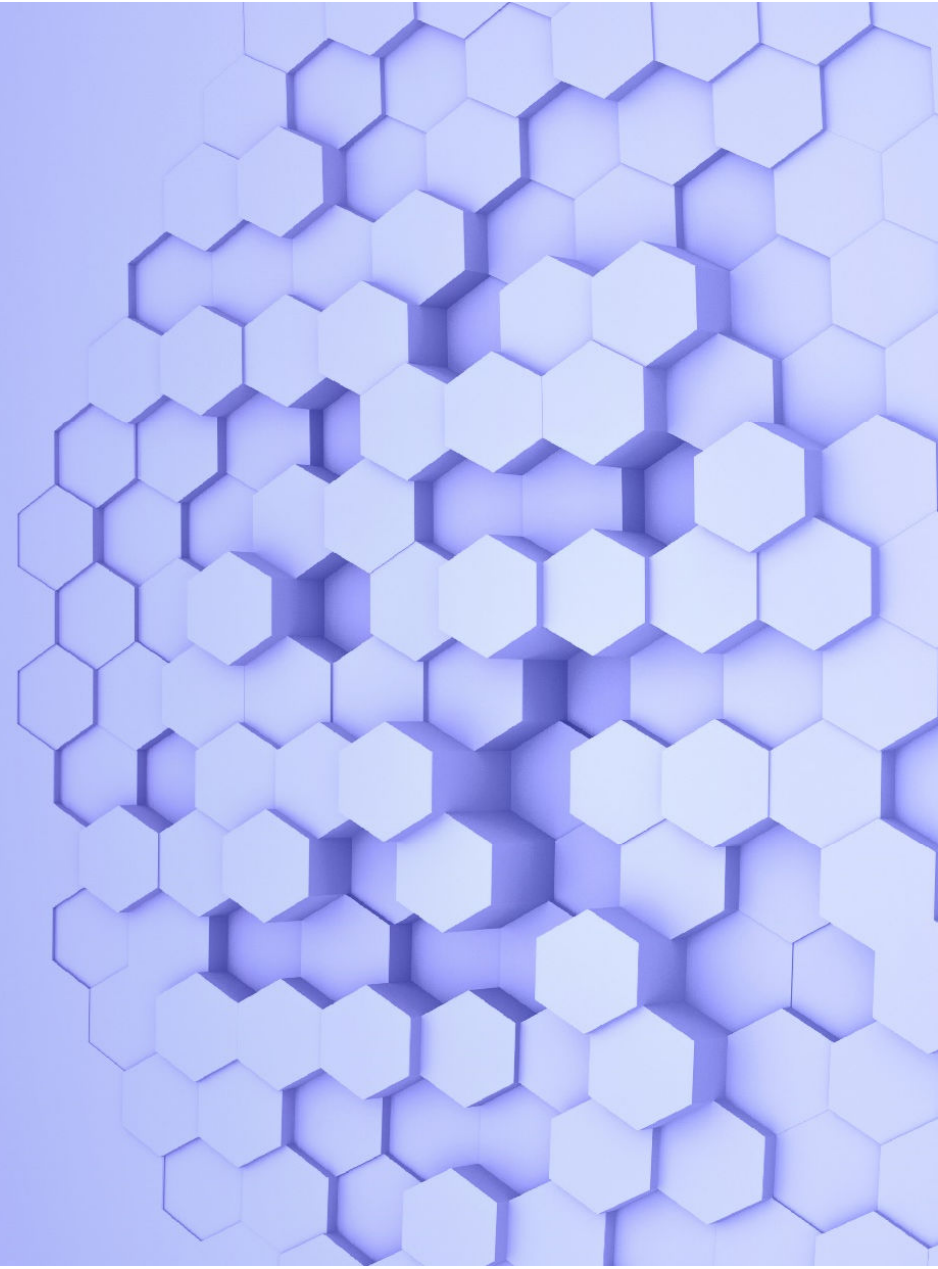
- Key vulnerability especially with BoD conditions
- Thyssenkrup Materials (UK) Ltd v HMRC
- Key highlights: (1) minor errors in a small number of BoD entries; (2) proportionality; (3) whether breach has significant effect; (4) can HMRC verify the submitted info?

4. Simplification of customs measures

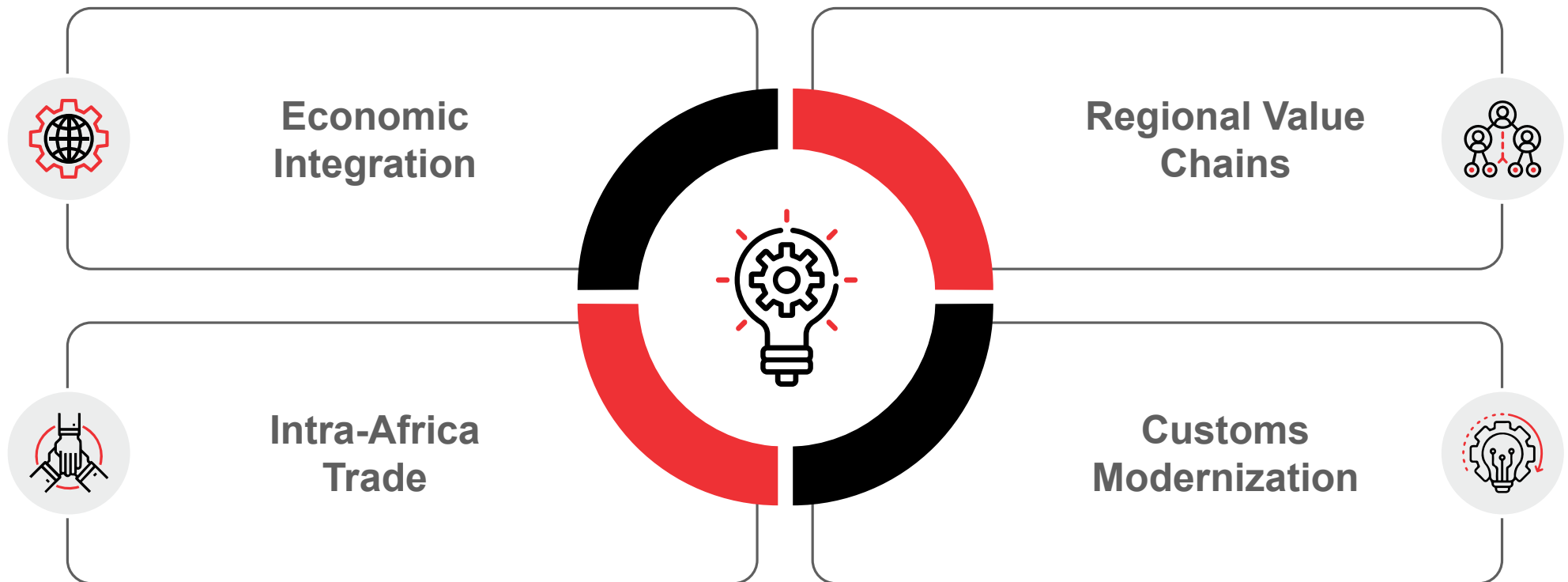


- New voluntary standard for customs intermediaries
- Simplification of customs declarations, temporary admission procedures and transit policies
- Digitalisation of customs and excise authorisation process
- Relaxation of requirement to provide guarantees

03 Africa



Recent Developments in Africa



South Africa

Data analytics



Non-compliance
hard and costly



Detection capabilities/
risk engine



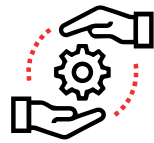
SARS vision 2024



AfCFTA



Status
update



Trade
outlook



Challenges



Where to
from here

04 Middle East



Dubai as a Regional Hub for Global Companies

- Dubai's legal landscape is rapidly developing to support and encourage foreign investment (relaxation in FDI rules, the unified digital platform and other futuristic legal developments make Dubai an optimal jurisdiction).
- Existing infrastructure facilitates imports, exports and warehousing (free zones specifically located to facilitate regional distribution including JAFZA, DAFZA and Dubai South).
- Advanced communications and technology.



Dubai as a Regional Hub for Global Companies



Choice of Jurisdiction



Free zone vs
Onshore?



Possible new law
regulating the
operation of Free
Zone companies in
the mainland.



Bonded
warehouse
in KSA

Key Customs Considerations



- Single Customs duty paid on entry into the GCC (i.e.,) subsequent transfer of goods into another GCC country will not result in any further Customs duty.
- There is a Common Customs tariff of 0% or 5%, but with some increased rates in some countries for specific items.
- Imports to Free Trade Zones are exempt from duty because FTZ are not treated as within the GCC for Customs purposes.
- Importing companies are required to maintain an inventory tracking system.
- The Customs authority maintains records of all imports and all exports of goods.
- Any transactions or transfers are required to be declared (e.g., transfers to the mainland, transfers within or outside the free zone, transfers to other free zones, exports, transfers from Customs warehouses, sale of scrap, treatment of waste, etc.).
- Improper declarations or transfers without declarations could result in application of Customs duty and penalties.
- General documents required for import: Import declaration form, Invoice, bill of lading, certificate of origin, packing list, delivery order.

Questions





Tomorrow's session

Customs duty mitigation: how to drive significant financial savings
Thursday 16 May, 3.00 - 4.00 pm BST | 4.00 - 5.00 pm CEST | 10.00 - 11.00 am EDT



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