



In This Issue:

World Trade Organization (WTO)
World Customs Organization (WCO)
Other International Matters
The Americas - Central America
The Americas - North America
The Americas - South America
Asia-Pacific
Europe, Middle East and North Africa
Africa (except North Africa)
Trade compliance enforcement actions - import, export, IPR, FCPA
Newsletters, reports, articles, etc.
Webinars, Meetings, Seminars, etc.
WTO TBT Notifications
CBSA Advance Rulings
CBP Rulings: Downloads and Searches
CBP Rulings: Revocations or Modifications
European Classification Regulations
Amendments to the CN Explanatory Notes
Section 337 Actions
Antidumping, Countervailing Duty and Safeguard Investigations, Orders & Reviews

Editor, *International Trade Compliance Update*

Stuart P. Seidel
Washington, D.C.
+1 202 452 7088
stuart.seidel@bakermckenzie.com

This may qualify as "Attorney Advertising" requiring notice in some jurisdictions. Prior results do not guarantee a similar outcome.

Please see copyright and acknowledgements on the last page

**Baker
McKenzie.**

2018 Global Trade and Supply Chain Webinar Series

Continuing Challenges in Global Trade



Please see our [Webinars, Meetings, Seminars](#) section for the full schedule of webinars in the **2018 Global Trade and Supply Chain Webinar Series - Continuing Challenges in Global Trade**, names of speakers, contacts and information on how to register for one or more of these complimentary webinars, as well as information on other events. In addition, there are links to video recordings of past webinars and the [2017 Year-End Export Import Seminar in Santa Clara, California](#).

To keep abreast of international trade-related news, visit our blogs:

For International Trade Compliance Updates, please regularly visit www.internationaltradecomplianceupdate.com.

For additional articles and updates on Trade Sanctions and Export Controls, please visit: <http://sanctionsnews.bakermckenzie.com/> regularly.

For resources and news regarding international trade, particularly in Asia, please visit our new Trade Crossroads blog at <http://tradeblog.bakermckenzie.com/>.

To see how BREXIT (the UK exiting the EU) may affect your business, visit <http://brexit.bakermckenzie.com/>

For additional **compliance news and comment** from around the world, please visit <http://globalcomplianceupdate.com/>.

Note: Unless otherwise indicated, all information in this Update is taken from official gazettes, official websites, newsletters or press releases of international organizations (UN, WTO, WCO, APEC, INTERPOL, etc.), the EU, EFTA, EAEU, Customs Unions or government agencies. The specific source may usually be obtained by clicking on the blue hypertext link. Please note that as a general rule, information related to fisheries is not covered.

The *International Trade Compliance Update* is a publication of the Global International Commercial and Trade 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.

Comments on this *Update* may be sent to the Editor:

Stuart P. Seidel
Washington, D.C.
+1 202 452 7088
stuart.seidel@bakermckenzie.com

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.

Translations of most non-English language documents are unofficial and are performed via an automated program and are for information purposes only.

Credits:

Unless otherwise indicated, all information is taken from official international organization or government websites, or their newsletters or press releases.

Source documents may be accessed by clicking on the blue hypertext links.

This Update contains public sector information licensed under the Open Government Licence v3.0 of the United Kingdom. In addition, the Update uses material pursuant to European Commission policy as implemented by [Commission Decision of 12 December 2011](#).

World Trade Organization (WTO)

Trade Policy Review: Mauritania

The third review of the trade policies and practices of Mauritania took place on 29 and 31 May 2018. The basis for the review was a [report by the WTO Secretariat](#) and a [report by the Government of Mauritania](#).

Recent disputes

The following disputes have been recently brought to the WTO. Click on the case (“DS”) number below to go to the WTO website page for details on that dispute.

DS No.	Case Name	Date
DS545	United States - Safeguard Measure on Imports of Crystalline Silicon Photovoltaic Products - Request for Consultations by the Republic of Korea	16-05-18
DS546	United States - Safeguard Measure on Imports of Large Residential Washers - Request for Consultations by the Republic of Korea	
DS547	United States – Certain Measures on Steel and Aluminium products – Request for Consultations by India	23-05-18

DSB activities

During the period covered by this update, the Dispute Settlement Body (DSB) or parties to a dispute took the following actions or reported the following activities. (Click on “DS” number to go to summaries of the case, click on “Activity” to go to the latest news or documents) Date is dd-mm-yy:

DS No.	Case Name	Activity	Date
DS529	Australia — Anti-Dumping Measures on A4 Copy Paper (Complainant: Indonesia)	Panel established but not yet composed	27-04-18
DS436	United States — Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India (Complainant: India)	Compliance panel established but not yet composed	
DS479	Russia – Anti-dumping Duties on Light Commercial Vehicles from Germany and Italy (Complainant: EU)	Russia agrees to comply; reasonable time to be set	
DS539	United States — Anti-Dumping and Countervailing Duties on Certain Products and the Use of Facts Available (Complainant: Korea)	First US refusal for establishment of a panel	
DS316	European Communities and Certain Member States — Measures Affecting Trade in Large Civil Aircraft — Recourse to Article 21.5 of the DSU (Complainant: US)	Appellate Body issues report (AB-2016-6)	15-05-18
DS486	European Union — Countervailing Duties on Certain Polyethylene Terephthalate from Pakistan (Complainant: Pakistan)	Appellate Body issues report (AB-2017-5)	16-05-18
DS504	Korea — Anti-Dumping Duties on Pneumatic Valves from Japan (Complainant: Japan)	Japan filed appeal against panel ruling	28-05-18
DS541	India — Export Related Measures (Complainant: US)	Panel established	
DS539	United States — Anti-Dumping (AD) and Countervailing (CV) Duties on Certain Products and the Use of Facts Available (Complainant: S. Korea)	Panel established	
DS538	Pakistan — Anti-Dumping Measures on	Pakistan did not agree	

DS No.	Case Name	Activity	Date
	Biaxially Oriented Polypropylene Film from the United Arab Emirates (Complainant: UAE)	to panel	
DS316	European Communities and Certain Member States – Measures Affecting Trade in Large Civil Aircraft (Complainant: US)	DSB adopted the compliance panel report, as modified by the Appellate Body	
DS486	European Union — Countervailing Measures on Certain Polyethylene Terephthalate from Pakistan (Complainant: Pakistan)	DSB adopted the panel ruling, as modified by the Appellate Body	
DS234	United States – Continued Dumping and Subsidy Offset Act of 2000 (Complainant: EU)	US says it has taken all steps to comply	

TBT Notifications

Member countries of the 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. [See separate section on WTO TBT Notifications](#) for a table which summarizes notifications posted by the WTO during the past month.

World Customs Organization (WCO)

Announcements and news releases [dd-mm-yy]

Date	Title
02-05-18	Asia Pacific Human Resource Experts gathered and discussed way forward for the Region
03-05-18	The 14th Integrity Newsletter is now online
04-05-18	WCO launches its online academy for the trade community
04-05-18	WCO attends International AEO Conference and Assembly in Baku, Azerbaijan
04-05-18	ECOWAS region to deliver common curriculum for basic training
07-05-18	Asia Pacific Regional Workshop on Environmental Issues concludes successfully
07-05-18	ASEAN Directors-General of Customs Meeting
07-05-18	East and Southern Africa Region Governing Council Meeting in Kigali, Rwanda
07-05-18	WCO and CLDP successfully deliver joint integrity action plan for the Afghan Customs Department
08-05-18	WCO conducts a Diagnostic mission on Post Clearance Audit for Jordan
09-05-18	WCO conducted a National Workshop on Post Clearance Audit (PCA) for the Islamic Republic of Iran
09-05-18	Successful 3rd WCO Leadership and Management Development Workshop in Uganda
09-05-18	WCO organized an Accreditation Workshop on Post-Clearance Audit for MENA Region
09-05-18	Container Control Programme provided Theoretical Training in Oman
10-05-18	WCO Pre-Accreditation Workshop on the Single Window Environment for the Asia/Pacific Region
14-05-18	Paraguay benefits from WCO People Development Support Programme
14-05-18	Customs administrations of the West and Central Africa region brainstorm on the action plan to prevent illicit trafficking of cultural objects
15-05-18	WCO supported Bahamas Customs in improved application of Rules of Origin
15-05-18	The South America, North America, Central America and the Caribbean Region enhances capacity on Digital Customs and E-Commerce

Date	Title
	WCO supports East African Countries to enhance Risk Management
	A leadership and Management development support to Algerian Customs
16-05-18	Papua New Guinea, Samoa and Tonga Customs Administrations prepare Roadmaps for Trusted Trader Implementation
	Opening of the WCO's 75th Fellowship Programme
17-05-18	Successful Leadership and Management Development Retreat in Swaziland
	WCO supports Kenya in planning for Time Release Study
18-05-18	WCO and IOM sign an MoU to boost cooperation towards effective, efficient and responsible border management
	WCO Asia/Pacific Regional Heads of Customs Administrations Conference in Fiji
22-05-18	East African Customs will work together to enhance border control through PGS
	WCO supported Zambia Customs in improved application of Rules of Origin
23-05-18	WCO supports CITES national ivory action plans
	WCO Successfully Builds Pool of AEO Experts Within EAC Region
	WCO supports Oman Customs to improve the collaborative environment among Cross-Border Regulatory Agencies (CBRAs)
25-05-18	Members from the AMS region discuss guiding principles for enhancing transit regimes
	Vanuatu becomes the 157th Contracting Party to the HS Convention
	WCO attends International Transport Forum Summit 2018 in Leipzig, Germany
	Global Conference on Illicit Financial Flows and Trade Mis-Invoicing
	WCO participates in Ministerial Meeting of Landlocked Developing Countries and Global Challenges Summit 2018 during the 11th session of Astana Economic Forum
28-05-18	WCO Europe Regional Forum on Trade Facilitation at the Border the Customs Perspective
	Data Model Projects Team and Information Management Sub-Committee make a leap forward with ICT implementation
	WCO supports Cambodia on Customs Laboratory and HS Classification
29-05-18	WCO Secretary General meets with EU Counter-Terrorism Coordinator
	Nigeria Customs Service to pilot SAFE AEO programme
	WCO mission to Costa Rica to support implementation of Advance Ruling system
	The WCO-Inama project supports African Members (English Speaking countries) in including CITES and Illegal Wildlife Trade (IWT) modules in national training curricula and in developing a group of regional IWT Trainers and Experts
30-05=18	The WCO supports Vanuatu Department of Customs and Inland Revenue in the preparation of its Time Release Study (TRS)
	New COPES training delivered for the first time in central Europe
31-05-18	WCO and SADC Secretariat deepen cooperation in the area of Trade Facilitation
	WCO Accreditation Workshop for TOAs in Lima, Peru
	WCO discusses ways to assist Iraq in countering terrorism and preventing illicit trafficking of cultural objects

Other International Matters

COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP (CPTPP)

Reconsidering the TPP and impact on intellectual property

In April, President Trump indicated that his administration would reconsider the US re-joining the *Trans-Pacific Partnership* (TPP), after withdrawing from it last year.

Following the United States' withdrawal from the treaty, the remaining 11 signatory states, Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam nevertheless proceeded to negotiate a new trade agreement which is now finalised and referred to as the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP).

Amongst the various terms of the TPP, the provisions concerning intellectual property (IP) were some of the most heavily negotiated terms. Such IP provisions had been heavily pursued, mainly by the United States, as enhanced protection over IP would benefit more developed and innovative economies such as the United States.

Concerns were raised in particular that such provisions would make generic medicines less available which could have serious impact on healthcare industries in developing economies. However, the provisions had been accepted in the original TPP in exchange for easier access to United States market.

With the US out of the picture, the CPTPP was largely the same as the original TPP, but with 22 provisions being “suspended” - rather than removed. The suspension was wisely put into effect to allow the US to easily re-enter the partnership should it change its mind at a later date, as may soon be the case, and may be lifted upon the parties' agreement.

Amongst the suspended provisions, the following relate to IP:

- patentable subject matter: The TPP required all member nations to include “new uses of a known product, new methods of using a known product, or new processes of using a known product” within the scope of patentable subject matter.
- unreasonable authority delays and curtailment in patent applications: The TPP would have allowed patent applicants to request adjustment of patent term if (1) a patent takes more than five years to issue from the filing date or (2) patent examination continues beyond three years from the date of filing the request for examination, whichever is longer. Additionally, the TPP proposed that members implement a procedure for accelerated examination.
- unreasonable authority delays and curtailment in patent applications: The TPP would have allowed patent applicants to request adjustment of patent term if (1) a patent takes more than five years to issue from the filing date or (2) patent examination continues beyond three years from the date of filing the request for examination, whichever is longer. Additionally, the TPP proposed that members implement a procedure for accelerated examination.
- protection of undisclosed test or data: The TPP provided that third parties would not be permitted to rely on undisclosed test data submitted in connection with a request for marketing approval for a period of at least five years from the date of such approval.
- biologics The TPP set forth a market exclusivity period for biologics of either eight years or five years of exclusivity and “other measures” to deliver a comparable outcome in the market.
- increase of duration of copyright protection: The TPP required that the term of protection for copyright be extended to a term of not less than life of the author plus 70 years for works created by natural persons and to a term of not less than 70 years from the year of first authorized publication for works created by corporations
- request for civil and criminal liability for circumventing Technological Protection Measures (TPMs) and Rights Management Information (RMI)

- protection of encrypted program carrying satellite and cable signals
- legal remedies against internet services providers and provision of safe harbours

If the United States indeed reopens negotiations, we would expect that it will demand that the suspension be lifted.

For additional information, please contact the authors, [Shoko Hino](#), [Kevin M. O'Brien](#), [Kansaku Takase](#) or [Shoko Hino](#).

CITES Notification to Parties

The *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) has issued the following [notifications to the parties](#):

Date	Title
02-05-18	2018/044 - Registration of operations that breed Appendix-I animal species in captivity for commercial purposes
04-05-18	2018/045 - China – Notice of training opportunity to support CITES implementation: 2018 seminar on Asia and Africa CITES implementation and wildlife conservation
07-05-18	2018/046 - Establishment of a cheetah closed user group on the WCO CEN-comm platform
	2018/047- Youth engagement
15-05-18	2018/048 - Review of Cites Provisions Relating to the Trade in Specimens of Animals and Plants Not of Wild Source – Request for comments from Parties and stakeholders <ul style="list-style-type: none"> • Annex: Draft Review of Cites Provisions Relating to the Trade in Specimens of Animals and Plants Not of Wild Source
16-05-18	2018/049 - Registration of operations that breed Appendix-I animal species in captivity for commercial purposes
17-05-18	2018/050 - Dominica – Withdrawal of a recommendation to suspend trade
	2018/051 - Guinea-Bissau – Export of <i>Pterocarpus erinaceus</i>
	2018/052 - Plants Committee – New alternate regional representative for the North American region
28-05-18	2018/053 - Community awareness on wildlife trafficking <ul style="list-style-type: none"> • Annex: Questionnaire on community awareness on wildlife trafficking
30-05-18	2018/054 - Registration of operations that breed Appendix-I animal species in captivity for commercial purposes
	2018/055 - Registration of operations that breed Appendix-I animal species in captivity for commercial purposes
31-05-18	2018/056 - Questionnaire on Demand reduction <ul style="list-style-type: none"> • Annex: Questionnaire on Demand reduction

The Americas - Central America

COSTA RICA

Documents published in *La Gaceta*

Date	Series and №	Subject
14-05-18	№ 41084-RE-MP-MSP	RE: UN Treaty on Trade in Arms implementation

The Americas - North America

CANADA

Canada posts notice of intent to impose countermeasures against US tariffs on Canadian steel and aluminum products

On May 31, 2018, the Department of Finance posted on its website a "[Notice of intent to impose countermeasures action against the United States in response to tariffs on Canadian steel and aluminum products](#)," announced by the United States and scheduled to take effect at 12:01 a.m. on June 1, 2018. In response to these measures, Canada intends to impose surtaxes or similar trade-restrictive countermeasures against up to C\$16.6 billion in imports of steel, aluminum, and other products from the US, representing the value of 2017 Canadian exports affected by the US measures. The Government is also considering whether additional measures may be required.

Scope of the countermeasures

The products subject to countermeasures will be drawn from those listed in Tables 1 and 2 in the Notice [See Canada Tariff heading/subheading numbers below, descriptions omitted]. Goods selected from Table 1 will be subject to a 25 per cent surtax or similar trade-restrictive measures. Goods selected from Table 2 will be subject to a 10 per cent surtax or similar trade-restrictive measures.

These countermeasures will only apply to goods originating from the US, which shall be considered as those goods eligible to be marked as a good of the US in accordance with the [Determination of Country of Origin for the Purposes of Marking Goods \(NAFTA Countries\) Regulations](#).

These countermeasures will take effect on July 1, 2018 and will remain in place until the US eliminates its trade-restrictive measures against Canada. The countermeasures will not apply to US goods that are in transit to Canada on the day on which these countermeasures come into force.

The list of products outlined at the heading, subheading or tariff item level in Tables 1 and 2 should be read in conjunction with the Schedule to [Canada's Customs Tariff](#).

Comments

Written comments should be provided no later than June 15, 2018. Submissions, at a minimum, should include the following information:

1. Canadian company/industry association name, address, telephone number, and contact person.
2. Relevant eight-digit tariff item(s) and description of the goods of particular interest.
3. Reasons for the expressed support for, or concern with, the proposed countermeasures, including detailed information substantiating any expected beneficial or adverse impact.
4. If concern is expressed with respect to the proposed countermeasures for one or more eight-digit tariff item(s), please provide views on ways to alleviate such concerns.

5. Please identify if information provided in the submissions is commercially sensitive.

Comments and general inquiries should be sent to the following address: International Trade Policy Division (U.S. 232 Retaliation Consultations), Department of Finance, James Michael Flaherty Building, 14th Floor, 90 Elgin Street, Ottawa, Ontario K1A 0G5, 613-369-4024 (fax), (fin.tariff-tarif.fin@canada.ca).

Table 1 - Canada Tariff heading, subheading or item*

*Where listed at the heading or subheading level, coverage includes all tariff items under that heading or subheading.

72.06, 72.07, 72.08, 72.09, 72.10, 72.11, 72.12, 72.13, 72.14, 72.15, 72.17, 72.18, 72.19, 72.20, 72.21, 72.22, 72.23, 72.24, 72.25, 72.26, 72.27, 72.28, 72.29, 7216.10, 7216.21, 7216.22, 7216.50, 7216.99, 73.05, 73.06, 7301.10, 7302.40, 7302.90, 7304.11, 7304.19, 7304.24, 7304.29, 7304.31, 7304.39, 7304.41, 7304.49, 7304.51, 7304.59, 7304.90

Table 2 – Canada Tariff heading, subheading or item*

*Where listed at the heading or subheading level, coverage includes all tariff items under that heading or subheading.

0403.10, 0901.21, 1602.32.11, 1602.32.92, 1602.50.10, 1602.50.99, 1702.20, 1704.90.20, 1704.90.90, 1806.31, 1806.32, 1905.90.51, 2001.10, 2007.99.10, 2007.99.90, 2009.12, 2103.10, 2103.20, 2103.30.20, 2103.90, 2104.10, 2202.10, 2208.30, 3304.30, 3305.30, 3307.10, 3307.49, 3401.30, 3402.20.10, 3406.00.90, 3506.10, 3808.91.10, 3808.92.10, 3808.93.10, 3923.21.90, 3923.29.90, 3924.10, 3924.90, 4412.39, 4412.99.90, 4802.56, 4811.59, 4818.10, 4818.20, 4818.30, 4822.10, 4822.90, 4909.00, 7310.10, 7310.29, 7321.90, 76.04, 76.05, 76.06, 76.07, 76.08, 76.09, 76.10, 76.11, 76.12, 76.13, 76.14, 76.15, 76.16, 8418.10, 8419.19, 8422.11.90, 8433.11, 8450.11, 8450.20, 85.37, 8903.10, 8903.91, 8903.92, 8903.99.90, 90.32, 9401.61, 9404.21, 9404.29, 9404.30, 9404.90, 9504.40, 9608.10, 9608.20

Modernized Canada-Israel FTA signed

On May 28, 2018, Global Affairs Canada [announced](#) that the Hon. François-Phillippe Champagne, Minister of International Trade, and Eli Cohen, Israel's Minister of the Economy and Industry, signed the modernized [Canada-Israel Free Trade Agreement](#) (CIFTA), known as the *Canada – Israel Free Trade Amending Protocol 2018*. Minister Champagne underlined the importance of the agreement as an engine of growth and prosperity for both countries. The announcement said:

Canada and Israel have modernized the original CIFTA to include progressive elements, such as dedicated chapters on labour, the environment, trade and gender, and small and medium-sized enterprises (SMEs), as well as provisions on corporate social responsibility. New provisions will also help to make the dispute-settlement mechanism more efficient, effective and transparent.

The modernized CIFTA also includes further tariff reductions and eliminations for agricultural and agri-food products, which will provide improved access for Canadian exporters to the Israeli market. Better access for service suppliers in sectors where Canadians excel will help create more opportunities for established and first-time exporters and generating new jobs at home.

The original CIFTA came into effect on January 1, 1997. Since 1997, Canada's two-way merchandise trade with Israel has more than tripled, reaching \$1.7 billion in 2017.

Importation of Vaping Products - under the Tobacco and Vaping Products Act (TPVA)

[Customs Notice 18-05 \(May 24, 2018\)](#) advises that the *Tobacco and Vaping Products Act* (TPVA) has received Royal Assent and came into force on May 23, 2018.

“Vaping products” (formerly known as e-cigarettes and electronic nicotine delivery systems) include vaping devices, and their individual parts such as atomizers (heating element), and vaping liquids. Most vaping devices consist of a battery, a heating element, a tank or reservoir, and a mouthpiece and work by heating the vaping liquid to form an aerosol that is inhaled by the user.

Prior to the TPVA implementation, Health Canada considered any concentration of nicotine in a vaping product to be a prescription drug and commercial import (i.e. importation for sale) was prohibited.

Under the TPVA, commercial shipments of vaping products with no health claims and no health product ingredients (can contain nicotine as a sole ingredient) may now be imported into Canada. Commercial shipments of unlicensed vaping products and any vaping products that make health claims regardless of ingredients contained are not admissible to Canada.

Personal shipments of vaping products containing less than 66 mg/ml nicotine (only identifiable where the vaping product specifies the concentration), Over the Counter or Natural Health Product ingredients, including re-usable delivery systems, with or without health claims may be imported for personal use (reasonable amounts for 90 day supply within a 90 day period).

Miscellaneous regulations and proposals

The following documents of interest to international traders were published in the [Canada Gazette](#). (The sponsoring ministry, department or agency is also shown. N=notice, PR=proposed regulation, R=regulation, O=Order)

Publication Date	Title
05-02-18	HEALTH: Regulations Amending the Food and Drug Regulations (Opioids) (SOR/2018-77, April 23, 2018) pursuant to the <i>Food and Drugs Act</i> (R)
	ENVIRONMENT: Regulations Amending the Wild Animal and Plant Trade Regulations (SOR/2018-81, April 23, 2018) pursuant to the <i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i> (R)
	HEALTH: Children's Jewellery Regulations (SOR/2018-82, April 20, 2018) pursuant to the <i>Canada Consumer Product Safety Act</i> (R)
	HEALTH: Consumer Products Containing Lead Regulations (SOR/2018-83, April 23, 2018) pursuant to the <i>Canada Consumer Product Safety Act</i> (R)
	AGRICULTURE AND AGRI-FOOD: Nova Scotia Hog Marketing Levies (Interprovincial and Export Trade) Order (SOR/2018-75, April 20, 2018) pursuant to the <i>Agricultural Products Marketing Act</i> (O)
	AGRICULTURE AND AGRI-FOOD: Regulations Amending Certain Canadian Food Inspection Agency Regulations (SOR/2018-79, April 23, 2018) pursuant to the <i>Seeds Act</i> (R)
05-05-18	ENVIRONMENT/HEALTH: Publication of final decision after screening assessment of Ethylene Diaminetetraacetic Acid (EDTA) and three of its salts specified on the Domestic Substances List (paragraphs 68(b) and (c) or subsection 77(6) of the Canadian Environmental Protection Act, 1999) (N)
05-12-18	ENVIRONMENT: Publication of results of investigations for 80 substances

Publication Date	Title
	specified on the Domestic Substances List (paragraph 68(b) of the Canadian Environmental Protection Act, 1999)
05-16-18	FINANCE: Rules Amending the Canadian International Trade Tribunal Rules (SOR/2018-87, April 25, 2018) (R)
	FINANCE: Regulations Amending the Special Import Measures Regulations and the Canadian International Trade Tribunal Regulations (SOR/2018-88, April 25, 2018) pursuant to the Special Import Measures Act and the Canadian International Trade Tribunal Act (R)
05-19-18	ENVIRONMENT/HEALTH: Publication after screening assessment of 11 substances in the Macrocyclic Lactones and Ketones, Ionones and Cyclohexanone Group specified on the Domestic Substances List (subsection 77(1) of the Canadian Environmental Protection Act, 1999)
	TRANSPORT: Proposed Regulations Amending Certain Regulations Made under the Motor Vehicle Safety Act (National Safety Marks and Importation) pursuant to the Motor Vehicle Safety Act (PR)
05-30-18	ENVIRONMENT: Regulations Amending the Heavy-duty Vehicle and Engine Greenhouse Gas Emission Regulations and Other Regulations Made Under the Canadian Environmental Protection Act, 1999 (SOR/2018-98, May 16, 2018) (R)
	ENVIRONMENT: Order 2018-112-20-01 Amending the Domestic Substances List (SOR/2018-96, May 10, 2018) pursuant to the Canadian Environmental Protection Act, 1999 (O)

Restrictive measures

The following documents imposing restrictive measures on imports or exports were published in the [Canada Gazette](#) or posted on a Government website.

Publication Date	Title
05-30-2018	PUBLIC SAFETY AND EMERGENCY PREPAREDNESS: Regulations Amending the Regulations Establishing a List of Entities (SOR/2018-103, May 23, 2018)
	FOREIGN AFFAIRS: Regulations Amending the Regulations Implementing the United Nations Resolutions on Libya (SOR/2018-101, May 16, 2018) pursuant to the United Nations Act and the Special Economic Measures Act (R)

CBSA advance rulings

The Canada Border Services Agency (CBSA) has enhanced the [Advance Ruling \(Tariff Classification and Origin\)](#) and [National Customs Ruling](#) programs by publishing ruling letters in their entirety, with the applicant's consent, on the [CBSA Web site](#).

[See separate section below](#) for the advance rulings posted by the CBSA.

D-Memoranda and CNs revised or cancelled

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	Title
05-10-18	D20-1-1	(Revised) Exporter Reporting
05-11-18	CN 18-04	Changes to the Interim Process for Electronic House Bills
05-15-18	D19-7-4	Importation of Vehicles, Engines, Vessels and Machines

Date	Reference	Title
05-24-18	CN 18-05	Importation of Vaping Products - under the Tobacco and Vaping Products Act (TPVA)
05-29-18	D19-14-1	Cross-Border Currency and Monetary Instruments Reporting

Antidumping and countervailing duty cases

[See separate *Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews* section below.](#)

MEXICO

Mexico to impose equivalent measures on various US products in response to steel and aluminum tariffs

On May 31, 2018, the Government of Mexico [posted](#) its reaction to the imposition by the US of 25% tariffs on steel and 10% tariffs on aluminum from Mexico. A translation of the Mexican posting follows:

Mexico deeply regrets and rejects the decision of the United States to impose these tariffs on imports of steel and aluminum from Mexico as of June 1, under the criterion of national security.

Mexico has repeatedly indicated that this type of measures under the criterion of national security are not adequate or justified.

Steel and aluminum are inputs that contribute to the competitiveness of several strategic and highly integrated sectors in North America, such as automotive, aerospace, electrical and electronic, among others. Mexico is the main buyer of aluminum and the second of steel from the United States.

Mexico reiterates its position against protectionist measures that affect and distort international merchandise trade.

Faced with tariffs imposed by the US, Mexico will impose equivalent measures to various products such as flat steel (hot and cold foil, including coated and various tubes), lamps, pork legs and shoulders, sausages and food preparations, apples, grapes, blueberries, various cheeses, among others, up to an amount comparable to the level of affectation.

This measure will be in force until the US government eliminates the imposed taxes.

Mexico reiterates its openness to constructive dialogue with the US, its support for the international trading system and its rejection of unilateral protectionist measures.

Mexico approves Comprehensive and Progressive Agreement for Trans-Pacific Partnership

On May 23, 2018, after approval by the Mexican Senate on April 24, 2018, the *Diario Oficial de la Federación* (Federal Official Gazette) published President Peña's [Decree approving the Comprehensive and Progressive Trans-Pacific Partnership Treaty, made in Santiago, Chile on March 8, 2018, as well as the four parallel agreements negotiated in the framework of its subscription](#). The main agreement was approved along with two side agreements between Mexico and Vietnam (on textiles), and one agreement each with Australia (on investments) and Malaysia (on vehicle rules of origin).

Diario Oficial

The following documents of interest to international traders were published in the [Diario Oficial de la Federación](#) or on the [SAT website](#): *Note: With regard to*

standards, only those which appear to apply to international trade are listed. (An unofficial English translation is shown.)

Publication Date	Title
05-11-18	ECONOMY: Acuerdo that gives rise to Decision No. 93 of the Administrative Commission of the Free Trade Agreement between the United Mexican States and the Republic of Colombia, adopted on April 16, 2018.
05-15-18	Decree approving the Agreement between the Government of the United Mexican States and the Government of Japan on Mutual Assistance and Cooperation in Customs Matters, made in Mexico City, on August 10, 2017.
05-23-18	Decree approving the Comprehensive and Progressive Trans-Pacific Partnership Treaty, made in Santiago, Chile on March 8, two thousand and eighteen, as well as the four parallel agreements negotiated in the framework of its subscription.
05-31-18	ENERGY: Response to the comments received to the Draft Official Mexican Standard PROY-NOM-015-ENER-2017, Energy efficiency of domestic appliances refrigerators and freezers. Limits, test methods and labeling, published on September 19, 2017.

Antidumping and countervailing duty cases

See separate [Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews](#) section below.

UNITED STATES

[NOTE ON FEDERAL REGISTER TABLES IN THE UNITED STATES SECTION BELOW: N=NOTICE, FR=FINAL RULE, PR=NOTICE OF PROPOSED RULEMAKING, AN=ADVANCE NOTICE OF PR, IR=INTERIM RULE, TR=TEMPORARY RULE OR ORDER, RFI/FRC= REQUEST FOR INFORMATION/COMMENTS; H=HEARING OR MEETING; E=EXTENSION OF TIME; C=CORRECTION; RO=REOPENING OF COMMENT PERIOD; W=WITHDRAWAL. PLEASE NOTE: MEETINGS WHICH HAVE ALREADY TAKEN PLACE ARE GENERALLY NOT LISTED.]

Presidential documents

During the past month, President Trump signed the following documents that relate to international trade or travel, regulatory reform, national security, law enforcement or related activities:

Date	Subject
05-07-18	Proclamation 9739 of April 30, 2018 - Adjusting Imports of Aluminum into the United States
	Proclamation 9740 of April 30, 2018 - Adjusting Imports of Steel into the United States
05-08-18	Presidential Determination No. 2018-06 of April 30, 2018 - Presidential Determination on the Proposed Agreement Between the Government of the United States of America and the Government of the United Mexican States for Cooperation in Peaceful Uses of Nuclear Energy
	Presidential Determination No. 2018-07 of April 30, 2018 - Presidential Determination on the Proposed Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation in Peaceful Uses of Nuclear Energy
	Presidential Determination No. 2018-05 of April 20, 2018 - Eligibility of the Organisation Conjointe de Cooperation en Matiere d'Armement To Receive Defense Articles and Defense Services Under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended
05-10-18	Notice of May 9, 2018 - Continuation of the National Emergency With Respect to the Actions of the Government of Syria
05-11-18	Notice of May 10, 2018 - Continuation of the National Emergency With Respect

Date	Subject
	to the Central African Republic
05-15-18	Notice of May 14, 2018- Continuation of the National Emergency With Respect to Yemen
05-21-18	Notice of May 18, 2018 Continuation of the National Emergency With Respect to the Stabilization of Iraq
05-24-18	Executive Order 13835 of May 21, 2018 - Prohibiting Certain Additional Transactions With Respect to Venezuela
05-30-18	Space Policy Directive–2 of May 24, 2018 Streamlining Regulations on Commercial Use of Space
Signed 05-31-18 <i>[Not yet in Fed. Reg.]</i>	Proclamation of May 31, 2018 - Adjusting Imports of Aluminum into the United States
	Proclamation of May 31, 2018 - Adjusting Imports of Steel into the United States

New proclamations on steel and aluminum tariffs issued

On May 31, 2018, the President issued [Proclamation of May 31, 2018 - Adjusting Imports of Aluminum into the United States](#) (Aluminum Proclamation) and [Proclamation of May 31, 2018 - Adjusting Imports of Steel into the United States](#) (Steel Proclamation). The Aluminum proclamation eliminates the exemptions from the 10% tariff granted to Canada, Mexico, Brazil and the EU on behalf of its Member States, in earlier proclamations. In addition, quotas are established for aluminum imports from Argentina and steel imports from Argentina and Brazil, in addition to the quotas previously established for S. Korea. [Proclamation 9740](#) provided that the exemption afforded to steel articles from Canada, Mexico, and the member countries of the EU shall apply only to steel articles of such countries entered for consumption, or withdrawn from warehouse for consumption, through the close of May 31, 2018, at which time such countries shall be deleted from the article description of heading 9903.80.01 of the HTSUS. The Steel Proclamation does not extend this exemption, so Canada, Mexico and EU countries will now be subject to the 25% steel tariffs.

Aluminum

The Aluminum proclamation modifies [Proclamation 9739 of April 30, 2018](#) (Adjusting Imports of Aluminum Into the United States) which had extended the temporary exemption of Argentina, Australia, and Brazil from the 10% tariff proclaimed in [Proclamation 9704](#), as amended, in order to finalize the details of agreements that had been reached in principle with those countries on satisfactory alternative means to address the threatened impairment to the national security. Since that time, the United States has agreed on a range of measures with Argentina and Australia, including measures to reduce excess aluminum production and excess aluminum capacity, measures that will contribute to increased capacity utilization in the United States, and measures to prevent the transshipment of aluminum articles and avoid import surges. In light of these agreements, the President has determined that aluminum articles imports from these countries will no longer threaten to impair the national security and thus has decided to exclude these countries from the tariff proclaimed in [Proclamation 9704](#), as amended. The United States will monitor the implementation and effectiveness of the measures agreed upon with these countries to address its national security needs, and the President may revisit this determination, as appropriate.

The President has determined that, in light of the agreed-upon measures with these countries, and the fact that the tariff will now apply to imports of aluminum articles from additional countries, it is necessary and appropriate, at this time, to

maintain the current tariff level as it applies to other countries. Clause 2 of [Proclamation 9704](#) is further amended by striking the last two sentences and inserting in lieu thereof the following two sentences:

Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all aluminum articles imports specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered for consumption, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, South Korea, and the member countries of the European Union, (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries except Argentina, Australia, Brazil, Canada, Mexico, and the member countries of the European Union, and (c) on or after 12:01 a.m. eastern daylight time on June 1, 2018, from all countries except Argentina and Australia. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from each country as specified in the preceding sentence.

In order to implement a quota treatment on aluminum articles imports from Argentina, U.S. note 19 to subchapter III of chapter 99 of the HTSUS is amended as provided for in Part A of the Annex to the May 31, 2018 proclamation. U.S. Customs and Border Protection (CBP) shall implement this quota as soon as practicable, taking into account all aluminum articles imports from this country since January 1, 2018. The quantitative limitations applicable to subheadings 9903.85.05 through 9903.85.06 for Argentina, which for calendar year 2018 shall take into account all aluminum articles imports from Argentina since January 1, 2018, shall be effective for aluminum articles entered for consumption, or withdrawn from warehouse for consumption, on or after June 1, 2018, and shall be implemented by CBP as soon as practicable.

In addition, Clause 5 of [Proclamation 9710](#), as amended, is amended by striking the phrase “as amended by [Proclamation 9710](#),” in the first and second sentences and inserting in lieu thereof the following phrase: “as amended, or to the quantitative limitations established by proclamation,”. Clause 5 of [Proclamation 9710](#), as amended, is further amended by inserting the phrase “or quantitative limitations” after the words “ad valorem rates of duty” in the first and second sentences.

Clause 4 of [Proclamation 9739](#) is amended by striking the phrase “as amended by clause 1 of this proclamation,” and inserting in lieu thereof the following phrase: “as amended, or to the quantitative limitations established by proclamation,” in the first sentence. Clause 4 of [Proclamation 9739](#) is further amended by striking the words “by clause 3 of this proclamation” from the second sentence.

Steel

The Steel Proclamation modifies [Proclamation 9740](#) of April 30, 2018 (Adjusting Imports of Steel Into the United States) which had extended the temporary exemption of Argentina, Australia, and Brazil from the 25% tariff proclaimed in [Proclamation 9705](#), as amended, in order to finalize the details of agreements that had been reached in principle with those countries on satisfactory alternative means to address the threatened impairment to the national security. Since that time, the United States has agreed on a range of measures with these countries, including measures to reduce excess steel production and excess steel capacity, measures that will contribute to increased capacity utilization in the United States, and measures to prevent the transshipment of steel articles and avoid import surges. In light of these agreements, the President has determined that

steel articles imports from these countries will no longer threaten to impair the national security and thus have decided to exclude these countries from the tariff proclaimed in [Proclamation 9705](#), as amended. The United States will monitor the implementation and effectiveness of the measures agreed upon with these countries to address our national security needs, and the President may revisit this determination, as appropriate.

The President has determined that, in light of the agreed-upon measures with these countries, and the fact that the tariff will now apply to imports of steel articles from additional countries, it is necessary and appropriate, at this time, to maintain the current tariff level as it applies to other countries.

The Steel Proclamation amends the superior text to subheadings 9903.80.05 through 9903.80.58 of the HTSUS by replacing “South Korea” with “Argentina, of Brazil, or of South Korea”.

For the purposes of administering the quantitative limitations applicable to subheadings 9903.80.05 through 9903.80.58 for Argentina and Brazil, the annual aggregate limits for each country set out in the Annex to this proclamation shall apply for the period starting with calendar year 2018 and for subsequent years, unless modified or terminated. The quantitative limitations applicable to subheadings 9903.80.05 through 9903.80.58 for these countries, which for calendar year 2018 shall take into account all steel articles imports from each respective country since January 1, 2018, shall be effective for steel articles entered for consumption, or withdrawn from warehouse for consumption, on or after June 1, 2018, and shall be implemented by CBP as soon as practicable.

The text of subdivision (e) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS is amended by striking the last sentence and inserting in lieu thereof the following sentence: “Beginning on July 1, 2018, imports from any such country in an aggregate quantity under any such subheading during any of the periods January through March, April through June, July through September, or October through December in any year that is in excess of 500,000 kg and 30 percent of the total aggregate quantity provided for a calendar year for such country, as set forth on the Internet site of CBP, shall not be allowed.”.

Clause 5 of [Proclamation 9711](#), as amended, is amended by striking the phrase “as amended by [Proclamation 9711](#),” in the first and second sentences and inserting in lieu thereof the following phrase: “as amended, or to the quantitative limitations established by proclamation,”. Clause 5 of [Proclamation 9711](#), as amended, is further amended by inserting the phrase “or quantitative limitations” after the words “ad valorem rates of duty” in the first and second sentences.

Clause 5 of [Proclamation 9740](#) is amended by striking the phrase “as amended by clause 1 of this proclamation,” and inserting in lieu thereof the following phrase: “as amended, or to the quantitative limitations established by proclamation,” in the first sentence. Clause 5 of [Proclamation 9740](#) is further amended by striking the words “by clause 4 of this proclamation” from the second sentence.

On April 30, 2018, the President had signed [Proclamation 9739 of April 30, 2018 - Adjusting Imports of Aluminum into the United States](#) (published in the *Federal Register* on May 7, 2018). The Proclamation stated that the United States had agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to national security posed by aluminum articles imported from these countries, so they were to remain exempt

from the tariff in [Proclamation 9704](#) until details were finalized. The United States was in discussions with Canada, Mexico, and the EU, so those exemptions were extended and set to expire on May 31. As noted above, in the May 31, 2018 Proclamation the President did not renew the exemptions for Canada, Mexico or the EU, nor did he renew the exemption for Brazil.

The President had also signed [Proclamation 9740 of April 30, 2018 - Adjusting Imports of Steel into the United States](#) (published in the *Federal Register* on May 7, 2018), which stated that the United States had successfully concluded discussions with South Korea on satisfactory alternative means to address the threatened impairment to national security posed by steel articles imports from South Korea. The United States and South Korea have agreed on a range of measures, including measures to reduce excess steel production and excess steel capacity, and measures that will contribute to increased capacity utilization in the United States, including a quota that restricts the quantity of steel articles imported into the United States from South Korea. In the President's judgment, these measures will provide an effective, long-term alternative means to address South Korea's contribution to the threatened impairment to our national security by restraining steel articles exports to the United States from South Korea, limiting transshipment, and discouraging excess capacity and excess steel production. In light of this agreement, the President determined that steel articles imports from South Korea will no longer threaten to impair the national security and decided to exclude South Korea from the tariff proclaimed in [Proclamation 9705](#).

The United States had agreed in principle with Argentina, Australia, and Brazil on satisfactory alternative means to address the threatened impairment to our national security posed by steel articles imported from these countries. The President had determined that the necessary and appropriate means to address the threat to national security posed by imports of steel articles from Argentina, Australia, and Brazil was to extend the temporary exemption of these countries from the tariff proclaimed in [Proclamation 9705](#), in order to finalize the details of these satisfactory alternative means to address the threatened impairment to national security posed by steel articles imported from these countries, therefore no expiration has been set.

The United States was in discussions with Canada, Mexico, and the EU. Initially, the President determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from these countries was to continue these discussions and to extend the temporary exemption of these countries from the tariff proclaimed in [Proclamation 9705](#), at least at that time until May 31, 2018. However, as mentioned above, the May 31, 2018 Steel Proclamation did not continue those exemptions and therefore articles originating in Canada, Mexico, and the EU are subject to the 25% tariff as of June 1, 2018.

Conforming changes to the *Harmonized Tariff Schedule of the US* were also made by the April 30 Proclamations. Clause 5 of Proclamations 9710 [and 9711] were amended by inserting the phrase “, except those eligible for admission under “domestic status” as defined in 19 CFR 146.43, which is subject to the duty imposed pursuant to Proclamation 9704 [or 9705], as amended by Proclamation 9710 [or 9711],” after the words “Any aluminum [or steel] article” in the first and second sentences.

White House “Statement on Steps to Protect Domestic Technology and Intellectual Property from China’s Discriminatory and Burdensome Trade Practices”

On May 29, 2018, the White House issued a [statement](#) that announced that in accordance with the March 22 memorandum announcing that the United States would take multiple steps to protect domestic technology and intellectual property from certain discriminatory and burdensome trade practices by China, the President has been updated on the progress of the announced actions as follows:

1. To protect our national security, the United States will implement specific investment restrictions and enhanced export controls for Chinese persons and entities related to the acquisition of industrially significant technology. The proposed investment restrictions and enhanced export controls will be announced by June 30, 2018, and they will be implemented shortly thereafter.
2. The United States will continue to pursue litigation at the World Trade Organization for violations of the Agreement on Trade-Related Aspects of Intellectual Property Rights based on China’s discriminatory practices for licensing intellectual property. The United States filed the case regarding these violations on March 23, 2018.
3. Under Section 301 of the Trade Act of 1974, the United States will impose a 25 percent tariff on \$50 billion of goods imported from China containing industrially significant technology, including those related to the “Made in China 2025” program. The final list of covered imports will be announced by June 15, 2018, and tariffs will be imposed on those imports shortly thereafter.

In addition, the announcement said that

[t]he United States will continue efforts to protect domestic technology and intellectual property, stop noneconomic transfers of industrially significant technology and intellectual property to China, and enhance access to the Chinese market. Likewise, the United States will request that China remove all of its many trade barriers, including non-monetary trade barriers, which make it both difficult and unfair to do business there. The United States will request that tariffs and taxes between the two countries be reciprocal in nature and value. Discussions with China will continue on these topics, and the United States looks forward to resolving long-standing structural issues and expanding our exports by eliminating China’s severe import restrictions.

If you import articles produced by a WFOE and are interested in joining our coalition of companies pursuing that exemption, please let us know.

US Government prohibits certain dealings in Venezuelan Government debt and equity

On May 21, 2018, the President signed a [new Executive Order](#) (the “Order,” published in the *Federal Register* on May 24, 2018) related to Venezuela entitled “Prohibiting Certain Additional Transactions with Respect to Venezuela.” According to a [statement from the White House](#), this action is intended to “prevent the Maduro regime from ... liquidating Venezuela’s critical assets.” These new US financial sanctions were imposed after Venezuela held elections this past weekend that were described as “fraudulent” in a [press statement](#) from the US State Department. Please see our prior blog posts concerning the previous Venezuela-related Executive Orders: (i) [Executive Order 13827](#) of March 19, 2018 [here](#), (ii) [Executive Order 13808](#) of August 24, 2017 [here](#), and (iii) [Executive Order 13692](#) of March 8, 2015 [here](#).

The Order prohibits US Persons (i.e., entities organized under US laws and their non-US branches; individuals and entities physically located in the United States; and US citizens and permanent resident aliens, wherever located or employed)

from engaging in transactions related to, the provision of financing for, and other dealings in:

1. The purchase of any debt owed to the Government of Venezuela (“GOV”), including accounts receivable;
2. Any debt owed to the GOV that is pledged as collateral after the effective date of the Order (i.e., May 21, 2018), including accounts receivable; and
3. The sale, transfer, assignment, or pledging as collateral by the GOV of any equity interest in any entity in which the GOV has a 50% or greater ownership interest.

As with previous Venezuela-related Executive Orders, the “Government of Venezuela” is defined to include the GOV; any political subdivision, agency, or instrumentality thereof, including the Central Bank of Venezuela and Petroleos de Venezuela, S.A.; and any person owned/controlled by or acting for or on behalf of the GOV.

The US Treasury Department’s Office of Foreign Assets Control (“OFAC”) has not, as of the writing of this blog, issued a press release with additional information or FAQs with guidance about the Order, as it has done with past Venezuela-related Executive Orders. OFAC has also not issued or updated existing Venezuela-related general licenses with respect to the Order. Based on its language, the Order is focused on prohibiting US Persons from being involved in the collateralization of certain GOV financial assets (e.g., accounts receivable; equity in state owned/controlled entities) and sales of GOV interests in state owned/controlled entities.

For additional information, please contact the authors, [Lise S. Test](#), [Alexandre \(Alex\) Lamy](#), [Lloyd Grove](#), or any member of the US Outbound Trade group with whom you normally work.

President continues national emergencies with respect to Syria, Central African Republic, Yemen, Iraq

On the dates indicated below, the *Federal Register* published one year extensions of the national emergencies with respect to the countries listed because the situations in and in relation to the countries indicated continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States:

- (May 15, 2018) Presidential [Notice of May 14, 2018- Continuation of the National Emergency With Respect to Yemen](#) continues the national emergency originally declared on May 16, 2012, by Executive Order (EO) 13611, to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of certain former members of the Government of Yemen and others that threaten Yemen’s peace, security, and stability. These actions include obstructing the political process in Yemen and blocking implementation of the agreement of November 23, 2011, between the Government of Yemen and those in opposition to it, which provided for a peaceful transition of power that meets the legitimate demands and aspirations of the Yemeni people.

The national emergency is being continued because actions and policies of certain former members of the Government of Yemen and others in threatening Yemen’s peace, security, and stability continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

- (May 11, 2018) Presidential [Notice of May 10, 2018 - Continuation of the National Emergency With Respect to the Central African Republic](#) continues for an additional year the national emergency first declared on May 12, 2014 by EO 13667 to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in and in relation to the Central African Republic—which has been marked by a breakdown of law and order, intersectarian tension, widespread violence and atrocities, and the pervasive, often forced recruitment and use of child soldiers—threatens the peace, security, or stability of the Central African Republic and neighboring states.
- (May 10, 2018) Presidential [Notice of May 9, 2018 - Continuation of the National Emergency With Respect to the Actions of the Government of Syria](#) continues for an additional year the national emergency first declared on May 11, 2004 by EO 13338. EO 13338 authorized the blocking of property of certain persons and prohibited the exportation or reexportation of certain goods to Syria. The national emergency was modified in scope and relied upon for additional steps taken in EO 13399 of April 25, 2006, EO 13460 of February 13, 2008, EO 13572 of April 29, 2011, EO 13573 of May 18, 2011, EO 13582 of August 17, 2011, EO 13606 of April 22, 2012, and EO 13608 of May 1, 2012.

The national emergency is being extended because the Syrian “regime’s brutality and repression of the Syrian people, who have been calling for freedom and a representative government, not only endangers the Syrian people themselves, but also generates instability throughout the region. The Syrian regime’s actions and policies, including with respect to chemical weapons, supporting terrorist organizations, and obstructing the Lebanese government’s ability to function effectively, continue to foster the rise of extremism and sectarianism and pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.”

- (May 21, 2018) Presidential [Notice of May 18, 2018 Continuation of the National Emergency With Respect to the Stabilization of Iraq](#) continues for an additional year the national emergency first declared on May 22, 2003, by EO 13303, and modified in scope and relied upon for additional steps taken in EO 13315 of August 28, 2003, EO 13350 of July 29, 2004, EO 13364 of November 29, 2004, EO 13438 of July 17, 2007, and EO 13668 of May 27, 2014, to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

United States withdraws from Joint Comprehensive Plan of Action

On May 8, 2018, President Trump [announced](#) that the United States will be withdrawing from the *Joint Comprehensive Plan of Action* (“JCPOA”), culminating months of uncertainty around the fate of the Iran nuclear deal. The announcement came ahead of a May 12 deadline for the renewal of a key sanctions waiver. As described [here](#), the last sanctions waiver occurred on January 12, 2018 amidst statements by President Trump that the waiver would be the last unless what President Trump considered “flaws” in the deal were fixed. In his May 8 speech, President Trump announced that the United States would re-impose nuclear sanctions against Iran.

Many of these sanctions, including so-called “secondary sanctions” that primarily target non-US companies engaging in business in or with Iran entirely outside US jurisdiction, were waived as part the US Government’s commitments under the JCPOA. By way of reminder, the sanctions relief under the JCPOA was mostly with respect to these secondary sanctions, whereas primary sanctions (applicable to US persons) were left intact, with the exception of a few general licenses

and favorable licensing policies (which themselves will be revoked as a result of today's announcement).

Following the President's announcement, the US Treasury Department's Office of Foreign Assets Control ("OFAC") released guidance, including [new FAQs](#), regarding the implementation of the President's decision. As described in this new guidance, the President's announcement, as implemented by the US Treasury and State Departments, revokes any sanctions waivers issued to implement JCPOA sanctions relief, and has replaced them with temporary waivers to provide for the wind-down of previously-authorized activities in Iran in keeping with newly-established 90-day (ending on August 6, 2018) and 180-day (ending on November 4, 2018) wind-down periods for activities involving Iran.

Sanctions Wind-Down Periods

OFAC's guidance indicates that it will implement 90-day and 180-day wind-down periods for Iran-related activities that were authorized under the US JCPOA sanctions relief. During the wind-down periods, OFAC will take steps to allow US Persons to wind down previously-authorized operations or business in Iran and to receive payments under agreements entered into before May 8, 2018 until the end of the applicable wind-down period (i.e., until August 6, 2018 or November 4, 2018). OFAC has advised that it will consider whether any "new" Iran-related activities were engaged in during the wind-down periods when considering potential enforcement or sanctions actions with respect to activities engaged in after the expiration of the wind-down periods, effectively cautioning parties about entering into "new" business after May 8, 2018.

90-Day Wind-down Period Ending on August 6, 2018

The following sanctions will be re-imposed after the 90-day wind-down period ends (i.e., on August 7, 2018):

- Sanctions on the purchase or acquisition of US dollar banknotes by the Government of Iran;
- Sanctions on Iran's trade in gold or precious metals;
- Sanctions on the direct or indirect sale, supply, or transfer to or from Iran of graphite, raw, or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes;
- Sanctions on significant transactions related to the purchase or sale of Iranian ri-als, or the maintenance of significant funds or accounts outside the territory of Iran denominated in the Iranian rial;
- Sanctions on the purchase, subscription to, or facilitation of the issuance of Irani-an sovereign debt; and
- Sanctions on Iran's automotive sector.

After the 90-day wind-down period ends, the US Government will also revoke the following JCPOA-related authorizations under US primary sanctions targeting Iran:

- The importation into the United States of Iranian-origin carpets and foodstuffs and certain related financial transactions pursuant to general licenses under the Iranian Transactions and Sanctions Regulations, 31 C.F.R. Part 560 ("ITSR");

- Activities undertaken pursuant to specific licenses issued in connection with the Statement of Licensing Policy for Activities Related to the Export or Re-export to Iran of Commercial Passenger Aircraft and Related Parts and Services (“JCPOA SLP”); and
- Activities undertaken pursuant to General License I relating to contingent contracts for activities eligible for authorization under the JCPOA SLP.

180-Day Wind-down Period Ending on November 4, 2018

The following sanctions, which are largely those relating to Iran’s oil and energy sector, will be re-imposed after the 180-day wind-down period ends (i.e., on November 5, 2018):

- Sanctions on Iran’s port operators, and shipping and shipbuilding sectors, including on the Islamic Republic of Iran Shipping Lines, South Shipping Line Iran, or their affiliates;
- Sanctions on petroleum-related transactions with, among others, the National Iranian Oil Company, Naftiran Intertrade Company, and National Iranian Tanker Company, including the purchase of petroleum, petroleum products, or petrochemical products from Iran;
- Sanctions on transactions by foreign financial institutions with the Central Bank of Iran and designated Iranian financial institutions under Section 1245 of the *National Defense Authorization Act for Fiscal Year 2012*;
- Sanctions on the provision of specialized financial messaging services to the Central Bank of Iran and Iranian financial institutions described in Section 104(c)(2)(E)(ii) of the *Comprehensive Iran Sanctions and Divestment Act of 2010*;
- Sanctions on the provision of underwriting services, insurance, or reinsurance; and
- Sanctions on Iran’s energy sector.

General License H to be Revoked

OFAC’s guidance indicates that it will revoke [General License H](#), authorizing US-owned or -controlled non-US entities to engage in certain Iran-related activities, as soon as administratively feasible. General License H will be replaced by a new general license authorizing the wind down of activities authorized under General License H (the “GL H Wind Down General License”). The GL H Wind Down General License will expire on **November 4, 2018**.

US-owned or -controlled non-US entities will be authorized to wind down operations or business in Iran conducted pursuant to General License H and to receive payments under contracts entered into before May 8, 2018. As above, OFAC effectively signaled caution with respect to “new” activities under General License H between May 8, 2018 and November 4, 2018.

Sanctions Designations

In short, it appears that all parties who were designated on the Specially Designated National and Blocked Persons List (“SDN List”) under the Iran sanctions program prior to the implementation of the JCPOA will be re-designated as SDNs after November 5, 2018. OFAC expects to move parties identified as meeting the definition of the terms “Government of Iran” or “Iranian financial institution” (as those terms are defined in the ITSR) from the List of Persons Blocked Solely

Pursuant to E.O. 13599 (which, as described [here](#), was introduced as part of the JCPOA sanctions relief) to the SDN List. In addition, parties that were removed from the SDN List as part of the JCPOA sanctions relief will be re-listed on the SDN List by no later than November 5, 2018. As was the case prior to Implementation Day of the JCPOA, effective November 5, 2018, non-US persons engaging in transactions with these parties could be exposed to US secondary sanctions.

Practical Considerations

What Is Authorized During and After Wind Down?

A key consideration, of more importance to US Persons and US-owned or -controlled non-US entities than other non-US persons, given that they are directly subject to US jurisdiction and must rely on wind-down authorizations, is whether the activity being wound down is pursuant to a written contract or written agreement entered into prior to May 8, 2018. Questions may arise, and must be considered as to which activities and dealings can be related back to an existing pre-May 8, 2018, agreement, and which could possibly be deemed to be new business not authorized under the wind-down authorizations.

In the context of non-US, non-Iranian persons, the OFAC FAQs make clear that receipt of payments after the wind-down period (i) for goods or services fully performed or delivered to an Iranian counterparty prior to the expiration of the wind-down period, (ii) pursuant to a written contract or written agreement entered into prior to May 8, 2018, and (iii) that are otherwise consistent with US sanctions in place at the time of delivery or provision, would be allowed. Whether such post-wind-down payments are permitted as to US Persons and US-owned or -controlled non-US entities is not made clear in the OFAC FAQs, so we would expect OFAC to issue more guidance on this and other issues as questions arise.

Financial Sector

As a result of the re-imposition of sanctions, financing and funds flows into/out of Iran will become extremely difficult, if not impossible. Iran will likely again be cut off from global financial messaging systems. Non-US banks should be expected to take a harder stand against processing Iran-related funds transfers, capital investments, dividend and royalty flows to/from Iran out of fear of losing their US corresponding banking relationships and falling foul of US enforcers. This may impact the ability for non-US companies to engage in lawful Iran-related business, even if such business is wholly outside US jurisdiction and does not trigger potential US secondary sanctions.

Impact on Non-US Persons Relying on General License H

Effective May 8, US-owned or -controlled non-US entities are to begin winding down any activities in Iran that are being undertaken pursuant to General License H with a view to completing such wind-down activities by November 5 (i.e., the end of the wind-down period for activities under General License H). Entering into “new” business (e.g., accepting new orders), even if consistent with General License H during the wind-down period could be viewed by OFAC as sanctionable following the end of the wind-down period.

Impact on General Licenses Issued Under Primary US Sanctions

General licenses issued under primary US sanctions, such as the Ag/Med General Licenses described [here](#) and [General License D-1](#) related to the provision of certain services, software, and hardware incident to personal communications to Iran are not impacted by the United States' withdrawal from the JCPOA as a legal matter and should remain in force.

No Impact on US Export and Reexport Controls

The US action has no impact on existing US export and reexport controls applicable to Iran, which apply independent of primary or secondary US sanctions, and with which both US and non-US persons must comply, to the extent they engage in exports or reexports involving items (commodities, software, or technology) subject to US jurisdiction.

Initial Reactions of Other P5+1 Countries

The UK, France, and Germany issued a joint statement, available [here](#) reaffirming their commitment to the JCPOA and confirming that they will remain parties to the JCPOA. Russia and China, have made similar statements, expressing disappointment with the US withdrawal and reaffirming their commitment and continued support for the JCPOA.

Iran, for its part, expressed continued commitment to the JCPOA, and, as of this writing, was engaged in talks with Russia, and planning to engage in talks with China, on the future of the JCPOA.

Despite such expressed commitment to the JCPOA, it remains to be seen whether the JCPOA will remain viable, especially to the extent that, as a practical matter, EU financial institutions are not willing to process transactions implicating Iran given the increased secondary sanctions risks. In addition, there are [reports](#) that the EU is considering revamping its blocking regulation (Council Regulation No 2271/96) with a view to considering introducing blocking against the reinstated US sanctions.

For additional information, contact the authors or any member of the US Outbound Trade group with whom you normally work. Authors: [Paul E. Amberg](#), [Alison J. Stafford Powell](#), [Hannah N. Zarkar](#) and [Inessa Owens](#).

Please watch for further updates, as new actions, guidance, and reactions emerge from the United States and the other P5+1 countries.

Commerce initiates section 232 investigation into auto imports

As you may have read in the press, the US Department of Commerce [announced](#) on May 23 another investigation under "Section 232" into whether certain imports impair the national security interests of the United States – this time covering automobiles, including SUVs, vans, light trucks, and automotive parts [See next article]. This follows on recent similar investigations covering steel and aluminum, which has resulted in additional tariffs and/or country specific quotas.

Given this history, you may be wondering what you need to know and what you can do to defend against the possibility of serious trade restrictions covering automobiles and auto parts.

3 Key Takeaways

1. **It is important to bear in mind that these investigations move quickly.** The statute gives the Commerce Department 270 days to determine the national security effects of the imports at issue, and gives the President a further 90 days thereafter to determine what action is necessary to adjust the imports. This means that US imports could be subject to additional duties or volume restrictions within the next 10 – 12 months. As a practical matter, the recent investigations into steel and aluminum took 11 months from initiation until duties were applied at the US border. Even so, the President spoke often about an expedited process in the last investigations. This could mean that this time, building off the experience of the last year, the investigation may proceed to remedy much quicker.

2. **Assuming that the investigation proceeds to a remedy, there will likely be an exclusion request process.** That process may be relevant for you either in requesting an exclusion or opposing one. The process may track the aluminum and steel investigation, in which companies could submit a short request to be excluded from the duties. Interested parties can oppose the exclusion request by filing reply comments within 30 days, and then the Commerce Department is expected to rule. The exclusion request process for the steel and aluminum investigations has resulted in more than 10,000 requests filed to date.

3. **Consider your interests on a country-specific basis.** There are likely to be country-specific negotiations that carve out imports from a particular country (like Canada and Mexico) or delay the effective date for the duties on a country-specific basis. In the steel and aluminum investigations, for example, duties on imports from the EU were delayed from going into effect in March 2018 until May 1, 2018 and then again until June 1, 2018. Such delays have a significant impact on purchases and supply decisions.

Timing

Based on the recent experience with steel and aluminum, the outer limit for the imposition of additional duties on auto imports is likely April 2019.

Prior to these Trump Administration investigations on steel and aluminum, the last prior investigation had been in 2001 under President George W. Bush. Additional duties went into effect as a result of the 2001 investigations, but they were repealed after a World Trade Organization challenge.

For additional information, contact the authors, [Kevin O'Brien](#) and [Ulrich Ellinghaus](#).

The May 23 announcement said:

“There is evidence suggesting that, for decades, imports from abroad have eroded our domestic auto industry,” said Secretary Ross. “The Department of Commerce will conduct a thorough, fair, and transparent investigation into whether such imports are weakening our internal economy and may impair the national security.”

During the past 20 years, imports of passenger vehicles have grown from 32 percent of cars sold in the United States to 48 percent. From 1990 to 2017, employment in motor vehicle production declined by 22 percent, even though Americans are continuing to purchase automobiles at record levels. Now, American owned vehicle manufacturers in the United States account for only 20 percent of global research and development in the automobile sector, and American auto part manufacturers account for only 7 percent in that industry.

Automobile manufacturing has long been a significant source of American technological innovation. This investigation will consider whether the decline of domestic automobile and automotive parts production threatens to weaken the internal economy of

the United States, including by potentially reducing research, development, and jobs for skilled workers in connected vehicle systems, autonomous vehicles, fuel cells, electric motors and storage, advanced manufacturing processes, and other cutting-edge technologies.

On May 30, 2018, the Department of Commerce published in the *Federal Register* a [notice of request for public comments and public hearing](#) [DOC-2018-0002] on the Section 232 (of the *Trade Expansion Act of 1962*, as amended; 19 U.S.C. 1862) national security investigation of imports of automobiles, including cars, SUVs, vans and light trucks, and automotive parts. If the Secretary finds that automobiles and/or automotive parts are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, the Secretary shall recommend actions and steps that should be taken to adjust automobile and/or automotive parts imports so that they will not threaten to impair the national security.

Interested parties are invited to submit written comments, data, analyses, or other information pertinent to the investigation to Commerce by June 22, 2018. Rebuttal comments will be due by July 6, 2018. Commerce will hold a public hearing on the investigation on July 19 and 20, 2018 in Washington, DC. The notice identifies the issues on which the Commerce is interested in obtaining the public's views. It also sets forth the procedures for public participation in the hearing.

This investigation is being undertaken in accordance with part 705 of the *National Security Industrial Base Regulations* (15 C.F.R. parts 700 to 709) ("NSIBR"). Commerce is particularly interested in comments and information directed to the criteria listed in § 705.4 of the NSIBR as they affect national security, including the following:

- The quantity and nature of imports of automobiles, including cars, SUVs, vans and light trucks, and automotive parts and other circumstances related to the importation of automobiles and automotive parts;
- Domestic production needed for projected national defense requirements;
- Domestic production and productive capacity needed for automobiles and automotive parts to meet projected national defense requirements;
- The existing and anticipated availability of human resources, products, raw materials, production equipment, and facilities to produce automobiles and automotive parts;
- The growth requirements of the automobiles and automotive parts industry to meet national defense requirements and/or requirements to assure such growth, particularly with respect to investment and research and development;
- The impact of foreign competition on the economic welfare of the U.S. automobiles and automotive parts industry;
- The displacement of any domestic automobiles and automotive parts causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects;
- Relevant factors that are causing or will cause a weakening of our national economy;
- The extent to which innovation in new automotive technologies is necessary to meet projected national defense requirements;
- Whether and, if so, how the analysis of the above factors changes when U.S. production by majority U.S.-owned firms is considered separately from U.S. production by majority foreign-owned firms; and
- Any other relevant factors

For additional information, contact [Kevin O'Brien](#) or [Ulrich Ellinghaus](#) of the Automotive Industry Group, or [Ted Murphy](#), [Rod Hunter](#) or any member of the International Trade and Commercial Practice.

Notice of termination of US-Ecuador bi-lateral investment treaty

On May 18, 2018, the Department of State and the US Trade Representative (USTR) published in the *Federal Register* a [notice of termination](#) [Public Notice 10418] of the “*Treaty between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment*” (“the Treaty”). Ecuador delivered a notice dated May 18, 2017, that it was terminating the Treaty. Pursuant to the terms of the Treaty, termination takes effect one year from the date of that notice. As a result, the Treaty terminates as of May 18, 2018, except that it will continue to apply for another 10 years to investments made or acquired prior to the date of termination (May 18, 2018) and to which the Treaty otherwise applies. The Treaty provides protections to cross-border investment between the two countries and the option to resolve investment disputes through international arbitration. State and USTR, which co-lead the U.S. bilateral investment treaty program, are providing this notice so that existing or potential U.S. investors in Ecuador can factor the termination of the Treaty into their business planning, as appropriate.

USTR notice regarding the 2018 GSP annual product review and initiation of country practice review of Thailand

On May 30, 2018, the Office of the US Trade Representative (USTR) published in the *Federal Register* a [notice of hearing and requests to testify and public comments](#) [Docket Numbers USTR-2017-0014, USTR-2018-0006, USTR-2018-0007, USTR-2018-0008, and USTR-2018-0012] regarding petitions submitted in connection with the 2018 GSP Annual Product Review that have been accepted for further review.

The *Federal Register* notice includes the schedule for submission of public comments and the dates of a public hearing conducted by the GSP Subcommittee of the Trade Policy Staff Committee (TPSC) associated with the review of these petitions and products.

In addition, USTR is announcing the initiation of a country practice review of Thailand’s GSP eligibility based on the statutory market access criterion. The GSP Subcommittee invites public comments on a petition from the National Pork Producers Council alleging that Thailand is not meeting the GSP eligibility criterion that requires a GSP beneficiary country to assure the United States that it will provide equitable and reasonable access to its market (19 U.S.C. 2462(c)(4)). Thailand’s country practice review will be added to the previously announced GSP country practice reviews of India, Indonesia, and Kazakhstan. As previously announced, the public hearing for these reviews is on June 19, 2018.

USTR launches review of Thailand’s GSP eligibility based on concerns with market access for US pork

On May 17, 2018, USTR [announced](#) that it is accepting a petition from the National Pork Producers Council (NPPC) challenging Thailand’s eligibility for the *Generalized System of Preferences* (GSP) trade preference program because it alleges that Thailand is not providing fair market access to U.S. pork products.

“GSP eligibility criteria are a core element to the success and fairness of the program,” said Deputy U.S. Trade Representative Jeffrey Gerrish. “Congress directs USTR to ensure that beneficiary countries are permitting equitable and reasonable market access for American goods. The petition from the National Pork Producers Council raises important questions regarding Thailand’s compliance with this criterion for GSP eligibility.”

USTR’s acceptance of the NPPC petition will result in a public review of Thailand’s GSP eligibility, including a public hearing and comment period. Details on the review will be announced in an upcoming *Federal Register* notice.

USTR continues and requests nominations for ITACs

On May 10, 2018, the Office of the US Trade Representative (USTR) published in the *Federal Register* a [notice](#) announcing that USTR and the Secretary of Commerce have established a new four-year charter term ending in February 2022, and are accepting applications from qualified individuals interested in serving as a member of an Industry Trade Advisory Committee (ITAC). The ITACs provide detailed policy and technical advice, information, and recommendations to the Commerce Secretary and the USTR regarding trade barriers, negotiation of trade agreements, and implementation of existing trade agreements affecting industry sectors, and perform other advisory functions relevant to US trade policy matters. There currently are opportunities for membership on each ITAC and nominations will be accepted throughout the charter term. Eleven ITACs (ITACS 1–11) provide advice and information on issues that affect specific sectors of US industry. Three ITACs (ITACs 12–14) focus on crosscutting functional issues that affect all industry sectors and include specifically appointed members along with non-voting members from the industry specific ITACs to represent a broad range of industry perspectives. The ITACs may address other trade policy issues, e.g., government procurement and subsidies, in ad hoc working groups. The ITACS for which new four-year charter terms have been established (Feb. 14, 2018 - Feb. 14, 2022) are:

- ITAC 1 Aerospace Equipment
- ITAC 2 Automotive Equipment and Capital Goods
- ITAC 3 Chemicals, Pharmaceuticals, Health/Science Products and Services
- ITAC 4 Consumer Goods
- ITAC 5 Forest Products, Building Materials, Construction and Nonferrous Metals
- ITAC 6 Energy and Energy Services
- ITAC 7 Steel
- ITAC 8 Digital Economy
- ITAC 9 Small and Minority Business
- ITAC 10 Services
- ITAC 11 Textiles and Clothing
- ITAC 12 Customs Matters and Trade Facilitation
- ITAC 13 Intellectual Property Rights
- ITAC 14 Standards and Technical Trade Barriers

The ITACs are subject to the provisions of the *Federal Advisory Committee Act*. See 19 U.S.C. 2155(f); 5 U.S.C. App. II. For details on eligibility and how to apply, see the FR notice.

USTR seeks comments on WTO disputes

The Office of the US Trade Representative (USTR) published the following documents related to WTO disputes in the *Federal Register*:

F.R. Date	Matter	Comments Due
05-11-18	WTO Dispute Settlement Proceeding: United States Countervailing Measures on Certain Hot-Rolled Carbon Steel Flat Products from India [Dispute Number WT/DS436; Docket Number USTR-2018-0011]	06-11-18

ITC reviews GSP program

On May 25, 2018, the US International Trade Commission (ITC) published in the *Federal Register* a [notice of institution of investigation](#) [Inv. No. 332-567], Following receipt of a request on May 18, 2018, from the United States Trade Representative (USTR), the ITC instituted investigation No. 332-567, *Generalized System of Preferences: Possible Modifications, 2017 Review*. The purpose of the investigation is to provide advice and information relating to the possible designation of additional articles, removal of articles, waiver of competitive need limitations, redesignation of articles, and denial of a de minimis waiver.

The deadline for filing requests to appear at the public hearing is June 4, 2018. The deadline for filing pre-hearing briefs and statements is June 7, 2018. The public hearing will be held on June 14, 2018. The deadline for filing post-hearing briefs and statements is June 21, 2018. The deadline for filing all other written submissions is June 21, 2018. Transmittal of the ITC report to the USTR is scheduled for September 7, 2018.

ITC amends its Rules of Practice and Procedure

On May 8, 2018, the US International Trade Commission (ITC) published in the *Federal Register* a [final rule](#) that amends its Rules of Practice and Procedure in 19 C.F.R. Parts 201 and 210 concerning rules of general application, adjudication, and enforcement. The amendments are necessary to make certain technical corrections, to clarify certain provisions, to harmonize different parts of the ITC's rules, and to address concerns that have arisen in ITC practice. The intended effect of the proposed amendments is to facilitate compliance with the ITC's Rules and improve the administration of agency proceedings. The rule is effective June 7, 2018. The rule amendments as stated in the *Federal Register* shall apply to investigations instituted subsequent to the aforementioned date.

ITC investigations

The ITC initiated (I), terminated (T), requested information or comments (RFC), issued a report (R), or scheduled a hearing (H) regarding the following investigations (other than 337 and antidumping, countervailing duty or safeguards) this month: (*Click on the investigation title to obtain details from the Federal Register notice or ITC Press Release*)

Investigation. No. and title	Requested by:
Inv. No. 332-567 Generalized System of Preferences: Possible Modifications, 2017 Review (I)	USTR
Inv. No. 332-564 U.S. Trade and Investment with Sub-Saharan Africa: Recent Developments [USITC Pub. 4780] (R)	USTR

CBP announces intent to distribute CDSOA funds

On May 31, 2018, US Customs and Border Protection (CBP) published in the *Federal Register* a [notice of intent](#) to distribute assessed antidumping or countervailing duties (known as the continued dumping and subsidy offset) for Fiscal Year 2018 to affected domestic producers, pursuant to the *Continued Dumping and Subsidy Offset Act of 2000*, (CDSOA, also known as the “Byrd Amendment”).

The notice provides the instructions for affected domestic producers, or anyone alleging eligibility to receive a distribution, to file certifications to claim a distribution in relation to the listed antidumping or countervailing duty orders or findings under the *Antidumping Act of 1921*. Certifications to obtain a continued dumping and subsidy offset under a particular order or finding must be received by July 30, 2018. Any certification received after July 30, 2018 will be summarily denied, making claimants ineligible for the distribution.

Revised United States-Israel FTA (ILFTA) certificate of origin requirements

On May 23, 2018, U.S. Customs and Border Protection published in the *Customs Bulletin* a [general notice](#) informing the public that the existing certificate of origin requirements are being phased out under the *United States-Israel Free Trade Agreement*.

The *United States – Israel Free Trade Agreement* (ILFTA) contained a certificate of origin requirement, set forth in paragraph 9 of Annex 3 (commonly referred to as the “Form A” or “green form”), in order to comply with the country of origin requirements of the Agreement. On May 10, 2017, the Governments of Israel and the United States amended the ILFTA to eliminate the certificate of origin requirement in favor of an invoice declaration. This simplification was effective January 10, 2018 and is tied to a June 30, 2018 phase-out date. See <https://ustr.gov/trade-agreements/free-trade-agreements/israel-fta/joint-committee-executive-decision>. Therefore, for exportations from the United States, during the certificate of origin phase-out period (January 10, 2018 to June 30, 2018), U.S. exporters to Israel will be able to submit either the certificate or an invoice declaration. Following June 30, 2018, Israel will only accept invoice declarations. Further instructions are available from the Department of Commerce [here](#).

CBP said in the notice that the May 10, 2017, change does not represent a change in the ILFTA requirements for importations into the United States. The reason is that CBP eliminated the requirement for importers to submit the certificate of origin, effective May 20, 1994. Instead, CBP has allowed an importer to provide a signed affidavit upon request by CBP, acknowledging that the good meets the origination and the shipping requirements of the ILFTA. See [CSMS #94-000504](#).

CBP publishes quarterly interest rates

On May 2, 2018, US Customs and Border Protection (CBP) published in the *Federal Register* a [general notice](#) that advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will increase from the previous quarter. For the calendar quarter beginning April 1,

2018, the interest rates for overpayments will be 4 percent for corporations and 5 percent for non-corporations, and the interest rate for underpayments will be 5 percent for both corporations and non-corporations.

Miscellaneous CBP Federal Register documents

The following documents not discussed above were published by CBP in the *Federal Register*. [Note that multiple listings of approved gaugers and laboratories reflects different locations and/or products.]

F.R. Date	Subject
05-02-18	Accreditation and Approval of Saybolt LP (St. Rose, LA) as a Commercial Gauger (N)
05-10-18	Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory (N) [St. Rose, LA]
	Accreditation and Approval of AmSpec LLC (Ferndale, WA) as a Commercial Gauger and Laboratory (N)
05-18-18	Accreditation and Approval of SGS North America, Inc., as a Commercial Gauger and Laboratory (N) [Houston, TX]
	Agency Information Collection Activities: Application for Foreign-Trade Zone Admission and/or Status Designation, and Application for Foreign-Trade Zone Activity Permit [OMB Control No. 1651-0029] (N) [CBP Forms: 214, 214A, 214B, 214C, and 216]
05-21-18	Agency Information Collection Activities: Crewman's Landing Permit [OMB Control No. 1651-0114] (N) [Form I-95]
05-24-18	Accreditation and Approval of AmSpec LLC (Penuelas, PR) as a Commercial Gauger and Laboratory (N)
	Accreditation and Approval of AmSpec LLC (Freeport, TX) as a Commercial Gauger and Laboratory (N)
05-25-18	Agency Information Collection Activities: Application for Allowance in Duties [OMB Control No. 1651-0007] (N) [CBP Form 4315]
	Agency Information Collection Activities: Biometric Identity [OMB Control No. 1651-0138] (N)
	Agency Information Collection Activities: Crew Member's Declaration [OMB Control No. 1651-0021] (N) [CBP Form 5129]
	Agency Information Collection Activities: Harbor Maintenance Fee [OMB Control No. 1651-0055] [CBP Forms 349 and 350]
	Agency Information Collection Activities: Petition for Remission or Mitigation of Forfeitures and Penalties Incurred [OMB Control No. 1651-0100] (N) [CBP Form 4609]
	Accreditation and Approval of Inspectorate America Corporation (Houston, TX), as a Commercial Gauger and Laboratory (N)
05-29-18	Approval of Omni Hydrocarbon Measurement, Inc. (Crosby, TX), as a Commercial Gauger (N)
	Agency Information Collection Activities: Crew's Effects Declaration [OMB Control No. 1651-0020] (N) [CBP Form 1304]
	Agency Information Collection Activities: Guarantee of Payment [OMB Control No. 1651-0127] (N) [CBP Form I-510]

CBP issues final determinations in procurement cases

CBP has published in the *Federal Register* the following determinations concerning the country of origin of merchandise for purposes of US Government procurement under the *Trade Agreements Act*. A copy of the final determination may be reviewed by clicking on the ruling number. Any party-at-interest may seek judicial review of the final determination within 30 days of the date of publication in the *Federal Register*.

F.R. Date	Ruling Reference (Date Issued) and Product	Country of Origin
05-02-18	HQ H287851 (April 24, 2018) Gyrocompass	United States
05-24-18	HQ H294933 (May 18, 2018) FleetCam™ vehicle camera	China
05-30-18	HQ H294980 (May 21, 2018) Electric Scissor Lifts	United States

EAPA Notices of Action and Final Determinations

The following Notices of Action and Final Determinations under the *Enforce and Protect Act* (Section 421 of the *Trade Facilitation and Trade Enforcement Act of 2015*) relating to alleged evasion of antidumping or countervailing duties were posted by CBP:

Date	Subject
05-14-18	EAPA Investigation Number 7227: Sun Bright International Corporation (Notice of Investigation and Interim Measures)
05-31-18	EAPA Case Number 7204: American Pacific Rubber, Inc. (Notice of Final Determination as to Evasion)

Detention Orders (Withhold Release Orders)

When information reasonably but not conclusively indicates that merchandise within the purview of 19 U.S.C. §1307 (forced or convict labor) is being imported, the Commissioner of U.S. Customs and Border Protection (CBP) may issue withhold release orders pursuant to 19 C.F.R. § 12.42(e). The following withhold release orders were issued by the Commissioner during the period of coverage of this Update.

Date	Product	Manufacturer	Status
05-18-18	Cotton	All Turkmenistan Cotton or products produced in whole or in part with Turkmenistan cotton	Active

CBP publications and fact sheets

During the period of coverage of this *Update*, CBP (or other ACE participating agencies) issued the following new or revised publications and fact sheets:

- [Industry Quick Reference Guide to the FDA ACE Supplemental Guide v2.5.1](#)
- [FDA Supplemental Guide Release 2.5.1 2018 0410.pdf](#)
- [Business Rules and Process Document \(Trade – External\) ACE Entry Summary \(Version 9.0\) May 11, 2018](#)
- [ACE CATAIR Appendix PGA](#)

Revocations or modifications of CBP rulings

[See separate section below.](#)

Partial Ukraine-GSP suspension effective April 26, 2018

[CSMS #18-000320](#) of May 3, 2018 announced that in accordance with Presidential [Proclamation 9687 of December 22, 2017](#), (82 Fed. Reg. 61413, December 27, 2017), articles of Ukraine listed in Annex III of the Proclamation and entered or withdrawn from warehouse on or after April 26, 2018 have had their GSP eligibility suspended, and should not be entered with the benefit of the Generalized System of Preferences (GSP) benefits.

ACE programming has been completed.

Updated filing requirements for aluminum and steel articles

On May 31, 2018, CBP issued [CSMS# 18-000372 UPDATE: Additional Duty on Imports of Steel and Aluminum Articles under Section 232](#) which contains information regarding the May 31 Proclamations. Excerpts from the CSMS:

Countries Covered by Section 232 Import Duties:

Please note that the Section 232 measures are based on the country of origin, not the country of export.

Steel:

As of June 1, 2018: All countries of origin except Argentina, Australia, Brazil, and South Korea.

Aluminum:

As of June 1, 2018: All countries of origin except Argentina and Australia.

Countries Covered by Section 232 Absolute Quotas:

Steel:

As of June 1, 2018: Argentina, Brazil, and South Korea.

Aluminum:

As of June 1, 2018: Argentina.

For both steel and aluminum, imports of United States origin are not covered by the Section 232 measures.

Filing Instructions:

Section 232 Import Duties:

Use non-quota entry type codes.

UPDATE: As of June 1, 2018, for all imports of aluminum from South Korea, importers should also use non-quota entry type codes.

Steel Products

In addition to reporting the regular Chapters 72 & 73 of the Harmonized Tariff Schedule (HTS) classification for the imported merchandise, importers shall report the following HTS classification for imported merchandise subject to the additional duty:

9903.80.01 (25 percent ad valorem additional duty for steel mill products)

Aluminum Products

In addition to reporting the regular Chapter 76 of the HTS classification for the imported merchandise, importers shall report the following HTS classification for imported merchandise subject to the additional duty:

9903.85.01 (10 percent ad valorem additional duty for aluminum products)

Section 232 Absolute Quotas:

Use quota entry type codes (entry types 02, 06, 07, 12, 23, 32, 38, or 52).

For further guidance, see CBP quota bulletins at <https://www.cbp.gov/trade/quota/bulletins>

Generalized System of Preferences (GSP) and African Growth and Opportunity Act (AGOA)

GSP and AGOA-eligible goods that are subject to Section 232 duties or quotas may not receive GSP or AGOA duty preference in accordance with 19 USC 2463(b)(2).

On imports subject to Section 232 duties or quotas (including imports from Argentina and Brazil), in addition to any applicable Section 232 duties, importers should pay the normal trade relations (column 1) duty rates and not submit the GSP Special Program Indicator (SPI) "A" or the AGOA SPI "D"

FAQs are available at: <https://www.cbp.gov/trade/programs-administration/entry-summary/232-tariffs-aluminum-and-steel>.

Filing requirements for aluminum and steel articles – S. Korea

On May 1, 2018, CBP issued [CSMS# 19-000317 Update: Additional Duty on Imports of Steel and Aluminum Articles under Section 232](#) which contained new filing requirements for imports of aluminum and steel from S. Korea. It is reproduced below:

Update: Additional Duty on Imports of Steel and Aluminum Articles under Section 232 of the Trade Expansion Act of 1962

Revised Version With New Filing Requirements For Imports of Aluminum and Steel From South Korea

Background:

On March 8, 2018, the President issued Proclamations 9704 and 9705 on Adjusting Imports of Steel and Aluminum into the United States, under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), providing for additional import duties for steel mill and aluminum articles, effective March 23, 2018. See the Federal Register, 83 FR 11619 and 83 FR 11625, March 15, 2018. On March 22, 2018, the President issued Proclamations on Adjusting Imports of Steel and Aluminum into the United States. See the Federal Register, 83 FR 13355 and 83 FR 13361, March 28, 2018. On April 30, 2018, the President issued Proclamations on Adjusting Imports of Steel and Aluminum into the United States.

These duty requirements are effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on March 23, 2018.

Commodity:

Steel mill and aluminum articles, as specified in the Presidential Proclamations.

Countries Covered By Section 232 Import Duties:

Please note that the Section 232 measures are based on the country of origin, not the country of export.

Steel:

May 1, 2018 through May 31, 2018: All countries of origin except Canada, Mexico, Australia, Argentina, South Korea, Brazil and member countries of the European Union (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom).

As of June 1, 2018: All countries of origin except Argentina, Australia, Brazil, and South Korea.

Quota for Steel Imports from South Korea

A separate CSMS will be issued with details on the quota on steel imports from South Korea.

Aluminum:

May 1, 2018 through May 31, 2018: All countries of origin except Canada, Mexico, Argentina, Australia, Brazil and member countries of the European Union (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg,

Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom).

As of June 1, 2018: All countries of origin except Argentina, Australia, and Brazil [*Ed. Note: Brazil became subject to the Aluminum duties on June 1 as a result of the May 31, 2018 Presidential Proclamation on Aluminum.*].

Note: As of May 1, 2018, aluminum articles from South Korea are subject to the Section 232 import duties. Importers may receive a quota hold message for imports of such articles; however, a quota is not in effect for imports of aluminum from South Korea.

For both steel and aluminum, imports of United States origin are not covered by the Section 232 measures.

Filing Instructions:

Special Instructions for Imports of Aluminum and Steel From South Korea:

As noted above, only imports of steel from South Korea are subject to an absolute quota. However, until further notice, for all imports of aluminum and steel articles from South Korea, importers should submit a quota entry type code (entry types 02, 06, 07, 23, 32, or 38).

For imports of aluminum and steel articles from all other countries, continue to use non-quota entry type codes.

Steel Products

In addition to reporting the regular Chapters 72 & 73 of the Harmonized Tariff Schedule (HTS) classification for the imported merchandise, importers shall report the following HTS classification for imported merchandise subject to the additional duty:

9903.80.01 (25 percent ad valorem additional duty for steel mill products)

Aluminum Products

In addition to reporting the regular Chapter 76 of the HTS classification for the imported merchandise, importers shall report the following HTS classification for imported merchandise subject to the additional duty:

9903.85.01 (10 percent ad valorem additional duty for aluminum products)

Generalized System of Preferences (GSP) and African Growth and Opportunity Act (AGOA)

GSP and AGOA-eligible goods that are subject to Section 232 duties may not receive GSP or AGOA duty preference in accordance with 19 USC 2463(b)(2).

On imports subject to Section 232 duties, in addition to the Section 232 duties, importers should pay the normal trade relations (column 1) duty rates and not submit the GSP Special Program Indicator (SPI) "A" or the AGOA SPI "D"

Although Brazil and Argentina are GSP countries, they are exempt from Section 232 per the Harmonized Tariff Schedule of the United States (HTSUS) Chapter 99, Subchapter III, U.S. Notes 16(a) and 19(a); therefore they may claim GSP.

Other Trade Preference Programs and Free Trade Agreements

Trade preference may be claimed for all preference programs with the exception of GSP and AGOA, as stated above. Importers making a trade preference claim under a program other than GSP or AGOA may continue to receive the preferential duty rate and any MPF exemption that may apply in accordance with 19 CFR 24.23(c). Section 232 duties must be paid on imports subject to Section 232 even if trade preferences apply.

Additional Information

Chapter 98

Imports subject to Section 232 duties imported under subheading 9802.00.60 shall be assessed Section 232 duties based upon the full value of the imported article.

Foreign Trade Zones

Any steel or aluminum article, except those eligible for admission under “domestic status” as defined in 19 CFR 146.43, subject to the Section 232 duties, that is admitted into U.S. foreign trade zones on or after 12:01 a.m. eastern daylight time on March 23, 2018, must be admitted as “privileged foreign status” as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valorem rates of duty related to the classification under the applicable HTSUS subheading.

Any steel or aluminum article, except those eligible for admission under “domestic status” as defined in 19 CFR 146.43, subject to the 232 duties, that was admitted into U.S. foreign trade zones under “privileged foreign status” as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on March 23, 2018, will likewise be subject upon entry for consumption to any ad valorem rates of duty related to the classification under applicable HTSUS subheadings imposed by the Proclamations.

Aluminum or steel articles shall not be subject upon entry for consumption to Section 232 duties, merely by reason of manufacture in a U.S. foreign trade zone. However, articles admitted to a U.S. foreign trade zone in “privileged foreign status,” shall retain that status consistent with 19 CFR 146.41(e).

The merchandise covered by the additional duties and quota may also be subject to antidumping and countervailing duties.

Drawback

No drawback shall be available with respect to the Section 232 duties imposed on any aluminum or steel article.

For Further Information:

For more information, please refer to the Presidential Proclamations on Adjusting Imports of Steel and Aluminum into the United States, Federal Register, 83 FR 11619 and 83 FR 11625, March 15, 2018; the March 22, 2018 Presidential Proclamations on Adjusting Imports of Steel and Aluminum into the United States. 83 FR 13355 and 83 FR 13361, March 28, 2018; and the April 30, 2018 Proclamations on Adjusting Imports of Steel and Aluminum into the United States. Also see Frequently Asked Questions at <https://www.cbp.gov/trade/programs-administration/entry-summary/232-tariffs-aluminum-and-steel>

Questions related to Section 232 entry filing requirements should be emailed to traderemedy@cbp.dhs.gov (*). Questions from the importing community concerning ACE rejections should be referred to their Client Representative. (*) email address was corrected as per [CSMS# 18-000318](#).

Steel quota announced for S. Korea

On April 30, 2018, CBP issued [CSMS #18-000316 Quota Announcement South Korea Steel Mill Articles](#).

The CSMS states:

A Presidential Proclamation for steel mill articles under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862); Iron or steel products imported into the United States, country of origin, South Korea, effective for goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 eastern daylight time on May 1, 2018 is subject to absolute quota.

The Trade may refer to quota bulletin (QB) 18-118 for details on South Korea absolute quota categories. Related quota information may also be found posted cbp.gov, quota page. <https://www.cbp.gov/trade/quota> .

Questions related to absolute quota filing requirements should be emailed to HQ QUOTA HQQUOTA@cbp.dhs.gov.

CSMS messages

The following CBP Cargo Systems Messaging Service (CSMS) notices were issued during the period covered by this Update. ACE outages or delays which have already occurred and problems which have been resolved are not included below.

Date	CSMS#	Title
05-01-18	18-000317	UPDATE: Additional Duty on Imports of Steel and Aluminum Articles under Section 232
	18-000318	Section 232 Clarification on Trade Remedy Mailbox
05-02-18	18-000319	FDA Scheduled Maintenance Saturday, May 5, 2018, 1AM to 6AM ET
05-03-18	18-000320	Partial Ukraine-GSP Suspension Effective April 26, 2018
	18-000322	FDA publishes new ACE resource for importers and filers
05-04-18	18-000327	Harmonized System Update (HSU) 1807 created on May 3, 2018
	18-000328	Updated CATAIR In-bond Chapter posted
05-05-18	18-000331	Extended: FDA Scheduled Maintenance Saturday, May 5, 2018, 1AM to 6AM ET
	18-000332	FDA
	18-000333	Completed: FDA System Maintenance (Title Updated)
05-09-18	18-000335	FIRMS Code Validations in FTZ
05-10-18	18-000336	FTZ update to FT60 record
	18-000337	Info Notice Posted for Cargo Release Statuses in Support of Absolute Quota
05-11-18	18-000338	ACS Recon submissions refiled in ACE
	18-000340	ACE Cargo Release - SO Status Notification Update
	18-000341	Status Notification for Stand-Alone PE Data Submission (PO)
05-14-18	18-000342	Quota Announcement South Korea Steel Mill Products
	18-000343	FDA Example PG Message Sets
05-16-18	18-000345	External ACE Entry Summary Business Process document version 9.0 – 05/11/2018
	18-000346	Initiation of AD/CVD Investigations: Certain Quartz Surface Products from the PRC
05-17-18	18-000347	ACE CATAIR Appendix PGA
	18-000348	FDA Scheduled Maintenance May 19, 2018, 10PM Eastern through May 20, 2018, 6AM Eastern
05-18-18	18-000349	Draft ES CATAIR Posted in Support of Tariff Rate Adjustments and Section 232 Exclusions
	18-000351	New ADCVD Universes in ACE Reports Transition Date Extended to May 24, 2018
05-21-18	18-000352	Submitting Imports of Products Excluded from Duties on Imports of Steel or Aluminum
	18-000353	Updated CATAIR Appendix PGA
	18-000354	AES Commodity and Export Manifest Certification Deployment
05-22-18	18-000355	AESTIR Appendix Q update
05-23-18	18-000358	Entry Summary changes deploying to CERT on 5/24/18
05-24-18	18-000359	Updated Truck Manifest Implementation Guides supporting In-bond Reg changes
	18-000360	Upcoming ACE Enhancements Announced
	18-000361	HTS Query
	18-000362	FDA End-Dating CDER Product Codes and New CDER Product Codes
	18-000363	FDA DUNS Portal is Available
	18-000364	Participation in the ACE Fish and Wildlife Service (FWS) PGA pilot
05-29-18	18-000366	ACE TRUCK Manifest & QP/WP In-bond IG Changes -Available for Testing in CERT Wed. 5/30/18
05-30-18	18-000367	Registration is Open for the 2018 Trade Symposium
	18-000368	NMFS-International Fisheries Trade Permit (IFTP) Format

Date	CSMS#	Title
		Changes
	18-000370	Reminder: Deployment of new Cargo Release Statuses in Support of Absolute Quota on May 31
	18-000371	ACE PRODUCTION Deployment, Thur 5/31/2018 @0500ET, impact Cargo Release & Entry Summary
05-31-18	18-000372	Update: Additional Duty on Imports of Steel and Aluminum Articles under Section 232

Foreign Trade Zones

The following documents were published in the *Federal Register* by the Foreign-Trade Zones Board:

F.R. Date	Document
05-01-18	Foreign-Trade Zone 40-Cleveland, Ohio Authorization of Production Activity; Swagelok Company; (Valve Component Parts); Solon, Willoughby Hills, Highland Heights, and Strongsville, Ohio [B-03-2018]
05-02-18	Approval of Subzone Status: International Converter, Inc., Caldwell, Ohio [S-45-2018]
05-03-18	Foreign-Trade Zone 24—Pittston, Pennsylvania; Application for Subzone Expansion; Brake Parts Inc; Hazleton, Pennsylvania [S-64-2018]
05-07-18	Foreign-Trade Zone 29—Louisville, Kentucky; Application for Subzone; Amcor Flexibles LLC; Shelbyville, Kentucky [S-66-2018]
	Foreign-Trade Zone 37-Orange County, New York; Notification of Proposed Production Activity; Takasago International Corp. (U.S.A.) (Fragrances); Harri-man, New York [B-28-2018]
05-08-18	Approval of Expansion of Subzone 98D; Hyster-Yale Group, Inc.; Sulligent, Alabama [S-6-2018]
	Approval of Subzone Status; Brose Tuscaloosa, Inc. Vance, Alabama [S-44-2018]
	Approval of Subzone Status; CEVA Freight LLC; Mount Juliet and Lebanon, Tennessee [S-39-2018]
05-11-18	Foreign-Trade Zone 198 – Volusia and Flagler Counties, Florida; Application for Reorganization and Expansion under Alternative Site Framework [B-29-2018]
05-14-18	Approval of Subzone Status; Manuel Freije Arce, Inc., Cataño, Puerto Rico [S-43-2018]
05-15-18	Approval of Expansion of Subzone 49C; E.R. Squibb and Sons, LLC, New Brunswick, New Jersey [Order No. 2053]
	Approval of Expansion of Subzone 116A; Motiva Enterprises LLC, Jefferson and Hardin Counties, Texas [Order No. 2051]
	Approval of Expansion of Subzone 154C; Westlake Chemical Corporation, Geismar, Louisiana [Order No. 2052]
	Foreign-Trade Zone 50 – Long Beach, California; Application for Subzone VF Outdoor, LLC, Ontario, Santa Fe Springs and Corona, California [S-71-2018]
05-18-18	Foreign-Trade Zone 7 – Mayaguez, Puerto Rico; Notification of Proposed Production Activity - Lilly del Caribe, Inc. (Pharmaceutical Products) Carolina, Puerto Rico [B-30-2018]
05-22-18	Foreign-Trade Zone 87 – Lake Charles, Louisiana - Application for Subzone; Driftwood LNG, LLC, Sulphur, Louisiana [B-31-2018]
05-24-18	Foreign-Trade Zone 230 – Piedmont Triad Area, North Carolina; Notification of Proposed Production Activity - Deere-Hitachi Construction Machinery Corp., (Forestry Machinery, and Forestry Machinery and Hydraulic Excavator Frames/Booms/Arms) Kernersville, North Carolina [B-32-2018]
05-25-18	Approval of Expanded Subzone Status; Subzone 231A, Medline Industries, Inc. Manteca, Stockton and Tracy, California [S-35-2018]

Treasury issues list of countries requiring cooperation with an international boycott

On May 16, 2018, the Department of the Treasury published in the *Federal Register*, in accordance with section 999(a)(3) of the Internal Revenue Code of 1986 (IRC), a [current list](#) of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the IRC). On the basis of the best information currently available to Treasury, the following countries require or may require participation in, or cooperation with, an international boycott: Iraq, Kuwait, Lebanon, Libya, Qatar, Saudi Arabia, Syria, United Arab Emirates and Yemen.

BIS and State propose revisions to control of firearms, guns, ammunition and related articles no longer warranting USML controls

On May 24, 2018, the Bureau of Industry and Security (BIS) published in the *Federal Register* a [proposed rule](#) [Docket No. 111227796-5786-01] that describes how articles the President determines no longer warrant control under United States Munitions List (USML) Category I – Firearms, Close Assault Weapons and Combat Shotguns; Category II – Guns and Armament; and Category III – Ammunition/Ordnance would be controlled under the Commerce Control List (CCL). This proposed rule is being published simultaneously with a proposed rule by the Department of State that would revise Categories I, II, and III of the USML to describe more precisely the articles warranting continued control on that list.

The changes described in the BIS proposed rule and in the State Department's [companion proposed rule](#) (see below) on Categories I, II, and III of the USML are based on a review of those categories by the Department of Defense, which worked with the State and Commerce in preparing the amendments. The review was focused on identifying the types of articles that are now controlled on the USML that are either (i) inherently military and otherwise warrant control on the USML or (ii) if of a type common to non-military firearms applications, possess parameters or characteristics that provide a critical military or intelligence advantage to the United States, and are almost exclusively available from the United States. If an article satisfies one or both of those criteria, the article remains on the USML. If an article does not satisfy either criterion, it has been identified in the new Export Control Classification Numbers (ECCNs) included in this proposed rule. Thus, the scope of the items described in this proposed rule is essentially commercial items widely available in retail outlets and less sensitive military items.

BIS has created ECCNs, referred to as the “600 series,” to control items that would be removed from the USML and controlled under the CCL, or items from the *Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies Munitions List* (Wassenaar Arrangement Munitions List or WAML) that are already controlled elsewhere on the CCL.

Also, on May 24, 2018, the Department of State (State) published in the *Federal Register* a [companion proposed rule](#) [Public Notice 10094] to amend the *International Traffic in Arms Regulations* (ITAR) to revise Categories I (firearms, close assault weapons and combat shotguns), II (guns and armament) and III (ammunition and ordnance) of the U.S. Munitions List (USML) to describe more precisely the articles warranting export and temporary import control on the USML. Items removed from the USML would become subject to the *Export Administration Regulations* (EAR).

State welcomes comments from the public and specifically requests input on the following matters:

(1) A key goal of this rulemaking is to ensure the USML and the CCL together control all the items that meet Wassenaar Arrangement commitments embodied in its Munitions List Categories 1, 2 and 3 (WAML1, WA-ML2 and WA-ML3). Readers are asked to identify any potential gap in coverage brought about by the changes for USML Categories I, II and III contained in this notice and the new Category 0, 0x5zz ECCNs published separately by Commerce when reviewed together.

(2) State seeks to establish clear distinctions between the USML and the CCL for the control of firearms, large guns, armaments, ordnance and ammunition. The public should provide any specific examples of firearms (or parts, components, accessories thereof), large guns, armaments, ordnance or ammunition whose jurisdiction is unclear based on this revision.

(3) State has, in the past, adopted a delayed effective date of 180 days for rules revising entire categories of the USML and moving items to the CCL. State seeks to allow industry sufficient time to implement this rule, including time to make changes to IT systems, technology controls plans, and other business processes. The public should provide input on the time necessary to implement any final rule for these 13 categories, as well as a description of any increased burden that, in the view of the commenter, would be imposed on businesses or individuals should this rule be adopted.

Comments for both proposals must be received by July 9, 2018.

BIS revises the Unverified List (UVL)

On May 17, 2018, the Bureau of Industry and Security (BIS) published in the *Federal Register* a [final rule](#) [Docket No. 180214174–8174–01] amending the *Export Administration Regulations* (EAR) by adding thirty-three (33) persons to the Unverified List (“UVL”), found in Supplement No. 6 to Part 744 to the EAR and adding an additional address for one (1) person currently listed on the UVL. The thirty-three persons are being added to the UVL on the basis that BIS could not verify their bona fides because an end-use check could not be completed satisfactorily for reasons outside the U.S. Government’s control. A new address is added for one person as BIS has determined that this person is receiving exports from the United States at an additional address. The new entries consist of eleven persons located in China, twelve in Russia, five in the United Arab Emirates, two in Canada, and one person located in each of the following countries: Estonia, Finland, and Pakistan. Each listing is grouped within the UVL by country with each party’s name(s) listed in alphabetical order under the country; each entry includes available alias(es) and address(es), as well as the *Federal Register* citation and the date the person was added to the UVL. The UVL is included in the Consolidated Screening List, available at www.export.gov. The rule took effect immediately.

Imposition of nonproliferation measures against foreign persons, including a ban on U.S. government procurement

On May 10, 2018, the Department of State published in the *Federal Register* a [notice](#) [Public Notice: 10407] that a determination has been made that a number of foreign persons have engaged in activities that warrant the imposition of measures pursuant to Section 3 of the *Iran, North Korea, and Syria Nonproliferation Act* (the “Act”; Pub. L. 109–353). The Act provides for penalties on foreign entities and individuals for the transfer to or acquisition from Iran since January 1, 1999; the transfer to or acquisition from Syria since January 1, 2005; or the transfer to or acquisition from North Korea since January 1, 2006, of goods, services, or technology controlled under multilateral control lists (Missile Technology Con-

trol Regime, Australia Group, Chemical Weapons Convention, Nuclear Suppliers Group, Wassenaar Arrangement) or otherwise having the potential to make a material contribution to the development of weapons of mass destruction (WMD) or cruise or ballistic missile systems. The latter category includes items of the same kind as those on multilateral lists but falling below the control list parameters when it is determined that such items have the potential of making a material contribution to WMD or cruise or ballistic missile systems, items on U.S. national control lists for WMD/ missile reasons that are not on multilateral lists, and other items with the potential of making such a material contribution when added through case-by- case decisions.

On April 30, 2018 the US Government applied the measures authorized in Section 3 of the Act against the 28 foreign persons listed in the *Federal Register* notice who were identified in the report submitted pursuant to Section 2(a) of the Act.

Imposition of nonproliferation measures against Rosoboronexport, including a ban on US government procurement

On May 9, 2018, the Department of State published in the *Federal Register* a [notice](#) [Public Notice: 10406] that a determination has been made that a foreign person has engaged in activities that warrant the imposition of measures pursuant to Section 3 of the *Iran, North Korea, and Syria Nonproliferation Act* (the “Act”; Pub. L. 109–353). The Act provides for penalties on foreign entities and individuals for the transfer to or acquisition from Iran since January 1, 1999; the transfer to or acquisition from Syria since January 1, 2005; or the transfer to or acquisition from North Korea since January 1, 2006, of goods, services, or technology controlled under multilateral control lists (Missile Technology Control Regime, Australia Group, Chemical Weapons Convention, Nuclear Suppliers Group, Wassenaar Arrangement) or otherwise having the potential to make a material contribution to the development of weapons of mass destruction (WMD) or cruise or ballistic missile systems. The latter category includes items of the same kind as those on multilateral lists but falling below the control list parameters when it is determined that such items have the potential of making a material contribution to WMD or cruise or ballistic missile systems, items on U.S. national control lists for WMD/ missile reasons that are not on multilateral lists, and other items with the potential of making such a material contribution when added through case-by- case decisions.

On April 30, 2018, the US Government applied the measures authorized in Section 3 of the Act against Rosoboronexport (ROE) (Russia) and any successor, sub-unit, or subsidiary thereof.

Accordingly, pursuant to Section 3 of the Act, the following measures are imposed on these persons:

1. No department or agency of the United States Government may procure or enter into any contract for the procurement of any goods, technology, or services from this foreign person, except to the extent that the Secretary of State otherwise may determine. This measure shall not apply to subcontracts at any tier with ROE and any successor, sub-unit, or subsidiary thereof made on behalf of the United States Government for goods, technology, and services for the maintenance, repair, overhaul, or sustainment of Mi-17 helicopters for the purpose of providing assistance to the security forces of Afghanistan, as well as for the purpose of combating terrorism and violent extremism globally. Moreover, the ban on U.S. government procurement from the Russian entity Rosoboronexport (ROE) and any successor, sub-unit, or subsidiary thereof shall not apply to United States Government procurement of goods, technolo-

gy, and services for the purchase, maintenance, or sustainment of the Digital Electro Optical Sensor OSD/CAM4060 to improve the U.S. ability to monitor and verify Russia's Open Skies Treaty compliance. Such subcontracts include the purchase of spare parts, supplies, and related services for these purposes;

2. No department or agency of the United States Government may provide any assistance to this foreign person, and this person shall not be eligible to participate in any assistance program of the United States Government, except to the extent that the Secretary of State otherwise may determine;

3. No United States Government sales to this foreign person of any item on the United States Munitions List are permitted, and all sales to this person of any defense articles, defense services, or design and construction services under the *Arms Export Control Act* are terminated; and

4. No new individual licenses shall be granted for the transfer to this foreign person of items the export of which is controlled under the *Export Administration Act of 1979* or the *Export Administration Regulations*, and any existing such licenses are suspended.

These measures shall be implemented by the responsible departments and agencies of the United States Government and will remain in place for two years from the effective date, except to the extent that the Secretary of State may subsequently determine otherwise.

DDTC launches redesigned website

On April 30, 2018, the State Department Directorate of Defense Trade Controls (DDTC) [announced](#) the launch of its redesigned website. According to the announcement, “the updated website features a number of significant enhancements including improved navigation, searchability, and accessibility, with a consistent, full-featured experience across mobile devices. Additional planned updates to DDTC’s website will continue as part of a broader Department of State effort to improve www.State.gov and to facilitate a more consistent and unified experience across Department sites.”

US Government aims to ease restrictions on sales of US-origin Unmanned Aerial Systems

On April 19, the US Government issued a [fact sheet](#) outlining a new policy (the “New UAS Policy”) on exports of US-origin unmanned aerial systems (“UAS”) and a new [National Security Presidential Memorandum](#) (“NSPM”) updating the United States Conventional Arms Transfer Policy (the “New CAT Policy”). These changes do not directly impact the export licensing requirements on UAS under the *International Traffic in Arms Regulations* (“ITAR”) or the *Export Administration Regulations* (“EAR”). However, according to statements made in a [press briefing](#) on these developments, the new policies reflect the Trump Administration’s interest in enabling US manufacturers of UAS to “level the playing field” and increase exports of these products to US allies and partners. They also evidence a broader effort to increase considerations of economic interests in arms transfer decisions.

Direct Commercial Sales

Perhaps the most significant change made by the New UAS Policy is to allow exports of certain US-origin military armed and unarmed UAS to occur via direct sales between US companies and foreign end users (i.e., made as Direct Commercial Sales (“DCS”)). This is a departure from the prior UAS policy requirement that all sales or transfers of military UAS be conducted through the Foreign Military Sales (“FMS”) process, which requires foreign countries to submit formal

requests for military items through the US Government. By contrast, for UAS exports via DCS, US companies can privately negotiate the sale with a foreign customer. Under the New UAS Policy, foreign end users of US-origin military UAS must agree not to arm or additionally arm the UAS without authorization. The New UAS Policy also requires end-use assurances from states receiving military UAS and notes that military UAS transfers may be subject to enhanced end-use monitoring or additional security conditions. However, the New UAS Policy does not affect the export licensing requirements for military or civil UAS and related items (including technology/technical data) under the ITAR or EAR.

Review of Proposed Arms Transfers

US Government representatives advised in a press briefing on these topics that the New UAS Policy should be viewed as part of the more general changes to US arms export policy that are set forth in the New CAT Policy. This new policy notably directs the executive branch to consider the financial or economic effects of a proposed arms transfer on US industry and the US defense industrial base. Of particular relevance to this topic, the NSPM also requires that the US Secretary of State (in coordination with the US Secretaries of Defense, Commerce, and Energy) prepare an initiative within 60 days to update the Missile Technology Control Regime (“MTCR”) Guidelines on exports of UAS in coordination with other MTCR member states. Currently, the MTCR Guidelines include a strong presumption of denial for all transfers of items listed in MTCR Category I, a category into which some military UAS and related sub-systems, software, and technology fall. While neither the New UAS Policy nor the New CAT Policy remove this presumption of denial, a representative of the Trump Administration stated that these new policies would adjust the specific factors that were considered when making export decisions in the short term while the US Government works to amend the MTCR controls.

Authors: [Kerry B. Contini](#), [Joseph A. Schoolt](#). The authors are grateful for the assistance of [Callie C. Lefevre](#) and [Chris K. Leuchten](#) in the preparation of this blog

OFAC amends and reissues General Licenses clarifying and expanding authorizations for transactions related to maintenance, wind down, and divestment activities with certain Russian SDNs

On May 1, 2018, the US Treasury Department’s Office of Foreign Assets Control (“OFAC”) issued [General License 12B](#) (“GL 12B”) and [General License 13A](#) (“GL 13A”), replacing and superseding in their entirety General License 12A (“GL 12A”) and General License 13 (“GL 13”), respectively. These expanded general licenses are intended to relieve some of the challenges faced by US persons, including US financial institutions, in winding down activities with and divesting interests in certain targeted Russian Specially Designated Nationals (“SDNs”). Please see our prior blog posts concerning (i) the designation of certain Russian oligarchs, government officials, and entities, and the initial issuance of General License 12 and GL 13 [here](#) and (ii) the issuance of GL 12A and General License 14 [here](#).

Changes Made by GL 12B (Maintenance and Wind Down Activities)

- Like the earlier GL12A, GL 12B still authorizes US persons to engage in certain activities before June 5, 2018 that are ordinarily incident and necessary to the maintenance and wind down of operations, contracts, or other agreements in existence as of April 6, 2018 (“Wind-Down Activities”) with 12 specified Russian

SDNs (and entities owned 50% or more by those SDNs). (Those SDNs are: AgroHolding Kuban; Basic Element Limited; B-Finance Ltd.; EN+ Group PLC; JSC EuroSibEnergo; GAZ Group; Gazprom Burenie, OOO; Ladoga Menedzhment, OOO; NPV Engineering Open Joint Stock Company; Renova Group; Russian Machines; and United Company RUSAL PLC (“RUSAL”).) No new SDNs have been added and the deadline has not been extended. Also, with the exception of RUSAL (and entities 50% or more owned by RUSAL), payments to these Russian SDNs in furtherance of such Wind-Down Activities must still be blocked and placed in an interest-bearing account in the United States.

- What **GL 12B** does is to add language clarifying that: (i) *US financial institutions may process a payment that is directly or indirectly to the account of a blocked US person identified in GL 12B at a US financial institution in accordance with the original wire transfer*; and (ii) *all funds in accounts of blocked US persons, including funds received on or after April 6, 2018, may be used for the Wind-Down Activities*. [FAQ 583](#), issued concurrently with GL 12B, states that OFAC is issuing GL 12B to address difficulties blocked US persons are having in accessing funds needed for the authorized Wind-Down Activities.

Changes Made by GL 13A (Divestment and Transfers of Interests)

- Like the earlier GL 13, **GL 13A** still authorizes certain transactions by US persons ordinarily incident and necessary to divest or transfer debt, equity, or other holdings in three specific Russian SDNs – EN+ Group PLC, GAZ Group, and RUSAL – to non-US persons, but extends the deadline from May 7, 2018 to *June 6, 2018*.
- In addition, GL 13A expands that authorization beyond the three “primary issuer” SDNs (EN+ Group PLC, GAZ Group and RUSAL) to include also the following three entities that issued debt and equity for them, namely *Irkutskenergo, GAZ Auto Plant, and Rusal Capital Designated Activity Company* (termed “Other Issuer Holdings”). Specifically, US persons may now also engage in transactions and activities ordinarily incident and necessary to divest or transfer to non-US persons debt, equity, or other holdings either (i) in the three primary SDNs or (ii) in entities that are directly or indirectly 50% or more owned by those three primary SDNs, provided the financial instruments were issued by any of *Irkutskenergo, GAZ Auto Plant, and Rusal Capital Designated Activity Company*. US persons may also facilitate such activities. The same deadline applies, i.e., before June 6, 2018. Note that GL 13A is limited to the three specified “Other Issuer Holding” subsidiaries, and does not apply to other entities that are 50% or more owned by any of the three primary Russian SDN issuers.
- Separately, GL 13A also authorizes US persons to make certain intermediary purchases or investments in debt, equity or other holdings in EN+ Group PLC, GAZ Group, RUSAL or the Other Issuer Holdings that are ordinarily incident and necessary to authorized divestment or transfer activities, including purchases of securities to close out a short position and settlement of “in-flight” transactions executed pre April 6, 2018 but that had not yet settled or cleared.

New/Updated FAQs

- OFAC also published three new FAQs, 583, 584 and 585, explaining these updates and revised several existing FAQs regarding these general licenses, the links to which are available [here](#).
- None of these new/revised FAQs expressly addresses OFAC’s interpretation of the scope of permitted “*maintenance*” activities. Preliminary informal guidance from OFAC suggests that “*maintenance*” of operations may not be strictly limited to continuance of activities under pre-April 6 written commitments, but may allow continued business absent a written agreement to the extent related to business lines or services that were operational as of April 6, 2018.

If you have any questions, please contact the authors, [Alison J. Stafford Powell](#), [Eunkyung Kim Shim](#) or [Meghan Hamilton](#), or any member of the US Outbound Trade group with whom you normally work.

OFAC issues General License authorizing US Persons to engage in transactions related to winding down or maintaining business with RUSAL during extended period

On April 23, 2018, the US Treasury Department's Office of Foreign Assets Control ("OFAC") issued [General License No. 14](#) ("GL 14") related to United Company RUSAL PLC ("RUSAL"), to supplement and expand an existing authorization under [General License No. 12A](#) ("GL 12A"). GL 14 authorizes US persons to engage in specified transactions ordinarily incident and necessary to the maintenance or winding down of operations, contracts, or other agreements that were in effect prior to April 6, 2018, and that involve RUSAL or any entity in which it owns a 50% or greater interest (together, "RUSAL Entities"). GL 14 is valid until October 23, 2018. Along with GL 14, OFAC also issued updated [FAQs](#).

RUSAL is one of the world's largest aluminum producers and was previously designated as a Specially Designated National ("SDN") on April 6, 2018 for being owned or controlled, directly or indirectly, by the EN+ Group and the Russian oligarch Oleg Deripaska. Please see our blog post on the original designation [here](#).

In its April 23 announcement, OFAC explained that it had issued GL 14 in part because RUSAL had submitted a petition for delisting, which would require Deripaska to reduce his ownership interest in the company below the 50% threshold. OFAC also emphasized that Deripaska, rather than RUSAL, was the primary target of the sanctions. Accordingly, it appears that divestment by Deripaska and EN+ Group in the company is likely to lead OFAC to delist RUSAL as an SDN.

Under GL 12A (as was the case under GL 12 as well), all amounts owed to the SDNs listed in GL 12A and any entities that are owned 50% or more by those SDNs must be blocked. That is not the case for the RUSAL Entities, for which GL 14 authorizes the use of blocked funds in which the RUSAL Entities have an interest, for wind-down and maintenance of pre-April 6 arrangements with the RUSAL Entities, as described above. Another difference implemented in GL 14 is that exports of goods from the United States to RUSAL Entities are not prohibited, but exports from the United States to the SDNs covered by GL 12A remain prohibited. OFAC is expected to issue further guidance around the scope of activities that could qualify as "maintenance... of operations" involving RUSAL Entities.

If you have any questions, please contact the authors, [Janet K. Kim](#) and [Alexandre \(Alex\) Lamy](#) or any member of the US Outbound Trade group with whom you normally work. *The authors thank Daniel Andreeff for his contribution to this article.*

Restrictive measures and additions to OFAC, State BIS blocking orders, designations, sanctions and entity lists

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

F.R. Date	Applicable orders
05-01-18	OFAC: Notice of OFAC Sanctions Actions (N) [24 individuals, 14 entities]
05-02-18	OFAC: Notice of OFAC Sanctions Actions (N) [5 individuals, 1 entity]
05-03-18	OFAC: Notice of OFAC Sanctions Actions (N) [1 entity, 1 individual]
05-04-18	OFAC: Notice of OFAC Sanctions Actions (N) [1 individual]
05-09-18	STATE: Imposition of Nonproliferation Measures Against Rosoboronexport Including a Ban on U.S. Government Procurement [Public Notice: 10406] (N)
05-10-18	STATE: Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement [Public Notice: 10407] (N) [28 persons including entities]
05-14-18	OFAC: Notice of OFAC Sanctions Actions (N) [3 individuals, 20 entities]
05-15-18	OFAC: Notice of OFAC Sanctions Actions (N) [6 individuals, 3 entities]
05-17-18	BIS: Revisions to the Unverified List (UVL) [Docket No. 180214174-8174-01] (FR)
05-18-18	OFAC: Notice of OFAC Sanctions Actions (N) [4 individuals, 1 entity]
05-22-18	OFAC: Notice of OFAC Sanctions Actions (N) [5 individuals]
	OFAC: Notice of OFAC Sanctions Actions (N) [5 individuals, 4 entities]; OFAC: Notice of OFAC Sanctions Action (N) [2 individuals; 5 entities]
05-23-18	STATE: In the Matter of the Designation of ISIS in the Greater Sahara (ISIS-GS) also known as Islamic State in the Greater Sahara (ISGS) also known as Islamic State of the Greater Sahel also known as ISIS in the Greater Sahel also known as ISIS in the Islamic Sahel as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act, as amended [Public Notice 10411] (N)
	STATE: E.O. 13224 Designation of Adnan Abu Walid al-Sahrawi, aka Abu Walid al Sahrawi, aka Adnan Abu Walid al-Sahraoui, aka Adnan Abu Waleed al-Sahrawi, aka Lehbib Ould Ali Ould Said Ould Joumani, as a Specially Designated Global Terrorist [Public Notice 10413] (N)
	STATE: E.O. 13224 Designation of ISIS in the Greater Sahara (ISIS-GS), aka Islamic State in the Greater Sahara (ISGS), aka Islamic State of the Greater Sahel, aka ISIS in the Greater Sahel, aka ISIS in the Islamic Sahel, as a Specially Designated Global Terrorist [Public Notice 10412] (N)
05-25-18	OFAC: Notice of OFAC Sanctions Actions (N) [5 individuals]
05-31-18	OFAC: Notice of OFAC Sanctions Actions (N) [4 individuals, 3 entities]

Treasury, Commerce, Homeland Security and State meetings and notices related to trade

AGENCIES: BIS = BUREAU OF INDUSTRY AND SECURITY; FINCEN = FINANCIAL CRIMES ENFORCEMENT NETWORK; ITA: INTERNATIONAL TRADE ADMINISTRATION; NIST- NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY; OFAC= OFFICE OF FOREIGN ASSETS CONTROL; DHS= HOMELAND SECURITY; STATE=DEPARTMENT OF STATE.

[Note: Only meetings which occur after scheduled distribution of this Update are listed.]

F.R. Date	Subject
05-01-18	BIS: Proposed Information Collection; Comment Request; Procedures for Submitting Requests for Objections From the Section 232 National Security Adjustments of Imports of Steel and Aluminum (N)
	BIS: Proposed Information Collection; Comment Request; Procedures for Submitting Request for Exclusions From the Section 232 National Security Adjustments of Imports of Steel and Aluminum (N)
05-03-18	ITA: Proposed Information Collection Renewal; Comment Request; Domestic and International Client Export Services and Customized Forms [OMB Control Number: 0625-0143] [Form Number: ITA-4096P]
	STATE: United States-Morocco Working Group on Environmental Cooperation Meeting and Public Session [Public Notice 10404] [May 11, 2018]
05-07-18	ITA: Subsidy Programs Provided by Countries Exporting Softwood Lumber and Softwood Lumber Products to the United States; Request for Comment [Docket ITA-2018-0002] (N/RFC)
05-16-18	STATE, BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC

F.R. Date	Subject
	AFFAIRS: Annual Certification of Shrimp-Harvesting Nations [Public Notice 10410] (N)
05-23-18	BIS: Reporting for Calendar Year 2017 on Offsets Agreements Related to Sales of Defense Articles or Defense Services to Foreign Countries or Foreign Firms [Docket No. 180402338-8338-01] STATE: Determination and Certification Under Section 40A of the Arms Export Control Act [Public Notice: 10428] (N) [<i>Eritrea, Iran, Democratic People's Republic of Korea (DPRK, or North Korea), Syria, Venezuela</i>]
05-24-18	STATE: U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Micro, Small and Medium-Sized Enterprises (MSMEs) in Advance of the United Nations Commission on International Trade Law (UNCITRAL) Commission Session for 2018 [Public Notice: 10422] (N/H) [<i>Teleconference June 12, 2018</i>]
05-31-18	BIS: Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting (N/H) [<i>June 12, 2018</i>] STATE: Renewal of Defense Trade Advisory Group Charter [Public Notice: 10423] (N)

TTB clarifies hemp policy

TTB recently published new information that clarifies its position on the use of controlled substances, including marijuana, in alcohol beverages. The information was published as frequently asked question (FAQ) A29: [Will TTB approve any formulas or labels for alcohol beverage products that contain a controlled substance under Federal law, including marijuana?](#)

TTB will not approve any formulas or labels for alcohol beverage products that contain a controlled substance under Federal law, including marijuana. The *Controlled Substances Act* (CSA), 21 U.S.C. § 802(16), defines marijuana as all parts of the *Cannabis sativa* L. plant (and its derivatives) with certain specific exclusions. Substances (such as tetrahydrocannabinols (THC), cannabidiols (CBD), or terpenes) that are derived from any part of the cannabis plant that is *not excluded* from the CSA definition of marijuana are controlled substances, regardless of whether such substances are lawful under State law. See Drug Enforcement Administration (DEA), [Clarification of the New Drug Code \(7350\) for Marijuana Extract](#) for more information about DEA's position on cannabis derivatives. The parts of the cannabis plant that *are* excluded from the definition of marijuana in the CSA (referred to here as "hemp" ingredients) include hemp seed oil, sterilized hemp seeds, and non-resinous, mature hemp stalks.

Formula approval from TTB is required before a hemp ingredient may be used in the production of an alcohol beverage product. In determining whether a hemp ingredient is allowable for use in an alcohol beverage, TTB will consult with the DEA where appropriate and defers to the DEA in its interpretation of the CSA.

TTB also consults with the U.S. Food and Drug Administration (FDA) on ingredient safety issues where appropriate. In some cases, TTB may require formula applicants to obtain documentation from FDA indicating that the proposed use of an ingredient in an alcohol beverage would not violate the *Federal Food, Drug and Cosmetic Act*.

For alcohol beverage products containing a hemp ingredient, the product label must accurately and specifically identify the ingredient in a manner that makes it clear that the ingredient is not a controlled substance (e.g., "hemp seed oil" rather than "hemp oil"). Additionally, labeling statements for alcohol beverage products may not create the misleading impression that the product contains a controlled substance or has effects similar to those of a controlled substance.

For more information, including requirements for lab analysis of hemp components, please refer to the "[Hemp Policy](#)" published by our predecessor agency in 2000.

TTB notes that section 7606 of the *Agricultural Act of 2014*, commonly referred to as the Farm Bill, defines "industrial hemp." See 7 U.S.C. 5940. Subject to certain restrictions, this law allows an institution of higher education or a State department of

agriculture to grow or cultivate industrial hemp for purposes of research where allowed under State law. As explained by the *Statement of Principles on Industrial Hemp* which was issued by USDA, in consultation with DEA and FDA, and published in the Federal Register on August 12, 2016, Section 7606 does not authorize the sale of industrial hemp “for the purpose of general commercial activity.” Accordingly, it is TTB’s understanding that the Farm Bill does not authorize the use of industrial hemp in the production of alcohol beverage products for sale beyond limited State-sanctioned pilot projects by authorized entities.

TTB announcements and Federal Register documents

The Alcohol and Tobacco Tax and Trade Bureau (TTB) has posted the following information or regulatory actions of interest to international traders :

Date	Subject
05-25-18	Newsletter 05-25-18 1. TTB issues new FAQ that clarifies our hemp policy 2. New and Updated FAQs Relating to Craft Beverage Modernization and Tax Reform Wine-Related Issues

FDA Federal Register documents

The FDA has posted the following *Federal Register* guides, notices or documents which may be of interest to international traders:

F.R. Date	Subject
05-03-18	Crabmeat: Amendment of Common or Usual Name Regulation [Docket No. FDA-2018-N-1438] (FR/T)
05-04-18	Food Labeling: Revision of the Nutrition and Supplement Facts Labels and Serving Sizes of Foods That Can Reasonably Be Consumed at One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Reference Amounts Customarily Consumed; Serving Size for Breath Mints; and Technical Amendments: Extension of Compliance Dates [Docket Nos. FDA-2012-N-1210 and FDA-2004-N-0258] (FR)
05-07-18	Removal of Certain Time of Inspection and Duties of Inspector Regulations for Biological Products; Withdrawal [Docket No. FDA-2017-N-7007] (FR/W) Food Additives Permitted in Feed and Drinking Water of Animals; Marine Microalgae [Docket No. FDA-2014-F-1509] (FR)
05-09-18	Waivers, Exceptions, and Exemptions From the Requirements of Section 582 of the Federal Food, Drug, and Cosmetic Act; Draft Guidance for Industry; Availability [Docket No. FDA-2018-D-1434]
05-14-18	The Food and Drug Administration Food Safety Modernization Act; Extension and Clarification of Compliance Dates for Certain Provisions of Four Implementing Rules: What You Need to Know About the Food and Drug Administration Regulation; Small Entity Compliance Guide; Availability [Docket No. FDA-2018-D-1378] (N)
05-15-18	Product Jurisdiction [Docket No. FDA-2004-N-0191] (PR)
05-21-18	Final Determination Regarding Partially Hydrogenated Oils [Docket No. FDA-2013-N-1317] (N/E)
05-23-18	Enforcement Policy--Over-the-Counter Sunscreen Drug Products Marketed Without an Approved Application; Guidance for Industry; Availability [Docket No. FDA-2010-D-0509] (N)
05-29-18	Registration of Food Facilities: What You Need To Know About the Food and Drug Administration Regulation; Small Entity Compliance Guide; Availability [Docket No. FDA-2018-D-1468] (N)

APHIS to change policy for FDA approved human medical devices containing animal derived ingredients

In a [Stakeholder Importer Alert dated May 31, 2018](#), the Animal and Plant Health Inspection Service (APHIS), advised that in consultation with the Food and Drug Administration (FDA), it has determined that FDA approved human medical devices containing animal derived ingredients present negligible risk for introducing foreign animal disease into the United States. Therefore, these commodities may now enter the United States without APHIS restrictions and an APHIS import permit (VS Form 16-6), will no longer be required when the devices are in final dosage form and ready for use (in bulk form or single packaged).

Effective May 31, 2018, FDA approved human medical devices containing animal derived ingredients may be imported without an import permit as per [Guidelines for Importation of Human And Veterinary Pharmaceuticals and Vaccines, # 1100](#), if accompanied by a written statement supplied on foreign producer/shipper letterhead which confirms that the imported product is approved by the FDA and a copy of the FDA-approved commercial drug product label.

In order to facilitate correct identification of the shipment and to ensure timely delivery, the documentation described above should accompany each shipment and be presented for review by US Customs and Border Protection (CBP), Agriculture Specialists/Officers at the US port of arrival.

APHIS and other USDA notices issued

During the past month, the Animal and Plant Health Inspection Service (APHIS) and other US Department of Agriculture (USDA) agencies issued the following *Federal Register* notices during the past month which may be of interest to international traders. [USDA=Office of the Secretary, FAS=Foreign Agricultural Service, AMS=Agricultural Marketing Service, CCC=Commodity Credit Corp., FSIS=Food Safety Inspection Service]:

F.R. Date	Subject
05-04-18	AMS: National Bioengineered Food Disclosure Standard [Doc. No. AMS-TM-17-0050] (PR)
05-09-18	CCC/ FAS: Notice of Funding Availability: Inviting Applications for the Quality Samples Program
	CCC/ FAS: Notice of Funding Availability: Inviting Applications for the Technical Assistance for Specialty Crops Program
	CCC/ FAS: Notice of Funding Availability: Inviting Applications for the Market Access Program
	CCC/ FAS: Notice of Funding Availability: Inviting Applications for the Emerging Markets Program
05-09-18	CCC/ FAS: Notice of Funding Availability: Inviting Applications for the Foreign Market Development Cooperator Program
05-14-18	AMS: 2018 Rates Charged for AMS Services [Document No. AMS-LPS-18-0020] (N)
05-17-18	AMS: General Regulations for Federal Fruit, Vegetable, and Specialty Crop Marketing Agreements and Orders: Authority to Meet Via Electronic Communications [Doc. No. AMS-SC-17-0086; SC18-900-1 FR] (FR)
	APHIS: VSTA Records and Reports Specific to International Standards for Pharmacovigilance [Docket No. APHIS-2014-0063] (FR)
05-23-18	AMS: National Bioengineered Food Disclosure Standard [Doc. No. AMS-TM-17-0050] (PR/Webinar)

FAS GAIN reports

Below is a partial list of Global Agriculture Information Network (GAIN) reports that were recently issued by the US Foreign Agriculture Service (FAS) in the *Food and Agricultural Import Regulations and Standards (FAIRS)* series as well as other reports related to import or export requirements. These provide valuable information on regulatory standards, export guides, and MRL (maximum residue limits). Information about, and access to, other GAIN reports may be found at the FAS [GAIN reports website](#).

- China - [China Releases the Food Safety Standard for Cooked Meat Products](#)
- India - [Amendments in Food Import Regulation Published and Operationalized](#)
- India - [FSSAI notifies Microbiological Standards for Fruits and Vegetables](#)
- India - [GOI Invites Comments on Standards for Coffee and Packaged Water](#)
- Morocco - [Food Safety Law](#)

State certifies shrimp-harvesting nations

On May 16, 2018, the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs published in the *Federal Register* a [notice](#) [Public Notice 10410] stating that on May 8, 2018, the Department of State (State) certified that 13 shrimp-harvesting nations and five fisheries have a regulatory program comparable to that of the United States governing the incidental taking of the relevant species of sea turtles in the course of commercial shrimp harvesting and that the particular fishing environments of 26 shrimp-harvesting nations, one economy, and four fisheries do not pose a threat of the incidental taking of covered sea turtles in the course of such harvesting. For a list of the certified countries, see the *Federal Register* notice.

Section 609 of Public Law 101-162 ("Sec. 609") prohibits imports of certain categories of shrimp unless the President certifies to the Congress by May 1, 1991, and annually thereafter, that either: (1) the harvesting nation has adopted a program governing the incidental taking of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) the particular fishing environment of the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to State. State's Revised Guidelines for the Implementation of Section 609 were published in the *Federal Register* on July 8, 1999, at 64 Fed. Reg. 36946.

A completed DS-2031 Shrimp Exporter's/Importer's Declaration must accompany all shipments of shrimp or products from shrimp into the United States. For details on completion of the DS-2031, see the notice.

Government procurement: Change in micro-purchase amount

On May 30, 2018, the Defense Acquisition Regulations System published in the *Federal Register* a [final rule](#) [Docket DARS-2018-0027] amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the *National Defense Authorization Act for Fiscal Year 2017* (NDAA) that increase the micro-purchase thresholds for certain Department of Defense acquisitions. Section 821 of the NDAA increases the micro-purchase threshold for the Department of Defense procurements to \$5,000. Section 217(a) further increases the micro-purchase threshold to \$10,000 for purposes of DoD basic research

programs and for the activities of the DoD science and technology reinvention laboratories. Accordingly, DFARS section 202.101, Definitions, is amended to add a new micro-purchase threshold definition as it relates to DoD procurements, to be used in lieu of the definition in the Federal Acquisition Regulation (FAR).

The rule amends DFARS 202.101 to add an alternate definition for “micro-purchase threshold” in lieu of the definition of “micro-purchase threshold” at FAR 2.101. This rule simply clarifies the application of the micro-purchase threshold as it relates to DoD procurements, and does not apply additional requirements to contracts at or below the Simplified Acquisition Threshold (SAT) or for the acquisition of commercial items, including COTS items.

Additional Federal Register documents

The following [Federal Register](#) documents which may be of interest to international traders were published during the past month by various Federal agencies:

F.R. Date	Subject
05-04-18	DEPARTMENT OF DEFENSE (DoD) – DEFENSE ACQUISITIONS REGULATIONS SYSTEM: Defense Federal Acquisition Regulation Supplement: Amendments Related to Sources of Electronic Parts (DFARS Case 2016–D013) [Docket DARS–2016–0014] (FR)
05-07-18	ENVIRONMENTAL PROTECTION AGENCY (EPA): Dinotefuran: Receipt of Applications for Emergency Exemptions. Solicitation of Public Comment [EPA–HQ–OPP–2018–0192; FRL–9976–55] (N/RFC)
	EPA: Receipt of a Pesticide Petition Filed for Residues of Diquat in or on Crop Group 6C, Dried Shelled Pea and Bean (Except Soybean); Correction [EPA–HQ–OPP–2017–0291; FRL–9976–34] (N/C)
	EPA: Duddingtonia flagrans strain IAH 1297; Exemption from the Requirement of a Tolerance [EPA–HQ–OPP–2017–0294; FRL–9977–31] (FR)
	EPA: Konjac Glucomannan; Exemption From the Requirement of a Tolerance [EPA–HQ–OPP–2017–0249; FRL–9976–60] (FR)
05-09-18	NATIONAL MARINE FISHERIES SERVICE (NMFS), NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA): Endangered and Threatened Wildlife and Plants: Final Rule To List the Taiwanese Humpback Dolphin as Endangered Under the Endangered Species Act [Docket No. 160413329–8412–03] (FR)
05-10-18	DRUG ENFORCEMENT ADMINISTRATION (DEA): Schedules of Controlled Substances: Placement of beta-Hydroxythiofentanyl Into Schedule I [Docket No. DEA–484] (PR)
	DEA: Schedules of Controlled Substances: Extension of Temporary Placement of beta-Hydroxythiofentanyl in Schedule I of the Controlled Substances Act [Docket No. DEA–484] (Temp. Rule/E)
05-15-18	EPA: Receipt of Several Pesticide Petitions filed for Residues of Pesticide Chemicals in or on Various Commodities; Correction [EPA–HQ–OPP–2017–0006; FRL–9976–37] (N/C)
	EPA: Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities; Correction [EPA–HQ–OPP–2017–0006; FRL–9977–12] (N/C)
05-16-18	ENERGY: Energy Conservation Program: Energy Conservation Standards for Ceiling Fan Light Kits [EERE–2012–BT–STD–0045] (FR)
	EPA: Tebuconazole; Pesticide Tolerances [EPA–HQ–OPP–2017–0032; FRL–9976–62] (FR)
05-17-18	EPA: Pyroxasulfone; Pesticide Tolerances [EPA–HQ–OPP–2015–0787; FRL–9977–25] (FR)
	EPA: Certain New Chemicals or Significant New Uses; Statements of Findings for February and March 2018 [EPA–HQ–OPPT–2018–0097; FRL–9977–19] (N)
	EPA: Pesticide Product Registration: Receipt of Applications for New Active Ingredients [EPA–HQ–OPP–2017–0007; FRL–9976–88] (N)
	LABOR: Preparations for the 35th Session of the UN Sub-Committee of Experts

F.R. Date	Subject
	on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCGHS) [Docket No. OSHA-2016-0005] (N/H) [June 12, 2018]
05-21-18	U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION: Notice of Open Public Hearing (N/H) [June 8, 2018; "U.S. Tools to Address Chinese Market Distortions."]
05-22-18	EPA: Certain New Chemical Substances: Receipt and Status Information for December 2017 [EPA-HQ-OPPT-2017-0714; FRL-9973-24] (N)
	EPA: Certain New Chemical Substances; Receipt and Status Information for November 2017 [EPA-HQ-OPPT-2017-0713; FRL-9972-08] (N)
05-23-18	NMFS/NOAA: Identification of Nations Engaged in Illegal, Unreported, or Unregulated Fishing, Bycatch, or Shark Fishing (N/RFI)
	EPA: Clopyralid; Pesticide Tolerances [EPA-HQ-OPP-2017-0035; FRL-9977-13] (FR)
05-24-18	EPA: Pydiflumetofen; Pesticide Tolerances [EPA-HQ-OPP-2015-0775; FRL-9976-66] (FR)
	EPA: Certain New Chemical Substances: Receipt and Status Information for January 2018 [EPA-HQ-OPPT-2017-0715; FRL-9977-48] (N)
	EPA: Registration Review Proposed Interim Decisions for Several Pesticides: Notice of Availability [EPA-HQ-OPP-2017-0750; FRL-9976-84] (N)
	EPA: Advance Notice of Public Meeting: Technical Issues—Formaldehyde Emission Standards for Composite Wood Products [EPA-HQ-OPPT-2018-0174; FRL-9978-21] (N/H) [June 28, 2018]
05-30-18	DEA: Schedules of Controlled Substances: Temporary Placement of NM2201, 5F-ABPINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA into Schedule I [Docket No. DEA-479] (PR/N)
	ENERGY: Energy Conservation Program: Test Procedure for Metal Halide Lamp Fixtures [EERE-2017-BT-TP-0053] (RFI)
	DEFENSE: Defense Federal Acquisition Regulation Supplement: MicroPurchase Threshold (DFARS Case 2017-D027) [Docket DARS-2018-0027] (FR)
05-31-18	EPA: Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations [EPA-HQ-OPP-2018-0010; FRL-9977-76] (N)
	EPA: Product Cancellation Order for Certain Pesticide Registrations and Amendments To Terminate Uses [EPA-HQ-OPP-2018-0014; FRL-9976-99] (N)
	EPA: Defensin Proteins Derived From Spinach in Citrus Plants: Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2018-0040; FRL-9977-62] (FR)
	NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA): Federal Motor Vehicle Safety Standards: Plain Language and Small Business Impacts of Motor Vehicle Safety [Docket No. NHTSA-2018-0064] (N/RFC)

Commerce requests comments on Softwood Lumber Subsidy Programs

On May 7, 2018, the U.S. Department of Commerce published [notice of its periodic request for comments](#) on subsidy programs provided by countries exporting softwood lumber or softwood lumber products to the United States. Commenters have 30 days from May 7 – or until June 6, 2018 – to submit written materials or commentary regarding (1) the country providing the subsidy; (2) the name of the subsidy program; (3) a brief description of the subsidy program; and (4) the government body or authority that provided the subsidy. All comments should be filed via regulations.gov with reference to Docket No. ITA-2018-0002.

Commerce's request for comments relates to its reporting obligation under section 805 of Title VII of the Tariff Act of 1930, under which Commerce reports to Congress every six months on subsidies provided to softwood lumber for export to the United States. A large number of countries export softwood lumber to the

United States, and Commerce therefore requests comments only on the countries accounting for at least one percent of total U.S. imports. Those countries for the July 2017 – December 2017 period were Brazil, Canada, Germany, and Sweden.

U.S. customs data shows that other significant exporters of softwood lumber to the United States include New Zealand, and Chile. Softwood lumber imports from China are also on pace to increase by volume in 2018, as compared with 2017.

Historically, Commerce's investigations into unlawful subsidies for softwood lumber have focused on Canadian programs. Information collected as part of Commerce's reporting will be publicly accessible and could form the basis of new investigations and potential countervailing duties.

For additional information, please contact [Christine Streatfeild](#) or [Kevin O'Brien](#).

Commerce publishes notice of scope rulings

On May 22, 2018, the International Trade Administration, Department of Commerce published in the *Federal Register* a [list of scope rulings and anticircumvention determinations](#) made between October 1, 2016, and December 31, 2016, inclusive. Commerce intends to publish future lists after the close of the next calendar quarter. The list follows:

Countries	ITA Case № and Merchandise
Mexico	A-201-805: Certain Circular Welded Non-Alloy Steel Pipe (1 ruling)
China	A-570-967 and C-570-968: Aluminum Extrusions (2 rulings)
	A-570-018 and C-570-019: Boltless Steel Shelving Units Prepackaged for Sale (1 ruling)
	A-570-939: Certain Tow-Behind Lawn Groomers and Certain Parts Thereof (1 ruling)
	A-570-836: Glycine (1 ruling)
	A-570-970 and C-570-971: Multilayered Wood Flooring (2 rulings)
	A-570-886: Polyethylene Retail Carrier Bags
	A-570-922 and C-570-923: Raw Flexible Magnets

Antidumping and countervailing duty cases

[See separate *Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews* section below.](#)

The Americas - South America

MERCOSUR

Mercosur member states and South Korea initiate trade agreement discussions

On 28 May 2018, the Ministry of Foreign Affairs (Itamaraty) [posted](#) the *Joint statement at the launch of negotiations for a trade agreement between Argentina, Brazil, Paraguay and Uruguay, Mercosur Member States, and South Korea*, signed on 25 May 2018, indicating that the named MERCOSUR Member States and South Korea have instructed their representatives to initiate negotiations in order to reach a trade agreement.

ARGENTINA

Boletín Oficial publications

The following Decrees, Administrative Decisions and Resolutions (Res.) which may be of interest to international traders were published in the *Boletín Oficial de la República Argentina* (Official Gazette) or the *Customs Bulletin* during the period covered by this Update [Unofficial translation].

BO Date	Subject
02-05-18	PRODUCTION/COMMERCE: Resolution Nº 246/2018 (26-04-18) re: Affidavit of Product Composition (DJCP)
08-05-18	Decree 417/2018 (07-05-18) Exempting from the payment of duties and import taxes good imported for the international fair: “Cuadragésima Cuarta Exposición Feria Internacional del Libro de Buenos Aires”.
11-05-18	INDUSTRY/COMMERCE: Joint Resolution 1/2018 (10-05-18) re: Import Regime for Used Goods for the Hydrocarbons Industry
14-05-18	PRODUCTION/COMMERCE: Res. Nº 281/2018 (10-05-18) regarding technical specifications for certain bicycle pneumatic tires and tubes marketed in Argentina
	COMMERCE/INDUSTRY: Joint Res. 20/2018 (10-05-18) repealing Res. 153/2005 regarding certification of safety standards for bicycle pneumatic tubes and tires
	FEDERAL ADMINISTRATION OF PUBLIC REVENUES (AFIP): General Resolution 4241/2018 (11-05-18) Enabling the Free Subzone and delimitation of the Customs Primary Zone of the Free Subzone “Puerto Galván”, of the Bahía Blanca Free Zone - Coronel Rosales, in the jurisdiction of the Customs Div. Of Bahía Blanca.
17-05-18	PRODUCTION/INDUSTRY: Resolution 41/2018 (16-05-18) regarding manufacture and importation of certain automotive parts
18-05-18	Decree 472/2018 (17-05-18) Modification of Decree 126/2018 regarding total or partial exemption from the payment of import duty, Value Added Tax, internal taxes, fees for statistical services, for port services and for proof of destination, which are levied on imports for consumption of all items of sports equipment, merchandising products, technological equipment, promotional materials, furniture, credentials, food, medicine and other items for the organization and development of the the “Olympic Games of Buenos Aires Youth 2018” (UPEJOL) to be held 6-18 Oct. 2018
28-05-18	Decree 486/2018 (24-05-18) Mercosur Common Nomenclature Modification. Decree No. 1126/2017.
	Decree 487/2018 (24-05-18) Mercosur Common Nomenclature Modification. Decree 1126/2017.
31-05-18	PRODUCTION/COMMERCE: Res. 326/2018 (29-05-18) Updating classification for purposes of drawback.
	PRODUCTION/COMMERCE: Res. 327/2018 (29-05-18) Updating classification for purposes of drawback.

Antidumping and countervailing duty cases

[See separate *Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews* section below.](#)

BRAZIL

Diário Oficial da União publications

The following notices, Ordinances (Portarias), Circulars and Resolutions of interest to international traders were published in the *Diário Oficial da União* (Official Gazette) during the period covered by this Update.

DOU Date	Subject
02-05-18	CAMEX Res. № 28 (27-04-18) amends the list of auto parts set out in Annexes I and II to Resolution 116 of December 18, 2014, issued by the Foreign Trade Chamber
03-05-18	CAMEX Res. № 29 (02-05-18) Alters the deputy representatives of the Ministry of Industry, Foreign Trade and Services and the Ministry of Agriculture, Live-stock and Supply in the Export Financing and Guarantee Committee (COFIG).
	CAMEX Res. № 30 (02-05-18) Changes to zero the Import Tax rates on the IT and Telecommunication Goods, as Ex-Tariffs.
	CAMEX Res.№ 31 (02-05-18) Changes to zero the Import Tax rates on the Capital Goods it mentions, in the condition of Ex-tariffs.
	CAMEX Res. № 32 (02-05-18) Grants temporary reduction of the Import Tax rate pursuant to Resolution № 08/08 of the Mercosur Common Market Group.
04-05-18	SECEX Portaria № 22 (30-04-18) Establishes criteria for the allocation of import quotas, determined by CAMEX Resolution No. 27, (24-04-18)
05-05-18	SECEX Portaria № 23 (03-05-18) Establishes criteria for the allocation of import quotas, determined by CAMEX Resolution 32, of May 2, 2018.
08-05-18	Rectification of CAMEX Resolution No. 23, dated 27-03-18 Changes the import tax rates on Capital Goods to 0% (zero percent) as Ex-Tariffs.
	SECEX Circular № 20 (07-05-18) Determines that CIF export prices will be adjusted on a quarterly basis based on the average price variation of the 11 sugar on the New York Futures Exchange (ICE) in the quarter immediately following the last adjustment in relation to the quarter immediately prior to said adjustment, according to the constant adjustment formula in the items it mentions.
11-05-18	SECEX Portaria № 24 (10-05-18) It distributes quotas for imports, established by Economic Complementation Agreement No. 55, internalized by Decree No. 4.458, (05-11-02)
14-05-18	CAMEX Res. № 33 (011-05-18) establishes guidelines for the use of Export Credit Insurance in Micro, Small and Medium Enterprises operations, guaranteed by the Union, under the auspices of the Export Guarantee Fund
15-05-18	SECEX Cir. № 22 (05-05-18) makes public the proposals for modification of the MERCOSUR Common Nomenclature - NCM and the Common External Tariff under analysis by the Department of International Negotiations (DEINT).
23-05-18	SECEX Portaria № 26 (22-05-18) The list of entities authorized to issue Certificates of Digital Origin (CODs) in trade with Argentina and Uruguay, within the scope of Economic Complementation Agreements (ACE) Nos. 02, 14 and 18
25-05-18	CAMEX Res. № 35 (24-05-18) Grants temporary reduction of the Import Tax rate pursuant to Resolution 08/08 of the MERCOSUR Common Market Group.
29-05-18	SECEX Portaria № 27 (28-05-18) Establishes criteria for allocating import quotas determined under CAMEX Res. № 35 (24-05-18)
	SECEX Portaria № 28 (28-05-18) Establishes criteria for allocating import quotas determined under CAMEX Res. № 35 (24-05-18)
30-05-18	SECEX Portaria № 29 (29-05-18) Alters criteria for the allocation of quotas for imports, as determined by CAMEX Res. № 72 (31-08-17).

Antidumping and countervailing duty cases

[See separate *Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews* section below.](#)

Asia-Pacific

[Please note that material pertaining to the Eurasian Economic Union (EAEU) and the Customs Union between Russia, Armenia, Belarus, Kazakhstan and the Kyrgyz Republic is shown under EUROPE.]

AUSTRALIA

Update to Australian Export Controls for Tangibles

Australia's export control rules for tangibles have been amended to more closely align with the regime for intangible supplies.

As of 21 April 2018, changes to the [Customs \(Prohibited Exports\) Regulations 1958](#) (Cth) came into force. The amendments are intended, so far as possible, to treat transfer of the same controlled subject-matter outside of Australia in a physical form consistently with intangible transfers (such as via email or allowing access by another intangible means).

The Regulations set the rules for export of controlled goods. The rules for controlled intangible supplies are contained in the [Defence Trade Controls Act 2012](#) (Cth). Prior to amending the Regulations, the separate tangible and intangible regimes in some instances treated the same controlled subject-matter differently. For example, a person who brought goods containing controlled subject-matter into Australia on a temporary basis might have been required to obtain a permit to export the goods back out of Australia. In contrast, a person would not have been subject to controls for accessing the same content via their emails or from a server when the person was physically outside of Australia.

The changes to the Regulations impacting when permits to export goods are required include:

- A new prohibition on exporting controlled technology and software stored on an uncontrolled good without a permit. Such items should be treated as controlled goods for export.
- An exemption to the need for a permit to export controlled goods when exported temporarily from Australia, but not transferred to another person.
- An exemption to the need for a permit to export controlled goods to the origin of import after it was temporarily imported into Australia.

The Regulations also contain changes to the basis on which controlled goods export permits will be issued or revoked. The changes largely enhance the transparency of the permit process. The main changes are the following:

- A new Ministerial power to revoke a permit where it is determined that the export would prejudice Australia's national security, defence or international relations.
- New criteria that the Defence Minister may have regard to in determining whether or not to grant a permit.
- New requirements around attaching or varying conditions for a permit.
- A new requirement for the Minister to notify and give reasons if a permit is refused.
- A new review mechanism for permit decisions.

The changes bring the control rules for tangible exports better in line with those for intangible supplies providing the opportunity for businesses to streamline their controlled supplies compliance process.

The changes to the Regulations come into effect just as an independent review into the operation of the [Defence Trade Controls Act 2012](#) commences. The Review aims to identify if there are any gaps in the Act's controls or any unintended

consequences arising from the current operation of the Act. Stakeholders are invited to make submissions [here](#) until 31 May 2018.

For additional information, please contact the authors, [Anne-Marie Allgrove](#), [Anne Petterd](#) and [Simone Bridges](#). Thanks to Associate [Candice Colman](#) for her assistance in preparing this alert.

Australian GST on low value goods: Is your business ready for the 1 July 2018 changes?

From 1 July 2018, Australia will impose GST on the supply of goods valued at equal to or less than AUD 1,000 (ie, 'low value goods') from outside of Australia to Australian consumers. Australia is the first jurisdiction in the Asia-Pacific region to move ahead with such changes and this move will represent a fundamental shift from the current approach, which excludes supplies of low value goods into Australia by offshore merchants from the GST net. In this article, we have outlined the key elements of the regime, practical considerations for impacted businesses, and recent compliance guidance released by the Australian Taxation Office.

Summary of the new regime and impact on online merchants and operators of electronic distribution platform

Broadly, the regime imposes a GST liability on merchants who sell goods which are valued at equal to or less than AUD 1,000 to an Australian consumer (ie, a customer who is not registered for GST). This applies where the merchant delivers or facilitates the delivery of those goods into Australia. Sales made on a business-to-business basis (ie, where the recipient is registered for GST) are excluded from the regime.

The regime also provides special deeming rules where the low value goods are supplied through an electronic distribution platform (for example, an online marketplace). If these deeming rules operate, the GST liability shifts to the operator of the platform rather than the merchant of the goods. Additionally, in some cases a "re-deliverer" may be taken to have the liability and responsibility to register and report the GST.

A registration requirement for those impacted by the regime will only arise where the taxpayer meets the annual GST turnover registration threshold of AUD 75,000. Further, a simplified GST registration system has been put in place, minimizing the registration administrative burden through a streamlined application process via an online portal and reduced identification requirements for entities and related individuals (for instance, directors are not required to provide a certified copy of their passport). Entities registered under the simplified system are required to report and pay GST on a quarterly basis, regardless of GST turnover.

The new low value goods regime does not disturb the operation of existing provisions in relation to taxable importations, meaning that practically, the regime creates a tiered system where:

- The overseas merchant, electronic distribution platform operator or re-deliverer may be liable for GST on goods valued at equal to or less than AUD 1,000 imported into Australia.

- GST will continue to be payable at the border by the importer of record (typically the consumer in business-to-consumer cross-border sales) on goods valued at more than AUD 1,000 imported into Australia.

Our previous alert detailing these changes can be accessed [here](#).

Preparing for the regime

In preparing for the 1 July 2018 start date of the regime, those affected should consider:

- How their current systems can manage the imposition of GST. For example, whether they collect sufficient information to determine customer location, GST registration status, or the amount of GST payable on a supply.
- If terms and conditions of store websites and platforms are required to be amended. For electronic distribution platform operators, this may include reviewing whether existing merchant terms and conditions allow the recovery of GST.
- Compliance with Australian consumer law requirements on the display of pricing.
- The impact on customs compliance formalities and potential for double taxation. Changes to the Integrated Cargo System will mean that logistics providers and freight forwarders may begin to collect additional information on merchant and platform operators' GST registration details and whether a consignment is being shipped to an entity exempt from the low value goods regime (eg, by virtue of being a GST-registered business) to avoid the double imposition of GST at the border.
- Whether additional paid services charged by the merchant or platform operator (such as shipping and gift wrapping) are captured by the regime.

ATO compliance and enforcement guidance

On 4 April 2018, the ATO released additional guidance on how it intends to approach compliance activities in relation to the low value goods regime.

In this guidance, the ATO reiterated that they may seek to impose potentially significant administrative penalties, which can be substantial for Significant Global Entities being entities or groups with global turnover greater than AUD 1 billion, and has several mechanisms at its disposal in approaching collection of GST and penalty amounts for non-compliant entities. These include:

- Intercepting funds from Australia that are destined for the overseas merchant or platform operator. This may include the issuance of garnishee notices to banks and financial institutions located in Australia.
- Registering the debt in a court in the overseas merchant or platform operator's country.
- Requesting the taxation authority in the overseas merchant or platform operators country to recover the debt on the ATO's behalf.

As an allowance to overseas merchants and platform operators, the guidance from the ATO provides for a concessionary penalty regime for entities that make efforts to comply with the new low value goods regime. Where an entity makes a genuine effort to comply with the regime, the ATO will not seek to impose penalties on mistakes made after the introduction of the regime (1 July 2018) for the first year of operation. Further non-imposition of penalties will be considered on a case-by-case basis after that date.

The ATO has confirmed that it will leverage multiple sources of information to identify non-compliant behavior, including:

- Tracking financial data and the flow of funds from purchasers to overseas suppliers. From 1 July 2017, payment systems operating in Australia have been required to report transaction information to the ATO (the first annual report is due 1 July 2018), thus administrative systems are already in place to capture transaction information.
- Obtaining information from other jurisdictions under information sharing agreements and tax treaties.
- Online investigations to identify websites and businesses that supply goods to consumers in Australia.
- Customs data on the entry of imports into Australia. As mentioned above, the ICS data fields have been amended to capture more GST-related information on consignments entering Australia, although these fields have not yet been made mandatory.

If you have any questions, please contact the author, [Simone Bridges](#).

DHA notices and advices

The following Department of Home Affairs (DHA, formerly Immigration and Border Protection (DIBP)) Notices and Cargo advices (ACCA) were issued during the period covered by this Update:

Date	Series and No	Title
04-05-18	DHA 2018/13	Goods and Services Tax on low value goods
	DHA 2018/14	Goods and Services Tax on low value goods – Use of the GST-paid exemption code
	DHA 2018/15	Goods and Services Tax on low value goods – Claiming a GST refund

Australian Gazettes

The following documents were published in the *Government Notices Gazette*, the *Tariff Concessions Gazette* (TC) or other Gazettes as noted(dd-mm-yy):

Date	Matter
02-05-18	TC18-16
09-05-18	TC18-17
11-05-18	Notice of Intention to Propose Customs Tariff Alterations - Notice (No.1) 2018 (Placebos)
16-05-18	TC18-18
19-05-18	TC18-19
30-05-18	TC18-20

Australian Tariff Precedents

The Department of Immigration and Border Protection (DIBP) has published a [List of Current Precedents](#), updated through 13 June 2017. Tariff Precedents are considered statements from Customs made to provide guidance on various classification issues. New information and tariff classification guides can be found on [Tariff Public Advice Products](#) webpage

Antidumping and countervailing duty cases

See separate [Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews](#) section below.

CHINA (INCLUDING HONG KONG SAR)

As of June 1, shipments to China require additional information

[China Customs announcement No.56](#) (Nov. 21, 2017) requires that as of June 1, 2018, shipments arriving in China must provide China Customs with the firm/corporate/company registration code of shipper, consignee and notify party (when applicable).

The registration code for consignee and notify party in China will be the “Unified Social Credit Code” with 18 digits. The registration code for the overseas shipper will vary from country to country. For example, it could be the EIN (Employer Identification Number) in the U.S., Government Uniform Invoice (GUI) number in Taiwan, or any other codes that serves the purpose for business registration.

In addition to the registration code, the telephone or fax number for shipper, consignee and notify party (when applicable) will also be mandatory.

MOFCOM and GAC notices

The following Ministry of Commerce (MOFCOM) and General Administration of Customs (GAC) notices were posted during the period covered by this Update (mm-dd-yy):

Date	Series and №	Subject
05-08-18		Interpretation of the General Administration of Customs on Revising and Repealing Certain Rules and Decisions
05-11-18	GAC 38, 2018	Announcement on Launching Investigation of Imported Goods in 2017
	GAC 39, 2018	To prevent the introduction of Ebola hemorrhagic fever in the Democratic Republic of Congo into China
05-14-18	GAC 40, 2018	Announcement on the Release of Electronic Message Format V1.2 for Waterways and Air Cargo Manifests for Entry and Exit Manifests
	GAC 41, 2018	Announcement on the Application of the Shipping and Air Transport Vehicles for Entry and Exit Customs Control of Goods Carried by the Customs for the Declaration of Electronic Message Format V1.2
	GAC 42, 2018	Regarding Pilot Implementation of the TIR Convention Related Matters
05-16-18	GAC 43, 2018	Announcement on Amending the Annex to the “Measures for the Administration of Entry-Exit Inspection and Quarantine Sealing”
05-17-18	GAC 44, 2018	Announcement on Adjusting the Duty Rate of Commodity Agreements under the China-ASEAN Free Trade Area
	GAC 46, 2018	Announcement on Issuance of Customs Industry Standards
05-18-18	GAC 45, 2018	Announcement of the General Administration of Customs on Relevant Work for the Confirmation of Competency Examination for Entry-Exit Quarantine Treatment by Taiwan Compatriots
05-21-18	GAC 47, 2018	General Administration of Agriculture and Rural Affairs № 035 announcement on the lifting of the ban on foot-

Date	Series and No	Subject
		and-mouth disease outbreak in parts of Colombia
05-24-18	GAC, National Administration for the Import and Export of Endangered Species 49, 2018	Announcement on the Full Implementation of the Paperless Operation of Customs for the Import and Export of Wild Animals and Plants Certificates
05-28-18	GAC 48, 2018	Announcement on the Announcement of the “Implementation Rules for Pre-shipment Supervision and Administration of Pre-shipment Solid Wastes Imported as Raw Materials”
05-29-18	GAC 50, 2018	On Relevant Issues Concerning the Complete Cancellation of Customs Clearance Form for Entry/Exit Goods
	GAC 51, 2018	Announcement on Cancellation of Quarantine Approval for Import of Certain Products into China

Antidumping and Countervailing Duty Cases

See separate [Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews](#) section below.

Hong Kong issues circular on import/export of encryption products

On 8 May 2018, the Hong Kong Trade and Industry Department – Strategic Trade Controls System issued [Strategic Trade Controls Circular No. 6/2018 - Import and Export of Encryption Products](#). The circular reminds traders of the licensing requirements for the import and export of encryption products. And supercedes Circular No. 7/2009 dated 12 May 2009 of the same subject.

The Circular outlines the legal basis for encryption controls, control exemptions, licensing procedures, foreign controls, special conditions – including restrictions for US-origin encryption products, pre-classification service and end-use control.

Hong Kong Trade and Industry Department (TID) notices (dd-mm-yy)

Date	Matter
08-05-18	Strategic Trade Controls Circular No. 6/2018 - Import and Export of Encryption Products

INDIA

India notifies WTO of proposed suspension of concessions and other obligations for US products due to section 232 actions by US

On 18 May 2018, the Indian Delegation to the WTO notified the WTO that pursuant to Article 12.5 of the *Agreement on Safeguards* of its proposed suspension of concessions and other obligations referred to in Article 8.2 of the Agreement on Safeguards. This notification is made in connection with safeguard measures imposed by the United States on imports of certain aluminum and steel articles, vide Presidential Proclamation Nos. 9704 and 9705 (dated 8 March, 2018), respectively with the effective date of 23 March, 2018. India has decided to suspend concessions or other obligations that are substantially equivalent to the amount of trade affected by the measures imposed by the United States. The proposed suspension of concessions or other obligations takes the form of an increase in tariffs on selected products originating in the United States (as indi-

cated in Annex I and calculated as indicated in Annex II), based on the measures of the United States.

The suspension will come into effect earlier than 21 June, 2018, in case the United States decides to continue the period of application of the measures in accordance with Article 7 of the *Agreement on Safeguards*. The suspension of concessions will continue to apply until the United States' safeguard measures are lifted.

India noted that the United States declined India's request for consultations. The United States has thereby imposed definitive safeguard measures without giving affected Members any opportunity for consultations on the proposed safeguard measures and without the possibility of adjusting the measures in light of the comments of those Members.

Other CBIC and DGFT notifications, circulars and instructions

The following Central Board of Indirect Taxes and Customs (CBIC) Customs notifications (NT-non tariff, T-tariff), circulars (Cir) and instructions (other than anti-dumping, countervailing duty and safeguard) and Directorate General of Foreign Trade (DGFT) notifications were issued during the period covered by this Update:

Date	Series and No	Subject
CBIC		
03-05-18	35/2018-Cus (NT)	Exchange Rates Notification No.35/2018-Custom(NT) dated 3.5.2018
11-05-18	36/2018-Cus (NT)	Bill of Entry (Electronic Integrated Declaration and Paperless Processing) Regulations, 2018
	37/2018-Cus (NT)	Amendment to notification No. 17/2017-Customs (N.T.) dated 3rd March, 2017
	38/2018-Cus (NT)	Sea Cargo Manifest and Transshipment Regulations, 2018
	39/2018-Cus (NT)	Officers of Customs for purpose of carrying out Audit under section 99A
	40/2018-Cus (NT)	Notification under section 2 for the purpose of section 17 and section 20 of the Customs Act.
14-05-18	41/2018-Cus (NT)	Customs Brokers Licensing Regulations, 2018
15-05-18	42/2018-Cus (NT)	Tariff Notification in respect of Fixation of Tariff Value of Edible Oils, Brass Scrap, Poppy Seeds, Areca Nut, Gold and Sliver-
17-05-18	43/2018-Cus (NT)	Exchange Rates Notification No.43/2018-Custom(NT) dated 17.5.2018
23-05-18	45/2018-Cus (T)	Seeks to increase tariff rate of basic customs duty (BCD) on Walnuts in shell [0802 31 00] from 30% to 100% and increase tariff rate of basic customs duty (BCD) on Protein concentrates and textured protein substances [2106 10 00] from 30% to 40% by invoking section 8A (1) of the Customs Tariff Act, 1975.
	46/2018-Cus (T)	Seeks to further amend notification No. 50/2017- Customs dated 30.06.2017 so as to: i. increase basic customs duty (BCD) on shelled Almonds [0802 12 00] from Rs.65/Kg to Rs.100/Kg ii. increase basic customs duty (BCD) on wheat [1001 19 00, 1001 99 10] from present 20% to 30%. iii increase basic customs duty (BCD) on Protein concentrates [2106 10 00] from 10% to 40%
24-05-18	44/2018-Cus (NT)	Amendment of Notification No. 40/2012-Customs (N.T.) dated 02.05.2012
	45/2018-Cus (NT)	Customs Audit Regulations, 2018

Date	Series and No	Subject
25-05-18	46/2018-Cus (NT)	Regarding amendment in notification No. 89/2017-Cus (N.T.) dated 21.09.2017 relating to AIRs of Duty Drawback on Silver Jewellery and Silver Articles
31-05-18	47/2018-Cus (NT)	Tariff Notification in respect of Fixation of Tariff Value of Edible Oils, Brass Scrap, Poppy Seeds, Areca Nut, Gold and Silver- Reg
DGFT NOTIFICATIONS		
04-05-18	06/2015-2020	Amendment in import policy of Beans of the species Vigna mungo (L) Hepper or Vigna radiate (L) Wilczek under Chapter 7 of the ITC (HS) 2017, Schedule I (Import Policy)
08-05-18	07/2015-2020	Insertion of a new Policy condition under Chapter 87 of ITC (HS), 2017 – Schedule – I (Import Policy)
24-05-18	08/2015-2020	Amendment in Para 3.08 (b) of Chapter-3 of FTP 2015-2020
28-05-18	09/2015-2020	Amendment in the Chapter-1 of FTP 2015-2020
DGFT PUBLIC NOTICES		
01-05-18	02/2015-2020	Amendments in Table 2 of Appendix 3B Foreign Trade Policy 2015-2020
09-05-18	03/2015-2020	Enlistment as designated port in para 2.54 (d) (iv) Handbook of Procedures, (2015-20)
	04/2015-2020	Amendment of Para 2.54 (d) (v) iv in Handbook of Procedures, 2015-2020
	05/2015-2020	Implementation of the Track and Trace System for export of pharmaceuticals and drug consignments along with maintaining the parent-child relationship in the levels of packaging and their movement in supply chain - extension of date implementation regarding
	06/2015-2020	Amendments in standard input output norms, Appendix-4B and Appendix 4J of Hand Book of Procedures 2015-20
10-05-18	07/2015-2020	Amendments in Appendix 3B of the Foreign Trade Policy 2015-20
11-05-18	08/2015-2020	Inclusion of GIA, Israel and GIA, Japan as authorized laboratories for certification/grading of diamonds of 0.25 carat and above.
14-05-18	09/2015-2020	Amendments in Handbook of Procedures 2015-20 and Appendices issued under FTP, 2015-20.
22-05-18	10/2015-2020	Maintenance of Annual Average Export Obligation.
24-05-18	11/2015-2020	Enhancement in rate of rewards for MEIS Sl.No.207, HS Code 07122000
28-05-18	12/2015-2020	Enlistment under Appendix 2E - Agencies Authorized to issue Certificate of Origin - (Non-Preferential)

Antidumping and countervailing duty cases

[See separate *Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews* section below.](#)

JAPAN

Japan revises End User List

The Ministry of Economy, Trade and Industry (METI) has issued the End User List, providing exporters with information on foreign entities for which concern cannot be eliminated regarding involvement in activities such as the development of weapons of mass destruction (WMDs) and other items, for the purpose of enhancing the effectiveness of the catch-all control* on cargos and other loads relating to WMDs and other items. On May 2, 2018, METI [announced](#) that it has revised the [End User List based](#) on the latest information to contain 529 entities (increased by 21 entities from the previous version) in 13 countries and regions.

For the purpose of enhancing the effectiveness of the catch-all control, the End User List provides exporters with referential information on foreign entities for which concern cannot be eliminated regarding involvement in activities such as the development of WMDs or other items. It is not an embargo list. If the user of the cargos and other items to be exported is found in the list, exporters are required to submit an application for an export license except in the case where it is evident that the cargos or other items will not be used for activities such as the development of WMDs and other items. The list has been issued since the catch-all control was introduced in April 2002.

[* Catch-all control is a system that obliges exporters to submit an application for an export license for goods that may be used for the development of WMDs even if they are not subject to export restrictions under international agreements.]

MALAYSIA

Federal Government Gazette

The following documents were published in the [Warta Kerajaan Persekutuan - Federal Government Gazette](#)

Date	Matter
07-05-18	P.U. (B) 266/2018-Notification Of Values of Crude Petroleum Oil Under Section 12 - Customs Act 1967
18-05-18	P.U. (B) 277/2018-Notification of Values of Crude Palm Oil Under Section 12 - Customs Act 1967
22-05-18	P.U. (B) 287/2018-Notification of Values of Crude Petroleum Oil Under Section 12 - Customs Act 1967
31-05-18	P.U. (B) 334/2018-Notification of Values of Palm Kernel Under Section 12 - Customs Act 1967

Customs rulings

Monthly compendiums of Customs classification rulings (with images where available) are available on the recently redesigned Royal Malaysian Customs Department website. Although the rulings are written in Malay, the product is usually listed in English and there are often English language descriptions and references to rulings in English from other Customs administrations. The rulings (through August 2017) may be found under the topic: [Keputusan Ketetapan Kastam](#).

NEW ZEALAND

New Customs and Excise Act

The new *Customs and Excise Act* is due to take effect from 1 October this year. Most of the changes that will occur from the Act were identified by businesses as having the potential to lower their costs and make their lives easier.

The new Act:

- updates Customs' processes so that they are appropriate for the modern business environment and can be adapted as that environment evolves
- addresses some of the known pain-points generated under the 1996 Act
- introduces some new services.

Implementation

An implementation programme is underway to ensure that the New Zealand Customs Service (NZCS) is ready to implement the new Act as soon as it comes into effect.

The NZCS is working with stakeholders to inform the guidance and information resources to help customers understand the changes, what they mean, and what they may need to do. Regulations and Rules are also being developed to support the implementation of the Act.

NZCS developed a brochure for the Customs Brokers and Freight Forwarders (CBAFF) annual conference held in Nelson 2 – 4 May 2018, that you can read [online](#). Some excerpts:

Major improvements for business

- **Provisional Values:** Will allow importers to declare a Customs value at the time of import with exact value to be disclosed within a timeframe. Once a provisional value has been declared, the importer will be required to declare the final Customs value within the specified timeframe, which is based on the end of the importer's financial year plus 12 months.
- **Valuation Rulings:** Can now obtain binding rulings. This service will be time bound, with the maximum timeframe for Customs to issue this type of ruling being 150 days. Customs will be cost recovering for the time spent working on the ruling application.
- **Storing Business Records:** Can now store records in the cloud and offshore
- **Excise Changes:** Changes that make complying with Excise requirements easier to do
- **JBMS:** Users now required to maintain a level of competency to obtain and retain registration

Clarify sanctions and penalties

- **Compensatory Interest and Late Payment Penalty:** A more proportionate compensatory interest and penalty regime for late and shortfall payments of duty
- **Administrative Penalties:** Clarification of level of penalties and the circumstances when a penalty will apply. Administrative penalties have been extended to include export entries, and the penalty for material errors or omissions is \$200.00. If the error resulted in a shortfall of duty being paid or declared, or excess drawback being claimed, the penalty is 20% of the undeclared duty or excess drawback, capped at a maximum of \$20,000 for lack of reasonable care; 40% capped at \$35,000 for gross carelessness; and 100% capped at \$50,000 for an error made knowingly.
- **Infringement Notices:** The petty offences regime ends at 1 October 2018. The infringement notice scheme will be introduced on 1 April 2019, with education provided from 1 October 2018
- **Comptroller's discretion:** The Comptroller or their delegate will have explicit statutory discretion applying to the making and correcting of assessments and collecting duty

Administrative Review: Gives the right to use an internal review process where you are dissatisfied with an assessment of duty or the issuing of a penalty before making an appeal to the Customs Appeal Authority.

GST on imported low-value goods proposals launched

The Government has launched proposals for offshore suppliers of low-value goods to New Zealand consumers to collect and return GST on those goods. For more information see the Minister of Revenue and the Minister of Customs' [media statement](#), [questions and answers](#), [discussion document](#), [fact sheet](#), and [letter from the Tax Working Group](#). Submissions close on 29 June.

New Customs agreement with the European Union

The Customs Minister Hon Meka Whaitiri [announced](#) that more streamlined trade between New Zealand and New Zealand's key European markets will be one of the potential benefits of a Customs Cooperation Agreement with the European Union.

"This Agreement strengthens cooperation with the European Union in terms of customs procedures, and supply chain security and risk management.

"It enables our customs authorities to learn from each other, particularly in areas such as research and development of customs technology. It also sets the scene for possible further agreements between New Zealand and the European Union on other aspects of the customs relationship."

New Zealand has secure trade schemes with China, Australia, South Korea, Japan and the United States.

Under these schemes, each country recognises the other's security measures and customs processes, ensuring that imported and exported goods are fully compliant with customs requirements at each step along the supply chain.

"The agreement also represents a significant first step in setting up a mutually recognised secure trade scheme between New Zealand and the European Union. A secure trade scheme with the European Union will give accredited New Zealand exporters a major advantage in the form of faster clearance of goods into the European market," says Meka Whaitiri.

New Zealand Gazette

The following international trade related documents were published in the *New Zealand Gazette* (dd-mm-yy) or posted on the NZ Customs Service [website](#):

Date	Matter
08-05-18	Tariff Concession Approvals, Withdrawals and Declines Notice (No. 17) 2018
10-05-18	Tariff Concession (Advertisement) Notice No. 2018/18
11-05-18	Tariff Concession Approvals, Withdrawals and Declines Notice (No. 19) 2018
17-05-18	Tariff Concession (Advertisement) Notice No. 2018/20
18-05-18	Tariff Concession Approvals, Withdrawals and Declines Notice (No. 21) 2018
22-05-18	Tariff Concession Approvals, Withdrawals and Declines Notice (No. 22) 2018
23-05-18	Tariff Concession (Advertisement) Notice No. 2018/23
24-05-18	Tariff Concession (Advertisement) Notice 24
24-05-18	Tariff Concession Approval Notice 24

Fact Sheets issued, revised

During the period covered by this *Update* the New Zealand Customs Service issued the following new or revised Fact Sheets:

- [TSW Fact Sheet: Registering to Use TSW](#) (May 2018)
- [TSW Fact Sheet: Administrator of Organisation](#) (April 2018)
- [TSW Fact Sheet: Applying for a Declarant Code to Submit Lodgements \(April 2018\)](#)

The *International Trade Compliance Update* is a publication of the Global International Commercial and Trade 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.

Comments on this *Update* may be sent to the Editor:

Stuart P. Seidel
Washington, D.C.
+1 202 452 7088
stuart.seidel@bakermckenzie.com

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.

Translations of most non-English language documents are unofficial and are performed via an automated program and are for information purposes only.

Credits:

Unless otherwise indicated, all information is taken from official international organization or government websites, or their newsletters or press releases.

Source documents may be accessed by clicking on the blue hypertext links.

This Update contains public sector information licensed under the Open Government Licence v3.0 of the United Kingdom. In addition, the Update uses material pursuant to European Commission policy as implemented by [Commission Decision of 12 December 2011](#).

SINGAPORE

Singapore Trade Classification, Customs and Excise Duties 2018

[Singapore Customs Circular 04/2018](#) announced that with effect from 24 June 2018, the [Singapore Trade Classification, Customs and Excise Duties \(STCCED\) 2018](#) will replace the current 2012 version. The STCCED 2018 incorporates the *ASEAN Harmonised Tariff Nomenclature (AHTN) 2017*. Arising from the AHTN 2017 review and among the many changes, specific HS codes have been created for the following vehicles and they will be non-dutiable.

- a) Go-karts
- b) Golf cars
- c) Pocket motorcycles
- d) Powered kick scooters
- e) Mobility scooters
- f) All-Terrain Vehicles (ATV)
- g) Self-balancing cycles
- h) Electric bicycles
- i) Vehicles specially designed for travelling on snow

A review was done on Chapter 98 to streamline and rationalise the use of HS codes in the Chapter. Please see Annex A to the Circular for the changes. In addition, a list of Frequently Asked Questions (FAQs) is provided in Annex B to the Circular for your reference.

Origin Rules under the Sri Lanka-Singapore Free Trade Agreement

The Sri Lanka-Singapore Free Trade Agreement (SLSFTA) came into force on 1 May 2018. [Singapore Customs Circular 05/2018](#) (22 May 2018) outlines the salient points of the Rules of Origin requirements and operational procedures for exports of Singapore-originating goods claiming preferential tariff treatment in the Democratic Socialist Republic of Sri Lanka ("Sri Lanka"). From 1 May 2018 onwards, Sri Lanka is granting preferential tariff treatment under the SLSFTA for some items initially and is planning to extend preferential tariff treatment to all items agreed under the SLSFTA by 1 July 2018. Manufacturers and Traders are therefore required to refer to [Gazette No. 2069-19 Revenue Protection Order No. 04-2018](#) issued by Sri Lanka's Ministry of Finance to obtain the appropriate preferential tariff rate for the import of Singapore-originating goods into Sri Lanka offered from 1 May 2018 till 30 June 2018. The full tariff obligations and the legal text of the SLSFTA are available via [Enterprise Singapore's website](#).

Notices, circulars, etc.

Date	Reference	Matter
22-05-18	Cir. 04/2018	Singapore Trade Classification, Customs and Excise Duties (STCCED) 2018
	Cir. 05/2018	Rules of Origin under the Sri Lanka-Singapore Free Trade Agreement
25-05-18	Notice 09/2018	Updates to The Exemption of Goods And Services Tax For Investment Precious Metals

Europe, Middle East and North Africa

European Union and EFTA

EU reacts to US decision to put additional tariffs on steel and aluminium from the EU

On 31 May 2018, the European Commission issued a [press release](#) reacting to the US measures on steel and aluminium affecting the EU. The President of the European Commission, Jean-Claude Juncker and the Commissioner of Trade Cecilia Malmström both severely criticized the US decision to impose a 25% tariff on steel imports and 10% tariff on aluminium imports, indicating that the tariffs were in violation of WTO rules and that the EU response will be proportionate.

The press release in the Background section stated:

The US measures affect EU exports worth €6.4 billion in 2017. While striving to avoid today's situation, the EU has been preparing over the last months and stands now ready to react to the US trade restrictions on steel and aluminium in a swift, firm, proportionate and fully WTO-compatible manner.

The EU will launch legal proceedings against the US in the WTO on 1 June. This was decided by the College of Commissioners on 29 May and Member States were consulted on the same day. The US measures are primarily intended to protect the US domestic industry from import competition, clearly at odds with WTO rules. In addition to the WTO dispute settlement we are launching against the US measures, we have also coordinated action in this field with other affected partners.

As regards the US tariff measures, the EU will use the possibility under WTO rules to rebalance the situation by targeting a list of US products with additional duties. The level of tariffs to be applied will reflect the damage caused by the new US trade restrictions on EU products. The list of US products is ready: it was consulted with European stakeholders and supported by Member States. The EU notified its potential rebalancing to the WTO on 18 May and, in line with the Organisation rules, could trigger them 30 days later. The Commission will now in coordination with Member States take a formal decision to proceed with the rebalancing.

The Commission is determined to shield the EU steel and aluminium markets from damage caused by additional imports that might be coming into the EU as a result of the closure of the US market. An investigation towards possible imposition of safeguard measures on steel was launched on 26 March. The Commission has nine months to decide whether safeguard measures would be necessary. This decision could also be taken much earlier in the proceedings, if the investigation confirms the necessity for swift action. The Commission has also put in place a surveillance system for imports of aluminium to be prepared in case action will be required in that sector.

For additional information:

- [EU plan to counter US trade restrictions, as presented on 7 March](#)
- [Commission statement following the US announcements of 1 May](#)
- [List of products for rebalancing](#)
- [Safeguard proceedings on steel](#)
- [WTO dispute settlement](#)
- [More on EU-US trade relations](#)

Commission receives ‘green light’ to start trade negotiations with Australia and New Zealand

On 22 May 2018, the European Commission [announced](#) that it welcomed the adoption by the Council of the negotiating directives for free trade agreements with Australia and New Zealand. The preparations – which included an impact assessment for both agreements – are now complete and formal negotiations can begin. The announcement stated:

Australia and New Zealand are important allies and these agreements will offer significant economic gains by getting rid of obstacles and boosting trade further. Despite the distance, trade between the EU and these two countries is already roughly the same as with Mexico or Canada.

Having trade agreements with Australia and New Zealand would provide EU businesses with a valuable entry point into the wider Asia-Pacific region. They will also put European companies on an equal footing with those from the other countries in the area that have signed up to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) or that already enjoy better access to Australia and New Zealand through other preferential trade agreements.

Commissioner Malmström will travel to Australia and New Zealand in June to open negotiations at the political level. The first negotiation rounds between the teams of negotiators are then envisaged to take place in Brussels in July.

EU Blocking Regulation

The European Commission has started the process by which it would add US sanctions measures on Iran to the so-called Blocking Regulation (formerly Regulation 2271/96). This is in direct response to the US President’s withdrawal of his waiver relating to the JCPOA. The effect of the withdrawal was to reintroduce US sanctions that were in force prior to the JCPOA. US sanctions on Iran not only impact US companies and persons, but can, in certain circumstances be applied to non-US persons. The most important extension of US jurisdiction relates to non-US subsidiaries of US companies. However, the US also has powers to place so-called “secondary sanctions” on non-US persons. These can be placed on any person (i.e., including non-US persons acting wholly outside US jurisdiction) engaging in certain “sanctionable activities,” as defined by the relevant US laws and regulations. These “sanctionable activities” are detailed in OFAC’s recent FAQ document available [here](#). The US Government has a considerable degree of discretion in determining whether to impose “secondary sanctions” on non-US persons engaging in these “sanctionable activities,” and this will likely depend in part on the nature and scope of the activities, the parties involved, etc.

Most countries, and all the other signatories of the JCPOA (UK, Russia, China, France and Iran) plus Germany have reaffirmed their adherence to the JCPOA.

What does the Blocking Regulation do?

The Blocking Regulation has four main elements.

First, it requires any EU person to notify the Commission of any effects on the economic and/or financial interests of that person caused by a measure blocked in the Annex.

Second, no judgment of a court or tribunal, and no decision of an administrative authority located outside the EU that gives effect, directly or indirectly, to the measure in the Annex, or to actions based thereon or resulting there from, shall be recognized or be enforceable in the EU in any manner. This is the main blocking measure.

Third, no EU person shall comply, whether directly or through a subsidiary or other intermediary person, actively or by deliberate omission, with any requirement or prohibition, including requests of foreign courts, based on or resulting, directly or indirectly, from the measures specified in the Annex or from actions based thereon or resulting therefrom. EU persons may be authorized, in accordance with the procedures provided in Articles 7 and 8, to comply fully or partially to the extent that non-compliance would seriously damage their interests or those of the Community.

Finally, an EU person shall be entitled to recover any damages, including legal costs, caused to that person by the application of the measures specified in the Annex or by actions based thereon or resulting therefrom. This is sometimes referred as the “clawback” measure.

What is the process now being undertaken?

Based on a 2014 amendment to Regulation 2271/96, the Commission now has power, delegated to it from the Council, to add measures to the Annex of 2271/96. The process by which it is to do this is as follows:

As soon as it adopts a delegated act, the Commission notifies it to the European Parliament and to the Council. That delegated act can only enter into force only if:

- no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council; or
- before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

The two month period shall be extended by four months at the initiative of the European Parliament or of the Council.

We assume that the Commission has notified the Parliament and Council of the measures to be added to the Annex, and unless either party objects, or both agree to the proposal sooner, the additions will take effect after 2 months

What is the practical implication of the Blocking Regulation?

The reinvigoration of the Blocking Regulation is an unwelcome development as it is intended to put EU businesses between a rock and hard place. Unfortunately, the US rock is far more compelling than the EU hard place, and very few EU businesses will rely on the Blocking Regulation to guarantee their ability to keep doing business in the US and Iran.

The Blocking Regulation was of very little use in curtailing US policy on Cuba, and almost certainly will not curtail US policy on Iran. The US financial system is now so important to global and EU businesses that it cannot easily be avoided. Even during the US adherence to the JCPOA, all Western banks were reluctant to do business with Iran, because of the risks posed under US law. This reluctance has now turned into positive dislike.

As noted above, the US is also stressing the possibility of secondary sanctions, which in principle force non-US businesses to choose between doing business in the US and doing business in Iran. The revivification of the Blocking Regulation will not affect that choice.

For additional information, please contact the author, [Ross Denton](#).

EU enacts retaliatory measures for US section 232 duties

On 17 May 2018, the *European Journal* published [Commission Implementing Regulation \(EU\) 2018/724 of 16 May 2018 on certain commercial policy measures concerning certain products originating in the United States of America](#) (the Regulation). The Regulation states that although the measures (in the form of an additional 25% duty on certain steel products and 10% duty on certain aluminium products) adopted by the United States on 8 March 2018 were characterised as security measures, they are in essence safeguard measures that “disturb the balance of concessions and obligations resulting from the WTO Agreement and restrict imports for the purpose of protecting domestic industry against foreign competition, for the sake of that industry's commercial prosperity.”

The *WTO Agreement on Safeguards* provides for the right of any exporting Member affected by a safeguard measure to suspend the application of substantially equivalent concessions or other obligations to the trade of the WTO Member applying the safeguard measure, provided that no satisfactory solution is reached in consultations and the WTO Council for Trade in Goods does not disapprove. Inasmuch as consultations between the United States and the Union as envisaged in Articles 8 and 12.3 of the *WTO Agreement on Safeguards* did not reach any satisfactory solution, a Regulation suspending the application of substantially equivalent concessions or other obligations is necessary.

The Regulation provides that:

Article 1

The Commission shall immediately, and in any event no later than 18 May 2018, give written notice to the WTO Council for Trade in Goods that, absent disapproval by the Council for Trade in Goods, the Union suspends, from 20 June 2018, the application to the trade of the United States of import duty concessions under the GATT 1994 in respect of the products listed in Annex I and Annex II of the Regulation, so as to allow for an application of additional customs duties on the importation of these products originating in the United States.

Article 2

The application of additional customs duties on these products, through a subsequent Commission implementing act, shall be effected within the following parameters, and take into account any subsequent exclusion of certain products or companies from the safeguard measures by the United States:

(a) At the first stage, additional ad valorem duty of a maximum rate of 25 % may be applied on imports of products listed in Annex I from 20 June 2018.

(b) At the second stage, further additional ad valorem duty of a maximum rate of 10 %, 25 %, 35 % or 50 % may be applied on imports of products listed in Annex II:

— from 23 March 2021, or

— from the fifth day following the date of the adoption by, or notification to, the WTO Dispute Settlement Body of a ruling that the United States' safeguard measures are inconsistent with the relevant provisions of the WTO Agreement, if that is earlier. In the latter event, the Commission shall publish in the Official Journal of the European Union a notice indicating the date on which such ruling is adopted or notified.

Article 3

The suspension provided for in Article 1 may be exercised as long as, and to the extent that, the United States applies or re-applies its safeguard measures in a manner that would affect products from the Union. The Commission shall publish in the Official Journal of the European Union a notice indicating the date on which the United States has ceased to apply its safeguard measures.

Article 4

1. Products listed in the Annexes for which an import licence with an exemption from or a reduction of duty has been issued prior to the date of entry into force of this regulation shall not be subject to additional duty.
2. Products listed in the Annexes for which the importers can prove that they have been exported from the United States to the Union prior to the date on which an additional duty is applied with respect to that product shall not be subject to the additional duty.

The Regulation notes that On 22 March the effective date of the tariff increase with respect to the European Union was deferred to 1 May 2018. However, the Regulation does not reflect the subsequent 30 day deferral.

On 18 May, the EU circulated the official [WTO notification](#) with annexes of the specific articles covered. Annex I and II list items for which the tariffs are decided by CN codes only. Annex III shows how the substantially equivalent concessions or other obligations under GATT 1994 were calculated.

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.

Amendments to the CN Explanatory Notes

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

Binding Tariff Information

The European Community has created the Binding Tariff Information (BTI) system as a tool to assist economic operators to obtain the correct tariff classification for goods they intend to import or export.

Binding Tariff Information is issued on request to economic operators by the customs authorities of the Member States. It is valid throughout the Community, regardless of the Member State which issued it. For information about an existing BTI, you may want to contact the [customs administration of the Member State](#) which issued it. However, remember that, according to the provisions for data protection, there are limitations as to the information an administration can provide. You can search and consult existing BTIs on the [EBTI-database](#).

Official Journal documents

The following documents of interest to international traders (excluding documents relating to day-to-day management of agricultural matters, individual protected designations of origin registrations, approvals or restrictions on specific substances and fishing rights) were published in the *Official Journal of the European Union*:

OJ Date	Subject
02-05-18	Notice concerning the entry into force of the Protocol to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part, to take account of the accession of the Republic of Croatia to the European Union
	Commission Decision (EU) 2018/666 of 27 April 2018 amending Decision

OJ Date	Subject
	<p>2014/312/EU as regards the period of validity of the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes (notified under document C(2018) 2479)</p> <p>Decision No 1/2018 of the EU-Switzerland Joint Committee of 20 April 2018 amending Tables III and IV of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, as amended [2018/668]</p> <p>Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-border parcel delivery services</p>
03-05-18	<p>Commission Implementing Regulation (EU) 2018/670 of 30 April 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances bromuconazole, buprofezin, haloxypop-P and napropamide</p>
04-05-18	<p>Commission Delegated Regulation (EU) 2018/674 of 17 November 2017 supplementing Directive 2014/94/EU of the European Parliament and of the Council as regards recharging points for L-category motor vehicles, shore-side electricity supply for inland waterway vessels and refuelling points for LNG for waterborne transport, and amending that Directive as regards connectors for motor vehicles for the refuelling of gaseous hydrogen</p> <p>Commission Regulation (EU) 2018/675 of 2 May 2018 amending the Appendices to Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards CMR substances</p> <p>Commission Regulation (EU) 2018/676 of 3 May 2018 correcting Commission Regulation (EU) No 546/2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards uniform principles for evaluation and authorisation of plant protection products</p> <p>Commission Regulation (EU) 2018/677 of 3 May 2018 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Thaumatin (E 957) as a flavour enhancer in certain food categories</p> <p>Commission Regulation (EU) 2018/678 of 3 May 2018 amending and correcting Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances</p> <p>Commission Implementing Regulation (EU) 2018/679 of 3 May 2018 renewing the approval of the active substance forchlorfenuron in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011</p> <p>Commission Regulation (EU) 2018/669 of 16 April 2018 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures</p>
07-05-18	<p>Commission Regulation (EU) 2018/681 of 4 May 2018 amending the Annex to Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for Polyvinyl alcohol-polyethylene glycol graft-co-polymer (E 1209)</p> <p>Commission Regulation (EU) 2018/682 of 4 May 2018 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of polyglycerol polyricinoleate (E 476) in emulsified sauces</p>
08-05-18	<p>Commission Implementing Regulation (EU) 2018/690 of 7 May 2018 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance fenazaquin</p> <p>Commission Implementing Regulation (EU) 2018/691 of 7 May 2018 approving the basic substance Talc E553B in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011</p> <p>Commission Implementing Regulation (EU) 2018/692 of 7 May 2018 renewing the approval of the active substance zoxamide in accordance with Regulation</p>

OJ Date	Subject
	<p>(EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011</p> <p>Commission Implementing Decision (EU) 2018/696 of 4 May 2018 concerning the extension of the action taken by the French Ministry of Environment, Energy and Sea, in charge of international negotiations on climate permitting the making available on the market and use of the biocidal product Phéro-Ball Pin in accordance with Article 55(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council (notified under document C(2018) 2643)</p> <p>Commission Implementing Decision (EU) 2018/697 of 7 May 2018 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (notified under document C(2018) 2888)</p>
14-05-18	<p>Commission Implementing Regulation (EU) 2018/700 of 8 May 2018 amending the lists of third country establishments from which imports of specified products of animal origin are permitted, regarding certain establishments from Brazil</p> <p>Commission Decision (EU) 2018/702 of 8 May 2018 concerning national provisions notified by Denmark on the addition of nitrite to certain meat products (notified under document C(2018) 2721)</p>
15-05-18	<p>Commission Implementing Regulation (EU) 2018/710 of 14 May 2018 renewing the approval of the active substance silthiofam in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011</p>
16-05-18	<p>Commission Implementing Decision (EU) 2018/719 of 14 May 2018 amending Decision 2009/821/EC as regards the lists of border inspection posts and veterinary units in Traces (notified under document C(2018) 2783)</p> <p>Commission Regulation (EU) 2018/685 of 3 May 2018 amending Annexes II, III and IV to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for abamectin, beer, fluopyram, fluxapyroxad, maleic hydrazide, mustard seeds powder and tefluthrin in or on certain products</p> <p>Commission Regulation (EU) 2018/686 of 4 May 2018 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorpyrifos, chlorpyrifos-methyl and triclopyr in or on certain products</p> <p>Commission Regulation (EU) 2018/687 of 4 May 2018 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acibenzolar-S-methyl, ben-zovindiflupyr, bifenthrin, bixafen, chlorantraniliprole, deltamethrin, flonicamid, fluazifop-P, isofetamid, metrafenone, pendimethalin and teflubenzuron in or on certain products</p>
17-05-18	<p>Notice concerning the provisional application of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part</p> <p>Commission Implementing Regulation (EU) 2018/720 of 16 May 2018 opening and providing for the management of a Union tariff quota for poultry originating in Iceland</p> <p>Commission Implementing Regulation (EU) 2018/722 of 16 May 2018 amending Regulation (EU) No 37/2010 to classify the substance eprinomectin as regards its maximum residue limit</p> <p>Commission Implementing Regulation (EU) 2018/724 of 16 May 2018 on certain commercial policy measures concerning certain products originating in the United States of America</p> <p>Commission Directive (EU) 2018/725 of 16 May 2018 amending, for the purpose of adaptation to technical and scientific developments, point 13 of part III of Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards chromium VI</p>
18-05-18	<p>Commission Delegated Regulation (EU) 2018/729 of 26 February 2018 amending Regulation (EC) No 273/2004 of the European Parliament and of the Council</p>

OJ Date	Subject
	<p>and Council Regulation (EC) No 111/2005 as regards the inclusion of certain drug precursors in the list of scheduled substances</p> <p>Commission Delegated Directive (EU) 2018/736 of 27 February 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for certain electrical and electronic components containing lead in glass or ceramic</p> <p>Commission Delegated Directive (EU) 2018/737 of 27 February 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors</p> <p>Commission Delegated Directive (EU) 2018/738 of 27 February 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in cermet-based trimmer potentiometer elements</p> <p>Commission Delegated Directive (EU) 2018/739 of 1 March 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead as an alloying element in steel</p> <p>Commission Delegated Directive (EU) 2018/740 of 1 March 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead as an alloying element in aluminium</p> <p>Commission Delegated Directive (EU) 2018/741 of 1 March 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead as an alloying element in copper</p> <p>Commission Delegated Directive (EU) 2018/742 of 1 March 2018 amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead in high melting temperature solders</p> <p>Commission Implementing Decision (EU) 2018/744 of 16 May 2018 amending Implementing Decision (EU) 2016/2008 concerning animal health control measures relating to lumpy skin disease in certain Member States (<i>notified under document C(2018) 2815</i>)</p> <p>Commission Implementing Decision (EU) 2018/745 of 16 May 2018 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (<i>notified under document C(2018) 2817</i>)</p> <p>Annual progress report on the implementation of the European Union strategy against the proliferation of weapons of mass destruction (2017) [2018/C 172/01]</p>
22-05-18	<p>Council Implementing Decision (EU) 2018/747 of 14 May 2018 on subjecting the new psychoactive substance <i>N</i>-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1<i>H</i>-indazole-3-carboxamide (ADB-CHMINACA) to control measures</p> <p>Council Implementing Decision (EU) 2018/748 of 14 May 2018 on subjecting the new psychoactive substance 1-(4-cyanobutyl)-<i>N</i>-(2-phenylpropan-2-yl)-1<i>H</i>-indazole-3-carboxamide (CUMYL-4CN-BINACA) to control measures</p> <p>Corrigendum to Council Regulation (EU) 2017/2454 of 5 December 2017 amending Regulation (EU) No 904/2010 on administrative cooperation and combating fraud in the field of value added tax (<i>OJ L 348, 29.12.2017</i>)</p> <p>Corrigendum to Council Directive (EU) 2017/2455 of 5 December 2017 amending Directive 2006/112/EC and Directive 2009/132/EC as regards certain value added tax obligations for supplies of services and distance sales of goods (<i>OJ L 348, 29.12.2017</i>)</p>
23-05-18	<p>Council Decision (EU) 2018/751 of 14 May 2018 on the position to be adopted on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, concerning the transition to</p>

OJ Date	Subject
	<p>the second stage of the Association between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, pursuant to Article 5(3) of the Agreement</p> <p>Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006) [2018/C 174/04]</p> <p>Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006) [2018/C 174/05]</p> <p>Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006) [2018/C 174/06]</p> <p>Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006) [2018/C 174/07]</p>
24-05-18	<p>Commission Implementing Regulation (EU) 2018/755 of 23 May 2018 renewing the approval of the active substance propyzamide, as a candidate for substitution, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011</p> <p>Commission Implementing Decision (EU) 2018/758 of 23 May 2018 concerning certain interim protective measures relating to African swine fever in Hungary (notified under document C(2018) 3250)</p> <p>Decision No 1/JP/2018 of the Joint Committee established under the Agreement on Mutual Recognition between the European Community and Japan of 27 April 2018 related to the listing of Conformity Assessment Bodies under the Sectoral Annex on Telecommunications Terminal Equipment and Radio Equipment [2018/759]</p> <p>Summary of European Commission Decisions on authorisations for the placing on the market for the use and/or for use of substances listed in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Published pursuant to Article 64(9) of Regulation (EC) No 1907/2006) [2018/C177/03]</p>
25-05-18	<p>Council Decision (EU) 2018/760 of 14 May 2018 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products</p> <ul style="list-style-type: none"> Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products <p>Commission Implementing Regulation (EU) 2018/765 of 23 May 2018 amending Implementing Regulation (EU) 2016/2080 as regards the date of entry into storage of the skimmed milk powder sold by a tendering procedure</p> <p>Commission Implementing Regulation (EU) 2018/766 of 23 May 2018 amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin</p>
29-05-18	<p>Commission Implementing Regulation (EU) 2018/775 of 28 May 2018 laying</p>

OJ Date	Subject
	down rules for the application of Article 26(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as regards the rules for indicating the country of origin or place of provenance of the primary ingredient of a food Text with EEA relevance
	Position (EU) No 1/2018 of the Council at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union Adopted by the Council on 16 April 2018 [2018/C 184/01]
	Statement of the Council's reasons: Position (EU) No 1/2018 of the Council at first reading with a view to the adoption of a with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union [2018/C 184/02]
30-05-18	Commission Implementing Regulation (EU) 2018/773 of 15 May 2018 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2017/306 Text with EEA relevance
31-05-18	Regulation No 0 of the Economic Commission for Europe of the United Nations (UNECE) — Uniform provisions concerning the International Whole Vehicle Type Approval (IWVTA) [2018/780]
	Update of reference amounts for the crossing of the external borders, as referred to in Article 6(4) of Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) [2018/C 186/05]

Restrictive measures established, amended, corrected

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

OJ Date	Restrictive Measure
	Council Implementing Decision (CFSP) 2018/694 of 7 May 2018 implementing Decision 2014/932/CFSP concerning restrictive measures in view of the situation in Yemen
	Council Implementing Regulation (EU) 2018/689 of 7 May 2018 implementing Article 15(3) of Regulation (EU) No 1352/2014 concerning restrictive measures in view of the situation in Yemen
08-05-18	Council Implementing Decision (CFSP) 2018/699 of 8 May 2018 implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic
	Council Implementing Regulation (EU) 2018/698 of 8 May 2018 implementing Article 17(3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic
	Council Decision (CFSP) 2018/706 of 14 May 2018 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
14-05-18	Council Implementing Regulation (EU) 2018/705 of 14 May 2018 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
	Council Implementing Decision (CFSP) 2018/713 of 14 May 2018 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya
15-05-18	Commission Implementing Regulation (EU) 2018/711 of 14 May 2018 amending

OJ Date	Restrictive Measure
	Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya
16-05-18	Council Decision (CFSP) 2018/715 of 14 May 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea
	Council Implementing Regulation (EU) 2018/714 of 14 May 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea
18-05-18	Commission Implementing Regulation (EU) 2018/733 of 17 May 2018 amending for the 284th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations
29-05-18	Council Implementing Regulation (EU) 2018/774 of 28 May 2018 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria
	Council Decision (CFSP) 2018/778 of 28 May 2018 amending Decision 2013/255/CFSP concerning restrictive measures against Syria

Antidumping and countervailing duty cases

[See separate **Antidumping Countervailing Duty and Safeguards Investigations, Orders & Reviews** section below.](#)

Individual Countries

FRANCE

Official Gazette (*Journal officiel*)

Date	Measure
08-05-18	3 Order of 3 May 2018 amending the Decree of 22 February 1990 establishing the list of substances classified as narcotics
	4 Order of 3 May 2018 amending the Decree of 22 February 1990 establishing the list of substances classified as psychotropic
26-05-18	49 Order of 15 May 2018 laying down the form and conditions for establishing and verifying the proof of export carried out by travelers residing in a third country to the European Union or in an overseas collectivity of the Republic

Notices to importers

The following [notices](#) were posted by Directorate General of Customs and Indirect Taxes (For laws and regulations, decrees, etc. please see listings under *Other EU-EFTA Notices - Import-export related measures*, below) :

Release Date	Ref. No. and Subject
07-05-18	2018/26-Notice to importers of electric bicycles originating in the People's Republic of China
09-05-18	2018/27-Notice to Importers of Certain New or Retreaded Rubber Tires of a Type Used by Buses or Trucks Originating in the People's Republic of China
11-05-18	2018/28-Notice to Importers of Threaded, Cast Iron, Malleable Iron Pipe Fittings From the People's Republic of China and Thailand
16-05-18	2018/29-Notice to Importers of Ceramic Tableware and Kitchenware from the People's Republic of China
17-05-18	2018/30-Notice to importers of poultrymeat originating in Iceland
23-05-18	2018/31 Notice to Importers of Solar Glazing Originating in Malaysia
25-05-18	2018/32-Notice to importers of biodiesel from Argentina

ITALY

New statute and administrative regulation approved for ADM

The Customs and Monopoly Agency (ADM - Agenzia delle Dogane e dei Monopoli) [announced](#) that on 26 April the Minister for the Economy and Finance approved the new [Statute](#) and the new [Administration Regulations](#) of the Customs and Monopoly Agency. The final go-ahead came after two steps in the Management Committee and a process of listening and sharing lasted six months.

The reorganization fully implements the principles of autonomy and efficiency inscribed in the reform of the agencies launched in the previous legislature.

The reorganization invests in particular:

- the identity of the Agency, overcoming of the previous distinction between the Customs Area and the Monopoly Area, to make the new ADM a public guard of security, legality, economic growth and protection of the financial interests of the State;
- the national and territorial geography of the Administration, with a simplified model divided by functions (Administration, Anti-fraud, Legislative, Personnel, Technologies) and areas of intervention (Excise, Customs, Games, Tobacco). To these are added staff divisions, directly reporting to the General Manager (Inspection with audit functions, International and Institutional Relations, Strategy, Communication). The reorganization limits to one the number of Deputy Directors. At the territorial level, in addition to the reduction of the offices in which each Regional Directorate is organized, the model provides for a marked simplification, combined with the unification of all Customs and Monopoly offices.
- the use of personnel and the internal processes of selection of human resources, with a sharp decrease in the number of managers and a multiplication of intermediate figures with responsibility and executive management functions, at national and in particular local level. The objective is, therefore, to enhance the effectiveness and effectiveness of the Agency's activities, especially in its territorial ramifications.

This leads to the elimination of duplication and waste, synergies, qualification and flexibility in the use of personnel, greater efficiency. In the coming weeks the organizational measures will be adopted that will design the new structure of the central departments and local offices. The commitment is to complete the implementation of the reorganization for the beginning of the new year.

UNITED KINGDOM

Sanctions and Anti-Money Laundering Act receives Royal Assent

The UK *Sanctions and Anti-Money Laundering Act* has received royal assent on 23 May 2018. The text of the Act can be found [here](#). The Foreign Secretary has also issued a [statement](#) on the matter on the following day.

Our previous blog post on the *Sanctions and Anti-Money Laundering Bill* is available [here](#).

We will follow up with a more detailed update on the Act in due course.

For additional information, please contact [Ross Denton](#) or [Sunny Mann](#).

OFSI publishes a new Compliance Reporting Form

The UK Office of Financial Sanctions Implementation (OFSI) has published the new Compliance Reporting Form (which can be found [here](#)) for individuals and organisations to comply with the UK financial sanctions reporting obligations. The new form has separate sections to be completed depending upon whether you are:

- reporting a suspected designated person (Part B);
- providing information on frozen assets (Part C); or
- providing information on a suspected breach (Part D).

It also provides more clarity on what information OFSI requires in each of these areas.

The new Compliance Reporting Form is intended to allow individuals and entities to comply with their reporting obligations under EU and UK law, including the UK reporting requirements on relevant businesses or professions as introduced by The European Union Financial Sanctions (Amendment of Information Provisions) Regulations 2017 in August 2017. The 'relevant businesses or professions' are defined to cover:

- auditors
- casinos
- dealers in precious metals or stones
- estate agents
- external accountants
- independent legal professionals
- tax advisers
- trust or company service providers

In a recent [blog post](#), OFSI provided the following examples of potential circumstances where the reporting obligation might arise:

- *Notifying us that you, a provider of professional services, have been approached by someone you suspect is a designated person (or someone working on their behalf). They may be attempting to circumvent sanctions and you must inform OFSI, and include any identifying information you hold about them.*
- *You work in a company, for example a law or accountancy firm, and become aware that one of your clients may be dealing in funds that belong to a designated person. Your client may be breaching financial sanctions and you must report this information to OFSI, along with any information by which they can be identified.*
- *A customer or client of yours becomes subject to financial sanctions. You must report to OFSI if you hold any of their assets and have frozen them. You also need to include any information by which they can be identified.*
- *You are a financial institution and have blocked a payment going to someone you suspect is a designated person. Your investigation into the blocked payment has given you reasonable cause to suspect that the person sending the funds has committed an offence by attempting to make funds available to a designated per-*

son. You must report this to OFSI as soon as is practicable along with any information you hold about that person by which they can be identified.

For additional information, please contact [Ross Denton](#) or [Sunny Mann](#).

Commons Foreign Affairs Committee calls for coherent and proactive Russian sanctions strategy

The UK House of Commons Foreign Affairs Committee (the “Committee”) has recently published the report on Russian corruption in the UK, calling for a coherent and proactive strategy on Russia. In the report “Moscow’s Gold: Russian Corruption in the UK”, it concluded that the UK financial markets are currently used as a loophole for Russian sanctioned companies to gain access to the capital markets and for Russia to raise sovereign financing.

The Committee called on the Government to work with the EU and the US to prohibit the purchase of bonds in which a sanctioned entity has acted as book runner, and to seek the EU’s agreement to bar the European clearing houses from making available Russian sovereign debt. The Government was also encouraged to broaden its approach to sanctions by including individuals closely connected to hostile regimes. The Sanctions and Anti-Money Laundering Bill (2018), entering the final stages of its passage through Parliament, was considered an “important opportunity” to fill in the gaps currently existing in the UK/EU sanctions system. The Government was also encouraged to publish a list of individuals sanctioned specifically because of gross human rights violations, comparable to the US Magnitsky list, and the list should be published and maintained by the FCO as distinct from the general list of individuals under financial sanctions maintained by HM Treasury. The Government should set out its plans for assisting the governments of the Overseas Territories to establish publicly accessible beneficial ownership registers before 31 December 2020, and should provide the same level of assistance to the Crown Dependencies, encouraging them to take steps to meet the same standard of transparency.

For additional information, please contact the author, [Sunny Mann](#).

Updated guidance on embargoes and sanctions issued

On 15 May 2018, the Foreign & Commonwealth Office (FCO), Department for International Trade (DIT) and the Export Control Joint Unit (ECJU) published a revised [Guidance - Embargoes and sanctions on Iran](#). The guidance states that on 8 May 2018 the President of the United States confirmed that the US will begin the process of re-imposing all US sanctions previously waived under the Joint Comprehensive Plan of Action (JCPoA), but points out that the UK government fully supports “expanding our trade relationship with Iran and encourages UK businesses to take advantage of the commercial opportunities that will arise. Department for International Trade (DIT) is in Tehran to support bilateral trade and investment.” However, it points out that some sanctions remain in place so UK businesses should continue to ensure they are compliant with all sanctions regimes. It then discusses the prohibited activities and those that require a licence.

The UK Office of Financial Sanctions Implementation (OFSI) has published an updated version of its guidance on monetary penalties for breaches of financial sanctions (the “Monetary Penalties Guidance”). The Monetary Penalties Guidance was first issued in April 2017 and sets out guidance on the circumstances in which OFSI may consider it appropriate to impose a monetary penalty, and how

it will determine the amount of the penalty. No changes of policy on monetary penalties were made as a result of these updates.

The updated Monetary Penalties Guidance, which replaces the previous version, can be found [here](#). In particular, the Monetary Penalties Guidance has been updated in the following areas:

- Voluntary disclosure – OFSI has updated the section on voluntary disclosure under the “Case Assessment” chapter of the guidance;
- Appeal Tribunal process – OFSI has updated the section on right of appeal to reflect the procedure for appealing financial sanctions monetary penalties cases under the Upper Tribunal rules (as amended).

On 10 May 2018, the OFSI distributed [Guidance - Financial sanctions: guidance, FAQs and information on monetary penalties](#), which provides information on the approach OFSI takes to financial sanctions and monetary penalties for breaches in financial sanctions via links to the following publications, which may be downloaded:

- [FAQ guidance for the import and export sector](#)
- [Financial sanctions: general guidance](#)
- [Monetary penalties for breaches of financial sanctions: guidance](#)
- [FAQ guidance for the charity sector](#)
- [Financial sanctions in the UK: a quick guide](#)

For additional information, please contact [Ross Denton](#) or [Sunny Mann](#).

Legislation (legislation.gov.uk)

Date	Measure
14-05-18	SI 2018/591 - The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) (Amendment) (England) Regulations 2018
18-05-18	SI 2018/597 - The Trade Secrets (Enforcement, etc.) Regulations 2018
21-05-18	SI 2018/598 - The Passenger Name Record Data and Miscellaneous Amendments Regulations 2018
23-05-18	UK Public General Act 2018 c. 12 - Data Protection Act 2018
24-05-18	SR 2018/122 - The Common Agricultural Policy Basic Payment and Support Schemes (Revocation) Regulations (Northern Ireland) 2018
Date	Restrictive Measure
01-05-18	SI 2018/521 - The Terrorism Act 2000 (Enforcement in Different Parts of the United Kingdom) Order 2018
	SI 2018/524 - The Democratic People's Republic of Korea (Sanctions) (Overseas Territories) (Amendment) Order 2018
	SI 2018/523 - The North Korea (United Nations Sanctions) (Amendment) Order 2018
24-05-18	UK Public General Act 2018 c. 13 - Sanctions and Anti-Money Laundering Act 2018

HMRC updates

The following Public Notices, [Customs Information Papers](#) (CIPs) were issued by HM Revenue & Customs:

Release Date	Ref. No. and Subject
Tariff and Anti-Dumping Notices	
02-05-18	Tubes and pipes of ductile cast iron, originating in India (Anti-Dumping Duty 2269)
04-05-18	UK Trade Tariff: imports and community transport inwards
08-05-18	Registration of electric cycles made in China (Anti-Dumping Duty 2270)
11-05-18	Tariff Quota Notice 63 (2018): new tariff quotas for agricultural products originating in Iceland
14-05-18	Tariff Notice 17 (2018): wheelchair cushion
15-05-18	Tariff Stop Press Notice 15 (2018): changes to commodity codes in chapter 87
	New and retreaded tyres for buses and lorries, originating in China (Anti-Dumping Duty 2271)
	Tariff Quota Notice 55 (2018): new tariff quotas for agricultural products originating in the Chile
	Anti-dumping expiry review into ceramic tableware and kitchenware originating in China (Anti-Dumping Duty 2272)
21-05-18	Tariff Stop Press Notice 13 (2018): changes to commodity codes in chapter 16
23-05-18	Notice 826: tariff preferences - imports
Other Documents and Notices	
01-05-18	Declare pleasure craft on non-EU voyages leaving or arriving in the UK (C1331)
02-05-18	Notice 3001: customs special procedures for the Union Customs Code
09-05-18	Tell HMRC you've disposed of Inward Processing goods entered into the UK
	Tell HMRC you've disposed of End Use goods entered into the UK
10-05-18	Compliance checks: customs and international trade: CC/FS1g
16-05-18	Customs Civil Penalties
17-05-18	Application for transit and other simplifications: Union/Common transit, Customs status and TIR (C1343)
23-05-18	Transit Manual Supplement
24-05-18	Send a Customs Comprehensive Guarantee from an approved guarantor to HMRC

ECO Notices to Exporters, DIT, F&CO and OFSI documents

The following Export Control Joint Unit (ECJU) [Notices to Exporters](#), Department for International Trade (DIT), Foreign & Commonwealth Office (F&CO) and Office of Financial Sanctions Implementation (OFSI) documents were issued:

Date	Notice No. and Subject
01-05-18	F&CO: Sanctions and Anti-Money Laundering Bill: exceptions and licences policy note
	Notice to exporters 2018/11: OGELs amended to exclude Burma: <ul style="list-style-type: none"> • export after exhibition: dual-use items • export after repair/replacement under warranty: dual-use items • export for repair/replacement under warranty: dual-use items • low value shipments • OGEL X
03-05-18	Notice to exporters 2018/12: open general transshipment licence updated following Venezuela sanctions
08-05-18	Doing business in Iran: trade and export guide
10-05-18	OFSI: Financial sanctions: guidance, FAQs and information on monetary penalties
15-05-18	F&CO, DIT, ECJU: Guidance - Embargoes and sanctions on Iran
29-05-18	DIT/ECJU: Updated Guidance - Export military or dual use goods, services or technology: special rules

OTHER EU-EFTA COUNTRIES

Import-export related measures

The following import, export or antibribery measures were published in the on-line editions of the official gazettes of the countries shown during the period covered by this Update. [This is a partial listing, unofficial translations.] *The date shown may be the signature date, release date or publication date, depending on local practice.

Date*	Measure
ICELAND	
08-05-18	№ 456/2018 Regulation (20-04-18) on the allocation of WTO tariff quotas for imports of beef, pork, goat and poultry meat, butter, cheeses, bird eggs and their products and processed meat products.
	№ 457/2018 Regulation (20-04-18) on the allocation of customs duties for imports of agricultural products from Norway and Switzerland.
14-05-18	Law № 30 (07-05-18) about the Food Administration
15-05-18	№ 475/2018 Regulation (04-26-18) on the entry into force of the European Union Regulations on the Elimination of Technical Barriers to Trade in Wine (VIII).
23-05-18	№ 498/2018 (27-04-18) Regulation (7) amendment of Regulation no. 374/2012 of the entry into force of Commission Regulation (EU) No. 10/2011 on materials and articles made of plastics intended to come into contact with foodstuffs
	№ 499/2018 (27-04-18) Regulation (14) amendment of Regulation no. 397/2013 on the entry into force of Commission Regulation (EU) No. 231/2012 on the detailed definitions of additives in foodstuffs specified in Annex II. and III. Annex to Regulation (EC) No 2096/2004 of the European Parliament and of the Council. 1333/2008.
	№ 500/2018 (27-04-18) Regulation (19.) amendment to Regulation no. 978/2011 on the entry into force of Regulation (EC) No. 1333/2008 on food additives.
	№ 501/2018 (27-04-18) Regulation (11.) amendment of Regulation no. 105/2010 on the entry into force of Regulation (EC) No. No 854/2004 laying down specific rules for the organization of official controls on products of animal origin intended for human consumption
	№ 503/2018 (27-04-18) Regulation (88.) amendment to Regulation no. 340/2001 on feed controls
	№ 504/2018 (27-04-18) Regulation (31.) amendment of Regulation no. 672/2008 on maximum levels of pesticide residues in food and feed
	№ 505/2018 (27-04-18) (18) amendment of Regulation no. 104/2010 on the entry into force of Regulation (EC) No. No 853/2004 laying down specific hygiene rules for food of animal origin.
	№ 506/2018 Regulation (2) amendment of Regulation no. 481/2017 on the entry into force of Commission Regulation (EC) No. 1235/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 as regards arrangements for imports of organic products from third countries.
24-05-18	Law 40/2018 (16-05-18) amending the Patents Act, No. 17/1991, with subsequent amendments (EEA rules, medicines for children, etc.).
	№ 510/2018 (08-05-18) Regulation about explosives and precursors for explosives
25-05-18	№ 41/2018 (23-05-18) Law amending the Electronic Communications Act, no. 81/2003, with subsequent amendments (EEA rules, network integrity, CE marking of electronic equipment)
	№ 522/2018 (06-04-18) Regulation on the implementation of Council Regulation (EC) No. 1419/2006 of 25 September 2006 repealing Regulation (EEC) No. 4056/86 laying down detailed rules for the application of Articles 85 and 86. of the Treaty with regard to maritime transport and amending Regulation (EC) No. 1/2003 as regards the extension of its scope so that it concerns the transport of goods and international services by cargo vessels.

Date*	Measure
IRELAND (EIRE)	
01-05-18	S.I. No. 132 of 2018 European Union (Manufacture, Presentation and Sale of Tobacco and Related Products) (Amendment) Regulations 2018
04-05-18	S.I. No. 136 of 2018 European Union (Personal Protective Equipment) Regulations 2018
	S.I. No. 138 of 2018 Sugar Sweetened Drinks Tax (Electronic Transmission of Returns) (Specified Provisions and Appointed Day) Order 2018
	S.I. No. 139 of 2018 Sugar Sweetened Drinks Tax Regulations 2018
	S.I. No. 145 of 2018 Animal Health and Welfare (Export) Regulations 2018
LIECHTENSTEIN	
03-05-18	LGBI № 2018.080 Free trade agreement between the EFTA States and the Philippines (LR № 0.632.311.741)
LUXEMBOURG	
03-05-18	Mem A 344: Law of 27 April 2018 approving the Partnership Agreement on relations and cooperation between the European Union and its Member States, of the one part, and New Zealand, of the other part, done in Brussels , October 5, 2016.
NORWAY	
02-05-18	FOR-2018-04-28-646 Ministry of Agriculture and Food Regulations amending the regulation on alcoholic strength and aromatized beverages, etc.
03-05-18	FOR-2018-04-30-666 Ministry of Agriculture and Food Regulations concerning change in pesticide regulation
07-05-18	FOR-2018-04-30-686 Ministry of Health and Care Services Regulations amending the Regulation on Food Additives
22-05-18	FOR-2018-05-11-732 Ministry of Health and Care Services, Ministry of Food and Fisheries, Ministry of Agriculture and Food Regulations amending the Regulation on additives for use in feedstuffs
24-05-18	FOR-2018-05-22-746 Ministry of Agriculture and Food Regulations concerning change in pesticide regulation
25-05-18	FOR-2018-04-26-752 Ministry of Agriculture and Food Regulations amending the Regulations on Combating Animal Diseases and Other Animal Health Regulations
POLAND	
09-05-18	№ 855 Regulation of the Minister of Infrastructure of 18 April 2018 amending the regulation on the technical conditions of vehicles and the scope of their necessary equipment
21-05-18	№ 952 Announcement of the Minister of Interior and Administration of 17 April 2018 regarding the publication of a uniform text of the Regulation of the Minister of Interior and Administration regarding the method of determining the territorial coverage of border crossings
22-05-18	№ 959 Regulation of the Minister of Finance of 16 May 2018 regarding the receipt of reports of breaches of anti-money laundering and terrorist financing regulations
25-05-18	№ 1012 Regulation of the Minister of Internal Affairs and Administration of 22 May 2018 regarding specification of data protocols and formats used by air carriers to transfer PNR data to the National Passenger Information Unit
SPAIN	
14-05-18	Protocol to the Framework Agreement for Collaboration and Cooperation between the European Union and its Member States, on the one hand, and the Republic of the Philippines, on the other, to take into account the accession of the Republic of Croatia to the European Union, done in Brussels on January 15, 2015. (BOE-A-2018-6397)
19-05-18	ECONOMY, INDUSTRY AND COMPETITIVENESS: Resolution of May 3, 2018, of the General Directorate of Industry and of Small and Medium-Sized Enterprises, publishing the list of European standards that have been ratified during the month of April 2018 as Spanish standards. (BOE-A-2018-6716)
	ECONOMY, INDUSTRY AND COMPETITIVENESS: Resolution of May 3, 2018, of the General Directorate of Industry and of the Small and Medium-Sized Company, by which the list of annulled UNE regulations is published during the month of

Date*	Measure
	<p>April 2018. (BOE-A-2018-6717)</p> <p>ECONOMY, INDUSTRY AND COMPETITIVENESS: Resolution of May 3, 2018, of the General Directorate of Industry and of Small and Medium-Sized Enterprises, publishing the list of UNE standards approved by the Spanish Association for Standardization, during the month of April 2018. (BOE-A-2018-6718)</p> <p>ECONOMY, INDUSTRY AND COMPETITIVENESS: Resolution of May 3, 2018, of the General Directorate of Industry and of Small and Medium-Sized Enterprises, by which the UNE standards projects that the Spanish Standardization Association has in process, corresponding to the month of April, are submitted to public information. of 2018. (BOE-A-2018-6719)</p> <p>ECONOMY, INDUSTRY AND COMPETITIVENESS: Resolution of May 3, 2018, of the General Directorate of Industry and of the Small and Medium-Sized Enterprises, whereby European and international standards projects that have been processed as UNE standard projects by the Spanish Association are submitted to public information. of Normalization, corresponding to the month of April 2018. (BOE-A-2018-6720)</p>
24-05-18	<p>HEAD OF STATE: Correction of errors of Law 9/2017, of November 8, on Contracts of the Public Sector, by which the Directives of the European Parliament and Council 2014/23 / EU and 2014/24 /EU are transposed into the Spanish legal system, of February 26, 2014. (BOE-A-2018-6892)</p> <p>PRESIDENCY: Order PRA / 516/2018, of May 22, which modifies the annex II of Royal Decree 1205/2011, of August 26, on the safety of toys. (BOE-A-2018-6896)</p>
SWITZERLAND	
01-05-18	<p>Ordinance of the FDF on goods benefiting from customs relief according to their use (Ordinance on Customs Relief, OADou) (RS 631.012)</p> <p>Ordinance on Energy Efficiency Requirements for Serially Manufactured Facilities, Vehicles and Appliances (OEEE Ordinance on Energy Efficiency Requirements) (RS 730.02)</p> <p>FSIV Ordinance instituting measures to prevent the introduction of avian influenza present in certain Member States of the European Union (RS 916.443.102.1)</p>
04-05-18	<p>FSVO Order instituting measures to prevent the introduction into Switzerland of African swine fever present in certain Member States of the European Union (RS 916.443.107)</p>
14-05-18	<p>FSIV Ordinance instituting measures to prevent the introduction of avian influenza present in certain Member States of the European Union (RS 916.443.102.1)</p>
15-05-18	<p>Decision o 1/2018 of the EU-Switzerland Joint Committee amending Tables III and IV of Protocol o 2 of the Agreement between the Swiss Confederation and the European Economic Community of 22 July 1972, as amended (RS 0.632.401.2)</p>
17-05-18	<p>Ordinance of the DFI regulating the import, transit and export of animals and animal products with third countries (OITE-PT-DFI) (RS 916.443.106)</p>
23-05-18	<p>Ordinance on the progressive introduction of free movement of persons between the Swiss Confederation and the European Union and its Member States and between the Member States of the European Association Free Trade Agreement (Ordinance on the Introduction of Free Movement of Persons, OLCP) (RS 142.203)</p> <p>Ordinance on customs duties applicable to goods in trade with the Free Trade Partner States (except the EU and EFTA Member States) (Free Trade Order 2) (RS 632.319)</p> <p>Order Fixing Preferential Tariffs for Developing Countries (Ordinance on Tariff Preferences) (RS 632.911)</p> <p>Ordinance on the Animal Trafficking Database (BDTA Ordinance) (RS 916.404.1)</p> <p>Ordinance on Fees for Trafficking in Animals (OEmol-TA) (RS 916.404.2)</p>
25-05-18	<p>FSVO Order instituting measures to prevent the introduction in Switzerland of African swine fever present in certain Member States of the European Union (RS 916.443.107)</p>

Restrictive measures established, amended, corrected

The following restrictive measures (grouped by country) were established, amended or corrected and published in the national official journals or agency websites during the period covered by this Update. [This is a partial listing, unofficial translations.] *The date shown may be the signature date, release date or publication date, depending on local practice.

Date*	Restrictive Measure
IRELAND (EIRE)	
04-05-18	S.I. No. 140 of 2018 European Union (Restrictive Measures concerning Libya) (No. 2) Regulations 2018
	S.I. No. 141 of 2018 European Union (Restrictive Measures concerning Somalia) (No. 2) Regulations 2018
	S.I. No. 142 of 2018 Criminal Justice (Terrorist Offences) Act 2005 (Section 42) (Restrictive Measures concerning Certain Persons and Entities Associated with the ISIL (Da'esh) and Al-Qaida Organisations) (No. 2) Regulations 2018
	S.I. No. 143 of 2018 European Union (Restrictive Measures concerning Belarus) Regulations 2018
	S.I. No. 144 of 2018 European Union (Restrictive Measures concerning Ukraine) Regulations 2018
	S.I. No. 146 of 2018 Criminal Justice (Terrorist Offences) Act 2005 (Section 42) (Restrictive Measures concerning Certain Persons and Entities with a view to Combating Terrorism) Regulations 2018
	S.I. No. 147 of 2018 European Union (Restrictive Measures concerning Egypt) Regulations 2018
LIECHTENSTEIN	
09-05-18	LGBI № 2018.085 Order of 8 May 2018 amending the Regulation on measures against the Democratic People's Republic of Korea (LR № 946.223.1)
25-05-18	LGBI № 2018.089 Order of 22 May 2018 amending the Regulation on measures against Myanmar (LR № 946.222.3)
	LGBI № 2018.090 Order of 22 May 2018 amending the Regulation on measures to prevent the circumvention of international sanctions in relation to the situation in Ukraine (LR № 946.224.2)
	LGBI № 2018.093 through 2018.096 Various EEA Joint Committee decisions
	LGBI № 2018.097 Announcement of 22 May 2018 of the Swiss legislation applicable pursuant to the customs agreement in the Principality of Liechtenstein (Annexes I and II) (LR № 170.551.631)
LUXEMBOURG	
08-05-18	Mem A 354: Grand-Ducal Regulation of 1 May 2018 Licensing the Exportation, Transit and Importation of Certain Goods, and the Supply and Acquisition of Technical Assistance and Brokerage Services to the Democratic People's Republic from Korea.
	Mem A 355: Grand-Ducal Regulation of 1 May 2018 repealing the Grand-Ducal Regulation of 31 May 2015, subjecting the export and transit of certain goods to Côte d'Ivoire to a license.
	Mem A 356: Grand-Ducal Regulation of 1 May 2018 concerning restrictive measures in respect of certain goods originating in Crimea or Sevastopol.
	Mem A 357: Grand-Ducal Regulation of 1 May 2018 prohibiting the export of certain goods, and the provision of technical assistance and brokerage services against ISIL (Da'esh) and Al-Qaida and persons groups, companies and associated entities.
	Mem A 358: Grand-Ducal Regulation of 1 May 2018 amending the Grand-Ducal Regulation of 4 May 2016, licensing the import, export and transit of certain originating goods from or to Iran, as well as technical assistance and brokerage services.
	Mem A 359: Grand-Ducal Regulation of 1 May 2018 licensing the import, export and exchange of certain originating goods from or to Iraq.
	Mem A 360: Grand-Ducal Regulation of May 1, 2018, licensing the export of certain goods and technical assistance, brokerage services and other services

Date*	Restrictive Measure
	to Lebanon. Mem A 361: Grand-Ducal Regulation of May 1, 2018 repealing the Grand-Ducal Regulation of May 31, 2015, subjecting the export and transit of certain goods to a license and the provision of assistance services to Liberia. Mem A 362: Grand-Ducal Regulation of 1 May 2018 licensing the export, transit and importation of certain goods, and the supply and acquisition of technical assistance and brokerage services to Libya. Mem A 363: Grand-Ducal Regulation, 1 May 2018, subjecting the export of certain goods to a license and the provision of technical assistance and brokerage services to Myanmar / Burma. Mem A 364: Grand-Ducal Regulation of 1 May 2018 licensing the export of certain goods and the provision of technical assistance and brokerage services to the Democratic Republic of the Congo. Mem A 365: Grand-Ducal Regulation of 1 May 2018 concerning restrictive measures relating to certain goods bound for Russia. Mem A 366: Grand-Ducal Regulation May 1, 2018 licensing the export, transit and importation of certain goods, and the provision and acquisition of technical assistance and brokerage services to Syria. Mem A 367: Grand-Ducal Regulation of 1 May 2018 prohibiting the export of certain goods, and the provision of technical assistance services to designated persons in Yemen. Mem A 368: Grand-Ducal Regulation of 1 May 2018 licensing the export and transit of certain goods and the provision of technical assistance and brokerage services to Zimbabwe.
NORWAY	
11-05-18	FOR-2018-05-09-706 Ministry of Foreign Affairs Regulations amending the Regulations on sanctions and restrictive measures against North Korea
POLAND	
23-05-18	№ 980 Decree of the Minister of Finance of April 24, 2018 regarding the publication of a uniform text of the Regulation of the Minister of Finance on cases and procedures for the refund of tax on goods and services to armed forces, multinational units and commands and their civilian personnel
SWITZERLAND	
14-05-18	Amendment to the Ordinance of 2 October 2000 instituting measures against persons and entities related to Osama bin Laden, the "Al Qaeda" group or the Taliban (RS 946.203) [Entered into force 09-05-18]
22-05-18	Amendment to the Ordinance of 27 August 2014 instituting measures to prevent the circumvention of international sanctions in relation to the situation in Ukraine (RS 946.231.176.72) [Entered into force 23-05-18]
23-05-18	Amendment of 25 April 2018 to the Ordinance instituting measures against the Democratic People's Republic of Korea (RS 946.231.127.6) [Erratum]
24-05-18	Amendment of 24 May 2018 to the Ordinance of 18 May 2016 instituting measures against the Democratic People's Republic of Korea (RS 946.231.127.6) [Entered into force on 23-05-18]
30-05-18	Amendment of 30 May 2018 to the Order of 2 October 2000 instituting measures against persons and entities related to Osama bin Laden, the "Al Qaeda" group or the Taliban (RS 946.203) [Entered into force on 29-05-18]

Non EU-EFTA European Countries

TURKEY

Legislation (laws, resolutions, orders, etc.)

The following documents were published in the on-line [T.C. Resmî Gazete](#).

Date	Subject
02-05-18	Communiqué on the Amendment of the Communiqué on Procedures and Principles on the Implementation of Additional Customs Duties on Import (Import:

Date	Subject
	2017/4
	Communiqué on the Amendment of Customs General Communiqué (Customs Transactions) (Serial No: 105) (Customs Transactions) (Serial No: 150)
	Import Control Statement of Vehicle Parts (Product Safety and Control: 2018/25)
	Communiqué on the Amendment of the Regulation on Processing in the Inward (Export: 2006/12) (Export: 2018/1)
	Communiqué Pertaining to the Amendment of the Communiqué Pertaining to the Determination of the Provincial Food, Agriculture and Animal Husbandry Authorities Authorized to Perform Official Control with the Customs Administrations Authorized to Enter Certain Products Subject to the Control of Food, Agriculture and Livestock Ministry
03-05-18	Communiqué Pertaining to the Amendment of the Communiqué on the Implementation of Imports Surveillance (Communiqué No: 2017/2)
	Communiqué on the Implementation of Imports Surveillance (No: 2018/7)
04-05-18	Communiqué on the Prevention of Unfair Competition in Imports (No: 2018/17)
05-05-18	Communiqué on the Prevention of Unfair Competition in Imports (No: 2018/16)
10-05-18	Regulation on the Amendment of the Regulation on Market Surveillance and Inspection of the Ministry of Customs and Trade
	Decisions of the Supreme Election Board dated 09/05/2018 and numbered 418 and Announcement No. 145 of the Election Commission on Temporary Customs Gates at the Customs Gates and the Duties and Authorities of the Election Boards and the Fund Boards and the Voting Procedures at the Customs Gates
16-05-18	Communiqué on the Implementation of Tariff Procurement for the Importation of Certain Agricultural and Processed Agricultural Products Originating in Bosnia and Herzegovina
	Communiqué on the Implementation of Imports Surveillance (No: 2018/6) [GTIP 8481]
20-05-18	Communiqué on Customs General Communiqué (Customs Transactions) (Series No: 103) on the Amendment of Customs Procedures (Serial No: 151)
22-05-18	Communiqué on the Prevention of Unfair Competition in Imports (No: 2018/18)
	Communiqué on the Prevention of Unfair Competition in Imports (No: 2018/21)
23-05-18	Communiqué on the Implementation of Imports Surveillance (No: 2018/9) [GTIP 4010]
	General Customs Declaration (Customs Transactions) (Serial No: 148)
	General Customs Declaration (Customs Transactions) (Serial No: 149)
24-05-18	Communiqué on the Prevention of Unfair Competition in Imports (No: 2018/19)
	Communiqué on the Prevention of Unfair Competition in Imports (No: 2018/20)
25-05-18	Communiqué Pertaining to the Implementation of the Decree on Additional Financial Obligations on the Importation of Certain Products Committed by the Decision of the Council of Ministers No 2017/10926

UKRAINE

Ukraine imposes new sanctions against Russia

On 14 May 2018, the President of Ukraine enacted a [decision](#) of the Ukrainian National Security and Defense Council (the “NSDC”) imposing new and extending existing sanctions against certain Russian companies and individuals (the “Decision”). [[Decree of the President of Ukraine No. 126/2018 dated 14 May 2018 enacting the NSDC’s Resolution dated 2 May 2018 “On Imposition and Cancellation of Personal Special Economic and Other Restrictive Measures \(Sanctions\)”](#).]

The details of the new Ukrainian sanctions enacted by the President of Ukraine on 14 May 2018 were announced on 24 May 2018 to become effective upon their official publication next week.

The new sanctions will significantly extend the Ukrainian sanctions program against Russia by placing more than 400 companies and 1000 individuals including:

- Russian oil and gas companies Rosneft, Lukoil and Transoil;
- major Russian producers of fertilizers, such as PhosAgro PJSC, EuroChem Mineral and Chemical Company, United Chemical Company “Uralkhim”;
- companies related to the WebMoney online payment settlement system, such as WM Transfer Ltd (Lithuania), BMP Ltd (Russia), WebMoney.Ru Ltd (Russia), WebMoney Europe Ltd (the United Kingdom), Amstar Holdings Limited (Hong Kong), etc. (The sanctions also prohibit Internet providers to give access to the resources and services of WebMoney.);
- Gaz Alliance Ltd, Coal Technologies Ltd and other Russian companies related to supply of coal from the territories of Donetsk and Luhansk regions currently under the control of Donetsk and Luhansk People’s Republics;
- JSC «Moldavian Metallurgical Plant»;
- Moscow Exchange MICEX-RTS; and
- representative offices in Ukraine of “Financial company Elmi”, “VM-Factor”, “Paymaster”,

on the sanctions list with a broad range of sanctions measures (freeze of assets, restrictions on financial and trade operations) applying to them.

The new Ukrainian sanctions partially reflect the US sanctions placed on prominent Russian businessmen Oleg Deripaska, Igor Rotenberg, Vladimir Bogdanov, Suleiman Kerimov, Viktor Vekselberg, Andrey Kostin, Gazprom CEO Alexey Miller and Ukrainian oligarch Sergii Kurchenko.

Importantly, the sanctions program adopted by Ukraine in May 2017 [Decree of the President of Ukraine No. 133/2017 from 15 May 2017 enacting the NSDC’s Resolution dated 28 April 2017 “*On Imposition of Personal Special Economic and Other Restrictive Measures (Sanctions)*”] continues to apply to 113 companies and 531 individuals for another three years, while the sanctions on certain Ukrainian banks which have capital from Russian state-owned banks remain effective till March 2019 [Decree of the President of Ukraine No. 57/2018 from 6 March 2018 enacting the NSDC’s Resolution dated 1 March 2017 “*On Imposition of Personal Special Economic and Other Restrictive Measures (Sanctions)*”].

Earlier the President of Ukraine announced that the new sanctions will be harmonized with the US sanctions, including the sanctions placed by the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) on 6 April 2018 against Oleg Deripaska. The new set of sanctions would target persons doing business in the Crimea and supplying weapons to Russia.

For additional information, please contact the author, [Hanna Shtepa](#).

Legislation (laws, resolutions, orders, etc.)

The following Ukrainian Laws (*Закон України*), Resolutions (*Постанова*), Presidential Decrees (*Указ Президента*), Decrees of the Cabinet of Ministers (*Розпорядження Кабінету Міністрів України*), Regulations (*Положення*), Agency Orders (*Наказ*) and other pieces of legislation were posted on the [Parliamentary \(Верховної Ради\) website](#) during the period of coverage of this Update:

Date	Subject
04-05-18	On the Delegation of Ukraine to participate in the negotiations between Ukraine and the Republic of Macedonia on the revision of the provisions of the Free Trade Agreement between Ukraine and the Republic of Macedonia Decree of the President of Ukraine; The composition of the collegial body of 04.05.2018 number 118/2018
14-05-18	About the delegation of Ukraine to participate in the sessions of the Executive Council of the Organization for the Prohibition of Chemical Weapons ; Decree of the President of Ukraine; Composition of the collegial body dated May 14, 2018, No. 125/2018
	On the decision of the Council of National Security and Defense of Ukraine dated May 2, 2018 "On the Application and Revocation of Personal Special Economic and Other Restrictive Measures (Sanctions)" Decree of the President of Ukraine dated May 14, 2018 No. 126/2018
15-05-18	On adoption of the draft Law of Ukraine on amendments to certain laws of Ukraine regarding the prohibition of the use of palm oil in the production of food products . Resolution of the Supreme Council of Ukraine dated May 15, 2018 No. 2420-VIII
19-05-18	On the decision of the Council of National Security and Defense of Ukraine dated May 2, 2018 "On termination of certain international agreements entered into within the Commonwealth of Independent States for Ukraine" Decree of the President of Ukraine dated May 19, 2018 No. 139/2018
23-05-18	On Approval of the Action Plan for 2018 on the Establishment of the Ukrainian Border Pillar of the Border Sign " Order of the Cabinet of Ministers of Ukraine; Plan, Events dated May 23, 2018 No. 351-p

Eurasian Economic Union (EAEU)

Decisions and recommendations of the Eurasian Economic Commission

The following Eurasian Economic Commission (EEC) decisions and recommendations have been posted in the documents section of the [Eurasian Economic Commission documentation page](#). In general, only *Решения, Распоряжение* and Recommendations having a direct effect on international traders are listed.

Publication Date	Title
Council Regulations/Orders	
15-05-18	№ 11 (16-02-18) About the draft Agreement on the circulation of products within the framework of the Eurasian Economic Union products, the requirements for which are not established by the technical regulations of the Eurasian Economic Union, and the rules for ensuring the safety of such products
	№ 12 (30-03-18) On the Draft Protocol on Amendments to the Agreement on Accession of the Kyrgyz Republic to the Treaty on the Eurasian Economic Union of May 29, 2014, signed on December 23, 2014
17-05-18	№ 15 (18-04-18) On the elaboration of the initiative on the introduction of electronic accompanying documents and their mutual recognition in the member states of the Eurasian Economic Union
Board (Коллегии) of the Eurasian Economic Commission Решения	
04-05-18	№ 58 (17-04-18) On the approval of the form of the preliminary decision on the classification of goods, the procedure for its completion and the introduction of changes (additions) to such a preliminary decision
14-05-18	№ 67 (10-05-18) On Amending the Single Commodity Nomenclature for Foreign Economic Activity of the Eurasian Economic Union and the Unified Customs Tariff of the Eurasian Economic Union with respect to certain types of LED light sources, as well as the Decision of the Board of the Eurasian Economic Commission of April 19, 2016 No. 36
	№ 68 (10-05-18) On approval of the Procedure for assessing the consequenc-

Publication Date	Title
	<p>es of the impact of a special protective, anti-dumping or compensation measure on competition in the relevant commodity market of the Eurasian Economic Union</p> <p>№ 69 (10-05-18) On the Approval of the Requirements for the Investigation of the Stability of Drugs and Pharmaceutical Substances</p> <p>№ 70 (10-05-18) On the classifier of the types of work and services that make up medical activity</p> <p>№ 71 (10-05-18) About the directory of international non-proprietary names of medicines</p> <p>№ 72 (10-05-18) On the procedure for introducing changes into the technical regulations of the Customs Union "Food products in terms of labeling" (TR TS 022/2011)</p> <p>№ 73 (10-05-18) On the classification of the ventilation supply unit with water non-electric heating in accordance with the single Commodity Nomenclature for Foreign Economic Activity of the Eurasian Economic Union</p> <p>№ 74 (10-05-18) On the implementation of the pilot project on the formation of a system for informing about products that do not meet the requirements of the technical regulations of the Eurasian Economic Union</p> <p>№ 75 (10-05-18) On approval of the list of products for which the submission of a customs declaration is accompanied by the submission of a document on the assessment of compliance with the requirements of the technical regulations of the Eurasian Economic Union "On the safety of packaged drinking water, including natural mineral water" (TR EAES 044/2017) or information about such a document</p> <p>№ 76 (10-05-18) On Amending the Decision of the Commission of the Customs Union of May 28, 2010 No. 299</p> <p>№ 77 (10-05-18) On the recognition of invalidation of certain decisions of the Commission of the Customs Union</p>
22-05-18	<p>№ 78 (22-05-18) On Amending the Decision of the Board of the Eurasian Economic Commission of April 17, 2018 No. 58</p>
25-05-18	<p>№ 79 (22-05-18) On introducing amendments to the supplementary note of the Eurasian Economic Union 1 to group 96 of the Unified Commodity Nomenclature for Foreign Economic Activities of the Eurasian Economic Union</p> <p>№ 80 (22-05-18) On the recognition of invalidation of certain decisions of the Commission of the Customs Union</p> <p>№ 81 (22-05-18) On Amending the Decision of the Commission of the Customs Union of September 20, 2010 No. 378</p> <p>№ 82 (22-05-18) On approval of the Regulation on the specifics of determining the customs cost of waste</p> <p>№ 83 (22-05-18) On the calculation of additional charges in determining the customs value of goods</p> <p>№ 84 (22-05-18) On the fulfillment by the Republic of Belarus of obligations within the framework of the functioning of the internal market of the Eurasian Economic Union</p> <p>№ 85 (22-05-18) On technological documents regulating information interaction when implemented through the integrated information system of external and mutual trade of the general process "Formation, maintenance and use of a single register of varieties of agricultural plants"</p> <p>№ 86 (22-05-18) On Amending the Single Commodity Nomenclature for Foreign Economic Activity of the Eurasian Economic Union and the Unified Customs Tariff of the Eurasian Economic Union with respect to certain types of radiators for central heating, as well as the Decision of the Board of the Eurasian Economic Commission of April 19, 2016 No. 36</p> <p>№ 87 (22-05-18) On the establishment of rates of import customs duties of the Single Customs Tariff of the Eurasian Economic Union in respect of certain types of raw materials of mineral origin containing precious metal or compounds of precious metals and on making changes to the list of goods in respect of which the Republic of Kazakhstan in accordance with the obligations accepted as a condition accession to the World Trade Organization, import</p>

Publication Date	Title
	customs duties are applied, which are lower compared to the rates of the Single customs tariff of the Eurasian Economic Union, and the size of such rates of duties
31-05-18	№ 88 (29-05-18) On Amending Paragraph 2 of the Decision of the Board of the Eurasian Economic Commission of September 22, 2015 No. 122
	№ 89 (29-05-18) On the Introduction of Amendments to Certain Decisions of the Collegium of the Eurasian Economic Commission Regarding the Structures and Formats of Customs Documents
	№ 90 (29-05-18) On the application of the anti-dumping measure by imposing an anti-dumping duty on herbicides originating in the European Union (EU countries) and imported into the customs territory of the Eurasian Economic Union
Board Распоряжение	
14-05-18	№ 85 (10-05-18) On Amending the Working Group on Ensuring the Functioning of a Single Market for Services within the Eurasian Economic Union
Board Recommendations	
14-05-18	№ 4 (10-05-18) On the Introduction of Amendments to Volume VI of the Explanations to the Unified Commodity Nomenclature for Foreign Economic Activity of the Eurasian Economic Union
	№ 5 (10-05-18) On the Introduction of Amendments to Volume VI of the Explanations to the Unified Commodity Nomenclature for Foreign Economic Activities of the Eurasian Economic Union
	№ 6 (10-05-18) About the Guide to the Quality of Medicinal Herbal Preparations
25-05-18	№ 7 (22-05-18) On the Introduction of Amendments to Volume VI of the Explanations to the Unified Commodity Nomenclature for Foreign Economic Activity of the Eurasian Economic Union

Classification decisions adopted by the Commission and preliminary decisions adopted by the States-Members

The Commission has posted a table which provides a [collection of classification decisions](#) under the common tariff adopted by the Commission. A separate website exists for [preliminary decisions on the classification of goods adopted by the customs authorities of states - members](#) of the Eurasian Economic Union. It was last updated 22 May 2018. The table lists the tariff codes, a description, rationale (GRIs) for the decision.

BELARUS

Preliminary decisions on tariff classification

The State Customs Committee maintains a [searchable database of preliminary decisions on the tariff classification of goods](#) (*База данных товаров, в отношении которых принято предварительное решение о классификации*). The database has been updated through April 2018. It may be searched by tariff code or description (in Russian).

RUSSIAN FEDERATION

Update on Russia's proposed new counter-sanctions

The Russian government is preparing to introduce new counter-measures in response to US and EU sanctions.

Draft Bill on Russian Countermeasures

In early May, the State Duma decided to amend Draft Bill No. 441399-7 “On Measures (Countermeasures) in Response to Unfriendly Actions of the USA and (or) other Foreign States” (“Draft on Countermeasures”).

As opposed to the initial version of the Draft on Countermeasures, the new version proposes the following five measures:

1. Termination or suspension of international cooperation between Russia and Russian legal entities and US and/or other “unamicable” foreign states, including entities that are more than 25% directly or indirectly owned by entities under the jurisdiction of the US and/or other foreign states, relating to sectors determined under a separate decision of the Russian President.
2. Prohibition or restriction on the import of products and/or raw materials into Russia originating from the US and/or other foreign states or manufactured by entities that are more than 25% directly or indirectly owned by entities under the jurisdiction of the US and/or other foreign states. The list of products and/or raw materials shall be determined by the Russian Government.
3. Prohibition or restriction on the export from the Russian Federation of products and/or raw materials by (a) citizens of the US and/or other foreign states and/or (b) entities that are more than 25% directly or indirectly owned by entities under the jurisdiction of the US and/or other foreign states. The list of products and/or raw materials shall be determined by the Russian Government.
4. Prohibition or restriction on access, directly or indirectly, to public procurement for providers of works/services that are more than 25% directly or indirectly owned by entities under the jurisdiction of the US and/or other foreign states. The list of particular works/services prohibited from public procurement shall be determined by the Russian Government.
5. Prohibition or restriction on participation in privatization of state or municipal property for US persons and persons of other foreign states, including entities that are more than 25% owned by entities under the jurisdiction of the US and/or other foreign countries. Prohibition or restriction for such persons from (a) providing works/services for the organization of sale of federal property in the name of the Russian Federation and/or (b) fulfilling functions as a seller of federal property.

If the Draft on Countermeasures is enacted, the Russian President will be in the position to implement any other measures against “unamicable” foreign states and their persons (citizens and entities) even if such measures are not expressly provided for in the Draft.

On May 17, 2018 Draft Bill No. 441399-7 was approved by the State Duma of the Russian Federation in the second reading. The scope of the proposed countermeasures remained unchanged. According to preliminary information, the third reading of the Draft on Countermeasures should be held on May 22, 2018.

Draft Bill on Criminal Liability for Compliance with Sanctions

In a related development, on 14 May 2018 Russian lawmakers filed Draft Bill No. 464757-7 “On Amendments to the Criminal Code of the Russian Federation” (“Draft”), envisaging criminal liability for complying with Western sanctions.

The Draft introduces Article 284.2 of the Russian Criminal Code, which envisages criminal liability for the following types of crimes:

1. Actions (or omission to act) aimed at fulfillment of a decision of a foreign state, union of foreign states or international organization to impose restrictive measures against Russia, its citizens and legal entities (including “controlled”

public and private entities) if such actions (omission to act) lead to the restriction or refusal to fulfil “ordinary economic operations or transactions” by Russia, its citizens and legal entities. The liability for such crime ranges from a fine of up to RUB 600,000 (approx., USD 10,000) to up to four years of imprisonment with a fine of up to RUB 200,000 (approx. USD 3,300).

2. Willful actions of a Russian citizen that contribute to the imposition of restrictive measures by a foreign state, union of foreign states, international organization on Russian public and private entities (including their controlled entities). Such willful actions may involve recommendations and provision of information that led to the imposition of such restrictive measures. Liability for such crime ranges from a fine of up to RUB 500,000 (approx. USD 8,300) to up to three years of imprisonment with a fine of up to RUB 200,000 (approx. USD 3,300).

The Draft is formulated rather broadly and provides for broad definitions of “ordinary economic operations or transactions” and “controlled” public and private entities. If the Draft is enacted, the risk of criminal prosecution will arise for all senior managers of companies that have a presence in Russia if such managers take the decision to terminate or suspend contractual obligations with Russian counterparties. In certain cases, refusal to enter into a new contract with a Russian counterparty could also carry the risk of criminal prosecution in Russia.

This bill was expected to be considered in its second reading on May 17, 2018. The second reading was postponed because the State Duma received a lot of negative comments from the Russian business community in connection with this Draft. The Draft is expected to be modified to satisfy these concerns. According to preliminary information, the Draft will be discussed by the Council of the State Duma on May 23, 2018.

Draft Bill on Administrative Liability for Compliance with Sanctions

Furthermore, Russian lawmakers also intend to introduce a draft bill proposing administrative liability for legal entities that comply with anti-Russian sanctions in Russia. It is expected that such draft bill will be filed with the Russian Parliament and enacted by the end of May 2018. According to preliminary information reported by the Russian media, the administrative violation at issue might be penalized with a fine of up to RUB 50 mln. (approximately USD 804,588). The text of the draft bill has not been officially published.

For additional information, please contact the authors, [Alexander Bychkov](#), [Vladimir Efremov](#), [Sergei Voitishkin](#) and [Maxim Kalinin](#).

Legislation (acts, resolutions, orders, etc.)

The following Russian Federation (RF) Acts, Government Resolutions/Decrees (Постановление Правительства) (GR), Federal Customs Service (FCS) Orders and other pieces of legislation were published in the [Rossiyskaya Gazeta](#) or the Official Portal for Legal Information ([Официальный интернет-портал правовой информации](#)) during the period of coverage of this *Update*:

Date of Publication	Subject
04-05-18	Order of the Government of the Russian Federation No. 802-r of April 28, 2018, "On the signing of the Agreement on Trade and Economic Cooperation between the Eurasian Economic Union and its Member States, on the one hand, and the People's Republic of China, on the other"
06-05-18	Decree No. 541 of the Government of the Russian Federation of 04.05.2018

Date of Publication	Subject
	“On Submission to the President of the Russian Federation of a Proposal for the Agreement on International Treaties of the Eurasian Economic Union with Third Countries, International Organizations or International Integration Associations”
08-05-18	Order of the Federal Customs Service of December 8, 2017 No. 1943 “On the approval of the procedure for authorized customs officials in the seizure and destruction of agricultural products, raw materials and food included in the list of agricultural products, raw materials and food products originating in the United States of America, the countries of the European Union, Canada, Australia, the Kingdom of Norway, Ukraine, the Republic of Albania, Montenegro, the Republic of Iceland and the Principality of Liechtenstein, and which, as of December 31, 2018, are prohibited from being imported into the Russian Federation, Decree of the Government of the Russian Federation dated August 7, 2014 № 778, as well as the approval of the form and procedure for filling, registration and storage of acts (protocols) on the fact of withdrawal of acts of the destruction of these products, raw materials and food, form logs of such acts “ (Registered on May 7, 2018 № 50998)
14-05-18	Decree of the Government of the Russian Federation of 10.05.2018 No. 562 “On submitting to the President of the Russian Federation a proposal to sign the Protocol on Amendments to the Treaty on Accession of the Kyrgyz Republic to the Treaty on the Eurasian Economic Union of May 29, 2014, signed on December 23, 2014”
18-05-18	Decree of the Government of the Russian Federation No. 581 of 16.05.2018 “On Amendments to the Regulations on the Transfer by Customs Bodies to the Central Bank of the Russian Federation and Authorized Banks in Electronic Form of Information Regarding Goods Declared by Customs Authorities”
22-05-18	Decree of the Government of the Russian Federation No. 584 of May 19, 2018 “On the establishment of border crossing points across the state border of the Russian Federation in the Far Eastern Federal District for the departure of certain categories of goods from the Russian Federation outside the customs territory of the Eurasian Economic Union”

Middle East and North Africa

ISRAEL

Modernized Canada-Israel FTA signed

[Please see article under CANADA, above.](#)

Revised US-Israel FTA Certificate of Origin requirements

[Please see article under UNITED STATES, above](#)

Africa (Except North Africa)

Africa Continental Free Trade Area moves ahead

As we reported in [our April Update](#), [44 African governments](#) signed onto the legally-binding *Africa Continental Free Trade Area* (AfCFTA) during an extraordinary AU summit this past March. The AfCFTA is intended to lead to greater economic integration between African countries and drive continental economic growth.

On May 23, 2018, the US Foreign Agricultural Service in Addis Ababa [reported](#) that in May, Kenya and Ghana ratified the AfCFTA, while other countries, like Rwanda, Niger, and Ethiopia, have indicated they will ratify soon. The report said, in part:

At the [ceremony to mark Kenya and Ghana's joint deposit of ratification instruments](#), the AU Commission (AUC) Chairperson expressed his hope that 20 other AfCFTA signatories will ratify before the end of the year. At least 22 countries must ratify before the agreement can go into effect. Following ratification, individual countries must make domestic legislation and policy changes to begin implementing their AfCFTA commitments. At this stage, AfCFTA negotiators are continuing their work on various implementing details, including rules of origin, sanitary and phytosanitary requirements, and technical barriers to trade. With respect to tariff schedules, the framework agreement aims to progressively liberalize 90 percent of individual countries' tariff lines. Participating countries are expected to submit their individual tariff schedules by January 2019. Phase II negotiations, scheduled for 2019, will cover intellectual property rights, investment policy, and competition policy.

Considering the remaining work to finalize the remaining parts of the agreement, the unpredictable nature of country's legislative processes to ratify the AfCFTA, and existing trade capacity constraints, full implementation appears to be at least a few years down the road. The degree of implementation will squarely depend on the capacity and commitment of individual African countries, with the AUC playing a supporting role.

The progress made thus far on the AfCFTA is a major step towards greater continental economic integration, which will contribute to, among other things, the Malabo Declaration goal of tripling of intra-Africa agriculture trade by 2025. This enhanced African interconnectedness is expected to not only create more opportunities for African businesses, but also open doors for increased U.S. trade and investment in the future.

SOUTH AFRICA

South African Customs and Excise Act Amendments of Rules and Tariff Schedules

Date	Publication Details	Subject	Implementation Date
04-05-18	GG.41605 R.470	Amendment to Part 1 of Schedule No. 2, by the deletion of items 215.02/7318.15.39/01.08; 215.02/7318.15.39/02.08 and 215.02/7318.15.39/03.08 to terminate anti-dumping duties on fully threaded screws with hexagon heads originating in or imported from the People's Republic of China – ITAC Report 573 <ul style="list-style-type: none"> • Notice R.470 	With retrospective effect from 15-11-17
18-08-18	GG.41633 R.509	Amendment to Part 2 of Schedule No. 4 by the insertion of rebate item 460.15/7225.99/01.06 in order to create a rebate facility on certain hot-rolled steel plates – ITAC Report 575 <ul style="list-style-type: none"> • Notice R.509 	18-05-18
	GG.41633 R.508	Amendment to Part 3 of Schedule No. 2, by the substitution of safeguard item 260.03/7225.99/01.06 to exclude rebate item 460.15/7225.99/01.06 in order to exclude certain hot-rolled steel plates from being subject to safeguard duty – ITAC Report 575 <ul style="list-style-type: none"> • Notice R.508 	11-08-19 up to and including 10-08-20
	GG.41633 R.507	Amendment to Part 3 of Schedule No. 2, by the substitution of safeguard item 260.03/7225.99/01.06 to exclude rebate item 460.15/7225.99/01.06 in order to exclude certain hot-rolled steel plates from being subject to safeguard duty – ITAC Report 575 <ul style="list-style-type: none"> • Notice R.507 	11-08-18 up to and including 10-08-19
	GG.41633 R.506	Amendment to Part 3 of Schedule No. 2, by the substitution of safeguard item 260.03/7225.99/01.06 to exclude rebate item 460.15/7225.99/01.06 in order to exclude certain hot-rolled steel plates from being sub-	18-05-18 up to and including 10-08-18

Date	Publication Details	Subject	Implementation Date
		ject to safeguard duty – ITAC Report 575 <ul style="list-style-type: none"> Notice R506 	
21-05-18	GG.41641 R.512	Amendment to Part 1 of Schedule No. 1, by the substitution of tariff subheadings 1001.91 and 1001.99 as well as 1101.00.10 and 1101.00.90 to reduce the rate of customs duty on wheat and wheaten flour from 39,49c/kg and 59.23c/kg to 29,38c/kg and 44,06c/kg respectively, in terms of the existing variable tariff formula – Minute 03/2018 <ul style="list-style-type: none"> Notice R.512 	21-05-18
25-05-18	GG.41651 R.538	Amendment in Part 1 of Schedule No. 1, by the substitution of tariff heading 1205.10 and insertion of tariff subheading 1205.10.20 and 1205.10.90 to make provision for the reduction of the rate of customs duty on canola seed – ITAC Report 574. <ul style="list-style-type: none"> Notice R.538 	25-05-18
	GG.41651 R.539	Amendment in Part 1D of Schedule No. 6, by the insertion of various items under rebate item 621.08 in order to make provision of a rebate of full duty in respect of ethyl alcohol by-product that has been used for industrial purposes or for the manufacture of other non-liquor products. <ul style="list-style-type: none"> Notice R.539 	
	GG.41651 R.537	Amendment of Schedule No. 8 by the substitution of items 820.05 and 820.10 in order to extend the validity period for licenses for pot stills <ul style="list-style-type: none"> Notice R.537 	
	GG.41651 R.540	Amendment in Part 1 of Schedule No. 1, by the substitution of tariff subheadings 1001.91 and 1001.99 as well as 1101.00.10 and 1101.00.90 to increase the rate of customs duty on wheat and wheaten flour from 29,38c/kg and 44,06c/kg to 43,72c/kg and 65,59c/kg respectively, in terms of the existing variable tariff formula – Minute 04/2018. <ul style="list-style-type: none"> Notice R.540 	

Trade compliance enforcement actions - import, export, IPR, FCPA

The links below will take you to official press releases and summaries of administrative and judicial trade compliance enforcement actions (arrests, indictments, penalties, seizures, convictions, debarments, etc.) involving US and foreign import, export, FCPA/anti-bribery, IPR border enforcement and related matters. Child pornography, controlled substance and currency related seizures and arrests will not be listed, unless connected to trade violations. [Foreign government cases are preceded by the letter (F) in parenthesis].

[Agency abbreviations: US agencies - APHIS= Animal & Plant Health Inspection Service; ATF=Bureau of Alcohol, Tobacco, Firearms and Explosives; BIS= Bureau of Industry and Security, Office of Export Enforcement (Commerce); CBP=US Customs and Border Protection; CPSC=Consumer Product Safety Commission; DDTC= State Dep't Directorate of Defense Trade Controls; DOJ=Department of Justice, including US Attorneys; DEA=Drug Enforcement Administration; DoD=Dep't of Defense components [NCIS, DCIS, CID, etc.]; FBI=Federal Bureau of Investigation; FDA= US Food and Drug Administration; FRB= Federal Reserve Board of Governors; FTC= Federal Trade Commission; FWS= US Fish & Wildlife Service; GSA= General services Administration; HSI=US Immigration and Customs Enforcement, Homeland Security Investigations; NOAA=National Oceanic and Atmospheric Administration; OFAC=Office of Foreign Assets Control

(Treasury); SEC=Securities and Exchange Commission; USCG= US Coast Guard; USPIS=Postal Inspection Service; USDA= US Department of Agriculture; ; DSS= Diplomatic Security Service. Local agencies - PD = Police departments; Non-US agencies - CBSA= Canada Border Services Agency; RCMP= Royal Canadian Mounted Police; SAT=Mexican Customs; HKCE= Hong Kong Customs & Excise; SFO = UK Serious Fraud Office.]

Date of Release	Subject
04-24-18	In the Matter of FLIR Systems, Inc. [Consent Agreement with State Dep't – alleged violations of AECA and ITAR: \$30,000,000 with \$15,000,000 suspended for use in pre-agreement remedial compliance measures] (DDTC)
04-25-18	Morris County, New Jersey, Woman Charged With Smuggling American Aircraft Components To Iranian Airline Companies (DOJ, ICE, BIS)
04-27-18	Executives Of Iranian Auto Parts Manufacturer Arrested And Indicted For Violating Iranian Sanctions Statute (DOJ, ICE, BIS, IRS)
05-02-18	United States Returns Thousands of Ancient Artifacts To Iraq - Cuneiform Tablets, Clay Bullae and Cylinder Seals Were Smuggled from the Middle East to Hobby Lobby (DOJ, ICE, CBP)
05-04-18	Federal Trade Comm. Proposed Consent Agreement re: BLU Products, Inc. [File № 172 3025] (FTC)
05-10-18	ICE removes Italian national convicted of weapons trafficking (DOJ, ICE, DOD)
05-15-18	Port St. Lucie Resident Pleads Guilty to International Firearms Trafficking (DOJ, ICE, CBP, ATF, locals)
05-16-18	Turkish Banker Sentenced to 32 Months for Conspiring to Violate U.S. Sanctions Against Iran and Other Offenses (DOJ, FBI)
05-17-18	Philadelphia CBP Seizes \$3 Million of Counterfeit Designer Jewelry from Hong Kong (CBP)
05-21-18	ICE, CBP seize nearly 79,000 counterfeit items in South Texas valued at \$16 million (CBP, ICE, Mexican SAT, TM owners)
	ICE agent impersonator who possessed destructive devices sentenced to 24-month imprisonment (DOJ, ICE, CBP, San Bernardino Co. Sheriff, Bureau of Land Mgt.)

Newsletters, Reports, Articles, Etc.

Baker & McKenzie Global VAT/GST Newsletter

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 are brief and are designed to flag topics that are likely to affect multi-national businesses. Contacts for the Global VAT/GST Newsletter are:

- Jochen Meyer-Burrow, Partner, jochen.meyer-burrow@bakermckenzie.com
- Martin Morawski, Associate, martin.morawski@bakermckenzie.com

Publications, Alerts, Newsletters

The following Baker & McKenzie publications, client alerts, legal alerts or newsletters released during the period of coverage of this *Update* may be of interest to you:

Subject
International Trade, Tax and Anti-corruption
Global International Trade Compliance Update –May 2017 {older issues}
International Trade Client Alert – May 2018 US Withdrawal from the JCPOA
Global Automotive Group Newsflash: Trade Investigation Covering Automobiles
Russia International Trade Client Alert: Update on Russia's Proposed New Counter-

Subject
Sanctions
Mexico International Commercial Client Alert 30 – Antidumping News April 2018 Final anti-dumping duties for seamless steel carbon pipes from South Korea, Spain, India and Ukraine (Eng.); Alerta Legal Comercial Internacional Noticias Antidumping – Abril 2018 Se establecen cuotas compensatorias definitivas en la importación de tubería de acero al carbono sin costura, originarias de Corea, España, India y Ucrania (Span.)
Francophone Africa Newsletter/ Newsletter Afrique Francophone
Other areas
Global Technology, Media & Telecommunications Group LegalBytes April 2018
Russian IT Companies have until 23 March to Opt Out of New Federal Regulations on Employee Salaries and Benefits
BakerMcKenzie FenXun China Employment Law Update (Newsletter) May 2018.
Client Alert: The Dynamex Case: A New Threat to Franchising?
Brexit and Trade Marks: What trade mark owners should do now
(UK) Commercial Litigation Alert: Put it in writing: The Supreme Court confirms that contracting parties will be bound by their own “No Oral Modification” clauses
Turkey Information Technology/Communications Legal Alert: Data Protection Board Publishes Decision on Exemptions from Registration Obligation (Eng.) Veri Sorumluları Siciline Kayıt Yükümlülüğünün İstisnalarına İlişkin Karar Yayınlandı (Turk.)
Global Compliance News: Indonesia: Government Pushes Draft Data Protection Law
Global Compliance News: 16th Draft of the Law on Cybersecurity: Further updates on requirements for offshore telecommunications and Internet service providers
Kyiv Employment and Migration Legal Alert: New procedure for issuing permanent and temporary residency permits is approved (Eng.) Затверджено новий порядок оформлення посвідок на постійне та тимчасове проживання (Ukr.); Утвержден новый порядок оформления свидетельств на постоянное и временное проживание (Rus.)

The following articles or blogs written by Baker McKenzie attorneys may be of interest to international traders:

Subject
Firestone and Butenko: A Russian ‘Pilot Program’? The FCPA Blog April 24, 2018)

Webinars, Meetings, Seminars, Etc.



Baker McKenzie.

2018 Global Trade and Supply Chain Webinar Series

Continuing Challenges in Global Trade

We are very pleased to announce our 15th annual **Global Trade and Supply Chain Webinar Series** entitled, “**2018: Continuing Challenges in Global Trade**”. The series includes the latest international trade developments including the impact of the Trump presidency on trade policy, TPP and of Brexit. In addition to our usual topics of Customs and export controls/sanctions, our series includes Human Rights, Forced Labor, and Ethical Supply Chains.

This year, we have again expanded our usual program to include our **Customs Academy**, which will feature 6 “**Customs 101**” webinars (**highlighted in green** below). The Customs 101 program will be primarily aimed at participants who are new to Customs and/or those who

would like a refresher and will include introductory sessions on key Customs topics such as tariff classification, valuation and origin; and an overview of Customs in some key jurisdictions.

Terrie Gleason, a partner in our San Francisco, CA office and Head of the Firm's Global Customs Focus Group, and **Jenny Revis**, a partner in our London office, will moderate these webinars and be joined by experts from across our global network.

All webinars will begin at 11:00 AM Eastern (US) and are scheduled to run approximately 90 minutes. If you reside in a different time zone and wish to verify your time - please click on the following link: www.timeanddate.com.

If you miss a webinar that has already been given, wish to see it again or want to download a presentation, you may do so at [this new link](#) or by clicking the blue title below which indicates the material has been posted. Webinars are usually posted approximately two weeks after the live presentation.

January 30	<p>Human Rights, Forced Labor, and Ethical Supply Chains: Best Practices for Managing Growing Legal Obligations and Risks</p> <p>Speakers: Reagan Demas (DC), John Foote (DC), Francesca Richmond (London), Christopher Burkett (Toronto) and John McKenzie (SF)</p>	<p>To register for this complimentary webinar series, click on the REGISTER NOW button and provide your information. You can register for one or all webinars.</p> <p>We hope you will participate in and enjoy this exciting webinar series!</p>
February 27	<p>Customs Basic: How to Classify Your Products</p> <p>Speakers: Jose Hoyos-Robles (Mexico City), Olof Johannesson (Stockholm), Andrew Rose (London), Riza Buditomo (Jakarta) and Nocole Looks (Frankfurt)</p>	<p>Login Details: Log-in details will be sent via email one week before the event.</p>
March 27	<p>Hot Topics in US, European, and Asian Export Controls</p> <p>Speakers: Marc Lager (Vienna), Anne Petterd (Singapore), and Alex Lamy (DC), John McKenzie (SF)</p>	<p>Webinar Series Lead: Teresa A. Gleason Head, Global Customs Focus Group (San Francisco, CA) Tel: +1 415 576 3021 teresa.gleason@bakermckenzie.com</p>
April 30	<p>Customs Basic: How to determine the origin of your products</p> <p>Speakers: Adrianna Ibarra-Fernandez (Mexico City), Jessica Mutton (London), and John McKenzie (SF)</p>	<p>These webinars are all complimentary.</p>
May 22	<p>Russian and EU Customs Update</p> <p>Speakers: Alexander Bychkov (Moscow), Nicole Looks (Frankfurt) and Jenny Revis (London)</p>	<p>REGISTER NOW</p>
June 26	<p>Customs Basic: How to value your products</p> <p>Speakers: Kevin Nordin (London), Jon Cowley (Hong Kong) and Brian Cacic (Toronto)</p>	<p>Questions: If you have any questions regarding this webinar series, please contact:</p>
July 24	<p>Update on US "Protectionism", Brexit and TPP</p> <p>Speakers: Terrie Gleason (San Francisco), Stu Seidel (DC), Jenny Revis (London), and Fred Burke (Ho Chi Minh)</p>	<p>Sal Gonzalez Business Development Specialist Tel: +1 202 835 1661 sal.gonzalez@bakermckenzie.com</p>
August 28	<p>Customs Basic: What you need to know about importing into China, Russia and the Middle East</p> <p>Speakers: Frank Pan (Shanghai), Vladimir Efremov (Moscow), and Reggie Mezu (Middle East)</p>	<p>MCLE Credit: Approved for 1.5 California general CLE credits, 1.5 Illinois general CLE credits, 1.5 New York areas of professional practice CLE credits, and 1.5 Texas general CLE credits. Florida and Virginia CLE applications can be made upon request. Participants requesting CLE for other states will receive Uniform CLE Certificates.</p>
September 25	<p>Customs Audits and Enforcement Actions: Best Practices and Trends</p>	<p>Baker & McKenzie LLP is a California and Illinois CLE approved provider. Baker & McKenzie LLP has been certified by the New York State CLE Board as an accredited provider in the state of New York for the period 12/12/15-</p>

	Speakers: Adriana Ibarra-Fernandez (Mexico), Nicole Looks (Frankfurt), and Meredith DeMent (DC)	<p>12/11/18. This program may earn newly admitted New York attorneys credit under Areas of Professional Practice. Baker & McKenzie LLP is an accredited sponsor, approved by the State Bar of Texas, Committee on MCLE.</p>  <p><i>Pending</i> - We have applied for CES and CCS credit for these webinars to the National Customs Brokers & Forwarders Association of America, Inc.</p>
October 30	Customs Basic: What you need to know about importing into Mexico, Brazil and Argentina	
	Speakers: Manuel Padron (Juarez), Alessandra Machado (Sao Paolo), and Esteban Ropolo (Buenos Aires)	
November 27	Hot Topics in US, European, and Asian Trade Sanctions	
	Speakers: Kerry Contini (DC), Ben Smith (London), and Jon Cowley (Hong Kong)	
December 18	Customs Basic: How to mitigate duties through use of customs procedures	
	Speakers: Eunkyung Kim Shin (Chicago), Edith Salcedo-Hinojosa (Guadalajara), and Daniel Sanchez-Elizondo (Guadalajara)	



**RECORDED SESSIONS FROM OUR
ANNUAL YEAR-END REVIEW OF IMPORT/EXPORT DEVELOPMENTS
IN SANTA CLARA, CALIFORNIA
14 November 2017 – Year-End Review of Import/Export Developments (Export Day)**

[AM Sessions Recording](#) –

- Export Control Developments in the United States and European Union
- Encryption Export Controls and Cloud Computing: A Comparative Analysis
- United States Economic Sanctions Update & Russian Response to US Sanctions

[PM Sessions Recording](#) –

- Economic Sanctions: A Comparative Analysis
- Export Enforcement (panel format did not include slides)
- Export Control Developments in the Asia Pacific Region
- Arab States Boycott of Qatar and the Implications Under the United States Anti-Boycott Regulations

15 November 2017 – Year-End Review of Import/Export Developments (Import Day)

[AM Sessions Recording](#) –

- The Current International Trade Environment: Challenges to Globalization and its Impact on the Supply Chain
- Trade Policies and Initiatives Under the Trump Administration
- The NAFTA Renegotiation: A Multinational Perspective
- United States and Canadian Customs Regulatory Update

PM Sessions Recording –

- European Union Customs and Trade Developments
- Emerging Impediments to the Import of IT Products into China
- Latin American Trade Developments

2017 Global Trade and Supply Chain Webinar Series

“2017: Beginning of a New Era in Global Trade and Business?”

Our 14th annual, **Global Trade and Supply Chain Webinar Series** entitled, “2017: Beginning of a New Era in Global Trade and Business?” includes the latest international trade developments including the impact of the Trump presidency on trade policy and of Brexit. In addition to our usual topics of Customs, export controls/sanctions and FCPA/anti-bribery, the 2017 series also covers data privacy and intellectual property in the supply chain.

In 2017, we expanded our usual program to launch our **Customs Academy**, featuring 6 “Customs 101” webinars (indicated in green). The Customs 101 program is primarily aimed at participants who are new to Customs and/or those who would like a refresher and will include introductory sessions on key Customs topics such as tariff classification, valuation and origin; and an overview of Customs in some key jurisdictions.

Terrie Gleason, a partner in our San Francisco office and Head of the Firm’s Global Customs Focus Group, and **Jenny Revis**, Of Counsel in the London office, will moderate these webinars and be joined by experts from across our global network.

All webinars begin at 11:00 AM Eastern (US) and are scheduled to run approximately 90 minutes. If you reside in a different time zone and wish to verify your time - please click on the following link: www.timeanddate.com.

If you missed a webinar that has already been given, wish to see it again or want to download a presentation, you may so at [this new link](#) or by clicking the blue title below which indicates the material has been posted.

Webinar Dates and Topics:

January 31 [Major Customs Developments in North America and Asia](#)

Speakers: Stu Seidel (Washington, DC), Brian Cacic (Toronto), Eugene Lim (Singapore), and Adriana Ibarra-Fernandez (Mexico City)

February 28 [Customs Basic: How to Classify Your Products](#)

Speakers: Daniel Lund (London), Jose Hoyos-Robles (Mexico City), and Eunkyung Shin (Chicago)

March 28 [New Era of Protectionism? –](#)

Webinar Start Time:

08:00 AM (Pacific)
10:00 AM (Central)
11:00 AM (Eastern)
*see timeanddate.com for time in your location.

Duration:

90 Minutes

Login Details:

Log-in details will be sent via email one week before the event.

Focus Group Head:

Teresa A. Gleason
Head, Global Customs Focus Group
(San Francisco, CA)
Tel: +1 415 576 3021
teresa.gleason@bakermckenzie.com

These webinars area all complimentary.

REGISTER NOW

Questions:

If you have any questions regarding this webinar series, please contact:

Sal Gonzalez

Business Development Specialist
Tel: +1 202 835 1661
sal.gonzalez@bakermckenzie.com

MCLE Credit:

Approved for 1.5 California general CLE credits, 1.5 Illinois general CLE credits, 1.5 New York areas of professional practice CLE credits, and 1.5 Texas general CLE credits. Florida and Virginia CLE applications can be made upon request. Participants requesting CLE for other states will receive Uniform CLE Certificates.

Baker & McKenzie LLP is a California and Illinois CLE approved provider. Baker & McKenzie LLP has been certified by the New York State CLE Board as an accredited provider in the state of New York for the period 12/12/15-12/11/18. This program may earn newly admitted New York attorneys credit under Areas of Professional Practice. Baker & McKenzie LLP is an accredited

	<u>Trump Presidency and Brexit Developments</u>
	Speakers: Terrie Gleason and Stu Seidel (Washington DC), Ross Denton and Jessica Mutton (London)
April 25	<u>Customs Basic: How to Value Your Products</u>
	Speakers: Nicole Looks (Frankfurt), Eugene Lim (Singapore), Paul Burns (Toronto), and Daniel Sanchez-Elizondo (Guadalajara)
May 23	<u>Impact on Sanctions: Trump Administration's Effects on US, EU, and Russian Sanctions</u>
	Speakers: Alexander Bychkov (Moscow), Ben Smith (London), Alex Lamy (Washington, DC) and Alison Stafford Powell (Palo Alto)
June 27	<u>Customs Basic: Determining the Origin of Your Products</u>
	Speakers: Olivia Colville (Chicago), Jessica Mutton (London), and Adriana Ibarra-Fernandez (Mexico City)
July 25	<u>Major Developments in Data Privacy Laws – US, Canada and EU</u>
	Speakers: Brian Hengesbaugh (Chicago), Dean Dolan (Toronto), Dyann Heward-Mills (London), Michael Egan (Washington, DC)
August 22	<u>Customs Basic: Reducing your Duty Liability Through the Use of Customs Procedures</u>
	Speakers: Roger van de Berg (Amsterdam), Eunkyung Kim Shin (Chicago), Manuel Padron-Castillo (Juarez), and Panya Sittsakonsin (Bangkok)
September 19	<u>Intellectual Property Considerations and Issues in Your Supply Chain</u>
	Speakers: Gary Shapiro (San Francisco), Lothar Determann (Palo Alto), Jochen Herr (Munich), Isabella Liu, Kei Matsumoto, Flavia, Rabello
October 24	<u>Customs Basic: What You Need to Know about Customs in the EU, Russia and China</u>
	Speakers: Mariacristina Scarpa and Giulia Bettarini (Milan), Alexander Brychov and Vladimir Efremov (Moscow), and Frank Pan (Shanghai)
November 28	<u>Major Developments in FCPA/Anti-Bribery Regulation</u>
	Speakers: John McKenzie (San Francisco), Mini vandePol (Hong Kong), and Peter Tomczak (Chicago)
December 19	<u>Customs Basic: What You Need to Know about Customs in the US, Mexico and Brazil</u>
	Speakers: Alejandro Martinez-Galindo (Guadalajara), Alessandra S. Machado (Sao Paulo), Meredith DeMent (Washington, DC), and Meghan Hamilton (Chicago)

sponsor, approved by the State Bar of Texas, Committee on MCLE.



Pending - We have applied for CES and CCS credit for these webinars to the National Customs Brokers & Forwarders Association of America, Inc.

To register for this **complimentary webinar series**, click on the **Register Now** button above and provide your information. You can register for one or all webinars.

We hope you will participate in and enjoy this exciting webinar series!

Interested in learning more?



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.seidel@bakermckenzie.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.*

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Argentina	ARG/333	04/27/2018	06/20/2018	Fish, molluscs and crustaceans
 Argentina	ARG/334	04/30/2018	05/23/2018	Medicines for human use
 Argentina	ARG/309/Add.2	05/07/2018	Not given	Textile products and footwear
 Argentina	ARG/151/Add.17	05/17/2018	Not given	Bicycles
 Bahrain, Kingdom of	BHR/512/Add.1	04/25/2018	Not given	Food labels
 Brazil	BRA/809	04/26/2018	Not given	Plant protection products approved for organic agriculture (HS 38.08)
 Brazil	BRA/810	05/04/2018	06/25/2018	Refrigerated raw milk, pasteurized milk and milk type A HS 04.01
 Brazil	BRA/280/Add.3/Corr.1	05/07/2018	Not given	Liqueurs and cordials (HS 2208)
 Brazil	BRA/258/Add.5	05/09/2018	Not given	Gloves (HS 4015)
 Brazil	BRA/559/Add.6	05/09/2018	Not given	Parts and accessories of vehicles of headings (HS 8711 to 8713, 8714)
 Brazil	BRA/710/Add.1	05/09/2018	Not given	Tobacco Products
 Brazil	BRA/811	05/24/2018	06/15/2018	Household sanitizing products
 Brazil	BRA/812	05/24/2018	06/15/2018	Household sanitizing products
 Brazil	BRA/813	05/24/2018	06/18/2018	Humane Slaughter of Meat Animals (HS 01, 02, 03)
 Canada	CAN/554	05/09/2018	07/04/2018	Radiocommunications
 Canada	CAN/523/Add.1	05/15/2018	Not given	Prescription and Ethical Drug Products
 Canada	CAN/528/Add.1	05/15/2018	Not given	Drug Products - Opioids
 Canada	CAN/510/Add.1	05/22/2018	Not given	Jewellery items intended primarily for children under 15 years of age
 Canada	CAN/511/Add.1	05/22/2018	Not given	Products intended for use in learning or play (toys) by children between the ages of 3 years and under 14 years; Children's clothing and accessories; Products intended to facilitate the relaxation, sleep, hygiene, carrying or transport of a child under 4 years of age
 Canada	CAN/555	05/24/2018	07/09/2018	Radiocommunications
 Chile	CHL/412/Add.1	04/16/2018	Not given	Rigid non-metallic conduits and fittings for electrical

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
				installations
 Chile	CHL/440	04/30/2018	06/29/2018	Circuit breakers
 Chile	CHL/441	04/30/2018	06/29/2018	Earth leakage switches without overcurrent protection, independent of voltage
 China	CHN/1270	05/09/2018	07/08/2018	Road motor vehicle
 Colombia	COL/228/Add.1	04/25/2018	Not given	Zinc-carbon and alkaline cells and batteries (HS tariff subheadings 8506.10.11.00, 8506.10.19.00, 8506.10.91.10, 8506.10.91.90 and 8506.10.99.00)
 Colombia	COL/212/Add.4	04/27/2018	Not given	Air conditioners; refrigerators and/or freezers; electromagnetic ballasts; electronic ballasts; single-phase squirrel-cage induction electric motors (60Hz); three-phase squirrel-cage induction electric motors (60Hz); electric washing machines; electric storage water heaters; gas-fired storage water heaters; gas-fired continuous flow water heaters; freestanding or built-in work tables; table-top and built-in cookers; work tables with grill; and table-top cookers and ovens.
 Colombia	COL/214/Add.4	05/14/2018	Not given	Detergents and soaps (HS 3401, 3402 and 3405.40)
 Ecuador	ECU/31/Add.8	04/12/2018	Not given	Ceramic tiles (HS 6907, 6908)
 Ecuador	ECU/31/Add.9	04/12/2018	Not given	Ceramic tiles (HS 6907, 6908)
 Ecuador	ECU/31/Add.10	04/27/2018	Not given	Ceramic tiles (HS 6907, 6908)
 Ecuador	ECU/308/Add.1	04/30/2018	Not given	LED modules, luminaires and LED lamps (HS 8543.70.90, 8531.80.00, 8541.40.90, 9405.40.19 and 9405.40.90)
 Estonia	EST/14	05/16/2018	08/14/2018	Tobacco products
 European Union	EU/568	04/25/2018	06/24/2018	Food
 European Union	EU/569	05/01/2018	06/30/2018	Flurtamone (pesticide active substance)
 European Union	EU/570	05/22/2018	07/21/2018	Wine products
 European Union	EU/571	05/22/2018	07/21/2018	Wine products
 European Union	EU/572	05/23/2018	07/22/2018	Food
 India	IND/77	05/07/2018	07/06/2018	Labelling on pre-packaged food
 India	IND/78	05/07/2018	07/06/2018	Instantaneous Domestic Water Heaters for use with Liquefied Petroleum Gas
 India	IND/79	05/07/2018	07/06/2018	Hand-held Blender/Domestic Electric Food Mixer (Liquidizers and Grinder) and Centrifugal Juicer
 Israel	ISR/1010	05/07/2018	07/06/2018	Uninterruptible power systems (UPS) (HS 850440)
 Israel	ISR/1011	05/07/2018	07/06/2018	Arc welding equipment (HS 85153, 850432, 851590)
 Japan	JPN/596	05/01/2018	06/30/2018	Pressure cookers and autoclaves for home use; and Lighters
 Japan	JPN/597	05/17/2018	07/16/2018	Personal Fall-arrest systems (HS 630720)
 Kenya	KEN/670	04/30/2018	05/19/2018	Masonry

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Kenya	KEN/671	04/30/2018	05/08/2018	Fireworks, explosives
 Korea, Republic of	KOR/761	04/27/2018	06/26/2018	Narcotics
 Korea, Republic of	KOR/762	05/02/2018	07/01/2018	Motor Vehicles
 Korea, Republic of	KOR/763	05/14/2018	07/13/2018	Luminaires
 Korea, Republic of	KOR/764	05/14/2018	07/13/2018	Food
 Korea, Republic of	KOR/765	05/14/2018	07/13/2018	Food
 Korea, Republic of	KOR/766	05/23/2018	07/22/2018	Electrical appliances
 Korea, Republic of	KOR/767	05/23/2018	Not given	Food
 Korea, Republic of	KOR/768	05/23/2018	07/22/2018	Tobacco products
 Korea, Republic of	KOR/769	05/24/2018	07/23/2018	Environment-friendly agricultural and fishery products, processed organic foods and materials for organic farming.
 Kuwait	KWT/394/Add.1	04/25/2018	Not given	Food labels
 Mexico	MEX/352/Add.1	04/12/2018	Not given	Products of plant origin
 Mexico	MEX/403	04/12/2018	06/05/2018	Lifts (hydraulic and traction) for passengers or freight (goods lifts, vehicle lifts and dumb waiters), permanently installed escalators and moving ramps and walkways, and their parts.
 Mexico	MEX/377/Add.1	04/24/2018	Not given	Special management waste in the hydrocarbon sector (see Appendix A of the Standard).
 Mexico	MEX/404	04/25/2018	06/23/2018	Water, national tariff heading 22019001
 Mexico	MEX/352/Add.2	05/01/2018	Not given	Products of plant origin
 Mexico	MEX/405	05/01/2018	Not given	Cannabis sativa, indica and americana or marijuana, resin, preparations, seeds, pharmacological derivatives and products for extensive industrial use containing cannabis derivatives in a concentration equal to or less than 1% of Tetrahydrocannabinol (THC) (Tariff headings concerned: 13021902, 12099907, 12119002, 30034001, 30049033, 30039005, 30044002)
 Mexico	MEX/406	05/08/2018	07/03/2018	Equipment for adventure/nature tourism operators
 Mexico	MEX/407	05/08/2018	07/01/2018	Medicines and related medical equipment
 Mexico	MEX/408	05/08/2018	07/01/2018	Fixed-wing aircraft
 Mexico	MEX/409	05/08/2018	07/02/2018	Some medicines for the treatment and control of diabetes mellitus
 Mexico	MEX/308/Add.4	05/15/2018	Not given	Eggs and egg products (heading 0407)
 Mexico	MEX/356/Add.1	05/15/2018	Not given	Safety headgear (tariff heading 6506.10.00.00) (HS code 650610)
 Moldova	MDA/33/Add.1	04/30/2018	Not given	Transportable pressure equipment
 Moldova	MDA/25/Add.1	05/08/2018	Not given	Electrical equipment designed for use within certain voltage limits
 New Zealand	NZL/81	05/15/2018	07/14/2018	Primary and processed organic products, including food and beverages, animal and plant products, live animals, and wool. Also consulting on inclusion of

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
				organic aquaculture products.
 Nicaragua	NIC/157/Corr.1	04/30/2018	Not given	Matured cheese
 Oman	OMN/338/Add.1	04/25/2018	Not given	Food labels
 Oman	OMN/351	04/25/2018	06/24/2018	Unleaded gasoline
 Pakistan	PAK/8/Corr.1	05/24/2018	Not given	Edible Sesame Seed Oil
 Pakistan	PAK/66/Corr.1	05/24/2018	Not given	Tungsten Filaments Lamps
 Pakistan	PAK/68/Corr.1	05/24/2018	Not given	Cotton Seed Oil Cake Expeller Type
 Pakistan	PAK/70/Corr.1	05/24/2018	Not given	Mild steel utility oil pressure stove
 Pakistan	PAK/71/Corr.1	05/24/2018	Not given	Non-pressure oil stoves
 Pakistan	PAK/72/Corr.1	05/24/2018	Not given	Oil pressure stoves (brass type)
 Pakistan	PAK/73/Corr.1	05/24/2018	Not given	Building and sanitary pipes in asbestos-cement
 Pakistan	PAK/74/Corr.1	05/24/2018	Not given	Asbestos cement corrugated sheets and fittings for roofing and cladding
 Pakistan	PAK/75/Corr.1	05/24/2018	Not given	Asbestos cement pipe fitting for building and sanitary purpose
 Pakistan	PAK/76/Corr.1	05/24/2018	Not given	Asbestos cement pressure pipe
 Pakistan	PAK/77/Corr.1	05/24/2018	Not given	Product in fibre reinforced cement (asbestos cement flat sheets)
 Paraguay	PRY/101/Add.1	04/24/2018	Not given	Tomatoes for consumption in natura
 Qatar	QAT/511/Add.1	04/25/2018	Not given	Food labels
 Russian Federation	RUS/86	05/14/2018	07/09/2018	High Voltage Equipment
 Saudi Arabia	SAU/1034/Add.1	04/25/2018	Not given	Food labels
 Saudi Arabia	SAU/1050	05/08/2018	07/07/2018	Rides & devices of amusement parks (Annex (1) Examples of some of the amusement parks and amusement parks that are subject to this regulation with HS Code page 16)
 Saudi Arabia	SAU/1049/Corr.1	05/14/2018	Not given	Plastic bottles made of Polyethylene Terephthalate (PET), formed by injection and blowing, for packing drinking water
 South Africa	ZAF/227	04/25/2018	06/24/2018	Food technology
 South Africa	ZAF/228	05/09/2018	07/08/2018	Alcoholic Beverages Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included. (HS 2206), Undenatured ethyl alcohol of an alcoholic strength (HS 2207), Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages (HS 2208)
 South Africa	ZAF/229	05/14/2018	07/13/2018	Popcorn Kernels
 South Africa	ZAF/48/Rev.1/ Add.1	05/25/2018	Not given	Regulations Relating to the Labelling of Alcoholic Beverages
 South Africa	ZAF/228/Corr.1	05/28/2018	Not given	Alcoholic Beverages Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and non-alcoholic beverages,

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
				not elsewhere specified or included. (HS 2206), Undenatured ethyl alcohol of an alcoholic strength (HS 2207), Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages (HS 2208)
 Switzerland	CHE/230	04/26/2018	07/20/2018	Telecommunication equipment, radio equipment and telecommunication terminal equipment
 Switzerland	CHE/231	05/02/2018	07/01/2018	Medicinal products: products of chemical or biological origin which are intended to have or are presented as having a medicinal effect on the human or animal organism, in particular in the diagnosis, prevention or treatment of diseases, injuries and handicaps; blood and blood products are also considered to be medicinal products (relevant tariff items: 3002, 3003, 3004)
 Taiwan Economy	TPKM/314/Add.1	05/09/2018	Not given	Power supply products for automotive cigar lighter
 Taiwan Economy	TPKM/321	05/09/2018	07/08/2018	Industrial Protective Helmets; Safety headgear (HS 650610)
 Taiwan Economy	TPKM/322	05/15/2018	07/14/2018	Gas grills -- For gas fuel or for both gas and other fuels (HS 732111), -- For gas fuel or for both gas and other fuels (HS 732181)
 Taiwan Economy	TPKM/323	05/23/2018	07/22/2018	Passenger cars, motorcycles, light-duty trucks of a gross weight less than 2,500 kilograms and commercial vehicles
 Tajikistan	TJK/6	05/01/2018	Not given	Motor vehicles for the transport of ten or more persons, including the driver. (HS 8702), Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 87.02), including station wagons and racing cars. (HS 8703), Motor vehicles for the transport of goods. (HS 8704), Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries (wreckers), crane lorries (mobile cranes), fire fighting vehicles, concrete mixer lorries (concrete-mixers), road sweeper lorries (road sweepers), spraying lorries (spraying vehicles), mobile workshops, mobile radiological units) (HS 8705)
 Tanzania	TZA/163	05/23/2018	07/22/2018	UHT milk
 Tanzania	TZA/164	05/23/2018	07/22/2018	Yoghurt
 Tanzania	TZA/165	05/23/2018	07/22/2018	Pasteurised milk
 Tanzania	TZA/166	05/23/2018	07/22/2018	Dairy ice cream
 Tanzania	TZA/167	05/23/2018	07/22/2018	Butter
 Tanzania	TZA/168	05/23/2018	07/22/2018	Milk powders and cream powder
 Tanzania	TZA/169	05/23/2018	07/22/2018	Sweetened condensed milk
 Tanzania	TZA/170	05/23/2018	07/22/2018	Ghee
 Tanzania	TZA/171	05/23/2018	07/22/2018	Curry powder

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Tanzania	TZA/172	05/23/2018	07/22/2018	Vinegar
 Tanzania	TZA/173	05/23/2018	07/22/2018	Vinegar
 Tanzania	TZA/174	05/23/2018	07/22/2018	Ginger
 Tanzania	TZA/175	05/23/2018	07/22/2018	Turmeric
 Tanzania	TZA/176	05/23/2018	07/22/2018	Cloves
 Tanzania	TZA/177	05/23/2018	07/22/2018	Pilau masala
 Tanzania	TZA/178	05/23/2018	07/22/2018	Tea masala
 Tanzania	TZA/179	05/23/2018	07/22/2018	Pumpkin flour
 Tanzania	TZA/180	05/23/2018	07/22/2018	Blackcurrant juice
 Thailand	THA/215/Rev.2	05/07/2018	Not given	Snack foods
 Thailand	THA/512	05/14/2018	07/13/2018	Motorcycle emissions
 Thailand	THA/513	05/16/2018	07/15/2018	Foods
 Turkey	TUR/113	05/22/2018	07/21/2018	Piston rings made of cast iron for motor vehicles pistons
 Turkey	TUR/114	05/22/2018	07/21/2018	Disk springs
 Turkey	TUR/115	05/22/2018	07/21/2018	Drinking milk
 Ukraine	UKR/135	05/23/2018	07/22/2018	Paints and varnishes for buildings and repairing wheeled vehicles
 United Arab Emirates	ARE/400/Add.1	04/25/2018	Not given	Food labels
 United Arab Emirates	ARE/410	04/26/2018	06/25/2018	Sharks and shark fins
 United Arab Emirates	ARE/411	05/23/2018	07/22/2018	Electronic nicotine products (cigarettes alternatives)
 United Kingdom	GBR/32	05/14/2018	08/12/2018	Cosmetics and Personal Care Products
 United States	USA/1321/Add.1	04/30/2018	Not given	Grapefruit (HS 080540)
 United States	USA/1357/Corr.1	04/30/2018	Not given	Household products containing Methylene Chloride (HS 290312)
 United States	USA/1360	04/30/2018	05/27/2018	Commercial measuring devices
 United States	USA/1361	04/30/2018	05/21/2018	Volatile Organic Compound limits
 United States	USA/1107/Add.3	05/14/2018	Not given	Building codes
 United States	USA/1109/Add.3	05/14/2018	Not given	Fire prevention code
 United States	USA/1110/Add.3	05/14/2018	Not given	Industrial building safety
 United States	USA/1111/Add.3	05/14/2018	Not given	Amusement devices
 United States	USA/1341/Add.1	05/14/2018	Not given	High pressure piping systems - Tubes, pipes and hollow profiles, of cast iron. (HS 7303), Tubes, pipes and hollow profiles, seamless, of iron (other than cast iron) or steel. (HS 7304), Other tubes and pipes (for example, welded, riveted or similarly closed), having circular cross-sections, the external diameter of which exceeds 406.4 mm, of iron or steel. (HS 7305), Other tubes, pipes and hollow profiles (for example, open seam or welded, riveted

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
				or similarly closed), of iron or steel. (HS 7306), Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel. (HS 7307)
 United States	USA/1365	05/14/2018	05/25/2018	Stationary source emission standards
 United States	USA/1366	05/17/2018	07/09/2018	Irish potatoes (HS 0701)
 United States	USA/1367	05/17/2018	07/10/2018	Blowout preventer systems
 United States	USA/861/Add.6	05/23/2018	Not given	Ceiling fans
 United States	USA/1107/Add.3/Corr.1	05/23/2018	Not given	Building codes
 United States	USA/1368	05/23/2018	Not given	Crabmeat; Crab (HS 160510, 030614, 030624)
 United States	USA/1369	05/23/2018	06/15/2018	Surface coating emissions
 Viet Nam	VNM/126	05/22/2018	07/21/2018	Alcoholic beverages
 Yemen	YEM/114/Add.1	04/25/2018	Not given	Food labels

CBSA Advance Rulings

The following table lists [advance rulings](#) posted by the Canada Border Services Agency (CBSA). In September of 2014, the CBSA enhanced the Advance Ruling ([Tariff Classification](#) and [Origin](#)) and [National Customs Ruling](#) programs by publishing ruling letters in their entirety, with the applicant's consent, on the CBSA Web site.

It is important to note that rulings are binding only between the CBSA and the applicant. While posted rulings are for reference purposes only, they provide meaningful guidance and help other importers in complying with Canada's trade legislation. Click on the "Merchandise" listing to see full text of the posted ruling.

Date	TRS Number	Merchandise	Tariff Classification and Basis
12-22-16	274540	Arc'teryx model #9562 Voltair 30 Avalanche Airbag and model #19568 Voltair 20 Avalanche Airbag	9506.99.90.89 [GIR 1, 6; EN 95.06 B(13)]
11-03-16	276275	Chicken breast stuffed with Brie cheese and apples	1602.32.92.10 [GIR 1, 6; CIR 1; Chap 16 note 2]
11-03-16	276279	Chicken breast stuffed with broccoli and cheese, four and seven ounces (Product #s 53433 and 53430)	1602.32.92.10 [GIR 1, 6; Chap 16 note 2]
11-03-16	276278	Chicken breast stuffed with butter, spices and parsley	1602.32.92.10 [GIR 1, 6]
11-03-16	276277	Chicken breast stuffed with cheese, and prosciutto ham	1602.32.92.10 [GIR 1, 6; CIR 1; Chap 16 note 2]
11-03-16	276276	Chicken breast stuffed with cheese, and spinach	1602.32.92.10 [GIR 1, 6; CIR 1; Chap 16 note 2]
11-03-16	276273	Chicken breast stuffed with Swiss and American cheeses, and cooked ham	1602.32.92.10 [GIR 1, 6; CIR 1; Chap 16 note 2]
11-03-16	276390	Decorative Polypropylene Easter Ribbon Item #DHK-CR-1A	3921.19.00.90 [GIR 1, 6; EN]
11-03-16	275753	GTM 1537SATABG Car Seat Bag	6209.30.00.10 [GIR 1, 6]
01-25-17	275815	Ladies Poncho Style 410973	6102.20.00.00 [GIR 1, 6]
12-07-16	275621	Mastectomy Bras, Style 761	6212.10.00.90 [GIR 1, 6; EN 90.21, 62.12]
12-07-16	275667	Mastectomy Bras, Style 779	6212.10.00.90 [GIR 1, 6; EN 90.21,

Date	TRS Number	Merchandise	Tariff Classification and Basis
			62.12]
12-07-16	275526	Mastectomy Bras: Style 730 and Style 758	6212.10.00.20 [GIR 1, 6; EN 90.21, 62.12]
10-19-16	274508	Pedichiff - Sampling Shoe Cover Location	6115.95.00.92 [GIR 1, 6; EN 1(e) Chap 63]
12-07-16	276634	Refined Ahiflower Oil Capsule	1515.90.99.90 [GIR 1, 6]
10-19-16	275688	Scott's Wizz Hand-Held Spreader, model 71132-1	8467.29.00.90 [GIR 1, 6; EN 84.67 (15,18)]
12-22-16	275223	SL-PAN-20-WW-UN LED Panel Light	8543.70.00.00 [GIR 1, 6; EN 85.43(16)]
12-22-16	275425	SLG- Sling Chest Pad	6307.90.99.90 [GIR 1, 6] and 9979.00.00 [D10-15-24 and GST/HST 4.2]
11-03-16	276240	Tempered Steel Base Bracket	9403.90.00.91 [GIR 1, 9; Sec. XV Note 1(k) Chap 94 Notes 1(D), 2; EN 94.03]
11-23-16	276528	WYPO #1 Standard Tip Cleaner Set	8206.00.00.00 [GIR 1, 6]

CBP Rulings: Downloads and Searches

As US Customs and Border Protection (CBP) issues several thousand rulings a year, it is not practical to list each ruling. However, almost all rulings issued by US Customs or CBP from 1993 to the present and many issued before 1993 are available for search and downloading using the [CROSS search engine](#). Over 199,000 such rulings are in the database.

CBP Rulings: Revocations or Modifications

The following table summarizes proposals made or actions taken that were published in the weekly [Customs Bulletin and Decisions](#) during the past month by US 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 (P) Proposed (A) Action	Product(s) or Issue(s)	Ruling(s) to be Modified (M) or Revoked (R)	Old Classification or Position	New Ruling	New Classification or Position	Comments Due (C) or Effective Date (E)
PROPOSED REVOCATIONS/MODIFICATIONS						
(P) 05-02-18	Tariff classification of brass plumbing components	NY N262070 NY L82336	R	7419.99.5010	HQ H260141	7412.20.0035 [GRI 1, 3(b); EN 74.12]
	Tariff classification of a hot max soapstone holder	NY N239783	R	7116.20.4000	HQ H293247	9017.20.8080 [GRI 1, 6; Ens]
(P) 05-09-18	Tariff classification of media rolls on plastic reels with code apertures designed for use with specific printers	NY N246471	R	3919.10.2055 3919.90.5060 4811.41.2100 4821.90.2000	HQ H251008	8443.99.2550 [GRI 1; AUSRI 1(c), GN to Sec. XVI]
	Tariff classification of Floppets	NY N241384	R	3926.40.0000	HQ H249749	7117.90.7500 [GRI 1, 6; Chap 71, Notes 9(a), 11; EN 71.17 and 39.26]
	Tariff classification of a knife care set	NY N245711	R	7116.20.4000	HQ H293248	6815.99.20 [GRI 1, 6; Chap 71 Note 1, Chap 68 Notes 1(d), 2; ENs]
	Country of origin of decora-	NY N287930	M	Subject to 19	HQ H290258	Subject to 19 C.F.R.

Published in CBP Bulletin (P) Proposed (A) Action	Product(s) or Issue(s)	Ruling(s) to be Modified (M) or Revoked (R)		Old Classifi- cation or Po- sition	New Ruling	New Classification or Position	Comments Due (C) or Effective Date (E)
	tive pillows, heatable saks, and stuffed mattress cov- ers for marking purposes	HQ H265611	M	C.F.R. 102.11	HQ H293880	102.21 Textile Rules of Origin	
		HQ 963233	M	Rules of Origin	HQ H293881		
(P) 05-16-18	Tariff classification of Taco Twin-Tees.	NY M82071	R	7326.90.85 7419.99.50	HQ H291783	7307.19.30 [GRI 1, EN 73.07; EN 74.12]	(C) 06-15-18
	Tariff classification of a Bluetooth wireless speaker from the Philippines	NY N233202	R	8517.62.0050	HQ H281100	8518.22.00 [GRI 1, Sec- tion XVI Note 3; EN 85.17, EN 85.18]	
REVOCATIONS/MODIFICATIONS							
(A) 05-02-18	Tariff classification of metal step stools	NY 855972	R	9403.20.00	HQ H202595	7326.90.8660 [GRI 1, 3(b), 6; Section XV Note 1(k); ENs]	(E) 07-02-18
		NY R02622	R				
NY N022949	R						
NY N023940	R						
		NY N042721	R				
		NY N024279	R	9403.20.00		7616.99.5130 [Same]	
(A) 05-09-18	Tariff classification of piston pin bushings from India.	NY 864550	R	8409.99.91	HQ H287802	8483.30.80 [GRI 1, 6; Section XVI Note 2(a)]	(E) 07-09-18
	Tariff classification of con- cealer and bronzer pow- ders	NY J86656	M	3304.99.50	HQ H281812	3304.91.00 [GRI 1, 6; EN 33.04(A)(3)]	
	Tariff classification of yttria stabilized zirconium oxide powder.	NY N251680	R	3824.90.92	HQ H282216	3824.99.39 [GRI 1, 6]	
	Tariff classification of Fork Lift Load Roller.	HQ 088457	R	8431.20.00	HQ H289349	8482.10.50 [GRI 1, 6; Section XVI Note 2(a)]	
	Tariff classification of glass sleeves for diodes	HQ 087044	R	7011.90.00	HQ H253027	7002.39.00 [GRI 1, AURI 1(c); Section XVI Note 2, Chap 85 Notes 1(b), 9; EN 70.02 and 70.11]	
	Eligibility of painting of automotive bumpers for a duty exemption under sub- heading 9802.00.50 , HTSUS	NY 284970	R	Eligible	HQ H288285	Not eligible as intermediate operation (19 C.F.R. 181.64(b))	
	Tariff classification of mon- ey belts	NY 868779 NY 871870	R M	4202.32.95 4202.32.40	HQ H257531	4202.92.15 [GRI 1, 3, 6] 4202.92.31 [GRI 1, 6]	
	Tariff classification of deco- rative quartz rocks	NY M86055	R	7103	HQ H256434	6815.99.4070 [GRI 1, 6; Ens]	
Tariff classification of Jib- bitz charms	NY N009740	M	3926.40.0000	HQ H278152	7117.90.7500 [GRI 1]		
Preference and marking origin of Acufex disposable surgical knives	NY N284181	M	NAFTA: GN 12(b)(i); USA 102.19(a)	HQ H288252	NAFTA: GN 12(b)(iii); Marking: USA 19 C.F.R. 102.11(b)(1); Duty: Mex- ico 19 C.F.R.102.19(b)		
Tariff classification of metal hair snap clips	NY N096966	M	9615.90.30	HQ H248338	9615.19.6000 [GRI 1, 6]		
Country of origin for mark- ing purposes of orthodontic brackets	NY B89079	M	Mexico	HQ H274096	USA for marking; Mexico for duty [19 C.F.R. 102.19(b)]		
Tariff classification of cer- tain commemorative gold rounds.	NY N260757 NY N260343	R R	7115.90.30	HQ H266605	7114.19.00 [GRI 1; Chap 71 Note 10; ENs 71.14, 71.15]		
(A) 05-16-18	Tariff classification of radio remote controllers for video	NY L83006 NY N118298	R R	9504.10.00	HQ H235178	8526.92.10 [GRI 1, Chap. 95 N. 1(m)]	(E) 07-16-18

Published in CBP Bulletin (P) Proposed (A) Action	Product(s) or Issue(s)	Ruling(s) to be Modified (M) or Revoked (R)	Old Classification or Position	New Ruling	New Classification or Position	Comments Due (C) or Effective Date (E)
	game consoles	NY N143476 NY M86614	R M			

European Classification Regulations

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

Commission Implementing Regulation	Description of the goods	Classification (CN code)	Reasons
(EU) 2018/787 of 25-05-18	<p>An article (so-called 'lace-orthosis') made of several pieces of textile material sewn together, with an opening for the heel and the toes, hemmed around the openings and on the edges of the article. The vamp area is closed by a tongue made of crocheted textile material. The other textile parts consist of several layers of elastically crocheted textile materials.</p> <p>A plate of elastic plastic is fixed to the textile and only partly visible on the outside of the article. The plastic plate reaches around the sole and has eyelets along the vamp of the article and lace hooks along the shaft to allow for tightening the article around the foot and calf with textile laces.</p> <p>The plastic plate gives some stability to the article. Nevertheless it is flexible and, when tightened with the laces, it applies pressure against the foot and calf.</p> <p>This article is presented to be worn inside a shoe and used as an ankle bandage in the case of sprained ankles and contusions of the ankle, ligament tears and lesions, and for the prevention of these injuries, as well as in the case of ligament instability. However, it cannot completely prevent a specific movement of the defective part of the body.</p> <p>In postoperative rehabilitation, it facilitates a return to full weight-bearing.</p> <p>See images, which are purely for information</p> 	6307 90 10	<p>Classification is determined by general rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 6307 , 6307 90 and 6307 90 10 .</p> <p>The article cannot be adjusted to a specific handicap of a patient but has a multi-functional use. It is similar to a simple textile bandage that is wrapped around a ligament and tightened around certain parts to apply pressure to support healing or to prevent further injuries, ensuring that undesired movements are not carried out subconsciously as reflex movements (see also the Explanatory Notes to the Combined Nomenclature (CNEN) of the European Union to subheading 9021 10 10 , second paragraph).</p> <p>Consequently, the article's objective characteristics are such that they do not distinguish it from ordinary supports for general use, in particular, by reason of the materials of which it is made (flexible materials), the method of operation (applying pressure through tightening) or the adjustability to the patient's specific handicaps (see also Note 6 to Chapter 90 and judgment of 7 November 2002, Lohmann and Medi Bayreuth, Joined Cases C-260/00 to C-263/00, ECLI:EU:C:2002:637, paragraphs 39 and 45).</p> <p>Moreover, the article cannot be classified as an 'orthopaedic appliance' under CN code 9021 10 10 as, due to its elasticity, it cannot completely prevent a specific movement of the defective part of the body in order to exclude further injuries (see also the CNEN to subheading 9021 10 10 , second paragraph). For example, in case of torn ligaments, the article should make the tilting of the ankle joint impossible even when running or jumping. However, the textile material and the flexible plastic material that the article is made of cannot sustain the weight of the body during running.</p> <p>The desired effect of application of pressure is given by the plastic as well as by the textile mate-</p>

Commission Implementing Regulation	Description of the goods	Classification (CN code)	Reasons
			<p>rials. Consequently, both materials are equally essential within the meaning of general rule 3 (b) for the interpretation of the Combined Nomenclature and the article is to be classified under the heading which occurs last in numerical order among those which equally merit consideration (headings 3926 and 6307).</p> <p>The article is therefore to be classified under CN code 6307 90 10 as 'other made-up textile articles'.</p>

Amendments to the CN Explanatory Notes

The table below shows amendments to the explanatory notes to the *Combined Nomenclature of the European Union* that were published in the *Official Journal* during the period covered by this *International Trade Compliance Update*.

Official Journal	Page and CN code	Description of Articles
2018/C 186/02	p. 381, 9503 00	Insert new text

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 US patents, registered trademarks, copyrights or mask works. Listed below are 337 actions published during the past month by the US International Trade Commission, the independent United States agency charged with enforcement of section 337.

Inv. №	Commodity	Action
337-TA-1031	Certain UV Curable Coatings for Optical Fibers, Coated Optical Fibers, and Products Containing Same	Notice of the Commission's Final Determination Finding No Violation of Section 337; Termination of Investigation
337-TA-1042	Certain Hybrid Electric Vehicles and Components Thereof	Commission Decision Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation Based on Settlement and Patent License Agreements; Termination of the Investigation
337-TA-1046	Certain Non-Volatile Memory Devices and Products Containing the Same	Notice of Request for Statement on the Public Interest
337-TA-1047	Certain Semiconductor Devices and Consumer Audiovisual Products Containing the Same	Notice of Request for Submissions on the Public Interest
337-TA-1064	Certain Shielded Electrical Ribbon Cables and Products Containing the Same	Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on a Consent Order Stipulation and Proposed Consent Order; Issuance of Consent Order and Termination of the Investigation
337-TA-1065	Certain Mobile Electronic Devices and Ra-	Notice of Commission Determination To Amend the Notice of In-

Inv. №	Commodity	Action
	Radio Frequency and Processing Components Thereof	Investigation To Delete Certain Claims That Were Erroneously Included Due to an Apparent Typographical Error
337-TA-1078	Certain Amorphous Metal and Products Containing Same	Amending the Complaint and Notice of Investigation
337-TA-1096	Certain Microperforated Packaging Containing Fresh Produce	Commission Determination Not to Review an Initial Determination Granting a Motion to Terminate the Investigation as to Respondent Apio, Inc. Based On A Settlement And License Agreement; Termination of the Investigation In Its Entirety
337-TA-1110	Certain Strontium-Rubidium Radioisotope Infusion Systems, and Components Thereof Including Generators	Institution of Investigation based on a complaint filed on behalf of Bracco Diagnostics Inc. alleging patent infringement
337-TA-1111	Certain Portable Gaming Console Systems With Attachable Handheld Controllers and Components Thereof	Institution of Investigation based on a complaint filed on behalf of Gamevice, Inc. alleging patent infringement
337-TA-1112	Certain Radio Frequency Micro-Needle Dermatological Treatment Devices and Components Thereof	Institution of Investigation based on a complaint filed on behalf of Syneron Medical Ltd. of Israel; Candela Corporation; and Massachusetts General Hospital alleging patent infringement
337-TA-1113	Certain Submarine Telecommunication Systems and Components Thereof	Institution of Investigation based on a complaint filed on behalf of NEC Corporation of Japan and NEC Corporation of America alleging patent infringement
337-TA-1114	Certain Modular LED Display Panels and Components Thereof	Institution of Investigation based on a complaint, as amended, filed on behalf of Ultravision Technologies, LLC alleging patent infringement

In addition to the above actions, the ITC has published notices indicating that it has received complaints filed on behalf of the following companies alleging violations of §337 with regard to the listed commodities and soliciting comments on any public interest issues raised by the complaints:

Ref. №	Commodity	Complaint filed on behalf of:
DN 3312	Certain Blow-Molded Bag-In- Container Devices, Associated Components, and End Products Containing or Using Same	Anheuser-Busch InBev S.A. and Anheuser-Busch, LLC
DN 3313	Certain Blood Cholesterol Testing Strips and Associated Systems Containing the Same	Polymer Technology Systems, Inc.
DN 3314	Certain Full-Capture Arrow Rests and Components Thereof	Bear Archery, Inc.
DN 3315	Certain Movable Barrier Operator Systems and Components Thereof	The Chamberlain Group, Inc.
DN 3316	Certain Infotainment Systems, Components Thereof, and Automobiles Containing the Same,	Broadcom Corporation
DN 3306	Certain Human Milk Oligosaccharides and Methods of Producing the Same	Glycosyn LLC
DN 3320	Certain Earpiece Devices and Components Thereof	Bose Corporation

Antidumping, Countervailing Duty and Safeguards Investigations, Orders & Reviews

In order to assist our clients in planning, we are listing antidumping, countervailing duty and safeguards notices published or posted during the past month from the US, Canada, Mexico, the EU, Australia, India, Brazil, and occasionally other countries. (Click on blue text for link to official document.)

Key: AD, ADD=antidumping, antidumping duty; CV, CVD, AS=countervailing duty or anti-subsidy; LTFV=less than fair value.



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

Case №	Merchandise/Country	Action
A-570-071	Sodium Gluconate, Gluconic Acid, and Derivative Products From China	Postponement of Preliminary Determination in the LTFV Investigation
A-201-830	Carbon and Certain Alloy Steel Wire Rod From Mexico	Notice of Correction to Final Results of ADD Administrative Review and Final Determination of No Shipments; 2015-2016
C-570-017	Certain Passenger Vehicle and Light Truck Tires From China	Amended Final Results of CVD Administrative Review; 2014-2015
C-580-869	Large Residential Washers From S. Korea	Final Results of Expedited First Sunset Review of the CVD Order
A-570-001	Potassium Permanganate From China	Rescission of 2017 ADD Administrative Review
A-570-981 A-552-814	Utility Scale Wind Towers From China and Vietnam	Final Results of Expedited First Sunset Reviews of ADD Orders
A-535-905	Polyethylene Terephthalate Resin From Pakistan	Preliminary Affirmative Determination of Sales at LTFV, Postponement of Final Determination, and Extension of Provisional Measures
A-560-832	Polyethylene Terephthalate Resin From Indonesia	Preliminary Affirmative Determination of Sales at LTFV, Postponement of Final Determination, and Extension of Provisional Measures
A-580-896	Polyethylene Terephthalate Resin From S. Korea	Preliminary Affirmative Determination of Sales at LTFV, Postponement of Final Determination, and Extension of Provisional Measures
A-583-862	Polyethylene Terephthalate Resin From Taiwan	Preliminary Affirmative Determination of Sales at LTFV, Postponement of Final Determination, and Extension of Provisional Measures
A-351-852	Polyethylene Terephthalate Resin From Brazil	Preliminary Affirmative Determination of Sales at LTFV, Postponement of Final Determination, and Extension of Provisional Measures
A-552-812	Steel Wire Garment Hangers From Vietnam	Rescission of Antidumping Duty Administrative Review; 2017-2018
A-533-879	Polytetrafluoroethylene Resin From India	Preliminary Affirmative Determination of Sales at LTFV, Postponement of Final Determination, and Extension of Provisional Measures
A-570-066	Polytetrafluoroethylene Resin From China	Preliminary Affirmative Determination of Sales at LTFV, Postponement of Final Determination, and Extension of Provisional Measures
A-570-055	Carton-Closing Staples From China	ADD Order
A-201-842	Large Residential Washers From Mexico	Final Results of the Expedited First Five-Year Sunset Review of the ADD Order
A-588-838	Clad Steel Plate From Japan	Final Results of the Expedited Fourth Sunset Review of the ADD Order
A-570-862	Foundry Coke Products From China	Continuation of ADD Order
A-201-842 A-580-868 C-580-869	Large Residential Washers From S. Korea and Mexico	Initiation of Changed Circumstances Reviews, and Consideration of Revocation, in Part, of the ADD Orders and the CVD Order
A-523-808	Certain Steel Nails From Oman	Preliminary Results of ADD Administrative Review and Partial Rescission of ADD Administrative Review; 2016-2017
C-122-854	Supercalendered Paper From Canada	Initiation of Changed Circumstances Review
C-570-085	Certain Quartz Surface Products From China	Initiation of CVD Investigation
A-570-084	Certain Quartz Surface Products From China	Initiation of LTFV Investigation
A-570-932	Certain Steel Threaded Rod From China	Preliminary Results of the ADD Administrative Review and Rescission of ADD Administrative Review, in Part; 2016-2017


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

Case №	Merchandise/Country	Action
A-570-831	Fresh Garlic From China	Preliminary Rescission of the New Shipper Review
C-552-824	Laminated Woven Sacks From Vietnam	Postponement of Preliminary Determination
A-570-896	Magnesium Metal From China	Final Determination of No Shipments; ADD Administrative Review; 2016-2017
C-570-982	Utility Scale Wind Towers From China	Final Results of the Expedited First Sunset Review of the CVD Order
A-475-839	Forged Steel Fittings From Italy	Preliminary Affirmative Determination of Sales at LTFV, Postponement of Final Determination and Extension of Provisional Measures
A-583-863	Forged Steel Fittings From Taiwan	Affirmative Preliminary Determination of Sales at LTFV
A-570-067	Forged Steel Fittings From China	Affirmative Preliminary Determination of Sales at LTFV, Postponement of Final Determination and Extension of Provisional Measures
A-570-904	Certain Activated Carbon From China	Preliminary Results of ADD Administrative Review and Preliminary Determination of No Shipments; 2016-2017
A-580-839 A-583-833	Polyester Staple Fiber From S. Korea and Taiwan	Final Results of Changed Circumstances Reviews, and Revocation of ADD Orders, in Part
C-475-837 C-489-832	Carbon and Alloy Steel Wire Rod From Italy and Turkey	Amended Final Affirmative CVD Determination for Turkey and CVD Orders for Italy and the Republic of Turkey
A-475-836 A-580-891 A-469-816 A-489-831 A-412-826	Carbon and Alloy Steel Wire Rod From Italy, S. Korea, Spain, Turkey, and the UK	ADD Orders and Amended Final Affirmative ADD Determinations for Spain and Turkey
C-122-858	Certain Softwood Lumber Products From Canada	Partial Rescission of Expedited Review of the CVD Order
A-570-983	Drawn Stainless Steel Sinks From China	Final Results of the ADD Administrative Review; 2016 – 2017
A-570-863	Honey From China	Rescission of ADD Administrative Review; 2016-2017
C-533-880	Polytetrafluoroethylene Resin from India	Final Affirmative CVD Determination
A-351-825	Stainless Steel Bar From Brazil:	Final Results of ADD Administrative Review; 2016-2017
A-201-805	Certain Circular Welded Non-Alloy Steel Pipe from Mexico	Final Results of ADD Administrative Review and Final Determination of No Shipments; 2015-2016
A-570-029 C-570-030	Certain Cold-Rolled Steel Flat Products From China	Affirmative Final Determination of Circumvention of the ADD and CVD Orders
A-570-026 C-570-027	Certain Corrosion-Resistant Steel Products From China	Affirmative Final Determination of Circumvention of the ADD and CVD Orders
A-557-813	Polyethylene Retail Carrier Bags From Malaysia	Final Results of ADD Administrative Review; 2016-2017
A-570-922	Raw Flexible Magnets From China	Rescission of ADD Administrative Review; 2016-2017
C-570-072	Sodium Gluconate, Gluconic Acid and Derivative Products From China	Preliminary Affirmative CVD Determination and Alignment of Final Determination with Final ADD Determination
A-489-815	Light-Walled Rectangular Pipe and Tube From Turkey	Final Results of ADD Administrative Review; 2016-2017
A-533-875	Fine Denier Polyester Staple Fiber From India	Final Affirmative Determination of Sales at LTFV
A-583-860	Fine Denier Polyester Staple Fiber From Taiwan	Final Affirmative Determination of Sales at LTFV
A-570-060	Fine Denier Polyester Staple Fiber From China	Final Affirmative Determination of Sales at LTFV
A-580-893	Fine Denier Polyester Staple Fiber From S. Korea	Final Affirmative Determination of Sales at LTFV
A-583-849 A-552-812	Steel Wire Garment Hangers From Taiwan and Vietnam:	Continuation of ADD Orders


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

Case №	Merchandise/Country	Action
A-580-867	Large Power Transformers From S. Korea	Notice of Preliminary Results of ADD Changed Circumstances Review


United States International Trade Commission (USITC)

Inv. №	Merchandise/Country	Action
731-TA-894	Certain Ammonium Nitrate From Ukraine	(Third Review) Institution of a Five-Year Review
731-TA-1359	Carton-Closing Staples From China	(Final) Determination that an industry in the United States is materially injured by reason of imports subject goods that have been found by Commerce to be sold in the United States at LTFV
731-TA-1378-1379	Low Melt Polyester Staple Fiber (PSF) From Korea and Taiwan	(Final) Revised Schedule for Final Investigations
701-TA-573-574 731-TA-1350, 1351, 1354, 1355, 1358	Carbon and Certain Alloy Steel Wire Rod From Italy, Korea, Spain, Turkey, and the United Kingdom	(Final) Determinations that an industry in the United States is materially injured by reason of imports of subject goods, that have been found by Commerce to be sold in the United States at LTFV and imports of such products found by Commerce to be subsidized by the governments of Italy and Turkey
701-TA-602 731-TA-1412	Steel Wheels From China	(Preliminary) Determinations that an industry in the United States is materially injured by reason of imports of subject from China that are alleged to be sold in the United States at LTFV and to be subsidized by the government of China
701-TA-603-605 731-TA-1413-1415	Glycine from China, India, Japan, and Thailand	(Preliminary) Determinations that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of subject goods from India, Japan, and Thailand, that are alleged to be sold in the United States at LTFV and imports of subject goods that are alleged to be subsidized by the governments of China, India, and Thailand.
731-TA-472	Silicon Metal From China	(Fourth Review) Determination that revocation of the ADD order would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time
701-TA-487 731-TA-1197-1198	Steel Wire Garment Hangers From Taiwan and Vietnam	(Review) Determination that revocation of the ADD orders on steel wire and the CVD order (Vietnam) would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time
731-TA-1103	Activated Carbon From China	(Second Review) Scheduling of an Expedited Five-Year Review
731-TA-921	Folding Gift Boxes From China	(Third Review) Scheduling of an Expedited Five-Year Review
731-TA-672-673	Silicomanganese From China and Ukraine	(Fourth Reviews) Scheduling of Full Five-Year Reviews
701-TA-607 731-TA-1417-1419	Steel Propane Cylinders From China, Taiwan, and Thailand	(Preliminary) Institution of AD and CVD Investigations and Scheduling of Preliminary Phase Investigations.
731-TA-1360-1361	Tool Chests and Cabinets from China and Vietnam	(Final) Determinations that an industry in the United States is materially injured by imports of subject merchandise from China and Vietnam, that have been found by Commerce to be sold in the United States at LTFV



Canadian International Trade Tribunal (CITT)

Ref. Number	Merchandise/Country	Action
NQ-2017-005	Certain Dry Wheat Pasta originating in or exported from Turkey, excluding refrigerated, frozen or canned pasta	Order issued to compel domestic to respond to questionnaires
LE-2018-002	Dumping and Subsidizing: Certain Unitized Wall Modules, originating in or exported from China	Notice of Expiry of Finding
NQ-2017-003	<i>Dumping and subsidizing:</i> Polyethylene terephthalate resin (PET resin), originating in or exported from the China, India, Oman and Pakistan	Finding: terminates inquiry regarding the subsidizing of the goods originating in or exported from Oman and Pakistan; finds dumping and subsidizing of the subject goods originating in or exported from China and India, and the dumping of the subject goods originating in or exported from Oman and Pakistan, have not caused injury and are not threatening to cause injury to the domestic industry Statement of Reasons issued
RR-2017-004	Certain hot-rolled carbon steel plate and high-strength low-alloy plate originating in or exported from China	Revised Notice of Expiry Review of Order and Revised Expiry Review Schedule
PI-2018-001	Certain sucker rods, originating in or exported from China	Notice of Commencement of Preliminary Injury Inquiry
RR-2018-001	<i>Dumping and Subsidizing:</i> Certain carbon steel welded pipe originating in or exported from China	Notice of Expiry Review of Order
NQ-2017-004	<i>Dumping and Subsidizing:</i> Certain copper pressure pipe fittings and drainage, waste and vent pipe fittings, made of cast copper alloy, wrought (or "wrot") copper alloy or wrought copper for use in heating, plumbing, air conditioning and refrigeration applications, originating in or exported from Vietnam	Finding: that the dumping and subsidizing of the subject goods have caused injury to the domestic industry
PI-2018-002	<i>Dumping and Subsidizing:</i> Certain cold-reduced flat-rolled sheet products of carbon steel (alloy and non-alloy), in coils or cut lengths, originating in or exported from China, S. Korea, and Vietnam	Notice of Commencement of Preliminary Injury Inquiry
RR-2017-002	Certain Liquid Dielectric Transformers, whether assembled or unassembled, complete or incomplete, originating in or exported from S. Korea.	Order Continuing Finding After Expiry Review



Canada Border Services Agency (CBSA)

Ref. Number	Merchandise/Country	Action
RB1&2 2017 RI	Certain concrete reinforcing bar originating in or exported from China, S. Korea and Turkey (Rebar 1), and originating in or exported from Belarus, Chinese Taipei, the Hong Kong SAR, Japan, Portugal and Spain (Rebar 2), and the subsidy of certain rebar originating in or exported from China	Notice of Conclusion of Re-investigation
CSWP2 2017 ER	<i>Dumping:</i> Certain carbon steel welded pipe originating in or exported from Chinese Taipei (excluding goods exported from Chinese Taipei by Chung Hung Steel Corporation and Shin Yang Steel Co. Ltd), India, Oman, S. Korea, Thailand and the United Arab Emirates (UAE) (excluding goods exported from the UAE by Conares Metal Supply Ltd.); <i>Subsidizing:</i> the aforementioned goods originating in or exported from India	Notice of Expiry Review Decision: that the expiry of the finding is likely to result in the continuation or resumption of dumping of the goods into Canada; and the expiry of the finding in respect of the subsidizing is likely to result in the continuation or resumption of subsidizing of the goods exported to Canada. Statement of Reasons
CPF2 2017 IN	Certain copper pipe fittings originating in or exported	Statement of Reasons



Canada Border Services Agency (CBSA)

Ref. Number	Merchandise/Country	Action
	from Vietnam	
SR 2018 IN	Dumping and subsidizing: Certain sucker rods originating in or exported from China	Notice of Initiation of Investigations – Statement of Reasons
CRS 2018 IN	Dumping and subsidizing: Cold-rolled steel from China, S. Korea and Vietnam	Initiation of investigations
CSWP1 2018 ER	Certain carbon steel welded pipe originating in or exported from China	Notice of Initiation of Expiry Review Investigation



NAFTA Panels

Ref. Number	Merchandise/Country	Action
USA-MEX-2018-1904-04	Large Residential Washers from Mexico	Notice of Request for Panel Review of Final Results of ADD Administrative Review
USA-CDA-2018-1904-01 (US) USA-CDA-2018-1904-01 (CA)	100- to 150-Seat Large Civil Aircraft from Canada	Notice of Completion of Panel Review of Final Affirmative CVD Determination
USA-CDA-2018-1904-02 (US) USA-CDA-2018-1904-02 (CA)	100- to 150-Seat Large Civil Aircraft from Canada	Notice of Completion of Panel Review of Final Affirmative Determination of Sales at LTFV



Mexico - Ministry of Economy

Ref. Number	Merchandise/Country	Action
EA 06/12	Tableware and loose pieces of ceramic tableware, including porcelain, originating in China, regardless of the country of export	Final resolution of the AD investigation



European Union

Ref. Number	Merchandise/Country	Action
(EU) 2018/671	Electric bicycles originating in China	Commission Implementing Regulation making imports of electric bicycles originating in China subject to registration pursuant to Article 14(5) of the basic AD Regulation and Article 24(5) of the basic AS Regulation
2018/C 157/04	Tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India	Notice of initiation of a partial interim review of the AD measures
(EU) 2018/683	Certain pneumatic tyres, new or retreaded, of rubber, of a kind used for buses or lorries, with a load index exceeding 121 originating in China	Commission Regulation imposing a provisional ADD and amending Implementing Regulation (EU) 2018/163
2018/C 159/05	Certain seamless tubes and pipes originating, inter alia, in Ukraine	Notice of initiation of a partial interim review of the AD measures
2018/C 162/03	Threaded tube or pipe cast fittings, of malleable cast iron, originating in China and Thailand	Notice of initiation of an expiry review of the AD measures
2018/C 167/06	Ceramic tableware and kitchenware orig-	Notice of initiation of an expiry review of the AD measures


European Union

Ref. Number	Merchandise/Country	Action
	inating in China	
2018/C 171/05	Certain open mesh fabrics of glass fibres originating in China, as extended to imports consigned from India, whether declared as originating in India or not	Notice of initiation concerning the AD measures
2018/C 173/07	Certain polyethylene terephthalate originating in India	Notice of initiation of an expiry review of the CV measures
(EU) 2018/756	Biodiesel originating in Argentina	Regulation making imports subject to registration [anti-subsidy proceeding initiated]
2018/C 177/05	Hot-rolled steel sheet piles originating in China	Notice of initiation of an AD proceeding
2018/C 181/05	Biodiesel from Argentina and Indonesia	Notice concerning the judgments of the General Court of 15 September 2016 in Cases T-80/14, T-111/14 to T-121/14 and T-139/14 regarding Council Implementing Regulation (EU) No 1194/2013 imposing a definitive ADD and collecting definitively the provisional duty and following the recommendations and rulings adopted by the Dispute Settlement Body of the World Trade Organisation in disputes DS473 and DS480 (EU — Anti-Dumping Measures on Biodiesel disputes)
2018/C 183/09	Threaded tube or pipe cast fittings, of malleable cast iron, originating in China and Thailand	Corrigendum to the Notice of initiation of an expiry review of the AD measures (OJ C 162, 8.5.2018)
(EU) 2018/788	Certain open mesh fabrics of glass fibres originating in China as extended to imports of certain open mesh fabrics of glass fibres consigned from India, Indonesia, Malaysia, Taiwan and Thailand, whether declared as originating in these countries or not	Commission Implementing Regulation amending Implementing Regulation imposing a definitive ADD following an expiry review
(EU) 2017/366 Corrigendum	Crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from China	Corrigendum to Commission Implementing Regulation imposing definitive CVD on imports of following an expiry review and terminating the partial interim review investigation
2018/C 186/07	Tungsten electrodes originating in China	Notice of initiation of an expiry review of the AD measures


Australian Anti-Dumping Commission

Ref. №	Merchandise/Country/Case #	Action
2018/69	Aluminium Extrusions From China #460	Findings in relation to an Accelerated Review of Anti-Dumping Measures
2018/70	Pineapple Fruit, Consumer From Thailand #453	Findings in relation to a Review of Anti-Dumping Measures
2018/72	Pineapple Fruit, Consumer From Thailand #455	Extension of time granted to issue SEF and Final Report
2018/73	Alloy Round Steel Bar From China #384	Resumption of an Investigation
2018/76	Pineapple Fruit FSI From Thailand, #477	Initiation of a Review of Measures
2018/79	Steel Pallet Racking From China and Malaysia #441	Extension of time to publish Statement of Essential Facts and Final Report
2018/80	A4 Copy Paper From Austria, Finland, Korea, Russia & Slovakia	Preliminary Affirmative Determination
2018/81	Hollow Structural Steel Sections From China, Korea, Malaysia and Taiwan #EX0059	Withdrawal of Application
2018/82	Various	Monthly Status Report - April 2018
2018/83	Hot Rolled Coil Steel From Taiwan	Extension of time granted to issue SEF & Final Report



Australian Anti-Dumping Commission

Ref. №	Merchandise/Country/Case #	Action
2018/84	Deep Drawn Stainless Steel sinks From China #461	Extension of time to issue Statement of Essential Facts and Final Report
2018/91	Aluminium Extrusions From China #EX0063	Withdrawal of Application



China Ministry of Commerce (MOFCOM)

Ref. №	Merchandise/Country	Action
44, 2018	Sorghum originating in the United States	Termination of the AD/CVD investigation; return of deposited duties
42, 2018	M-Phenoxybenzaldehyde originating in India	Final ruling on AD investigation; ADD for 5 years



Government of India Ministry of Finance (Department of Revenue)

Notification №	Merchandise/Country	Action
24/2018-Cus (ADD)	Jute goods exported from Bangladesh	Provides for provisional assessment till the final findings of New Shipper Review of two companies in this regard are received.
25/2018-Cus (ADD)	Veneered Engineered Wooden Flooring, originating in or exported from China PR, Malaysia, Indonesia and the European Union	Seeks to amend notification No.17/2018 Customs (ADD) dated 27.03.2018.
26/2018-Cus (ADD)	Peroxosulphates (Persulphate) originating in or exported from China PR	Extends the levy of ADD imposed on imports of under Notification No. 11/2013-Customs (ADD), dated the 16.05.2013 for a further period of one year (i.e. 14.05.2019).
27/2018-Cus (ADD)	Ceramic Rollers, originating in or exported from China PR	Imposes definitive ADD
28/2018-Cus (ADD)	Saturated Fatty Alcohols originating in, or exported from Indonesia, Malaysia and Thailand.	Imposes definitive ADD
29/2018-Cus (ADD)	Ammonium Nitrate originating in, or exported from Russia, Indonesia, Georgia and Ira	amend Notification No. 44/2017-Customs (ADD) dated 12th September, 2017
30/2018-Cus (ADD)	Jute goods exported from Bangladesh or Nepal	Provides for provisional assessment for M/s Janata Jute Mills Ltd.(Producer) till the final findings of New Shipper Review in this regard are received.
31/2018-Cus (ADD)	Jute goods exported from Bangladesh or Nepal	Provide for provisional assessment for M/s. Aman Jute Fibrous Ltd. (Producer) and M/s IB Jute Corporation (Exporter/ Trader) till the final findings of New Shipper Review in this regard are received.



Argentina Ministry of Production – Secretary of Commerce

Ref. №	Merchandise/Country	Action
267/2018	Certain electric vacuum cleaners, originating in China	Initiation of AD investigation without provisional duties but requiring non-preferential regime certificates of origin
193/2018	Plates and fine porcelain stoneware, natural or unpolished, polished, including semi-polished (satinated) and varnished or enamelled (including lacquered and / or polished), for flooring or wall tiles, originating in India,	Acceptance of the Price Commitment submitted by the Chinese exporting firm



Argentina Ministry of Production – Secretary of Commerce

Ref. №	Merchandise/Country	Action
	Malaysia, Vietnam and Brazil, and porcelain and enamelled porcelain stoneware slabs and tiles (even lacquered and / or polished), for flooring or cladding, originating in China	
282/2018	Certain plates, sheets, sheets and strips of poly (methyl methacrylate) exclusively, non-cellular, non-metallized, originating in China and Brazil	Closing of the investigation without the application of definitive ADD
204/2018	Thermos and other isothermal containers with stainless steel ampoule of capacity less than or equal to 2.5 l originating in China	Initiation of investigation and requirements for non-preferential certificates of origin
214/2018	Certain steel tubes used in oil or gaslines originating in China	Closing investigation and establishing an ADD for 5 years
217/2018	Steel saw blades originating in China	Expiry investigation and collection of AD for 5 years



Brazil Ministry of Development, Industry and Trade

Reference	Merchandise/Country	Action
SECEX Cir. № 21	Silicon steel flat rolled, non-oriented grains originating in Germany	Initiates investigation to ascertain the existence of dumping
SECEX Cir. № 19	Actionable subsidies of grinding bodies in cast iron and / or chromium-bonded steel, with a percentage of chromium ... originating in India	Makes public that it was concluded by a positive preliminary determination of actionable subsidies and of damage to the domestic industry resulting therefrom
SECEX Portaria № 25	Ballpoint pens originating in China	Closes review of special verification of non-preferential origin (claiming India); revoking import licenses from named companies re: India claims

Opportunity to Request Administrative Review

In a May 1, 2018 *Federal Register* [notice](#), the US Department of Commerce announced that it will receive requests to conduct administrative reviews of various antidumping (AD) and countervailing duty (CVD) orders and findings with May anniversary dates:

AD/CVD Proceedings - Country/ Merchandise	Case No.	Period
Antidumping Duty Proceedings		
Austria: Carbon and Alloy Steel Cut-To-Length Plate	A-433-812	11/14/16-4/30/18
Belgium: Carbon and Alloy Steel Cut-To-Length Plate	A-423-812	11/14/16-4/30/18
Stainless Steel Plate in Coil	A-423-808	5/1/17-4/30/18
Brazil: Iron Construction Castings	A-351-503	5/1/17-4/30/18
Canada: Citric Acid and Citrate Salt	A-122-853	5/1/17-4/30/18
Polyethylene Terephthalate Resin	A-122-855	5/1/17-4/30/18
France: Carbon and Alloy Steel Cut-To-Length Plate	A-427-828	11/14/16-4/30/18
Germany: Carbon and Alloy Steel Cut-To-Length Plate	A-429-844	11/14/16-4/30/18
India: Polyethylene Terephthalate Resin	A-533-861	5/1/17-4/30/18
Silicomanganese	A-533-823	5/1/17-4/30/18
Certain Welded Carbon Steel Standard Pipes and Tubes	A-533-502	5/1/17-4/30/18
Indonesia: Polyethylene Retail Carrier Bags	A-560-822	5/1/17-4/30/18



Editor, *International Trade Compliance Update*

Stuart P. Seidel
Washington, D.C.
+1 202 452 7088
stuart.seidel@bakermckenzie.com

This may qualify as "Attorney Advertising" requiring notice in some jurisdictions. Prior results do not guarantee a similar outcome.

Please see copyright and acknowledgements on the last page

AD/CVD Proceedings - Country/ Merchandise	Case No.	Period
Italy: Carbon and Alloy Steel Cut-To-Length Plate	A-475-834	11/14/16-4/30/18
Japan: Carbon and Alloy Steel Cut-To-Length Plate	A-588-875	11/14/16-4/30/18
Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products	A-588-869	5/1/17-4/30/18
Gray Portland Cement and Cement Clinker	A-588-815	5/1/17-4/30/18
Kazakhstan: Silicomanganese	A-834-807	5/1/17-4/30/18
Oman: Polyethylene Terephthalate Resin	A-523-810	5/1/17-4/30/18
R. of Korea: Ferrovandium	A-580-886	11/1/16-4/30/18
Carbon and Alloy Steel Cut-To-Length Plate	A-580-887	11/14/16-4/30/18
Polyester Staple Fiber	A-580-839	5/1/17-4/30/18
SR of Vietnam: Polyethylene Retail Carrier Bags	A-552-806	5/1/17-4/30/18
South Africa: Stainless Steel Plate in Coils	A-791-805	5/1/17-4/30/18
Taiwan: Carbon and Alloy Steel Cut-To-Length Plate	A-583-858	11/14/16-4/30/18
Certain Circular Welded Carbon Steel Pipes and Tubes	A-583-008	5/1/17-4/30/18
Polyester Staple Fiber	A-583-833	5/1/17-4/30/18
Polyethylene Retail Carrier Bags	A-583-843	5/1/17-4/30/18
Stainless Steel Plate in Coil	A-583-830	5/1/17-4/30/18
Stilbenic Optical Brightening Agents	A-583-848	5/1/17-4/30/18
The PR OF China: Aluminum Extrusions	A-570-967	5/1/17-4/30/18
1-Hydroxyethylidene-1, 1-Diphosphonic Acid (Hedp)	A-570-045	11/4/16-4/30/18
Circular Welded Carbon Quality Steel Line Pipe	A-570-935	5/1/17-4/30/18
Citric Acid and Citrate Salt	A-570-937	5/1/17-4/30/18
Iron Construction Castings	A-570-502	5/1/17-4/30/18
Oil Country Tubular Goods	A-570-943	5/1/17-4/30/18
Polyethylene Terephthalate Resin	A-570-024	5/1/17-4/30/18
Pure Magnesium	A-570-832	5/1/17-4/30/18
Stilbenic Optical Brightening Agents	A-570-972	5/1/17-4/30/18
Turkey: Circular Welded Carbon Steel Pipes and Tubes	A-489-501	5/1/17-4/30/18
Light-Walled Rectangular Pipe and Tube	A-489-815	5/1/17-4/30/18
United Arab Emirates: Steel Nails	A-520-804	5/1/17-4/30/18
Venezuela: Silicomanganese	A-307-820	5/1/17-4/30/18
Countervailing Duty Proceedings		
Brazil: Iron Construction Castings	C-351-504	1/1/17-12/31/17
India: Polyethylene Terephthalate Resin	C-533-862	1/1/17-12/31/17
S. Korea: Carbon and Alloy Steel Cut-To-Length Plate	C-580-888	9/14/16-12/31/17
SR of Vietnam: Polyethylene Retail Carrier Bags	C-552-805	1/1/17-12/31/17
South Africa: Stainless Steel Plate in Coils	C-791-806	1/1/17-12/31/17
The PR OF China: Aluminum Extrusions	C-570-968	1/1/17-12/31/17
1-Hydroxyethylidene-1, 1-Diphosphonic Acid (Hedp)	C-570-046	9/8/16-12/31/17
Citric Acid and Citrate Salt	C-570-938	1/1/17-12/31/17
Polyethylene Terephthalate Resin	C-570-025	1/1/17-12/31/17
Suspension Agreements		
None		

Requested Reviews

In a May 2, 2018 *Federal Register* [notice](#), the US Department of Commerce announced that it has received timely requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates. See actual notices for companies requesting review:

AD/CVD Proceedings - Country/ Merchandise	Case No.	Period
Antidumping Duty Proceedings		
Brazil: Certain Uncoated Paper	A-351-842	3/1/17 - 2/28/18
India: Certain New Pneumatic Off-the-Road Tires	A-533-869	2/2/17 - 2/28/18
Indonesia: Certain Uncoated Paper	A-560-828	3/1/17 - 2/28/18
Portugal: Certain Uncoated Paper	A-471-807	3/1/17 - 2/28/18

AD/CVD Proceedings - Country/ Merchandise	Case No.	Period
Spain: Stainless Steel Bar	A-469-805	3/1/17 - 2/28/18
Thailand: Circular Welded Carbon Steel Pipes and Tubes	A-549-502	3/1/17 - 2/28/18
The PR of China: Glycine	A-570-836	3/1/17 - 2/28/18
Multilayered Wood Flooring	A-570-970	12/1/16 - 11/30/17
Countervailing Duty Proceedings		
India: Certain New Pneumatic Off-the-Road Tires	C-533-870	6/20/16 - 12/31/17
Indonesia: Certain Uncoated Paper	C-560-829	1/1/17 - 12/31/17
Turkey: Circular Welded Carbon Steel Pipes and Tubes	C-489-502	1/1/17 - 12/31/17
Suspension Agreements		
Mexico: Fresh Tomatoes	A-201-820	3/1/17 - 2/28/18

Initiation of Sunset Reviews

In a May 1, 2018, *Federal Register* [notice](#), the US Department of Commerce advised that it was automatically initiating a five-year (“Sunset”) review of the anti-dumping and countervailing duty orders listed below.

AD/CVD DOC Case No.	ITC Case No.	Country	Merchandise
A-823-810	731-TA-894	Ukraine	Ammonium Nitrate (3 rd Review)

Advance Notification of Sunset Reviews

In a May 1, 2018, *Federal Register* [notice](#), the US Department of Commerce advised that the following cases were scheduled for five-year (“Sunset”) reviews for June 2018.

AD/CVD Proceedings - Merchandise/Country	Case No.
Antidumping Duty Proceedings	
Steel Concrete Reinforcing Bars from Belarus	A-822-804 (3 rd Review)
Steel Concrete Reinforcing Bars from China	A-570-860 (3 rd Review)
Sodium Hexametaphosphate from China	A-570-908 (2 nd Review)
Xanthan Gum from China	A-570-985 (1 st Review)
Steel Concrete Reinforcing Bars from Indonesia	A-560-811 (3 rd Review)
Steel Concrete Reinforcing Bars from Latvia	A-449-804 (3 rd Review)
Steel Concrete Reinforcing Bars from Moldova	A-841-804 (3 rd Review)
Steel Concrete Reinforcing Bars from Poland	A-455-803 (3 rd Review)
Steel Concrete Reinforcing Bars from Ukraine	A-823-809 (3 rd Review)
No Sunset Review of CVD orders is scheduled for initiation in June 2018.	
No Sunset Review of suspended investigations is scheduled for initiation in June 2018	



Mattias Hedwall
Global Chair
International Commercial & Trade

International Commercial & Trade Leadership Team

Regional Chairs / Steering Committee



Kana Itabashi
Tokyo
Asia Pacific



Ulf Wauschkuhn
Munich
EMEA



Manuel Padron
Juarez
Latin America



Michael Santa Maria
Dallas
North America

IC&T Focus Groups

Agency & Distribution / Franchising



Will Woods
Dallas

Supply Chain / Logistics



Peerapan Tungsuwan
Bangkok

Product Liability / Anticorruption / Compliance Liaison



Ulrich Ellinghaus
Frankfurt

Sanctions / Export Controls



Nick Coward & Janet Kim
Washington DC

Customs & Trade Agreements



Fred Burke
Ho Chi Minh City



Terrie Gleason
San Francisco

JV / FDI / Emerging Markets



Miguel Noyola
Chicago/Washington DC

©2018 Baker & McKenzie. All rights reserved. Baker & McKenzie International is a Swiss Verein with member law firms around the world. In accordance with the common terminology used in professional service organizations, reference to a "partner" means a person who is a partner, or equivalent, in such a law firm. Similarly, reference to an "office" means an office of any such law firm.

This may qualify as "Attorney Advertising" requiring notice in some jurisdictions. Prior results do not guarantee a similar outcome.

This UPDATE is issued to inform Baker & McKenzie clients and other interested parties of legal developments that may affect or otherwise be of interest to them. The comments above do not constitute legal or other advice and should not be regarded as a substitute for specific advice in individual cases.

Before you send an e-mail to Baker & McKenzie, please be aware that your communications with us through this message will not create a lawyer-client relationship with us. Do not send us any information that you or anyone else considers to be confidential or secret unless we have first agreed to be your lawyers in that matter. Any information you send us before we agree to be your lawyers cannot be protected from disclosure.

NOTE: This Update contains public sector information licensed under the Open Government Licence v3.0 of the United Kingdom. In addition, the Update uses material pursuant to European Commission policy as implemented by [Commission Decision of 12 December 2011](#).