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2019: What's Up in International Trade?

Keeping up to Speed on Evolving Challenges



Please see our [Webinars, Meetings, Seminars](#) section for contact and registration information for the new webinars in our 16th annual **Global Trade and Supply Chain Webinar Series** entitled, "2019: What's Up in International Trade? Keeping up to Speed on Evolving Challenges," as well as links to past webinars and information on other events.

In addition, there are links to the video recordings, PowerPoints and handout materials of the

- [2018 Year-End Import/Export Review in Santa Clara](#) and
- [2017 Year-End Import/Export Review in Santa Clara](#) as well as Presentation Materials from the
- [Asia Pacific International Commercial and Trade Client Conference \(Tokyo November 2018\)](#).

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For **International Trade Compliance Updates**, please regularly visit www.internationaltradeupdate.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 **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 usually may 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.

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A note on spelling, grammar and dates--

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

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.

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United Nations

Best Practices Guide developed for UN Sanctions Committees

A [Best Practices Guide for Chairs and Members of UN Sanctions Committees](#) has been developed by the UN Missions for Australia, Belgium, Germany, the Netherlands and Sweden, in collaboration with other interested states, and assisted by Compliance and Capacity Skills International (CCSI). According to an excerpt from the Preface,

The Guide informs and supports the principal sanctions actors, particularly the chairpersons and members of the sanctions committees, in ways to quickly and substantively reinforce the protective, preventive and coercive applications of Security Council sanctions. States that face the heaviest burden of sanctions implementation will find that the Guide enables them to engage more effectively and constructively with the sanctions policy-making and implementation processes. We believe that enhanced knowledge, skills and engagement will foster an improved UN sanctions system and better responses to conflicts, terrorism, proliferation and human rights violations.

The issues and practices to be prioritized and defined for a Best Practices Guide, without aspiring to be prescriptive, are not as obvious as they may appear. Individual sanctions actors focus on different concerns and interests, including in adjusting to shifting threats and political forces. Some examples of these tensions are contained in the need for decisive sanctions enforcement action while ensuring adequate due process procedures. Related to these questions is the extent to which human rights should be leveraged with sanctions. In some instances this issue has elicited contradictory responses from Council members.

Sanctions implementation practices must constantly adjust and adapt to an ever-changing landscape of risks to international peace and security. Consequently, chairpersons and members of sanctions committees must be aware of broadly agreed practices as well as those that may arise in their day-to-day work, including as a result of contentious committee deliberations.

The Guide in its present form will be subject to further consultations when the project enters its second phase, during which a Best Practices Guide for UN sanctions monitoring expert groups and their coordinators will be developed.

World Trade Organization (WTO)

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
DS574	United States - Measures relating to trade in goods and services - Request for consultations by Venezuela	08-01-19
DS575	Colombia - Measures Concerning the Distribution of Liquid Fuels - Request for consultations by Venezuela	14-01-18
DS576	Qatar - Certain measures concerning goods from the United Arab Emirates - Request for consultations by the United Arab Emirates	31-01-19
DS577	United States - Anti-dumping and countervailing duties on ripe olives from Spain - Request for consultations by the European Union	

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. Requests for a panel are not listed (click on “DS” number to go to summaries of the case, click on “Activity” to go to the latest news or documents):

DS No.	Case Name	Activity	Date
DS371	Thailand — Customs and Fiscal Measures on Cigarettes from the Philippines (Article 21.5 — Philippines)	Thailand appeals compliance panel report	09-01-19
DS561	Turkey — Additional Duties on Certain Products from the United States (Complainant: US)	Members review US first request for panel	11-01-19
DS472 DS497	Brazil — Certain Measures Concerning Taxation and Charges (Complainants: EU and Japan)	DSB adopted the panel reports, as modified by the Appellate Body	
DS381	United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products (Complainant: Mexico)	DSB adopted the Appellate Body report and the compliance panel reports as upheld by the Appellate Body	
DS523	United States — Countervailing Measures on Certain Pipe and Tube Products (Turkey) (Complainant: Turkey)	US appeals panel report	23-01-19
DS561	Turkey — Additional Duties on Certain Products from the United States (Complainant: US)	Panel established	28-01-19
DS543	United States – Tariff Measures on Certain Goods From China (Complainant: China)	Panel established	

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
07-01-19	WCO Conducts a Diagnostic Mission on Post Clearance Audit for Swaziland
08-01-19	WCO addresses Working Party on Customs Union under Romania's EU Council Presidency
09-01-19	Successful Diagnostic Mission of Sudan Customs Training System
11-01-19	Members of the Asia-Pacific region discuss best practices in the area of transit
14-01-19	WCO initiates implementation of “Harmonizing the classification of goods based on WCO standards to enhance African trade” programme funded by the EU
15-01-19	The WCO supports Fiji Revenue & Customs Service and stakeholders in the preparation of the Time Release Study (TRS)
16-01-19	Azerbaijan is aiming for transparent Customs
18-01-19	Turkmenistan is moving towards an open door policy
25-01-19	Message from the World Customs Organization - International Customs Day

Date	Title
	2019
28-01-19	WCO participates in the WEF Annual Meeting
29-01-19	WCO contributes to the dialogue on preventing illicit trafficking of cultural objects in Iraq
	WCO celebrates International Customs Day 2019 and invites Members to share best practices on "SMART borders"
30-01-19	Global Rapid Alert Network (GRAN) exchange platform for urgent and sensitive Customs related messages
	Opening of the WCO's 77th Fellowship Programme
31-01-19	Asean Ambassadors meet with the WCO Secretary General

Other International Matters

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

First CPTPP Commission meeting concludes in Japan

On January 19, 2019, Global Affairs Canada [reported](#) that the inaugural CPTPP Commission meeting was successfully concluded. The CPTPP Commission, consisting of representatives from Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam (the countries for which the CPTPP has entered into force), met in Tokyo, Japan and concluded their session by issuing a [Ministerial statement](#). The Commission meeting allowed CPTPP countries to chart a course for next steps as well as agree on a framework for the accession of new members. The Ministerial Statement follows:

Tokyo, Japan, January 19, 2019

Ministers and Senior Officials representing Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam, expressed delight at the entry into force of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (hereinafter referred to as "the Agreement") on December 30, 2018, and are pleased to announce that the 1st Commission meeting of the Agreement has been held successfully today.

Ministers expressed their firm commitment to fully implement the Agreement, which sends a strong signal in support of free trade; puts in place high-standard and well-balanced rules suitable for the 21st century; boosts economic growth; and benefits businesses, consumers, families, farmers and workers from their nations. Ministers were confident that the decisions made by the Commission will contribute to ensuring the smooth implementation of the Agreement and promote its expansion over time.

Ministers reaffirmed the importance of maintaining strong solidarity in vigorously promoting free trade and economic integration in the Asia-Pacific region and beyond. In this context, Ministers welcomed the early ratification and implementation by seven Signatories and expressed their hope that the Agreement will enter into force for all Signatories at the earliest possible date.

Amid growing concerns over recent trends toward protectionism, Ministers shared the view that it is of paramount importance to maintain and further strengthen the principles of an effective, open, inclusive and rules-based trading system.

Ministers reiterated that the Agreement is open to all economies which accept these principles and are willing to meet the high standards of the Agreement and confirmed their strong determination to expand the Agreement through the accession of those new economies.

In adopting the above statement, Ministers recognised that Malaysia is still evaluating the Agreement and its decision concerning its ratification.

Ministers celebrated the successful conclusion of the 1st Commission meeting and recognised it as a great start toward building a strong platform of high-standard rules for the region and beyond.

CITES

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
11-01-19	2019/001 - Iceland – Recommendation to suspend trade for non-submission of annual reports
	2019/002 - Saint Kitts and Nevis – Recommendation to suspend trade for non-submission of annual reports
	2019/003 - Solomon Islands – Recommendation to suspend trade for non-submission of annual reports
14-01-19	2019/004 - Amendments of Appendices I and II of the Convention
15-01-19	2019/005 - Implementation of Decision 17.297 on <i>Tortoises and freshwater turtles (Testudines spp.)</i>
	2019/006 - Solomon Islands – Withdrawal of a recommendation to suspend trade
23-01-19	2019/007 - Iceland – Withdrawal of a recommendation to suspend trade
	2019/008 - Saint Kitts and Nevis – Withdrawal of a recommendation to suspend trade
28-01-19	2019/009 - Request for written observations on the ETIS methodology and financial support for the review of the ETIS programme

The Americas - North America

CANADA

Canada launches consultations on future WTO e-commerce negotiations

On January 26, 2019, the *Canada Gazette* published a [notice](#) from Global Affairs Canada announcing that on January 25, 2019, Canada launched consultations on potential future negotiations on electronic commerce (e-commerce) at the World Trade Organization (WTO).

As part of its interest in achieving binding commitments at the WTO that reflect the reality of modern trade, the Government of Canada is seeking input from stakeholders to inform potential future WTO negotiations on e-commerce. Although the scope of these potential future negotiations has yet to be determined, stakeholder input at this early stage will prove useful in identifying Canadian positions, interests, and sensitivities. To date, the members of the plurilateral group have submitted papers proposing the following themes as bases for possible negotiations:

- customs and trade facilitation;
- customs duties on electronic transmissions;
- market access (for example for goods and services);
- flow of information across borders;
- access and non-discrimination;
- business trust;
- consumer trust;

- intellectual property;
- transparency;
- infrastructure gaps and the digital divide; and
- cooperation.

While the Government of Canada would prefer that negotiations involve all WTO members to ensure the most comprehensive and inclusive outcome, current WTO dynamics suggest that plurilateral negotiations, involving a subset of WTO members, are more likely. Such a scenario is similar to the negotiations for the 1996 WTO Information Technology Agreement and its 2015 expansion.

The Minister of International Trade Diversification has directed officials to solicit input from interested stakeholders regarding these potential future WTO negotiations on e-commerce, at this early stage of discussions, and to do this through an open and inclusive process. Global Affairs Canada has subsequently developed a short survey for stakeholders to complete, which can be accessed through the [consultation webpage](#).

All interested parties are invited to complete the survey or submit their input regarding potential future WTO negotiations on e-commerce by April 25, 2019.

CFIA's Safe Food for Canadians Regulation - enters into force Jan. 15, 2019

The Canadian Food Inspection Agency (CFIA)'s [Safe Food for Canadians Regulations](#) (SFCR) come into force on January 15, 2019. Under the SFCR, new requirements will apply to businesses and individuals importing food, including non-alcoholic beverages into Canada.

Once the SFCR is fully in force, commercial importers will require a SFC licence, in order to import food, including non-alcoholic beverages into Canada. Some exemptions apply as noted below.

The SFC licence requirement will be implemented in three phases as outlined below:

- **Phase 1, January 15, 2019:** The import of meat, fish, eggs, fresh fruits and vegetables, processed fruits and vegetables, dairy, maple and honey for commercial sale will require a SFC licence; however, the current licences/registrations listed below will continue to be accepted until they expire. Upon expiry, importers of these foods will require a SFC licence.
 - Licence to operate a registered meat establishment
 - Quality Management Program for Importers (QMPI) fish licence
 - Fish import licence (basic)
 - Cheese import licence
 - Dairy establishment registration
 - Registered Produce Warehouses (RPW) establishment registration
 - Honey establishment registration
 - Maple establishment registration
 - Processed products establishment registration
- **Phase 2, January 15, 2020:** A SFC licence will be required for imports of meat, fish, eggs, fresh fruits and vegetables, processed fruits and vegetables, dairy, maple and honey for commercial sale, unless otherwise exempted.

- **Phase 3, July 15, 2020:** A SFC licence will be required for all commercial food and beverage imports, unless otherwise exempted.

SFC licences can be obtained from the CFIA. To find out if a licence is needed and how to apply for one, go to the CFIA's [licencing interactive tool](#). CFIA encourages importers requiring a SFC licence to submit their applications as soon as possible.

The SCFR identifies the following as general exemptions to licencing requirements:

- food that is imported as part of the personal effects of an immigrant;
- food that is carried on any conveyance and is intended for the crew or passengers;
- food that is intended and used for analysis, evaluation, research, or a trade show provided that the food is part of a shipment that weighs 100 kg or less or, in the case of eggs, is part of a shipment of five or fewer cases;
- food that is not intended or sold for human consumption;
- food that is imported from the United States onto the Akwesasne Reserve by a permanent resident of the Reserve for their use;
- food that is imported in bond (in transit) for use by crew or passengers of a cruise ship or military ship in Canada;
- transporting a food commodity, if that is the sole activity of a person.

Even if exempted from the SFCR requirements, food and beverage imports remain subject to CFIA requirements under the *Health of Animals Act*, *Plant Protection Act* and their associated regulations, as well as all other government department legislation.

CFIA advises importers to continue to consult the CFIA's [Automated Import Reference System](#) (AIRS) for food import requirements.

For paper transactions, importers should consult AIRS and, for foods that are "Refer to CFIA – NISC" complete a [CFIA 5272, Request for Documentation Review \(PDF\)](#) form and fax it to the CFIA's [National Import Service Centre](#) (NISC). The NISC will conduct a documentation review and return a recommendation by stamping the CFIA 5272. The stamped 5272 must be presented to the Canada Border Services Agency as part of the release request.

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). Acts of Parliament show the date published in *Canada Gazette*, regardless of when they entered into force.

Publication Date	Title
01-05-19	ENVIRONMENT: Public consultation process in preparation for the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (N)
	ENVIRONMENT/HEALTH: Publication after screening assessment of six substances in the Pigments and Dyes Group specified on the Domestic Substances List (paragraphs 68(b) and (c) or subsection 77(1) of the Canadian Environmental

Publication Date	Title
	Protection Act, 1999 (N)
01-09-19	ENVIRONMENT: Order 2018-87-08-01 Amending the Domestic Substances List (SOR/2019-13, Dec. 28, 2018) pursuant to subsection 87(1) or (5) of the Canadian Environmental Protection Act, 1999 (O)
01-12-19	ENVIRONMENT: Order 2018-87-08-02 Amending the Non-domestic Substances List pursuant to the Canadian Environmental Protection Act, 1999
01-19-19	ENVIRONMENT/HEALTH: Publication after screening assessment of 10 substances in the Ketones Group specified on the Domestic Substances List (paragraphs 68(b) and (c) or subsection 77(1) of the Canadian Environmental Protection Act, 1999) (N)
01-25-19	Acts of the Parliament of Canada, from 12-28-17 to 06-22-18: Chap. 2 Strengthening Motor Vehicle Safety for Canadians Act (S-2) (03-01-18) Chap. 9 An Act to amend the Tobacco Act and the Non-Smokers' Health Act and to make consequential amendments to other Acts (S-5) (05-23-18) Chap. 10 An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts (C-49) (05-23-18) Chap. 16 Cannabis Act (C-46) (06-21-18)
01-26-19	GLOBAL AFFAIRS CANADA: Consultations on potential future World Trade Organization negotiations on electronic commerce (N)

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 mm/dd/yy format.)

Date	Reference	Title
01-02-18	D14-1-7	Assessment and Payment of Duties Under the Special Import Measures Act (Revised)
01-08-19	CN 19-01	Canadian Food Inspection Agency (CFIA)'s Safe Food for Canadians Regulations (SFCR) coming into force on January 15, 2019
01-10-19	CN 19-02	Amendment to the Departmental Consolidation of the Customs Tariff
01-16-19	CN 19-03	Repositioning of Empty Containers in Canadian Waters
01-24-19	D19-1-1	Food, Plants, Animals and Related Products (Revised)
01-29-19	D2-4-1	Temporary Importation of Conveyances by Residents of Canada (Revised)

Antidumping and countervailing duty cases

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

MEXICO

FTA government procurement thresholds published

On January 4, 2019, the Secretariat of the Public Function published in the *Diario Oficial* the [Circular Letter \(UNCP/309/TU/447/2018\)](#) that informs certain governmental bodies and other entities the threshold amounts for public contracting under the Colombia-Mexico Free Trade Agreements (ACE № 33).

Location Of Dependencies and Entities Subject to the Coverage of the Chapters or Purchasing Titles of the Public Sector of the Free Trade Agreements		
Annexes	Chapter or Title Number	Name of the Treaty
Article 15-02 Annexes 1 and 2	Chapter XV	Colombia-Mexico Free Trade Agreement (ACE № 33)

The modifying values of the thresholds applicable to the Chapter of Purchases for the Public Sector for the aforementioned Free Trade Agreement, for the period from January 1, 2019 to December 31, 2020, which were provided by the Ministry of Economy are:

Dependencies of the Federal Public Administration Listed in the Chapters or Purchasing Titles of the Public Sector	
Type of Contract	Amount of Threshold In US Dollars by Treaty
	Colombia-Mexico Treaty of Free Trade (ACE № 33)
Contracts of Acquisitions, Leases of Movable Goods and Services, Included With Public Works	\$ 80,317.00 (Eighty Thousand, Three Hundred Seventeen 00/100 USA)
Public Works Contracts	\$ 10'441,216.00 (Ten Million, Four Hundred and Forty One Thousand, Two Hundred And Sixteen 00/100 US)
Federal Public Administration Statutory Entities Listed in the Chapters or Public Sector Purchaser Titles	
Type of Contract	Amount of Threshold in US Dollars by Treaty
	Colombia-Mexico Treaty of Free Trade (ACE № 33)
Contracts of Acquisitions, Leases of Movable Goods and Services, Included With Public Works	\$ 401,584.00 (Four Hundred One Thousand, Five Hundred and Eighty Four 00/100 US)
Public Works Contracts	\$ 12,851,327.00 (Twelve Million, Eight Hundred Fifty-One Thousand, Three Hundred and Twenty-Seven 00/100 USA)

On the same date, the Secretariat of the Public Function published the [Circular Letter \(UNCP/309/TU/448/2018\)](#) that informs the dependencies and their decentralized administrative bodies, as well as in the entities of the Parastatal Public Administration, as well as the Attorney General's Office, subject to the coverage of the Free Trade Agreements that are indicated, the conversion to national currency for the first semester of the year 2019, effective from January 1 to June 30, 2019:

Location of Dependencies and Entities Subject to Coverage of the Chapters or Purchasing Titles of the Public Sector of the Free Trade Agreements		
Annexes	Chapter or Title Number	Name of the Treaty
Annexes 1001.1a-1 and 1001.1a-2 to article 1001	Chapter X	North American Free Trade Agreement (NAFTA)
Sections 1 and 2 of Part A of Annex I to Article 6-01	Chapter VI	Free Trade Agreement between the United Mexican States and the State of Israel (FTA Mexico - Israel)
Sections 1 and 2 of Part A of Annex XII, Article 56	Chapter V	Free Trade Agreement between the United Mexican States and the States of the European Free Trade Association (TLC Mexico AELC)
Sections 1 and 2 of Part A of Annex VI to Article 25 of Decision No. 2/2000 of the EC-Mexico Joint Council	Title III	Agreement of Economic Association, Political Agreement and Cooperation between the United Mexican States and the European Community and its Member States, and specifically Decision 2/2000 of the EC-Mexico Joint Council . (TLCUEM)
Sections 1 and 2 of Part B of Annex 11 to Article 119	Chapter 11	Agreement for the Strengthening of the Economic Association between the United Mexican States and Japan (Mexico-Japan FTA)
Annex 15 bis-01, Section B-Mexico List	Chapter 15 bis	Free Trade Agreement between the United Mexican States and the Republic of Chile (FTA Mexico Chile)
Annex 8.2, Section A and C	Chapter 8	Additional Protocol to the Framework Agreement of the Pacific Alliance

The values in national currency of the thresholds applicable to the procurement chapters of the public sector of the free trade agreements in question, for the period from January 1 to 30 June 2019, are the following:

Dependencies of the Federal Public Administration Listed in the Chapters or Purchasing Titles of the Public Sector	
Type Of Contract	Amount of Threshold in National Currency by Treaty
	NAFTA, NAFTA Mexico - Israel, NAFTA Mexico - EFTA, NAFTA, Mexico - Japan FTA, Mexico - Chile FTA And Pacific Alliance
Contracts of acquisitions, leases of movable goods and services, included with public works	\$ 1'625,182.00 (One million, six hundred twenty-five thousand, one hundred and eighty-two Pesos 00/100 MN)
Public works contracts	\$ 211'273,829.00 (Two hundred and eleven million, two hundred and seventy- three thousand, eight hundred twenty-nine Pesos 00/100 MN)

Federal Public Administration Statutory Entities Listed in the Chapters or Public Sector Purchaser Titles	
Type of Contract	Amount of Threshold in National Currency by Treaty
	NAFTA, NAFTA Mexico - Israel, NAFTA Mexico - EFTA, NAFTA, Mexico - Japan FTA, Mexico - Chile FTA And Pacific Alliance
Contracts of acquisitions, leases of movable goods and services, included with public works	\$ 8'125,892.00 (Eight million, one hundred and twenty five thousand, eight hundred and ninety two Pesos 00/100 MN)
Public works contracts	\$ 260'041,461.00 (Two hundred and sixty million, forty-one thousand, four hundred and sixty-one Pesos 00/100 MN)

Diario Oficial

The following documents of interest to international traders were published in the [Diario Oficial de la Federacion](#): *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
01-03-19	SECURITY AND CITIZEN PROTECTION: Draft Official Mexican Standard PROY-NOM-001-SEGOB2-2018, For the determination, assignment and installation of the vehicle identification number.
01-04-19	PUBLIC FUNCTION: Circular Letter that informs the dependencies and their decentralized administrative bodies, as well as in the entities of the Parastatal Public Administration, as well as the Attorney General's Office , subject to the coverage of the Free Trade Agreements that the updating of the thresholds according to the chapter of purchases valid from January 1 to June 30, 2019 is indicated.
	PUBLIC FUNCTION: Circular Letter that informs the dependencies and their decentralized administrative bodies, as well as in the entities of the Parastatal Public Administration, as well as the Attorney General's Office , subject to the coverage of the Free Trade Agreements that are indicated, the conversion to national currency for the first semester of the year 2019, effective from January 1 to June 30, 2019
01-16-19	ECONOMY: Notice by means of which the amount of the maximum quota is notified to the month of December 2018, to export sugar to the United States of America during the period between October 1, 2018 and September 30, 2019.
01-18-19	Decree by which the Mexican Food Safety agency is created
01-29-19	Economy: Acuerdo that modifies the Acuerdo by means of which the quota is announced to import, with the established tariff-quota , fresh, refrigerated and frozen pork meat.

Antidumping and countervailing duty cases

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

UNITED STATES

NOTE TO READERS: As a result of a lapse in appropriations and a funding impasse between the US Congress and the President, from December 21, 2018 until January 25, 2019, there was a partial shutdown of the US Federal Government. Many government websites (including CBP, ICE, Commerce [NIST, BIS, etc], USDA, DOJ, State, Treasury, USITC), were not maintained or operated during that period and therefore some links to material may not have worked and recent material may not have been posted. In addition, some regular features may not have been immediately available. These websites are being gradually restored and updated but information may be unavailable for a period of time. The *Federal Register* published only urgent documents during the above period. As many of the US agencies were not able to publish documents during this time, the **UNITED STATES** section below has less material than in our prior UPDATES.

The lack of some of our usual topics, including US regulations, CBP revocations and modifications of rulings, US agency notices, GAIN reports and AD/CVD cases is due to the above situation.

[NOTE ON *FEDERAL REGISTER* TABLES IN THE **UNITED STATES** SECTION BELOW: N=NOTICE, FR=FINAL RULE OR ORDER, PR=NOTICE OF PROPOSED RULEMAKING, AN=ADVANCE NOTICE OF PR, IR=INTERIM RULE OR ORDER, 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
01-07-19	Proclamation 9834 - To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes
01-18-19	Notice of January 16, 2019 Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process
01-22-19	Memorandum of January 15, 2019 - Delegation of Authorities and Responsibilities Under Section 1763 of the National Defense Authorization Act for Fiscal Year 2019
01-23-19	Presidential Determination No. 2019-07 of January 16, 2019 - Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended [advanced manufacturing techniques for the production of chemicals in munitions]
	Presidential Determination No. 2019-08 of January 16, 2019 - Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended [domestic production capability for energetic materials for munitions]
	Presidential Determination No. 2019-09 of January 16, 2019 - Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended [domestic production capability for inert materials for munitions]
	Presidential Determination No. 2019-10 of January 16, 2019 - Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as Amended [domestic production capability for precursor materials for munitions]
01-30-19	Executive Order 13857 of January 25, 2019 Taking Additional Steps To Address the National Emergency With Respect to Venezuela

President delegates export interagency dispute resolution process to Commerce

On January 22, 2019, the *Federal Register* published Presidential [Memorandum of January 15, 2019 - Delegation of Authorities and Responsibilities Under Section 1763 of the National Defense Authorization Act for Fiscal Year 2019](#), which delegates to the Secretary of Commerce (in coordination with executive depart-

ments and agencies through the National Security Presidential Memorandum–4 process), the functions and authorities vested in the President by section 1763 of the [National Defense Authorization Act for Fiscal Year 2019](#) (NDAA 2019; Public Law 115–232).

Section 1763, which is part of the *Export Controls Act of 2018* (part I of the NDAA 2019), provides that:

SEC. 1763 REVIEW OF INTERAGENCY DISPUTE RESOLUTION PROCESS

(a) IN GENERAL.—The President shall review and evaluate the interagency export license referral, review, and escalation processes for dual-use items and munitions under the licensing jurisdiction of the Department of Commerce or any other Federal agency, as appropriate, to determine whether current practices and procedures are consistent with established national security and foreign policy objectives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that contains the results of the review carried out under subsection (a).

(c) OPERATING COMMITTEE FOR EXPORT POLICY.—In any case in which the Operating Committee for Export Policy established by Executive Order 12981 (December 5, 1991; relating to Administration of Export Controls) is meeting to conduct an interagency dispute resolution relating to applications for export licenses under the Export Administration Regulations, matters relating to jet engine hot section technology, commercial communication satellites, and emerging or foundational technology may be decided by majority vote.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and
- (2) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate.

President extends national emergency with respect to terrorists who threaten middle east peace process

On January 18, 2019, the *Federal Register* published Presidential [Notice of January 16, 2019 Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process](#) which extends for an additional year the national emergency originally declared on January 23, 1995 by Executive Order (EO) 12947 to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States caused by grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process. Subsequently, the President modified the Annex and clarified the steps taken in EOs 13099 and 13372. The national emergency is being continued because these terrorist activities continue to threaten the Middle East peace process and pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

President issues Proclamation 9834 modifying the HTS

On December 21, 2018, the President signed [Proclamation 9834 -- To Take Certain Actions Under the African Growth and Opportunity Act and for Other Purposes](#) (published in the *Federal Register* on [January 7, 2019](#)). The Proclamation:

- Terminates the designation of Mauritania as a beneficiary sub-Saharan African country for purposes of section 506A of the *Trade Act of 1974*, as amended (the “Trade Act”), effective January 1, 2019, and deletes “Islamic Republic of Mauritania”.

nia” from the list of beneficiary sub-Saharan African countries in general note 16(a) to the *Harmonized Tariff Schedule of the United States* (“HTS”). The modification to the HTS set forth above shall be effective with respect to articles that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019.

- Modifies the HTS as provided in Annex I in the proclamation in order to implement United States tariff commitments under the 2004 Agreement with Israel on agricultural products through December 31, 2019. The modifications to the HTS set forth in Annex I shall be effective with respect to eligible agricultural products of Israel that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019. The provisions of subchapter VIII of chapter 99 of the HTS, as modified by Annex I of the proclamation, shall continue in effect through December 31, 2019.
- Modifies the HTS by adding “Nepal Preference Program.....NP” after “United States–Panama Trade Promotion Agreement Implementation Act.....PA” in general note 3(c)(i). Section 915(b) of the *Trade Facilitation and Trade Enforcement Act of 2015* (the “TFTEA”) authorizes the President to grant preference to products originating in Nepal. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019, and shall continue in effect through December 31, 2025.
- Modifies the HTS by deleting “heading 6205 or 6206” and by inserting in lieu thereof “heading 6205, 6206, or 6211” in U.S. note 41 to subchapter XXII of chapter 98, in order to provide for previously proclaimed duty-free treatment for originating guayabera-style shirts under the PATPA,. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019.
- Modifies additional U.S. note 5(a) to chapter 24 by deleting “2403.11.00”, in order to correct a technical error in the administration of a tobacco tariff-rate quota. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019.
- Modifies U.S. note 20(f) to subchapter III of chapter 99 of the HTS by deleting “2009.89.60” and inserting “2009.89.65” and “2009.89.70” in numerical sequence, in order to maintain the scope of the modification of the Section 301 action. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after November 1, 2018.
- Amends headings 9902.01.15, 9902.01.16, and 9902.01.17 of the HTS by deleting “subheading 2009.89.60” and inserting “subheading 2009.89.70” in lieu thereof, in order to reflect modifications to certain HTS subheadings made in Proclamation 9813 and to provide the intended tariff treatment under the *Miscellaneous Tariff Bill of 2018*. The modification set forth in this paragraph shall be effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after November 1, 2018.
- Modifies the staging of duty treatment for specific goods of Korea under the terms of general note 33 to the HTS:
 - the tariff treatment set forth in Proclamation 8783 with respect to subheadings 8704.21.00, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, and 8704.90.00 is terminated, effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2019;
 - in the Rates of Duty 1–Special subcolumn of column 1 for subheadings 8704.21.00, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, and 8704.90.00, the rate of duty “25% (KR)” shall continue in effect through December 31, 2040; and

- effective with respect to goods that are entered for consumption, or withdrawn from warehouse for consumption, on or after January 1, 2041, subheadings 8704.21.00, 8704.22.50, 8704.23.00, 8704.31.00, 8704.32.00, and 8704.90.00 are modified by inserting, in the Rates of Duty 1-Special subcolumn of column 1 in the parenthetical expression following the “Free” rate of duty, the symbol “KR”.
- Modifies the HTS as shown below in order to provide for the continuation of previously proclaimed staged duty reductions in the Rates of Duty 1–Special subcolumn for originating goods of Korea under the KORUS that are classifiable in the provisions modified by Annex III of Proclamation 9771 and entered for consumption, or withdrawn from warehouse for consumption, on or after each of the dates specified in Proclamation 9771:
 - effective January 1, 2019, the rate of duty in the HTS set forth in the Rate of Duty 1–Special subcolumn for each of the HTS subheadings enumerated in Annex II of this proclamation shall be modified by inserting in such subcolumn for each subheading the rate of duty specified for such subheading in the table column “2019” before the symbol “KR” in parentheses; and
 - for each of the subsequent dated table columns, the rates of duty in such subcolumn for such subheadings set forth before the symbol “KR” in parentheses are deleted and the rates of duty for such dated table column are inserted in each enumerated subheading in lieu thereof.
- Modifies general note 27 to the HTS as set forth in Annex III of the proclamation in order to implement agreed amendments to certain textile rules of origin under the US - Morocco FTA. The modifications set forth in Annex III shall enter into effect on the first day of the month following the date the United States Trade Representative announces in a notice published in the *Federal Register* that Morocco has completed its applicable domestic procedures to give effect to corresponding modifications to be applied to goods of the United States.

USTR requests environmental consultations with Peru under PTPA

On January 4, 2019, the Office of the U.S. Trade Representative (USTR) [announced](#) that it has requested consultations with Peru under the Environment Chapter of the *United States – Peru Trade Promotion Agreement* (PTPA). Through these environment consultations, the United States and Peru will discuss and attempt to resolve concerns regarding a recent Peruvian action to move the Agency for the Supervision of Forest Resources and Wildlife (OSINFOR) from its position as a separate and independent agency to a subordinate position within Peru's Ministry of Environment (MINAM). This is the first request for consultations made under the PTPA.

The PTPA's Annex on Forest Sector Governance states: “OSINFOR shall be an independent and separate agency and its mandate shall include supervision of verification of all timber concessions and permits.” Peru's Supreme Decree 122-2018-PCM, published on December 14, 2018, appears to conflict with this provision.

Section 301 duty mitigation strategies

Between July 6, 2018 and September 24, 2018, the United States Government imposed additional customs duties on approximately \$250 billion worth of Chinese products when imported into the United States, under authority of section 301 of the Trade Act of 1974, 19 U.S.C. §2411 (“Section 301”). Although the intent of those Section 301 duties is to encourage the Chinese Government to abandon certain unreasonable and discriminatory trade practices, which unfairly restrict and burden United States commerce, the practical effect is to raise the cost of Chinese products to United States importers, and ultimately to United States consumers.

In this paper, Baker McKenzie Partner, [John F. McKenzie](#) suggests various strategies by which United States importers may be able to mitigate the effect of those section 301 duties on merchandise imported into the United States. *This article was originally published in Bloomberg Law.*

To read the full article click [here](#).

Special 301 proceeding reviews IP practices of US Trading partners, with important consequences

USTR has begun its annual review of the intellectual property-based trade barriers faced by US companies and products. The so-called “Special 301” Report identifies countries that do not provide “adequate and effective” protection of IP rights or “fair and equitable market access to United States persons that rely upon intellectual property rights.” Countries identified in the Special 301 Report may receive designations such as “Priority Foreign Countries” or be included on a “Priority Watch List” or “Watch List.” This annual review is particularly significant in the current political environment, because issues that arise in the proceedings may later form the basis of an investigation and the imposition of duties under Section 301 of the Trade Act of 1974. Beginning in March 2018, the Trump Administration imposed special duties, as high as 25%, on billions of dollars of Chinese imports under Section 301, after building on findings that had been raised under USTR's Special 301 proceedings against China.

On December 28, 2018, USTR [published the schedule](#) for the Special 301 proceedings, with the first deadline for written comments on February 7, 2019, and a public hearing scheduled for February 27, 2019. USTR requests comments that identify “countries whose acts, policies, or practices deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection.” The Special 301 Report will be published on April 26, 2019, setting forth a new Priority Watch List and Watch List to “assist the Administration in pursuing the goals of the Special 301 provision.” These lists would be used to identify countries that exhibit particular problems with respect to IP rights. Countries placed on the Priority Watch List would be “the focus of increased bilateral attention concerning the problem areas.”

These proceedings may lead another country down the same path that China followed in 2017-2018. The March 2018 announcement of additional duties on Chinese products followed concerns raised about China's IP practices in Special 301 proceedings. The subsequent Section 301 investigation concluded that Chinese policies force American companies to, among other things, transfer technology rights to Chinese enterprises. A cornerstone of the report was the finding that the 'Made in China 2025' initiative demonstrated China's intent to seize economic leadership through “unfair, market-distorting behavior.”

A number of countries have remained on the Priority Watch List in recent years, like China. These countries include Algeria, Argentina, Chile, India, Indonesia, Russia, Thailand, Ukraine, and Venezuela. Next month presents an opportunity for interested parties to develop the record on the current status of the IP regimes in these countries - with potentially significant sanctions, duties, or other trade restrictions at stake.

For those interested in participating or monitoring the proceedings, here are the key dates to watch:

Dates for Action

- February 7, 2019: deadline for written comments, hearing statements, and notices of intent to appear
- February 21, 2019: deadline for written comments, hearing statements, and notices of intent to appear at the hearing from foreign governments
- February 27, 2019: Special 301 Subcommittee Hearing
- April 26, 2019: Special 301 Report published

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

USTR releases US-EU negotiation objectives

On January 11, 2019, the Office of the US Trade Representative (USTR) released a 17 page document entitled, [United States - European Union Negotiations - Summary of Specific Negotiating Objectives](#). The release follows the October 16, 2018, notification to Congress that the President intended to negotiate a trade agreement with the European Union (EU), in accordance with section 105(a)(1)(A) of the *Bipartisan Congressional Trade Priorities and Accountability Act of 2015* (the Trade Priorities and Accountability Act). The Administration's aim in negotiations with the EU is to address both tariff and non-tariff barriers and to achieve fairer, more balanced trade in a manner consistent with the objectives that Congress has set out in section 102 of the Trade Priorities and Accountability Act. USTR states that it will seek provisions that ensure effective implementation and enforcement.

The objections are summarized under the following topics:

- Trade in Goods
- Sanitary and Phytosanitary Measures (SPS)
- Customs and Trade Facilitation
- Rules of Origin
- Technical Barriers to Trade (TBT)
- Good Regulatory Practices
- Transparency, Publication, and Administrative Measures
- Trade in Services, Including Telecommunications and Financial Services
- Digital Trade in Goods and Services and Cross-Border Data Flows
- Investment:
- Intellectual Property (IPR)
- Procedural Fairness for Pharmaceuticals and Medical Devices.
- State-Owned and Controlled Enterprises (SOEs)
- Subsidies
- Competition Policy
- Labor
- Environment
- Anti-corruption

- Trade Remedies
- Government Procurement.
- Small and Medium-Sized Enterprises
- Dispute Settlement
- General Provisions
- Currency

State receives request for cultural property protection from Jordan

On January 31, 2019, the Department of State published in the *Federal Register* a [notice of receipt](#) of request from the Government of the Hashemite Kingdom of Jordan under Article 9 of the 1970 UNESCO *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* [Public Notice 10647]. State received this request on November 26, 2018. Jordan's request seeks US import restrictions on archaeological material representing Jordan's cultural patrimony. A public summary of Jordan's request and information about US implementation of the 1970 UNESCO Convention will be available at the Cultural Heritage Center web site: <https://eca.state.gov/cultural-heritage-center>.

Extension of import restrictions imposed on certain archaeological material from China

On January 14, 2019, US Customs and Border Protection (CBP) published in the *Federal Register* a [final rule](#) [CBP Dec. 19-02] that amends the CBP regulations to reflect an extension of import restrictions on certain archaeological material from China. The restrictions, which were originally imposed by CBP Dec. 09-03 and last extended by CBP Dec. 14-02, are due to expire on January 14, 2019. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has made the requisite determination for extending the import restrictions that previously existed and entering into a new Memorandum of Understanding (MOU) with China to reflect the extension of these import restrictions. The new MOU supersedes the existing agreement that became effective on January 14, 2009. Accordingly, these import restrictions will remain in effect for an additional five years, and the CBP regulations are being amended to reflect this further extension through January 14, 2024. This document also contains the amended Designated List that describes the types of archaeological material to which the restrictions apply, including a new subcategory of glass objects from the Zhou period through the Tang period. Importation of such material from China continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 C.F.R. 12.104c are met.

Extension of import restrictions imposed on certain archaeological and ecclesiastical ethnological material from Bulgaria

On January 14, 2019, CBP published in the *Federal Register* a [final rule](#) [CBP Dec. 19-01] amends the CBP regulations to reflect an extension of import restrictions on certain archaeological and ecclesiastical ethnological material from Bulgaria. The restrictions, which were originally imposed by CBP Dec. 14-01, are due to expire on January 14, 2019. The Assistant Secretary for Educational and Cultural Affairs, United States Department of State, has made the requisite determination for extending the import restrictions that previously existed and entering into a new Memorandum of Understanding (MOU) with Bulgaria to reflect the extension of these import restrictions. The new MOU supersedes and replaces the existing agreement that became effective on January 14, 2014. This new

MOU also corrects an inconsistency existing between the previous MOU and the Designated List that describes the types of archaeological and ecclesiastical ethnological material to which the restrictions apply.

CBP publications and fact sheets

During the period of coverage of this *Update*, CBP issued the following new or revised publications and fact sheets:

- [ACE Entry Summary Business Process Document Version 9.5a \(External\) Released](#)

Revocations or modifications of CBP rulings

Due to the partial Federal Government shutdown, no proposals or actions pursuant to 19 U.S.C. §1625(c) to revoke or modify binding rulings or treatment previously accorded to substantially identical merchandise were published in the weekly [Customs Bulletin and Decisions](#) during the past month by US Customs and Border Protection.

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
01-03-19	19-000002	Scheduled Maintenance-FDA Unable to Process Entries Sat. Jan. 5 from 3 AM EST to 7 AM EST
01-03-19	19-000003	Reminder: ACE account password reset and account restoration instructions
01-06-19	19-000005	Attention for Trade Community utilizing MQ Server connections
01-07-19	19-000006	Resolved: AES direct filing issues
01-08-19	19-000007	Resolved - ACE Portal and EDI processing has resumed
01-18-19	19-000011	Postponement of Enforcement Dates for In-Bond and ISF-5
	19-000012	Quota Bulletin January 18, 2019 Specialty Sugar Period 3
01-23-19	19-000015	Some ACE Daily Statements are Delayed
	19-000016	Delays In The Processing Of Commercial User Fee Payments
01-24-19	19-000017	Toothfish (Chilean Seabass) Imports – Pre-Approval Authorization and Catch Certification
01-25-19	19-000018	FDA System Scheduled Maintenance-FDA Unable to Process Entries Feb. 2, 300 to 800 EST
01-29-19	19-000020	Sect. 201, 232, and 301 Reports Now Available in ACE to Importers and Brokers
	19-000021	Reminder – Monthly Call and Resources for TFTEA Drawback
	19-000022	ACE February 9, 2019 Deployment Postponed
	19-000023	Scheduled Maintenance - FDA ITACS Thursday 1/31/19 9-11pm ET
01-30-19	19-000024	Trade/PGA Action Required: MQ Trade Gateway Migration -ACE PRODUCTION- Feb 9 @2200-0200ET
	19-000026	Buffalo Port Office (Port 0901, 726 Exchange St., Buffalo, NY) Closed Jan. 30 & Jan. 31
01-31-19	19-000027	Local Port Closure - Port of Detroit (3801) Closed Jan. 30 & Jan. 31
	19-000028	Chicago Port Office (Port 3901, 5600 Pearl St, Rosemont, IL) Closed Jan. 30 & Jan. 31
	19-000029	FDA ITACS (Import Trade Auxiliary Communication System) Planned Maintenance Thurs. 2/7/19
	19-000030	FDA New and End-dated CFSAN Product Codes

Date	CSMS#	Title
	19-000031	Trade Call for 5106
	19-000032	ACE Entry Summary Business Process Document Version 9.5a (External) Released

US imposes additional economic sanctions on Venezuela targeting PdVSA; OFAC issues new General Licenses

On January 28, 2019, the US Treasury Department's Office of Foreign Assets Control ("OFAC") designated Petróleos de Venezuela, S.A. ("PdVSA") as a Specially Designated National ("SDN") under [Executive Order 13850](#) of November 1, 2018 because it operates in the Venezuelan oil sector. As a result, 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 ("Green Card" holders) wherever located or employed) are prohibited, in the absence of an OFAC license, from transacting, directly or indirectly, with PdVSA and any entities owned 50% or more by PdVSA ("PdVSA Subs"). In addition, except as permitted under OFAC licenses, US Persons are required to block property or property interests of PdVSA/PdVSA Subs that are currently in the United States, come within the United States or the possession or control of any US Person.

Concurrently, OFAC re-issued one general license ("GL") and issued eight new GLs that authorize certain transactions with PdVSA/PdVSA Subs, as summarized below and available [here](#). We note that these descriptions are not exhaustive and that each GL should be reviewed in detail before relying on the authorizations contained therein.

- GL 3 was re-issued as [General License No. 3A](#) ("GL 3A") and authorizes transactions related to, the provision of financing for, and other dealings in bonds specified in the Annex to GL 3A. Further, Section (b) of GL 3A authorizes transactions related to bonds that were issued both (i) prior to August 25, 2017 and (ii) by US companies owned or controlled by the Government of Venezuela except for the following entities owned by PdVSA and any of their subsidiaries: Nynas AB ("Nynas"), PDV Holding Inc. ("PDVH"), and CITGO Holding Inc. ("CITGO") (but see GL 9 described below). (*No stated expiration date.*)
- [GL 7](#) authorizes transactions with respect to PDVH and CITGO and any of their subsidiaries. (*Valid through July 26, 2019.*) GL 7 also authorizes PDVH and CITGO and any of their subsidiaries to engage in transactions that are ordinarily incident and necessary to the purchase and importation of petroleum and petroleum products from PdVSA/PdVSA Subs. (*Valid through April 27, 2019.*) We note that GL 7 builds on [GL 2](#), which predates PdVSA's designation and is still in effect.
- [GL 8](#) authorizes the following five named entities to engage in transactions and activities ordinarily incident and necessary to operations in Venezuela involving PdVSA/PdVSA Subs: (i) Chevron Corporation, (ii) Halliburton, (iii) Schlumberger Limited, (iv) Baker Hughes, a GE Company, and (v) Weatherford International, Public Limited Company. (*Valid through July 26, 2019.*)
- [GL 9](#) authorizes transactions that are ordinarily incident and necessary to dealings in any debt of PdVSA/PdVSA Subs that was issued prior to August 25, 2017, subject to certain conditions and authorizes transactions that are ordinarily incident and necessary to dealing in bonds issued prior to August 25, 2017 by the following entities and their subsidiaries: PDVH, CITGO, and Nynas. (*No stated expiration date.*)
- [GL 10](#) authorizes US Persons in Venezuela to purchase refined petroleum products for personal, commercial, or humanitarian uses from PdVSA/PdVSA Subs. It

does not authorize any commercial resale, transfer, or export/reexport of petroleum products. (*No stated expiration date.*)

- [GL 11](#) authorizes US Person employees and contractors of non-US entities in third countries (including in Venezuela) to engage in all transactions and activities necessary to the maintenance and wind-down of operations, contracts, or other agreements that were in place prior to January 28, 2019, and involve PdVSA/PdVSA Subs. US financial institutions are also authorized to reject (rather than block) transactions related to activities, so long as the funds originate and terminate outside the United States, neither the originator nor the beneficiary is a US Person, and the funds are not destined for a blocked account on the books of a US Person. (*Valid through March 28, 2019.*)
- [GL 12](#) authorizes transactions that are ordinarily incident and necessary to the purchase and importation into the United States of petroleum and petroleum products from PdVSA/PdVSA Subs. (*Valid through April 27, 2019.*) GL 12 also authorizes transactions ordinarily incident and necessary to the wind down of operations, contracts, or other agreements, including the importation into the United States of goods, services, or technology not otherwise authorized in GL 12, involving PdVSA/PdVSA Subs that were in effect prior to January 28, 2019. (*Valid through February 26, 2019.*)
- [GL 13](#) authorizes transactions and activities where the only PdVSA Sub involved is Nynas or any of its subsidiaries. (*Valid through July 26, 2019.*)
- [GL 14](#) authorizes transactions related to the official business of US Government employees, grantees, or contractors. (*No stated expiration date.*)

Separate from the above, on January 25, 2019, the President issued a new Executive Order related to Venezuela entitled “Taking Additional Steps to Address the Situation in Venezuela” available [here](#). OFAC also issued FAQ 649 related to this new Venezuela Executive Order available [here](#), which advises that the new order was issued to broaden the definition of “Government of Venezuela” to include persons that have acted, or purport to act on behalf of the Government of Venezuela, including members of the Maduro regime. OFAC advised that additional FAQs with regard to the above developments will be forthcoming.

For additional information, contact the authors [Lise S. Test](#), [Meghan Hamilton](#) and [Paul E. Amberg](#), or any member of the US Outbound Trade group with whom you normally work.

US – DDTC to resume operations temporarily

On January 24, 2019, the Department of State Directorate of Defense Trade Controls (DDTC) [announced](#) that it will temporarily return to full operational status with all electronic application systems placed in normal operational mode and the 3pm daily pick-up and drop-off service restored. Priority will be placed on issuance of licenses in the system at the time of implementation of lapse of funding operations on December 22, 2018. New licenses will be accepted; however, industry is advised of the likelihood of longer than normal processing times due to the high volume of licenses DDTC expects to receive. The “Emergency License” process described in DDTC’s December 22, 2018 announcement suspending operations due to the lapse in funding is suspended.

HHS and FDA Federal Register documents

The Department of Health and Human Services (HHS) or the FDA have posted the following *Federal Register* guides, notices or documents which may be of interest to international traders:

F.R. Date	Subject
01-31-19	HHS- CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC): Guidance Regarding Agency Interpretation of "Rabies-Free" as it Relates to the Importation of Dogs into the United States (N)

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](#).

- Hong Kong - [FAIRS Report](#)
- Hong Kong [FAIRS Report](#)
- India - [FAIRS Report](#)
- Kenya - [FAIRS Report](#)
- Kenya - [FAIRS Report](#)
- New Zealand - [FAIRS Report](#)
- New Zealand - [FAIRS Report](#)
- Russia - [FAIRS Report](#)
- Tunisia - [FAIRS Report](#)
- UK - [FAIRS Report](#)
- Ukraine - [FAIRS Report](#)

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
01-29-19	DRUG ENFORCEMENT ADMINISTRATION (DEA): Schedules of Controlled Substances: Placement of MAB-CHMINACA in Schedule I [Docket No. DEA-421] (FR)
	ENERGY: Energy Conservation Program: Energy Conservation Standards for Certain External Power Supplies [EERE-2019-BT-STD-0001] (FR)
	ENERGY: Energy Conservation Program: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters [EERE-2018-BT-STD-0018] (N/E)
01-31-19	NUCLEAR REGULATORY COMMISSION (NRC): Information Collection: Export and Import of Nuclear Equipment and Material [NRC-2018-0229] (N/RFC)

US importers beware of the Chinese aluminum extrusions orders: scope issues continue

A [recent decision](#) from the US Court of International Trade answers some questions and raises others regarding the breadth of the antidumping and countervailing duty orders covering Chinese aluminum extrusions. Commerce Department scope rulings have significant consequences for US importers - if the product is determined to be within the scope of the order, then it is not only subject to steep duties, but the final duty rate is subject to change and may be unknown for years after import. Further, for the life of the duty orders, suppliers and US importers

may be subject to time-consuming and burdensome administrative reviews with high stakes.

This litigation began in 2014 as a challenge to the Commerce Department's decision to include two types of door handles as subject to the orders. The case has now had several phases, including a remand to the Commerce Department and an appeal to the US Court of Appeals for the Federal Circuit.

The case highlights the overall complexity and confusion that has resulted from the scope's exclusion of "finished merchandise" and "finished goods kit" - but *inclusion* of extruded aluminum subassemblies that are welded or fastened - with duties applying only to the aluminum-extrusion component of such subassemblies. Numerous companies have struggled to determine what these terms mean and how to design and engineer the product to fit within the exclusions at the time of import. Indeed, since the antidumping and countervailing duty orders issued in 2011, 148 scope ruling requests have been filed, more than for any other active order.

There are several takeaways for US importers and foreign manufacturers or exporters to help manage the risk of duty exposure:

- Scope rulings are a proper and proven method to seek to avoid antidumping or countervailing duties. Where the product as currently imported raises a potential scope exclusion argument, companies should consider presenting the exclusion to Commerce for confirmation. This is a particularly important strategy in the context of scope language that is ambiguous or subject to interpretation.
- If the product does not lend itself to a strong scope exclusion argument, companies should consider possible operational engineering to properly fit within an exclusion or to take the product completely out of the scope of the order.
- If an exclusion is not possible, U.S. importers or downstream users of subject products should carefully monitor applicable rates for their Chinese suppliers and deadlines for requesting review to capitalize on any opportunity to reduce duties.

Where it is possible to use operational engineering to fit within an exclusion, US importers should consider it and obtain confirmation from Commerce through a binding scope ruling.

If an exclusion is not possible, US importers or downstream users of aluminum extrusions should carefully monitor applicable rates for their Chinese suppliers and deadlines for requesting review to capitalize on any opportunity to reduce duties.

Companies should consider these strategies, particularly when dealing with antidumping and countervailing duty orders like those covering aluminum extrusions, given the breadth and uncertainty of the scope of the order. Baker McKenzie would be happy to assist interested companies in assessing these strategies and preparing scope ruling requests.

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

Antidumping and countervailing duty cases

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

The Americas - South America

ARGENTINA

Export duties on the exportation of services, inflation adjustment, double taxation treaty between Argentina and China

A. Tax changes approved by Congress

The Argentine Congress passed legislation introducing different tax changes related to export rights and inflation adjustment (among other issues).

1. Law No. 27,467

Law No. 27,467 (the "Budget Law") introduces several tax changes, as follows:

a) Export rights: sets forth export rights on services, applicable on the taxable value.

The Budget Law passed by Congress contains an amendment to the definition of goods contained in article 10 of the Customs Code (the "CC"). According to the proposed change, "the rendering of services in the country, when such services shall be effectively used or exploited abroad" is included on the definition of goods for customs purposes. The article also states that the Executive Branch will issue the necessary regulations to complete this amendment.

Furthermore, the applicable export duties on services will be determined based on the value stated in the invoice or similar document.

Finally, the Budget Law also ratifies the delegation on the Executive Branch of the power to set the export duties rate contained in article 755 of the CC. According to this ratification, such powers may be used until December 31, 2020, subject to the limit of 12% in the case of goods that were not subject to export duties as of September 2, 2018 (which is the case of export of services). This means that unless extended by Congress, export duties will expire by December 31, 2020.

b) Tax Secrecy: it is extended in any cases in which any information is sent abroad as part of cooperation agreements entered into between the Federal Tax Authority (AFIP for its acronym in Spanish) and tax authorities from other countries.

c) Tax Value Unit: the deadline for sending the bill to create a Tax Value Unit is extended until September 15, 2019, to determine fixed amounts, minimum taxes, tax brackets and other values set forth in tax regulations, enforced by AFIP.

d) Books, newspapers, magazines and other publications: The VAT exemption provided for books, brochures and similar printed material, newspapers, magazines and periodical publications is extended to the entire commercialization chain. Also, subscriptions to digital journalism publications are VAT exempted.

e) Soybeans. Tax rate reduced in VAT: As from January 1, 2019 a reduced VAT rate is established for trading soybeans and certain waste produced as a result of the industrialization of such beans.

The Budget Law also introduces provisions related to excise taxes, personal assets tax, VAT reimbursement to end consumers, VAT exemption for social housing and import of materials for railways and ports, as well as rules about fuels.

2. Law No. 27,468

Law No. 27,468 amends the inflationary adjustment provisions and sets forth new reference values so that such adjustment may be applicable.

In that sense, Law No. 27,468 sets forth that the adjustment shall be applicable whenever the variation of the inflation index (which should be of 100% in a term of 3 years) exceeds 55%, 30% and 15% for the 2018, 2019 and 2020 fiscal years, respectively.

Law No. 27,468 abolishes the prohibition of indexation for financial statements, which shall continue to be governed by the provisions of section 62 of the General Corporations Law. This provision shall be applicable as from the date that may be established by the Executive Branch through supervising agencies or the Central Bank of Argentina (BCRA for its acronym in Spanish) in regard of balance sheets or financial statements that may be submitted to it.

The provisions of Law No. 27,468 shall be applicable for the fiscal years which started on January 1, 2018.

B. Double Taxation Treaty between Argentina and China

In the context of the bilateral meetings held during the G-20 Summit, during November of 2018 in Buenos Aires, Argentina and China signed the Joint Action Plan 2019-2023, which establishes a road map by means of cooperation actions in political, economic and commercial matters.

As part of this cooperation program, both countries entered into a Double Taxation Treaty. The Treaty will enter into force once it is approved by the National Congress.

If you have any questions, please contact the authors, [Esteban Pablo Rópolo](#), [Martin J. Barreiro](#) and [Juan Pablo Menna](#).

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
02-01-19	Decree 1177 /2018 (28-12-18) DECTO-2018-1177-APN-PTE - Declaration of 2019 as Year of Export
	Decree 1201 /2018 (28-12-18) DECTO-2018-1201-APN-PTE - Provisions. [modifications to Articles 10, 91 and 735 of Law No. 22,415 (Customs Code) and its amendments in order to regulate the export of services]
03-01-19	FEDERAL ADMINISTRATION OF PUBLIC REVENUES (AFIP): Correction to General Resolution 4371/2018 [NCM Tariff 8704.94.83 should be 8708.94.83]
08-01-19	Law Nº 27492 Importation and Commercialization of Lamps - Law No. 26,473. Modification [extend prohibition on incandescent lamps to halogen lamps]
	AFIP: Correction to General Resolution 4376/2018 [regarding low values for

BO Date	Subject
	NCM 8482.10.10 imports]
10-01-19	FOREIGN AFFAIRS: Law Nº 24,080 - Date of Entry Into Force (04-01-19) for the Republic of Multilateral Instrumentso- Economic Complementation Agreement Nº 18 Celebrated Between Argentina, Brazil, Paraguay and Uruguay (AAP.CE / 18). 57th, 64th, 65th, 66th Additional Protocols.
11-01-19	AFIP DGA: General Resolution 4397/2019 (08-01-19) Criterion values of a preventive character and Annex
16-01-19	AFIP: General Resolution 4399 /2019 (15-01-19) Authorization to carry out retail trade operations in the Free Trade Zone of Río Gallegos. General Resolution No. 4,340. Its complementary.
23-01-19	AFIP: General Resolution 4400/2019 (21-01-19) Export rights. Provision of services. Section 2, clause c) of Article 10 of Law No. 22,415 and its amendments. Decree No. 1201/18. Determination and income. Forms, terms and conditions. AFIP: General Resolution 4401/2019 (21-01-19) Process. Special regime for electronic issuance and storage of original vouchers that support service export operations. RG No. 3,689 and its amendment. Its replacement.
25-01-19	Decree 81/2019 (24-01-19) DECTO-2019-81-APN-PTE - Quotas and local content percentages are established for items in annex. PRODUCTION AND LABOR: Resolution 27/2019 (24-01-19) RESOL-2019-27-APN-MPYT regarding exports AFIP: General Resolution 4403/2019 (23-01-19) Common Mercosur Nomenclature (NCM). Tariff classification of merchandise in the aforementioned nomenclature, according to the procedure provided in General Resolution No. 1618. Act SIGEA Nº 12115-11-2018. AFIP: General Resolution 4404/2019 (23-01-19) Import. Values criterion of preventive character. General Resolution N ° 2730 and its amendment. Complementary rule.

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
12-31-19	SECEX Portaria Nº 75, (28-12-18) - Establishes criteria for the allocation of quotas for imports, determined by CAMEX Resolution No. 105, of December 27, 2018.
	SECEX Portaria Nº 76, (28-12-18) - Establishes criteria for the allocation of quotas for imports, determined by CAMEX Resolution No. 105, of December 27, 2018.
	SECEX Portaria Nº 77, (28-12-18) - Establishes criteria for the allocation of quotas for imports, determined by CAMEX Resolution No. 105, of December 27, 2018.
	SECEX Portaria Nº 78, (28-12-18) - Establishes criteria for the allocation of quotas for imports, determined by CAMEX Resolution No. 105, of December 27, 2018.

Antidumping and countervailing duty cases

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

CHILE

National Customs postings and Diario Oficial

The following documents, which may be of interest to international traders were posted to the National Customs Service (NCS) [website](#) or published in the [Diario Oficial de la República de Chile](#) (Official Gazette) or [Partial list; Unofficial translation].

Date	Subject
16-01-19	HACIENDA: Extract of exempt resolution number 5.528, of 2018.- Modifies Compendium of Customs Norms
	HACIENDA: Extract of exempt resolution number 5,011, of 2018.- Modifies Compendium of Customs Norms
19-01-19	HACIENDA: Exempt Decree number 9, of 2019. Establishes as a provisional anti-dumping duty the ad valorem tariff surcharge that indicates, on imports of forged steel balls for milling, of less than 4 inches diameter, originating in the People's Republic of China
23-01-19	HACIENDA: Decree exempt number 14, of 2019. - Applies reductions of customs duties for the importation of raw sugar, refined sugar grades 1 and 2, and refined sugar grades 3 and 4, and sub-standards
24-01-19	HACIENDA: Extract of exempt resolution number 272, of 2019.- Modifies Compendium of Customs Norms

Classification opinions, advance rulings and classification valuation and origin decisions

The National Customs Service has recently redesigned its website. [Advance Classification Rulings](#) (Resoluciones Anticipadas Clasificación) from 2010 to the present are available.

COLOMBIA

TPTA information

Information, on the *Colombia-United States Trade Promotion Agreement* including presentations, rules of origin and TRQ information (all in Spanish) may be [found here](#). Sample (non-mandatory) Certificates of Origin are [available here](#).

Tariff Classification Resolutions

Tariff Classification Resolutions may be found [here](#).

MinCIT, MinHacienda and DIAN Documents

The following documents of interest to international traders were posted by the [Ministry of Commerce, Industry and Tourism](#) (MinCIT), [Ministry of Finance](#) (Hacienda) or the [National Directorate of Taxes and Customs](#) (DIAN):

Date	Subject
31-12-18	DIAN: Circular 000006 of 2018 - Guidelines for applying the modification of the taxable base on which the sales tax -IVA- is settled on the import of finished products produced abroad or in the free zone
16-01-19	DIAN: Circular 003411 of 2019 Ad valorem charges applicable to agricultural

Date	Subject
	products of reference, their substitutes, agro-industrial products or by-products
25-01-19	DIAN: Circular 000001 of 2019 Personal data processing policy.
29-01-19	DIAN: Circular 003429 of 2019 Ad valorem charges applicable to agricultural products of reference, their substitutes, agro-industrial products or by-products

PERU

Tariff Classification database

A searchable [Tariff Classification Resolution \(ruling\) database](#) (from 2006 through the present) is available. It may be searched by the tariff number, resolution number, or description. The database currently has approximately 7400 resolutions, some with photographs.

SUNAT and *El Peruano* publications

The following documents of interest to international traders were posted during the past month by [SUNAT](#) (National Customs Superintendent and Tax Administration) or in the legal standards section of [El Peruano](#) (the Official Gazette) (dd-mm-yy):

Date	Subject
03-01-19	SUNAT: Resolution 316-2018 / SUNAT Modifies the general procedure Import for Consumption DESPA-PG.01 (version 7)
10-01-19	SUNAT: Resolution № 003-2019/SUNAT/300000 Approve the discretionary power not to determine or sanction infractions provided for in the General Customs Law
12-01-19	NATIONAL INSTITUTE FOR DEFENSE OF COMPETITION AND PROTECTION OF INTELLECTUAL PROPERTY (INDECOP): Resolution № 256-2018 / SDC-INDECOP Confirm Res. No. 202-2017 / CDB-INDECOP that decided to maintain the anti-dumping duties imposed by Res. No. 038-2011 / CFD-INDECOP on imports of blended mixed polyester fiber fabrics exclusively or mainly with discontinuous fibers of viscose rayon originating in the Republic of India
	ECONOMY AND FINANCE (EF): Resolution Vice Ministerial № 001-2019-EF / 15.01 Reference prices and additional variable duties on imports of rice sugar corn and whole milk powder referred to in Supreme Decree No. 115-2001-EF
21-01-19	SUNAT: Superintendence Res. № 013-2019/SUNAT Regulating the electronic emission of authorized documents and sending information through PEI
26-01-19	ECONOMY AND FINANCE: Supreme Decree № 020-2019-EF Modify Single Text of Administrative Procedures of the National Superintendency of Customs and Tax Administration - SUNAT

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

Indexation of customs duty rates on excise-equivalent goods

[Department of Home Affairs Notice No. 2019/03](#) (30 January 2019) sets out the new customs duty rates for certain excise-equivalent goods, including spirits, beers and fuel products, operative from 4 February 2019. Section 19 of the *Customs Tariff Act 1995* (Customs Tariff Act), provides for customs duty rates for certain excise-equivalent goods to be indexed biannually, in February and Au-

gust, to the Consumer Price Index (CPI). The new rates are determined by the application of an indexation factor. The figures used to calculate the indexation factor for February 2019 are set out in the table in the Notice.

As the indexation factor for February 2019 (1.010) is greater than one, customs duty rates for certain excise-equivalent goods, in Schedule 3 to the Customs Tariff, will be increased by the application of this factor.

The rates of customs duty for excise-equivalent goods, operative from 4 February 2019, are set out in Table 1 to the Notice and supersede the rates outlined in Department of Home Affairs Notice 2018/24.

The rates referenced above also apply to goods subject to indexation in:

- Schedule 4A (Singaporean originating goods)
- Schedule 5 (US originating goods)
- Schedule 6 (Thai originating goods)
- Schedule 7 (Chilean originating goods)
- Schedule 8 (ASEAN-Australia-New Zealand originating goods)
- Schedule 8B (Trans-Pacific Partnership originating goods)
- Schedule 9 (Malaysian originating goods)
- Schedule 10 (Korean originating goods)
- Schedule 11 (Japanese originating goods) and
- Schedule 12 (Chinese originating goods) in the Customs Tariff Act.

The Department of Home Affairs (the Department) will arrange for the publication of a *Notice of Substituted Rates of Customs Duty for Excise-Equivalent Goods (No.1) 2019* in the *Gazette*.

Federal Court holds that encapsulating fish oil is not a substantial transformation and may not be labelled “made in Australia”

On 3 December 2018, the Federal Court of Australia entered judgment in [*Nature's Care Manufacture Pty Ltd v Australian Made Campaign Limited \[2018\] FCA 1936*](#), an action for declaratory relief that the Applicant's soft-gel capsules marketed as 'Fish Oil + Vitamin D' are “made in Australia”. The Federal Court held that the Applicant's encapsulation process is not a substantial transformation and therefore the Applicant may not claim that the product is “made in Australia” nor use the 'Australian made and owned' kangaroo logo (Logo).

The Logo is a registered certification trade mark owned by the Respondent who is responsible for regulating its use, including the issuance of 12-month renewable licences which allow businesses to use the Logo. The Applicant had previously been licensed to use the Logo since 2012 for a number of its products, including the fish oil capsules, but the Respondent did not believe the product at issue qualified for the Logo and indicated that it would not licence the Applicant to use the Logo in the future. The fish oil is imported from Chile and the vitamin D is imported from China. The soft gel capsules are made in Australia from gelatine powder, water and glycerol from Indonesia. The completed capsules are combined in a five step process explained in the judgment.

The [Australian Consumer Law](#) (ACL), which is contained in Schedule 2 to the [Competition and Consumer Act 2010](#), includes a number of prohibitions on engaging in misleading and deceptive conduct, including representations about where certain goods are produced or manufactured. There are also a number of rules about specific conduct, which will not constitute a breach (frequently referred to as “safe harbour” provisions). With respect to representations of country of origin, ACL section 255 states that there is no contravention of the following representations, if the required criteria are satisfied:

1. that goods were **grown** in a particular country; or
2. that goods are the **product of** a particular country; or
3. that goods were **made in** (or manufactured in), or otherwise originated in a particular country; or
4. a representation in the form of a mark specified in an information standard relating to country of origin labelling of goods.

With respect to the “made in” provision, the law requires that the goods must have been “last substantially transformed” in the country claimed. To be substantially transformed in a country, the ACL states that the goods are, as a result of “one or more processes undertaken in that country, fundamentally different in identity, nature or essential character from all of their ingredients or components that were imported into that country”.

The Court found that the capsules are not fundamentally different from the ingredients and therefore found the safe harbour is not available and the claims made by the Applicant are not protected by section 255 of the ACL.

In March 2018, prior to the *Nature’s Care* case, the [Australian Competition and Consumer Commission](#) (ACCC), which enforces the ACL, issued a business guide entitled, [Country of Origin Labelling for Complementary Healthcare Products](#) (ACCC Guide). In the ACCC Guide it is stated that:

In the ACCC’s view, encapsulating imported actives is unlikely to constitute a substantial transformation. While encapsulation results in a change to the form and appearance of the imported active, in our view it doesn’t result in a fundamental change to its identity, nature or essential character when compared to the imported ingredient.

The ACCC Guide provides the following:

Example: A business imports krill oil into Australia and processes it into soft capsules. In the ACCC’s view, the krill oil soft capsule isn’t fundamentally different in identity, nature or essential character to the imported krill oil material used to create it. The end product retains the clearly established identity and traditional use of krill oil. While its delivery method and portion size has changed, its fundamental properties have not.

While the additional process of forming the capsule shell in Australia from imported gelatine may change the shape and appearance of the imported gelatine, the capsule filling (ie the imported active) has not been substantially transformed when compared to the imported oil.

The criteria for the ‘made in’ safe harbour defence requires the end product to be fundamentally different in identity, nature or essential character to all of the imported ingredients.

As the krill oil is consumable as a liquid, the real point of difference between the end product and its imported ingredients is that the capsule packages the oil in a more convenient or desirable form for consumers to take.

DHA notices and advices

The following Australian Border Force, 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
30-01-19	DHA Notice No. 2019/03	Indexation of customs duty rates on excise-equivalent goods on 4 February 2019

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
09-01-19	Tariff Concession Gazette 19/01
16-01-19	Tariff Concession Gazette 19/02
23-01-19	Tariff Concession Gazette 19/03
30-01-19	Tariff Concession Gazette 19/04

Australian Tariff Precedents

The Australian Border Force (ABF), Department of Home Affairs (DHA), 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)

New cross-border e-Commerce (“CBE”) regulations bring new opportunities and challenges for overseas sellers

On November 28, 2019, several Chinese authorities, including the Ministry of Commerce, the National Development and Reform Commission, the Ministry of Finance, the General Administration of Customs (GAC), the State Administration of Taxation and the State Administration for Market Supervision, jointly issued a Circular on Improving Supervision of Crossborder E-Commerce Retail Imports, effective from 1 January 2019. GAC subsequently issued a Circular [2018] No. 194 to implement the aforementioned regulation, also effective from January 1, 2019 (both circulars are collectively referred to as the “New CBE Regulations”).

The New CBE Regulations reflect the longstanding policy objective of the Chinese government to divert cross-border e-commerce sales from the less regulated, shady channels, such as the commonly-known “Daigou”, to the closely supervised CBE channel. The policy tools for achieving this objective include the increased incentives for the relevant parties to transact through the CBE channel. Meanwhile, to clamp down on the possible abuse of these incentives, the New CBE Regulations show clear commitment to strengthening enforcement against illicit operations, in particular, those aimed at exploiting the tax reduction benefit of the CBE program. In addition, in order to provide greater protection to Chinese

consumers in terms of product quality and safety, the New CBE Regulations explicitly hold the overseas sellers and their designated Chinese “responsible parties” jointly and severally liable. Having regard to these changes, all participants in the CBE supply chain, including the overseas sellers, will now need to take prudent and compliant measures, such as due diligence on designated Chinese parties, to avoid being subject to enforcement against illicit business activities and eliminate potential legal liabilities under the New CBE Regulations.

Our [Client Alert](#) discusses what the new rules are under CBE and the potential impact to overseas sellers. These include a discussion of:

Benefits of the CBE

- Pre-importation registration waiver
- Value limit relaxation
- Tariff exemption and tax reduction
- Expanded “positive lists”.
- FTZ distribution centre
- “Safe harbour” against retaliatory tariffs.

New compliance challenges and responsibilities faced by the overseas sellers

- After-sales services and consumer protection responsibility
- Customs compliance
- General product safety and quality requirements

Implications for overseas sellers

If you have any questions on the topics covered or need further clarification on any particular issue, please do not hesitate to get in touch with your usual contact at Baker McKenzie FenXun, or any of the lawyers listed: [Zhenyu Ruan](#), [Frank Pan](#) or [Tina Li](#).

China's revised Criminal Procedure Law expands powers for corruption trials

On 26 October 2018, the Standing Committee of the National People's Congress passed the revised PRC *Criminal Procedure Law* (CPL), which introduces, among other things, the “default judgment” and “immediate judgment” procedures in criminal trials.

The default judgment procedure penalizes defendants who have absconded overseas in respect of bribery and corruption offenses as well as activities that severely endanger national security (e.g., terrorist activities). The immediate judgment procedure expedites prosecution of defendants who plead guilty and accept penalty proposals. These are significant developments that enhance anti-bribery enforcement by the Chinese authorities and impose greater deterrence to bribery and corruption offenses. They also echo global anti-corruption trends and reflect the continuous escalation of China's anti-corruption campaign.

A [Client Alert](#) has been prepared summarizing the key amendments and the actions to be taken by companies doing business in China.

If you have any questions on the topics covered or need further clarification on any particular issue, please do not hesitate to get in touch with your usual contact

at Baker McKenzie FenXun, or any of the following lawyers: [Mini vandePol](#), [Simon Hui](#), [Henry Chen](#), or [Emma Chen](#).

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
01-14-19	MOFCOM, GAC Ann 103, 2018	2019 New Zealand wool and tops, Australian wool import country tariff quota management regulations
01-02-19	GAC Ann. 1, 2019	Announcement on the quarantine requirements for the import of Chilean fruit reefer ships
	GAC Ann. 2, 2019	Announcement on the publication of the list of pre-shipment inspection agencies for imported solid wastes that can be used as raw materials for the second approval for filing
	GAC Ann 5, 2019	Announcement on Further Regulating the Supervision of Carrying Entry and Quarantine of Pets
	GAC Ann 6, 2019	Announcement on the time limit for the examination and approval of the "inspection permit for import and export commodity inspection and appraisal business"
	GAC Ann 7, 2019	Announcement on the number of triggers for the import of two major types of agricultural products imported from Australia in 2019
01-04-19	GAC Ann 9, 2019	Announcement on the Copying and Promotion of the Work Mode of "Open Declaration + Verification Supervision" for Ship Water Supply for International Navigation
01-08-19	GAC Ann 10, 2019	Announcement on the cessation of the issuance of solid and concentrated non-solid milk and cream in origin in New Zealand in 2019
01-09-19	GAC Ann 11, 2019	Announcement on Quarantine Requirements for Imported Kazakhstan Barley Plants
	GAC Ann 12, 2019	Announcement on Quarantine Requirements for Imported Maize Plants in Kazakhstan
	GAC Ann 14, 2019	Announcement on the Registration Certificate for Customs Declarations (Consigners and Consignees of Import and Export Goods) to be included in the "Multi-Certificate Integration" Reform
01-11-19	GAC Ann 16, 2019	Announcement on Quarantine Requirements for Imported Argentine Cherry Plants
01-14-19	GAC Ann 17, 2019	Announcement on the Applicable Tax Rate for Ship Tonnage Taxes for Taxable Ships of the Republic of Liberia
01-22-19	GAC Ann 18, 2019	Announcement on Amending the Regulations for the Customs Import and Export Commodity Customs Declaration of the People's Republic of China
	GAC Ann 19, 2019	Announcement on Preventing the Entry of Yellow Fever in China
01-23-19	GAC Ann 20, 2019	Announcement on Adding Customs Supervision Methods
01-24-19	GAC Ann 21, 2019	Announcement on the Standards for the Implementation of the Core Public Health Core Capacity of the International Health Regulations (2005) in 2018
01-30-19	GAC Ann 22, 2019	Announcement on Quarantine Management Measures for Inbound Fuel Filling Oil International Navigation
01-29-19	GAC Ann 23, 2019	Announcement on the warning of the risk of nodular skin disease in Kazakhstan
01-31-19	GAC Ann 24, 2019	Joint Announcement of the Ministry of Agriculture and

Date	Series and №	Subject
		Rural Affairs, General Administration of Customs on Lifting the Prohibition of Foot-and-Mouth Disease Epidemic Situation in Some Areas of Mongolia

Antidumping and Countervailing Duty Cases

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

Hong Kong's new tax incentives for R&D

The *Inland Revenue (Amendment) (No. 7) Ordinance 2018* (the "Amendment") has come into operation on 2 November 2018 to put in place an enhanced tax deduction regime for qualifying research and development (R&D) expenditures in Hong Kong. The Amendment, the key features of which are discussed in our [Client Alert](#), is substantially similar to the bill introduced in April 2018. The enhanced tax deduction regime applies to qualifying R&D expenditures incurred on or after 1 April 2018. Companies engaging in or planning to engage in R&D activities should review their R&D activities and assess whether they can benefit from the new regime.

If you have any questions on the topics covered or need further clarification on any particular issue, please do not hesitate to get in touch with your usual contact at Baker McKenzie, or any of the lawyers listed: [Steven Sieker](#), [Pierre Chan](#), [Noam Noked](#), or [Calista Li](#).

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

Date	Matter
02-01-19	Strategic Trade Controls Cir. 1/2019 Air Transshipment Cargo Exemption Scheme for Specified Strategic Commodities (SCTREX): List of Valid Registrants (as at 1 January 2019)
22-01-19	Circular 01/2019 Hong Kong, China - Georgia Free Trade Agreement (HKCGFTA) Exporting Goods Originating in Hong Kong to Georgia
	Circular 02/2019 Hong Kong, China - Georgia Free Trade Agreement (HKCGFTA) Certificate of Hong Kong Origin – Georgia (CO(Georgia))

INDIA

Material in this section and the India [Antidumping Countervailing Duty and Safeguards Investigations](#) section was prepared by [Sonia Gupta](#) of [Ashok Dhingra Associates](#), Attorneys at Law, Gurgaon (Haryana), India

India notifies draft Food Safety and Standards (Prohibition and Restrictions on Sales) Amendment Regulations, 2018

India notified the WTO Committee on Sanitary and Phytosanitary Measures regarding draft *Food Safety and Standards (Prohibition and Restrictions on Sales) Amendment Regulations, 2018* relating to sale of beverages containing artificial sweeteners through vending machines, inviting comments from Member States till 5 March, 2019, circulated vide [Notification No. G/SPS/N/IND/229](#) (dated 4 January, 2019).

India notifies draft Plant Quarantine (Regulation of Import into India) (Tenth Amendment) Order, 2018

India notified the WTO Committee on Sanitary and Phytosanitary Measures regarding draft *Plant Quarantine (Regulation of Import into India) (Tenth Amendment) Order, 2018* to further liberalize provisions governing import of stone from ASEAN countries under Schedule VI of the *Plant Quarantine (Regulation of Import into India) Order, 2003* and allow import of plants and plant materials into India, inviting comments from Member States till 8 March, 2019, circulated vide [Notification No. G/SPS/N/IND/230](#) (dated 7 January, 2019).

Japan to appeal in India – Certain Measures on Imports of Iron and Steel Products

On 21 December, 2018, Japan communicated to the WTO Dispute Settlement Body (DSB) regarding its decision to appeal to the Appellate Body on certain issues of law and legal interpretation covered in Panel Report in *India – Certain Measures on Imports of Iron and Steel Products* (WT/DS518/R), in pursuance of Articles 16.4 and 17 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU) and Rule 23 of the *Working Procedures for Appellate Review*, circulated vide [Notification No. WT/DS518/9](#) (dated 7 January, 2019).

Report on Anti-dumping practices

In pursuance of Article 16.4 of the *Uruguay Round Agreement*, India and other WTO Member States submitted reports concerning preliminary and final Anti-dumping actions during November 2018, reproduced by the Committee on Anti-dumping Practices vide [Notification No. G/ADP/N/321](#) (dated 7 January, 2019).

Subsequently, reports concerning preliminary and final Anti-dumping actions during December 2018, reproduced by the Committee on Anti-dumping Practices vide [Notification No. G/ADP/N/323](#) (dated 25 January, 2019).

India requests consultations concerning imposition of safeguard measure on imports of Certain Steel Products

On 9 January, 2019, India communicated to the WTO Committee on Safeguards seeking Request for Consultations under Article 12.3 of the *Agreement on Safeguards* concerning imposition of safeguard measure by the European Union on imports of Certain Steel Products, circulated vide [Notification No. G/SG/196](#) (dated 10 January, 2019).

India replies to questionnaire on Import Licensing procedures

On 16 January, 2019, India replied to questionnaire on Import Licensing procedures, in pursuance of Article 7.3 of the *Agreement on Import Licensing Procedures*, circulated by the Committee on Import Licensing vide [Notification No. G/LIC/N/3/IND/18](#) (dated 17 January, 2019).

Other CBIC and DGFT notifications, circulars and instructions

Central Board of Indirect Taxes and Customs (CBIC) and Directorate General of Foreign Trade (DGFT) issued following notifications, circulars (Cir) and instructions during the period covered by this Update:

Date	Series and No	Subject
CBIC Non-Tariff Notifications		
03-01-19	01/2019-Cus (NT)	Barhni added to list of Land Customs Stations (LCS) from which export under claim of Duty Drawback can be made to Nepal
	02/2019-Cus (NT)	Exchange rate notification providing conversion rate of foreign currencies to INR
11-01-19	03/2019-Cus (NT)	Exchange rate notification providing conversion rate of South African Rand to INR
15-01-19	04/2019-Cus (NT)	Tariff Notification regarding fixation of Tariff Value of Edible Oils, Brass Scrap, Poppy Seeds, Areca Nut, Gold and Silver
17-01-19	05/2019-Cus (NT)	Exchange rate notification providing conversion rate of foreign currencies to INR
31-01-19	07/2019-Cus (NT)	Tariff Notification regarding fixation of Tariff Value of Edible Oils, Brass Scrap, Poppy Seeds, Areca Nut, Gold and Silver
CBIC Tariff Notifications		
10-01-19	01/2019-Cus	Pre-import condition removed and specified deemed export supplies included for exemption from Integrated Goods and Services Tax (IGST) and Compensation Cess for raw materials imported against Advance Authorizations and Advance Authorizations for Annual Requirement
29-01-19	02/2019-Cus	Effective Basic Custom Duty (BCD) rate on parts of power bank of Lithium ion and battery pack of cellular mobile phones prescribed
	03/2019-Cus	Effective Basic Custom Duty (BCD) rate on electric vehicle and their specified part and raw material for manufacture of Lithium ion cells prescribed
CBIC Circulars		
02-01-19	01/2019-Customs	Guidelines to resolve errors in refund of Integrated Goods and Services Tax (IGST) paid on export
08-01-19	02/2019-Customs	Clarification on Custom Post Clearance Audit (PCA)
31-01-19	03/2019-Customs	Procedure prescribed for manufacturing or other operations undertaken in Customs bonded warehouses under Section 65 of the Customs Act, 1962
DGFT Notifications		
03-01-19	48/2015-2020	Time allowed till 30 April, 2019 to the Government of Karnataka to finalize modalities and complete process of export of balance quantity of Red Sanders wood
07-01-19	49/2015-2020	Export Policy of Fertilizers revised from Restricted category to Free subject to obtaining prior permission/ No Objection Certificate (NOC) by manufacturers/ exporters from the Department of Fertilizers and compliance with specified conditions
08-01-19	50/2015-2020	Import Policy of Electronics and IT Goods notified under the Electronics and Information Technology Goods (Requirement of Compulsory Registration) Order, 2012 laid down
	51/2015-2020	Import Policy for Aviation Gasoline revised from existing policy of import through State Trading Enterprises to Free subject to Actual User Condition and compliance with other specified conditions
	52/2015-2020	Errata issued in relation to Export Policy of Fertilizers notified vide Notification No. 49/2015-2020 dated 7 January, 2019
10-01-19	53/2015-2020	Pre-import condition removed to allow exemption from Integrated Goods and Services Tax (IGST) and Compensation Cess and exemption from IGST and Compensation Cess extended to deemed supplies
15-01-19	54/2015-2020	Appendix – V incorporated under ITC (HS) 2017, Schedule-

Date	Series and No	Subject
		I (Import Policy) to notify specified items as Technical Textiles
	55/2015-2020	Import of Nicotinic Acid & Nicotinamide (Niacinamide/ Niacin) now not subject to obtaining No Objection Certificate (NOC) from the Narcotics Commissioner, Gwalior prior to import
DGFT Public Notices		
03-01-19	66/2015-2020	Procedures for handling redemption requests under Advance Authorizations/ Export Promotion of Capital Goods (EPCG) Authorizations rationalized
07-01-19	67/2015-2020	Procedure to obtain permission / No Objection Certificate (NOC) from the Department of Fertilizers for export of Fertilizers prescribed
09-01-19	68/2015-2020	List of entries under Merchandise Exports from India Scheme (MEIS) for processing of applications manually re-notified
10-01-19	69/2015-2020	Quantities of import for different categories of exports of Flexible Intermediate Bulk Containers rationalised
30-01-19	70/2015-2020	Procedure for clubbing of Advance Authorisations amended
31-01-19	71/2015-2020	Import of Pre-fabricated Polyurethane Foam (PUF) panels/ doors for chilled rooms/ cold storage for storage of fresh fruits and vegetables allowed under the Export Promotion of Capital Goods (EPCG) Scheme

Antidumping and countervailing duty cases

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

MALAYSIA

Federal Government Gazette

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

Date	Matter
28-12-18	Act A1580 Customs (Amendment) (No. 2) Act 2018
02-01-19	P.U. (B) 3/2019 Notification of Values of Crude Petroleum Oil Under Section 12 - Customs Act 1967
	P.U. (B) 6/2019 Appointment of Date of Coming Into Operation - Customs (Amendment) (No. 2) Act 2018
14-01-19	P.U. (A) 13/2019 Strategic Trade (Amendment of Schedule) Order 2019 - Strategic Trade Act 2010
	P.U. (B) 16/2019 Notification of Values of Crude Palm Oil Under Section 12 - Customs Act 1967
15-01-19	P.U. (B) 22/2019 Notification of Values of Crude Petroleum Oil Under Section 12 - Customs Act 1967
24-01-19	P.U. (B) 37/2019 Notification of Values of Palm Kernel Under Section 12 - Customs Act 1967
30-01-19	P.U. (B) 63/2019 Notification of Values of Crude Petroleum Oil Under Section 12 - Customs Act 1967
	P.U. (B) 65/2019 Notice of Affirmative Final Administrative Review Determination of an Anti-Dumping Duty With Regard to the Imports of Hot Rolled Coils Originating or Exported From the People's Republic Of China and the Republic of Indonesia - Countervailing And Anti-dumping Duties Act 1993
31-01-19	P.U. (A) 31/2019 Customs (Anti-Dumping Duties) (Revocation) Order 2019 - Countervailing and Anti-Dumping Duties Act 1993 and

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Date	Matter
	- Customs Act 1967

NEW ZEALAND

New Zealand Gazette

The following international trade related documents were published in the *New Zealand Gazette* (dd-mm-yy):

Date	Matter
04-01-19	Tariff Concession Approval Notice 54 2018
09-01-19	Tariff Concession Approval Notice 1 2019
11-01-19	Tariff Concession Approval Notice 2 2019
	Tariff Concession Advertisement Notice 2 2019
18-01-19	Tariff Concession Approval Notice 3 2019
	Tariff Concession Advertisement Notice 3 2019

SINGAPORE

Notices, circulars, etc.

Date	Reference	Matter
21-01-19	Cir. 01/2019	Issue of Duty Free Liquor and Tobacco for Consumption by Bona Fide (Sea) Crew Members On-Board Vessel While in Singapore Port

THAILAND

Thailand introduces new Investment and Tax Scheme on International Business Center

Part I: IBC as promoted by the Board of Investment

The Thailand Board of Investment ("BOI") has repealed its investment promotion policy to promote International Headquarters ("IHQ") and International Trading Center ("ITC") businesses on 11 December 2018. These two activities have been replaced with a new investment promotion activity known as International Business Center ("IBC"). This is also in line with the Thai Revenue Department's ("TRD") policy to promote the IBC scheme. The objective driving such change is to support the government's policy, which aims to transform Thailand into investment hub being able to compete with regional and global players. The scope of activities, conditions and benefits of the IBC regime specified by the BOI are summarized in our [Client Alert, available here](#).

Part II: IBC as promoted by the Revenue Department

Thailand launched the IBC scheme to replace Regional Operating Headquarter ("ROH") (consisting of ROH1 and ROH2), IHQ and ITC schemes, due to the requirements under BEPS Action 5 on Harmful Tax Practices.

Please note that companies can apply for the IBC scheme with the BOI and the TRD separately. The IBC application with the TRD is for the IBC to be entitled to tax privileges, while the application with the BOI is for non-tax privileges, as mentioned in Part I above.

The criteria and tax privileges granted to an IBC are also summarized in the [Client Alert](#).

For additional information, please contact the authors of the Client Alert: [Pornapa Luengwattanakit](#), [Nopporn Charoenkitraj](#), [Chana Sooppipat](#), [Nuthari Borpitpitak](#), [Jaywon Yi](#), and [Ansikarn Kristsmaj](#).

Cabinet Postpones Dual-Use Items Regulation until 1 January 2020

Following our [previous client alert](#) in which we announced that the effective date of the Ministry of Commerce Notification Regulating the Dual-Use Items (“Notification”) issued on 16 October 2015 under the existing *Export and Import of Goods Act B.E. 2522* (1979) was postponed until 1 January 2019, the Cabinet approved in principle on 18 December 2018 to further postpone the effective date of the Notification for another year to 1 January 2020.

The rationale for this postponement is consistent with the previous decision to hold back on issuing regulation, which is to update the list of goods that are considered dual-use items (“DUI”) to accurately reflect the EU Dual-Use Item List 2017, as well as updating the Harmonized System Codes to be used for goods that may be considered as DUI to be the latest version. Moreover, the current e-Trade Management of Dual-use Items, which is being developed by the Ministry of Commerce as an online hub for granting export licenses and for self-certification by operators, is still yet to be completed.

The Thai government is now shifting its focus to the draft *Trade Control on Weapons of Mass Destruction Related Items Act* (“Draft Act”), which is aimed to eventually replace the Notification in its entirety. The Draft Act is currently under the consideration of the National Legislative Assembly.

We will keep you informed of any other developments with regard to laws and regulations concerning DUI.

If you have any questions, please contact the authors, [Pornapa Luengwattanakit](#), [Suriyong Tungsuwan](#) or [Nam-Ake Lekfuangfu](#).

VIETNAM

CPTPP - Customs issues for Vietnam

The *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP) officially entered into force for Vietnam on 14 January 2019. From a customs perspective, there are a number of noteworthy issues as follows:

1. Drastic Tariff Elimination and Reduction

CPTPP member countries agreed to eliminate duties on 97% to 100% of tariff lines for imports from Vietnam that qualify under the applicable rules of origin. For example, Canada agrees to eliminate duties in 95% of tariff lines, which accounts for 78% of the total value of exports from Vietnam. For certain products such as seafood and furniture, Canada's level of commitment is 100%, which means that Vietnam's seafood and furniture will be duty-free when imported into Canada.

Vietnam also commits to eliminate duties on 66% of tariff lines upon entry into force of the CPTPP, and raises the percentage of duty-free tariff lines to 86.5%

within 3 years, while maintaining tariff quotas on sugar, eggs, salt, and used automobiles.

2. Advanced Rules of Origin

CPTPP inherited its advanced rules of origin and origin procedure from the *Trans-Pacific Partnership* (TPP). In particular, the CPTPP rules of origin encourage the integration of member countries' production, and promotes the formation of a complete supply chain among member countries. In this respect, the CPTPP's rules of origin accept partial accumulation, wherein any value-added percentage generated by any CPTPP member country is credited in the determination of the origin of the goods under question. Accordingly, the principle of accumulation can be used to create larger integrated supply chain options.

3. Simplified Origin Procedure

For the first time, Vietnam is engaging in a FTA where origin can be self certified by the importer. Traditionally, origin is only certified by the exporter or the manufacturer, after which the Certificate of Origin must be issued by the competent authority of the exporting country. In a more advanced approach, the Certificate of Origin may be issued by the exporter/manufacturer (i.e. the *ASEAN Trade in Goods Agreement*). The CPTPP takes a more simplified approach wherein importers are allowed to complete the origin certification for the goods they import. Accordingly, CPTPP member country importers who meet certain conditions set forth by the regulator in their country may self-certify the origin of the product they are importing.

However, origin certification by the importer shall not be applicable for imports into Vietnam for up to 5 years following the CPTPP's entry into force. This is a cautious approach designed to protect against counterfeit certificates of origin, which means that Vietnamese importers may have to wait until 14 January 2024 to be able to self-certify the origin of their imports.

4. Delay in CPTPP Implementation

Though the CPTPP entered into force on 14 January 2019 for Vietnam, the Vietnamese Government is behind schedule on promulgating relevant legislation to implement the CPTPP. In particular, Resolution 72/2018/QH14 approving the CPTPP does not accommodate the direct application of a number of chapters including Chapter 3 on origin and origin procedure. It means that importers have to wait for decrees and circulars to implement the Certificate of Origin commitments. Currently, exporters cannot yet apply for a C/O under the CPTPP.

However, since the tariff schedule is applied directly, it is understood that the goods must receive appropriate tariff treatment as agreed to in the CPTPP, so long as the origin is satisfied. The Ministry of Industry and Trade (MOIT) has verbally confirmed that there will be retroactivity in this regard. This means that the Certificate of Origin may still be granted to exporters after the goods have been exported out of Vietnam, and importers may still claim tariff preference later for the goods imported into Vietnam during this period. Currently, the MOIT is accelerating the adoption process; accordingly it may take a few more weeks for their guidance to be available.

If you have any questions, please contact the authors, [Fred Burke](#), [Thanh Vinh Nguyen](#) and [Ngoc Trung Tran](#).

CPTPP enters into force for Vietnam on 14 January 2019

On 12 November 2018, the Vietnam National Assembly ratified the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* ("CPTPP"), which came into effect on 30 December 2018 for the first six ratifying Members and on 14 January 2019 for Vietnam.

Europe, Middle East and North Africa

EUROPEAN UNION AND EFTA

Provisional application of EU-Japan Strategic Partnership Agreement

On 25 January 2019, the *Official Journal* published a [notice](#) stating that the European Union and Japan have notified each other of the completion of the procedures necessary for the provisional application of the *Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part*, on 21 December 2018. Consequently, Japan and the Union may provisionally apply mutually determined provisions of the Agreement in accordance with (Article 47(2)) as from 1 February 2019.

By virtue of Article 4 of Council Decision (EU) 2018/1197 of 26 June 2018 on the signing, on behalf of the European Union, and provisional application of the Strategic Partnership Agreement, the following parts of the Agreement shall be applied provisionally between the Union and Japan:

- (a) Articles 11, 12, 14, 16, 18, 20, 25, 28, 40 and 41;
- (b) Article 13, Article 15 (with the exception of point (b) of paragraph 2), Articles 17, 21, 22, 23, 24, 26, 27, 29, 30, 31 and 37, Article 38(1) and Article 39 to the extent that they cover matters for which the Union has already exercised its competence internally;
- (c) Articles 1, 2, 3, 4, 5(1) to the extent that they cover matters falling within the Union's competence to define and implement a common foreign and security policy;
- (d) Article 42 (with the exception of point (c) of paragraph 2), Articles 43-47, Article 48(3) and Articles 49, 50 and 51 to the extent that these provisions are limited to the purpose of ensuring the provisional application of the Agreement.

EU-Japan EPA update

The [Agreement between the European Union and Japan for an Economic Partnership](#), signed in Tokyo on 17 July 2018, will enter into force on 1 February 2019.

Recommendation for EU-US negotiations released

On 18 January 2019, the Commission issued a [Recommendation for a Council Decision authorising the opening of negotiations of an agreement with the United States of America on the elimination of tariffs for industrial goods](#). The recommendation follows the 25 July 2018, agreement by the President of the European Commission and the President of the United States of America to launch a new phase in the trade relationship between the United States and the European Union, with a view to facilitate trade and avoid an escalation of trade tensions. The section on reasons for and objectives of the recommendation states, in part:

A Joint Statement was adopted on 25 July 2018, providing for the elimination of tariffs for industrial goods; increased cooperation on regulatory issues and standards; facilitation of trade in soybeans; and increased trade in liquefied natural gas (LNG) to al-

low the European Union to better diversify its energy supply. They also agreed to join forces to better protect European and US companies from unfair global trade practices and to work closely with like-minded partners to reform the World Trade Organisation (WTO).

An Executive Working Group was set up to carry this joint agenda forward, and asked *inter alia* to identify short-term measures to facilitate commercial exchanges. It was agreed that during the process of implementing the Joint Statement the European Union and the United States would fully respect the spirit of this agreement, unless either party terminates the negotiations. Both sides also agreed that they want to resolve the steel and aluminium tariff issues.

The European Commission is committed to implement the Joint Statement of 25 July 2018 in good faith. The Commission shall suspend the negotiations with the United States, in case the United States does not respect the commitment made on 25 July 2018 to abstain from adopting new measures against the EU under Section 232 of the Trade Expansion Act. The Commission may also suspend negotiations in case the US adopts trade restrictions against EU exports on the basis of Section 301 of the 1974 Trade Act or under any other similar United States law.

The goal of the negotiations on the elimination of tariffs will be to eliminate all duties for industrial goods, on a reciprocal basis, with the objective of achieving a substantial elimination of tariffs upon entry into force and a phasing out of such tariffs in a short time frame. Industrial goods encompass all goods other than those included in Annex I of the WTO Agreement on Agriculture. Account may be taken of the particular sensitivities of certain products. In this connection, the EU is ready to take into account potential US sensitivities for certain automotive products.

The EU and the US are the largest and most integrated economies in the world, with a long, shared history of trade and a similar level of economic development. The US is the main export destination of EU exports in industrial goods and is the second largest exporter of industrial goods to the EU (after China). EU-US trade in goods amounted to EUR 633 billion in 2017, composed mostly of industrial goods (EUR 598 billion, of which EUR 166 billion trade in machinery and equipment). Around 4.7 million EU jobs are associated with production for exports to the US. Industrial goods account for most of our trade in goods with the US (94 % of EU exports and 95 % of imports). EU-US trade in goods has been growing consistently over the last 10 years.

In general, both the EU and the US have low tariffs on industrial goods. The simple average applied MFN tariff rates on non-agricultural products are 4.2% and 3.1% respectively. While applied tariffs levels are relatively low, the sheer size of our trade relationship means that the elimination of all tariffs of industrial goods will have an important impact on businesses and consumers on both sides of the Atlantic.

An internal analysis with the computable general equilibrium model MIRAGE shows that the elimination of tariffs on industrial goods would benefit both partners about equally in terms of an increase in bilateral trade. EU exports of goods to the US would increase by 10%, US exports to the EU would increase by 13%.

The removal of tariffs on industrial goods should in particular result in important economic benefits for small and medium-sized enterprises (SMEs) who are disproportionality affected by the costs of placing a product on the market. Reductions in costs, including through the elimination of tariffs can help make exports from SMEs more competitive, thus making the difference between exporting or not.

EEA EFTA Separation Agreement with the UK reached

On 20 December 2018, the European Free Trade Association (EFTA) [announced](#) that the EEA EFTA States – Iceland, Liechtenstein and Norway – and the United Kingdom have reached an agreement on protecting citizens' rights and resolving separation issues as the UK exits the EU. This agreement largely mirrors the Withdrawal Agreement agreed with the EU in areas relevant under the EEA Agreement. The announcement said:

The EEA EFTA States and the UK have agreed to continue the rights of EEA EFTA citizens living in the UK and UK citizens living in any of the EEA EFTA States as the

UK exits the European Union. [The agreement](#) is primarily concerning the rights of EEA EFTA and UK citizens who have made a home in each other's countries as a result of the right of free movement under the EEA Agreement.

The agreement between the EEA EFTA States and the UK covers issues such as rights related to residence, mutual recognition of professional qualifications and coordination of social security systems. It also contains arrangements on separation issues such as arrangements on goods placed on the EEA EFTA or UK markets, intellectual property, data protection, public procurement, and ongoing police and judicial cooperation in criminal matters.

This agreement is still only a first step. Negotiators on the EU side and the UK government have agreed on a Withdrawal Agreement for the UK's exit from the EU. This agreement must be approved by the UK Parliament and the European Parliament before it can enter into force. However, for the duration of the implementation period, the rights and obligations of the EEA Agreement will continue to apply to the UK. The EEA EFTA Separation Agreement will therefore mainly apply to issues that arise after the implementation period is over.

- Find the UK-EEA EFTA Separation Agreement [here](#).
- Read a 13-page explanation of the Separation Agreement [here](#).

Commission issues tariff classification regulations

No tariff classification regulations were 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
07-01-19	Commission Implementing Regulation (EU) 2019/13 of 4 January 2019 correcting the Dutch language version of Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

OJ Date	Subject
	Commission Implementing Decision (EU) 2019/14 of 3 January 2019 amending Decision 2009/821/EC as regards the lists of border inspection posts and veterinary units in Traces (notified under document C(2018) 8847)
	Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC
	Regulation (EU) 2019/5 of the European Parliament and of the Council of 11 December 2018 amending Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, Regulation (EC) No 1901/2006 on medicinal products for paediatric use and Directive 2001/83/EC on the Community code relating to medicinal products for human use
	Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC
	Council Decision (EU) 2019/28 of 10 December 2018 on the position to be taken on behalf of the European Union within the Association Council set up by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part as regards the two-year extension of the EU-Jordan Partnership Priorities
10-01-19	Decision No 1/2018 of the EU-Jordan Association Council of 12 December 2018 agreeing on a two-year extension of the EU-Jordan Partnership Priorities [2019/30]
	Regulation (EU) 2019/26 of the European Parliament and of the Council of 8 January 2019 complementing Union type-approval legislation with regard to the withdrawal of the United Kingdom from the Union
	Notice concerning the date of entry into force of the Agreement between the European Union and Japan for an Economic Partnership
11-01-19	Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation
	Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks
	Commission Implementing Regulation (EU) 2019/35 of 8 January 2019 amending Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin
	Commission Regulation (EU) 2019/36 of 10 January 2019 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards the substance N-(2-methylcyclohexyl)-2,3,4,5,6-pentafluorobenzamide
	Commission Regulation (EU) 2019/37 of 10 January 2019 amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food
	Commission Regulation (EU) 2019/38 of 10 January 2019 amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for iprodione in or on certain products
	Commission Implementing Regulation (EU) 2019/39 of 10 January 2019

OJ Date	Subject
	amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries Council Decision (EU) 2019/41 of 3 December 2018 on the position to be taken, on behalf of the European Union, within the Association Committee established by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards an amendment to Protocol 3 to that Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation Decision No 1/2018 of the EU-Jordan Association Committee of 4 December 2018 amending the provisions of Protocol 3 to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of the Hashemite Kingdom of Jordan, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status [2019/42] Corrigendum to First Commission Directive 79/796/EEC of 26 July 1979 Laying down Community methods of analysis for testing certain sugars intended for human consumption (OJ L 239, 22.9.1979)
14-01-19	Information concerning the entry into force of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area (ECAA) Commission Implementing Regulation (EU) 2019/49 of 4 January 2019 concerning the authorisation of sodium selenite, coated granulated sodium selenite and zinc-L-selenomethionine as feed additives for all animal species Commission Regulation (EU) 2019/50 of 11 January 2019 amending Annexes II, III, IV and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for chlorantraniliprole, clomazone, cyclaniliprole, fenazaquin, fenpicoxamid, fluoxastrobin, lambda-cyhalothrin, mepiquat, onion oil, thiacloprid and valifenolate in or on certain products Council Decision (EU) 2019/52 of 20 December 2018 authorising the opening of negotiations for an agreement amending the existing tariff rate quota for poultry meat and poultry meat preparations and amending the existing tariff regime for other poultry cuts, set out in Annex I-A to Chapter 1 of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part Council Decision (EU) 2019/53 of 20 December 2018 on the position to be taken on behalf of the European Union at the Conference of the Parties to the Rotterdam Convention regarding compliance procedures Commission Implementing Decision (EU) 2019/54 of 9 January 2019 concerning the validity of certain binding tariff information (notified under document C(2019) 142) [revoking a BTI issued by Poland] Corrigendum to Regulation (EU) 2019/26 of the European Parliament and of the Council of 8 January 2019 complementing Union type-approval legislation with regard to the withdrawal of the United Kingdom from the Union (OJ L 8 I, 10.1.2019)
15-01-19	Commission Regulation (EU) 2019/58 of 14 January 2019 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for linuron in or on certain products
16-01-19	Notice concerning the provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States

OJ Date	Subject
	of the other part Commission Implementing Decision (EU) 2019/64 of 14 January 2019 amending Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC (notified under document C(2019) 25) [on measures to monitor certain substances and residues thereof in live animals and animal products] Commission Implementing Decision (EU) 2019/65 of 14 January 2019 amending Annexes I and II to Decision 2003/467/EC in relation to the officially tuberculosis-free and the officially brucellosis-free status and Annex II to Decision 93/52/EEC in relation to the officially brucellosis (B. melitensis)-free status of certain regions of Spain (notified under document C(2019) 39) Regulation No 48 of the Economic Commission for Europe of the United Nations (UNECE) — Uniform provisions concerning the approval of vehicles with regard to the installation of lighting and light-signalling devices [2019/57]
17-01-19	Commission Implementing Regulation (EU) 2019/66 of 16 January 2019 on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods Commission Implementing Regulation (EU) 2019/67 of 16 January 2019 imposing safeguard measures with regard to imports of Indica rice originating in Cambodia and Myanmar/Burma Commission Implementing Directive (EU) 2019/68 of 16 January 2019 establishing technical specifications for the marking of firearms and their essential components under Council Directive 91/477/EEC on control of the acquisition and possession of weapons Commission Implementing Directive (EU) 2019/69 of 16 January 2019 laying down technical specifications for alarm and signal weapons under Council Directive 91/477/EEC on control of the acquisition and possession of weapons Commission Decision (EU) 2019/70 of 11 January 2019 establishing the EU Ecolabel criteria for graphic paper and the EU Ecolabel criteria for tissue paper and tissue products (notified under document C(2019) 3) Special Report No 2/2019 — 'Chemical hazards in our food: EU food safety policy protects us but faces challenges' [2019/C 21/08]
18-01-19	Decision No 1/2018 of the EU-Algeria Association Committee of 27 December 2018 regarding the modification of the conditions of application of the preferential tariffs for agricultural products and processed agricultural products set out in Article 14 of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part [2019/74] Commission Decision (EU) 2019/61 of 19 December 2018 on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the public administration sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) Commission Decision (EU) 2019/62 of 19 December 2018 on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the car manufacturing sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) Commission Decision (EU) 2019/63 of 19 December 2018 on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the electrical and electronic equipment manufacturing sector under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)
21-01-19	Commission Implementing Decision (EU) 2019/81 of 17 January 2019 amending Annex I to Implementing Decision (EU) 2016/2008 concerning animal health

OJ Date	Subject
	control measures relating to lumpy skin disease in certain Member States (notified under document C(2019) 102) Commission Implementing Decision (EU) 2019/82 of 17 January 2019 amending the Annex to Implementing Decision (EU) 2016/2009 approving the vaccination programmes against lumpy skin disease submitted by the Member States (notified under document C(2019) 105) Decision No 1/2018 of the Stabilisation and Association Council of 4 December 2018 concerning the transition to 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 Stabilisation and Association Agreement [2019/83] Council Conclusions on the EU Customs Action Plan to combat IPR infringements for the years 2018 to 2022 [2019/C 24/05] Council Conclusions on the Second Progress Report on the implementation of the EU Strategy and Action Plan for customs risk management [2019/C 24/06]
22-01-19	Council Decision (CFSP) 2019/97 of 21 January 2019 in support of the Biological and Toxin Weapons Convention in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction
23-01-19	Decision No 1/2018 of the EU-Ukraine Customs Sub-Committee of 21 November 2018 replacing Protocol I to the EU-Ukraine Association Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation [2019/101] Commission Implementing Decision (EU) 2019/100 of 22 January 2019 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (notified under document C(2019) 615)
24-01-19	Council Decision (EU) 2019/102 of 25 June 2018 on the signing, on behalf of the European Union and its Member States, and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, to take account of the accession of the Republic of Croatia to the European Union <ul style="list-style-type: none"> • Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, to take account of the accession of the Republic of Croatia to the European Union Council Decision (EU) 2019/104 of 22 May 2018 on the position to be adopted, on behalf of the European Union, within the EU-Mexico Joint Council established under the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, as regards the amendment of Decisions No 2/2000 and No 2/2001 of the Joint Council to take account of the accession of the Republic of Croatia to the European Union Council Decision (EU) 2019/105 of 20 December 2018 on the position to be taken, on behalf of the European Union, within the Association Council established by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, concerning the extension of the EU-Israel Action Plan Recommendation No 1/2018 of the EU-Israel Association Council of 27 December 2018 approving the extension of the EU-Israel Action Plan [2019/106] Commission Regulation (EU) 2019/88 of 18 January 2019 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for acetamiprid in certain products Commission Regulation (EU) 2019/89 of 18 January 2019 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for bromadiolone, etofenprox, paclobutrazol and penconazole in or on certain products Commission Regulation (EU) 2019/90 of 18 January 2019 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for bromuconazole, carboxin,

OJ Date	Subject
	fenbutatin oxide, fenpyrazamine and pyridaben in or on certain products Commission Regulation (EU) 2019/91 of 18 January 2019 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for buprofezin, diflubenzuron, ethoxysulfuron, ioxynil, molinate, picoxystrobin and tepraloxym in or on certain products 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) [2019/C 30/04] 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) [2019/C 30/05] 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) [2019/C 30/06]
25-01-19	Notice concerning the provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Japan, of the other part Commission Implementing Regulation (EU) 2019/108 of 24 January 2019 authorising the change of specifications of the novel food ingredient lipid extract from Antarctic Krill (<i>Euphausia superba</i>) under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470 (¹) Commission Implementing Regulation (EU) 2019/109 of 24 January 2019 authorising an extension of use of Schizochytrium sp. oil as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470 Commission Implementing Regulation (EU) 2019/110 of 24 January 2019 authorising an extension of use of <i>Allanblackia</i> seed oil as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470 Commission Implementing Regulation (EU) 2019/111 of 24 January 2019 concerning the authorisation of hop extract (<i>Humulus lupulus</i> L. flos) as a feed additive for weaned piglets, pigs for fattening and minor porcine species weaned and for fattening Commission Implementing Directive (EU) 2019/114 of 24 January 2019 amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC and Article 7 of Council Directive 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species Summary of European Union decisions on marketing authorisations in respect of medicinal products from 1 December 2018 to 31 December 2018 (Published pursuant to Article 13 or Article 38 of Regulation (EC) No 726/2004 of the European Parliament and of the Council) [2019/C 32/01] Summary of European Union decisions on marketing authorisations in respect of medicinal products from 1 December 2018 to 31 December 2018 (Decisions taken pursuant to Article 34 of Directive 2001/83/EC or Article 38 of Directive 2001/82/EC) [2019/C 32/02]
28-01-19	Council Decision (EU) 2019/116 of 15 October 2018 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway on the cumulation of origin between the European

OJ Date	Subject
	<p>Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences</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 on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences <p>Council Decision (EU) 2019/117 of 21 January 2019 on the position to be taken on behalf of the European Union within the Joint Council established under the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, as regards the adoption of the Rules of Procedure for dispute avoidance and settlement and the Code of Conduct for arbitrators and mediators</p> <p>Council Decision (EU) 2019/118 of 21 January 2019 on the position to be taken on behalf of the European Union within the Trade and Development Committee established under the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, as regards the establishment of a list of arbitrators</p> <p>Commission Implementing Decision (EU) 2019/119 of 24 January 2019 amending Council Directive 2002/56/EC as regards the date laid down in Article 21(3) until which Member States are authorised to extend the validity of decisions concerning equivalence of seed potatoes from third countries (notified under document C(2019) 247)</p> <p>Commission Implementing Decision (EU) 2019/120 of 24 January 2019 amending Council Directive 2008/90/EC as regards the extension of the derogation relating to import conditions for fruit plant propagating material and fruit plants intended for fruit production from third countries (notified under document C(2019) 254)</p> <p>Commission Implementing Decision (EU) 2019/121 of 24 January 2019 on a measure taken by Germany pursuant to Directive 2006/42/EC of the European Parliament and of the Council, to prohibit the placing on the market of CNC milling machine (models UMC750SS and UMC750) manufactured by Haas Auto-mation Europe N.V. (notified under document C(2019) 307)</p> <p>Commission Implementing Decision (EU) 2019/122 of 25 January 2019 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (notified under document C(2019) 722)</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) [2019/C 34/04]</p>
29-01-19	<p>Council Decision (EU) 2019/131 of 15 October 2018 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences</p> <p>Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences</p> <p>Council Decision (EU) 2019/136 of 28 January 2019 on the position to be taken on behalf of the European Union within the Working Group on Wine established by the Agreement between the European Union and Japan for an Economic Partnership as regards the forms to be used for certificates for the import of wine products originating in Japan into the European Union and the modalities concerning self-certification</p>
30-01-19	<p>Commission Implementing Regulation (EU) 2019/139 of 29 January 2019 approving the active substance Beauveria bassiana strain IMI389521, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the</p>

OJ Date	Subject
	Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011
	Commission Implementing Decision (EU) 2019/142 of 29 January 2019 on recognition of the 'U.S. Soybean Sustainability Assurance Protocol' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council
31-01-19	Notice concerning the entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences
	Notice concerning the entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences
	Council Decision (EU) 2019/143 of 28 January 2019 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China in connection with DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products
	<ul style="list-style-type: none"> Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China in connection with DS492 European Union — Measures affecting Tariff Concessions on Certain Poultry Meat Products
	Commission Implementing Regulation (EU) 2019/147 of 30 January 2019 approving the active substance Beauveria bassiana strain PPRI 5339, 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
	Commission Implementing Regulation (EU) 2019/148 of 30 January 2019 concerning the non-approval of the active substance propanil, 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
	Commission Implementing Regulation (EU) 2019/150 of 30 January 2019 amending Implementing Regulation (EU) No 686/2012 as regards the rapporteur Member State for the evaluation of the following active substances contained in plant protection products: deltamethrin, diflufenican, epoxiconazole, fluoxastrobin, prothioconazole and tebuconazole
	Commission Implementing Regulation (EU) 2019/151 of 30 January 2019 renewing the approval of the active substance Clonostachys rosea strain J1446 as a low-risk active substance 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
	Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment
	Regulation (EU) 2019/129 of the European Parliament and of the Council of 16 January 2019 amending Regulation (EU) No 168/2013 as regards the application of the Euro 5 step to the type-approval of two- or three-wheel vehicles and quadricycles

Restrictive measures established, amended, corrected

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

OJ Date	Restrictive Measure
08-01-19	Commission Implementing Regulation (EU) 2019/23 of 7 January 2019 amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq
09-01-19	Council Implementing Regulation (EU) 2019/24 of 8 January 2019 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2018/1071
	Council Decision (CFSP) 2019/25 of 8 January 2019 amending and updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2018/1084
	Corrigendum to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 (OJ L 12, 19.1.2016)
10-01-19	Council Implementing Decision (CFSP) 2019/29 of 9 January 2019 implementing Decision (CFSP) 2017/1775 concerning restrictive measures in view of the situation in Mali
	Corrigendum to Council Implementing Regulation (EU) 2018/1605 of 25 October 2018 implementing Regulation (EU) 2015/1755 concerning restrictive measures in view of the situation in Burundi (OJ L 268, 26.10.2018)
	Corrigendum to Council Decision (CFSP) 2018/1612 of 25 October 2018 amending Decision (CFSP) 2015/1763 concerning restrictive measures in view of the situation in Burundi (OJ L 268, 26.10.2018)
14-01-19	Commission Implementing Regulation (EU) 2019/51 of 11 January 2019 amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq
21-01-19	Council Implementing Regulation (EU) 2019/84 of 21 January 2019 implementing Regulation (EU) 2018/1542 concerning restrictive measures against the proliferation and use of chemical weapons
	Council Decision (CFSP) 2019/86 of 21 January 2019 amending Decision (CFSP) 2018/1544 concerning restrictive measures against the proliferation and use of chemical weapons
	Council Implementing Regulation (EU) 2019/85 of 21 January 2019 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria
	Council Implementing Decision (CFSP) 2019/87 of 21 January 2019 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria
22-01-19	Council Implementing Regulation (EU) 2019/92 of 21 January 2019 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 Decision (CFSP) 2019/95 of 21 January 2019 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine
	Council Implementing Regulation (EU) 2019/93 of 21 January 2019 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea
	Council Decision (CFSP) 2019/96 of 21 January 2019 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea
29-01-19	Council Implementing Regulation (EU) 2019/132 of 28 January 2019 implementing Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia
	Council Decision (CFSP) 2019/135 of 28 January 2019 amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia

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
10-01-19	12 Order of 4 January 2019 appointing representatives of the administration on the Joint Consultative Committee of Contract Agents of the Directorate General of Customs and Indirect Taxation
20-01-19	1 Law No 2019-30 of 19 January 2019 empowering the Government to take measures to prepare for the withdrawal of the United Kingdom from the European Union (1)
29-01-19	28 Decree of 25 January 2019 amending the decree of 30 June 2008 relating to the maximum residue limits for chlordecone that must not be exceeded for certain foodstuffs of plant and animal origin in order to be recognized as fit for human consumption
31-01-19	1 Report to the President of the Republic on Order No. 2019-48 of 30 January 2019 to allow the continuation of the supply of defense-related products and space materials to the United Kingdom
	2 Order No. 2019-48 of 30 January 2019 to allow the continued supply to the United Kingdom of defense-related products and space equipment

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
17-01-19	2019/01-Notice to importers of aluminum radiators originating in the People's Republic of China
18-01-19	2019/02 - Notice to Importers of Indica Rice from Cambodia and Burma
	2019/03-Notice to importers of electric bicycles originating in the People's Republic of China
25-01-19	19-003 Circular of 24 January 2019. Tax on marine passengers boarded for protected natural areas

UNITED KINGDOM

UK signs Eastern and Southern Africa trade continuity agreement

On 31 January 2019, the Department for International Trade [announced](#) that the Trade Policy Minister, George Hollingbery, signed the trade continuity agreement in London with a number of representative governments. A continuity agreement will see British businesses and consumers benefitting from continued trade with Eastern and Southern Africa after the UK leaves the European Union.

The Agreement replicates the effects of the existing EU Economic Partnership Agreement with Eastern and Southern Africa.

It will allow continued tariff-free imports from Eastern and Southern Africa, and removes the majority of tariffs on British exports to these countries over the coming years.

The agreement ensures that there will be no disruption to our trading relationship with Eastern and Southern Africa as we leave the EU.

Trading on these preferential terms rather than on World Trade Organization terms will deliver significant savings and help to support British jobs.

This will help to further strengthen the trading relationship between the UK and these countries, which was worth £1.5 billion in 2017.

The Agreement will come into effect as soon as the implementation period ends in January 2021, or on 29 March 2019 if the UK leaves the EU without a deal.

UK Government publishes notice regarding penalties for illegal UK exports

On 29 January 2019, the UK Department for International Trade (DIT) published a notice (the “Notice”, available [here](#)) disclosing that, over the last 7 months, HM Revenue & Customs (HMRC) have issued compound penalties ranging between GBP 1,000 and 4,000 to 3 separate UK exporters related to unlicensed exports of dual use goods and export breaches. Further information on these penalties has not been released as none of the cases involved court prosecutions.

Although the Notice relates to the imposition of financial penalties on UK exporters, it is worth bearing in mind that these powers exist alongside prosecutorial enforcement measures. This can be seen in a November 2018 prosecution in which Alexander George (a retired company boss) was handed a 6-month prison sentence, following a HMRC investigation, for trafficking dual-use aircraft parts to Iran in violation of Weapons of Mass Destruction controls (see UK press release accessible [here](#)). The penalties referred to in the Notice show continued enforcement of the UK export control regime, and use of the UK Government’s powers in this regard.

For additional information, please contact the author, [Alexander Rickets](#).

UK-New Zealand to continue mutual recognition after Brexit

On 22 January, the Department for International Trade (DIT) [announced](#) that the UK and New Zealand had signed a Mutual Recognition Agreement (MRA) that maintains all relevant aspects of the current EU-New Zealand mutual recognition agreement on conformity assessment. The MRA helps to facilitate trade flows between the two nations and means UK exporters can ensure goods are compliant with New Zealand’s technical regulations before they depart the UK, saving businesses time, money and resources. New Zealand exporters to the UK benefit in the same way.

The DIT announcement said the agreement covers sectors accounting for around £169m of UK exports to New Zealand, more than 17% of total UK goods exports to the country, and including valuable sectors such as UK medicinal products and machinery exports, worth an estimated £146m per year. It was signed by International Trade Secretary and New Zealand’s High Commissioner.

A similar agreement was signed the previous week with Australia. The agreement has received warm words from business groups including the Association of British HealthTech Industries (ABHI), which supports over 280 members, many of which trade under the agreement.

Trade Remedies Authority on track to protect UK industry after it leaves EU

On 17 January 2019, the Department for International Trade (DIT) [announced](#) that the UK's new independent trade remedies system will protect UK businesses from injury caused by unfair trading practices, such as dumping and subsidies, and unforeseen surges in imports, when the UK leaves the European Union. The announcement said:

Claire Bassett, Trade Remedies Authority (TRA) Chief Executive Designate, updated the International Trade Committee today on the progress that has been made to ensure the TRA will be ready for 29 March 2019.

DIT has already recruited 70% of the future TRA's staff, with 90 staff now appointed.

Over one-third of those in post have now completed the comprehensive technical training programme and are armed with the relevant accounting, legal and economic skills required to conduct trade remedies investigations.

The UK system will be compliant with World Trade Organisation rules, including for the conduct of investigations and provisions on the calculations of dumping and injury. There will be a statutory appeals system for trade remedies decisions.

The TRA will launch a new website, which will allow people to submit applications and evidence as part of the review and investigations process. The new platform has undergone several rounds of user and development testing and will be ready to be launched by the time the UK leaves the EU.

The TRA will form a key part of the UK's new independent trade policy, as the UK prepares to take control of its own trade agenda for the first time in more than 40 years.

The TRA will be based in Reading and will be responsible for investigating cases of unfair trading practices and unforeseen surges in imports that injure UK businesses. It will be able to recommend new measures for the protection of domestic industries.

Parliament defeats Brexit plan

On 15 January 2019, the British Parliament voted by a 432-to-202 vote to reject the Brexit plan presented by Prime Minister Theresa May. After the vote, the opposition Labour Party's leader, Jeremy Corbyn tabled a no confidence motion which will be heard on 16 January. President Juncker of the European Commission [issued](#) the following statement:

I take note with regret of the outcome of the vote in the House of Commons this evening.

On the EU side, the process of ratification of the Withdrawal Agreement continues.

The Withdrawal Agreement is a fair compromise and the best possible deal. It reduces the damage caused by Brexit for citizens and businesses across Europe. It is the only way to ensure an orderly withdrawal of the United Kingdom from the European Union.

The European Commission, and notably our Chief Negotiator Michel Barnier, has invested enormous time and effort to negotiate the Withdrawal Agreement. We have shown creativity and flexibility throughout. I, together with President Tusk, have demonstrated goodwill again by offering additional clarifications and reassurances in an exchange of letters with Prime Minister May earlier this week.

The risk of a disorderly withdrawal of the United Kingdom has increased with this evening's vote. While we do not want this to happen, the European Commission will continue its contingency work to help ensure the EU is fully prepared.

I urge the United Kingdom to clarify its intentions as soon as possible.

Time is almost up.

Legislation (legislation.gov.uk)

Date	Measure
02-01-19	SI 2018/1258 - Correction Slip 1 These Regulations make provision for the international movements of goods, with import duty suspended, under the internationally recognised common transit procedure and TIR Carnet system
10-01-19	SI 2019/16 - The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019
	SI 2019/6 - The Protocol 1 to the EEA Agreement (Amendment) (EU Exit) Regulations 2019
	SI 2019/5 - The Weights and Measures etc. (Miscellaneous) (Amendment) Regulations 2019
15-01-19	SI 2019/15 - The Excise Duties (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2019
	SI 2019/14 - The Excise Duties (Miscellaneous Amendments) (EU Exit) Regulations 2019
	SI 2019/13 - The Excise Goods (Holding, Movement and Duty Point) (Amendment etc.) (EU Exit) Regulations 2019
17-01-19	SI 2019/47 - The Statistics of Trade (Amendment etc.) (EU Exit) Regulations 2019
	SI 2019/41 - The Tobacco Products and Nicotine Inhaling Products (Amendment etc.) (EU Exit) Regulations 2019
	SSI 2019/5 - The Zootechnical Standards (Scotland) Regulations 2019
	SI 2019/57 - The Equine Identification (Wales) Regulations 2019 / Rheoliadau Adnabod Ceffylau (Cymru) 2019
18-01-19	SI 2019/44 - The Food for Specific Groups (Information and Compositional Requirements) (Amendment) (England) Regulations 2019
	SR 2019/5 - The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019
21-01-19	SSI 2019/9 - The Aquatic Animal Health and Alien Species in Aquaculture (EU Exit) (Scotland) (Amendment) Regulations 2019
	SI 2019/70 - The Food for Specific Groups (Information and Compositional Requirements) (Amendment) (Wales) Regulations 2019 / Rheoliadau Bwyd ar gyfer Grwpiau Penodol (Gofynion o ran Gwybodaeth a Chyfansoddiad) (Diwygio) (Cymru) 2019
22-01-19	SI 2019/69 - The Taxation (Cross-border Trade) Act 2018 (Appointed Day No. 2) (EU Exit) Regulations 2019
	SI 2019/60 - The Value Added Tax (Accounting Procedures for Import VAT for VAT Registered Persons and Amendment) (EU Exit) Regulations 2019
	SI 2019/59 - The Value Added Tax (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019
23-01-19	SI 2019/87 - The Electronic Commerce (Amendment etc.) (EU Exit) Regulations 2019
	SI 2019/76 - The Zoonotic Disease Eradication and Control (Amendment) (Northern Ireland) (EU Exit) Regulations 2019
24-01-19	SI 2019/105 - The Taxation (Cross-border Trade) Act 2018 (Value Added Tax Transitional Provisions) (EU Exit) Regulations 2019
	SI 2019/104 - The Taxation (Cross-border Trade) Act 2018 (Appointed day No. 3) and the Value Added Tax (Postal Packets and Amendment) (EU Exit) Regulations 2018 (Appointed day) (EU Exit) Regulations 2019
	SI 2019/91 - The Value Added Tax and Excise Personal Reliefs (Special Visitors and Goods Permanently Imported) (Amendment) (EU Exit) Regulations 2019
	SI 2019/90 - The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019
	SI 2019/88 - The Genetically Modified Organisms (Amendment) (England) (EU Exit) Regulations 2019
	SI 2019/94 - The Animal By-Products and Transmissible Spongiform Encephalitis (Amendment) (EU Exit) Regulations 2019

Date	Measure
	Iopathies (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 / Rheoliadau Sgîl-gynhyrchion Anifeiliaid ac Enffalopathïau Sbyngffurf Trosglwyddadwy (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019
	SI 2019/92 - The Livestock (Records, Identification and Movement) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 / Rheoliadau Da Byw (Cofnodion, Adnabod a Symud) (Diwygiadau Amrywiol) (Cymru) (Ymadael â'r UE) 2019
25-01-19	SI 2019/102 - The EU Export Credits Legislation (Revocation) (EU Exit) Regulations 2019
	SI 2019/96 - The Control of Mercury (Amendment) (EU Exit) Regulations 2019
29-01-19	SI 2019/111 - The Exotic Disease (Amendment) (Northern Ireland) (EU Exit) Regulations 2019
	SI 2019/109 - The Organic Products (Amendment) (EU Exit) Regulations 2019
30-01-19	SI 2019/121 - The Customs Safety and Security (Penalty) Regulations 2019
	SI 2019/118 - The Pesticides (Amendment) (Northern Ireland) (EU Exit) Regulations 2019
31-01-19	SI 2019/148 - The Customs (Contravention of a Relevant Rule) (Amendment) (EU Exit) Regulations 2019
	SI 2019/147 - The Civil Procedure (Amendment) (EU Exit) Rules 2019
	SI 2019/140 - The Customs (Consequential Amendments) (EU Exit) Regulations 2019
	SI 2019/137 - The Export Control (Amendment) (EU Exit) Regulations 2019
	SI 2019/131 - The Marketing of Seeds and Plant Propagating Material (Amendment) (England and Wales) (EU Exit) Regulations 2019
	SI 2019/113 - The Customs (Records) (EU Exit) Regulations 2019
	SI 2019/108 - The Customs (Export) (EU Exit) Regulations 2019
	SI 2019/132 - The Plant Health (Wales) (Amendment) Order 2019 / Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2019
Date	Restrictive Measure
15-01-19	SI 2019/26 - The Sanctions (Amendment) (EU Exit) Regulations 2019
	SI 2019/136 - The Burma (Sanctions) (EU Exit) Regulations 2019
31-01-19	SI 2019/135 - The Venezuela (Sanctions) (EU Exit) Regulations 2019
	SI 2019/134 - The Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019

HMRC updates

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

Release Date	Ref. No. and Subject
Customs Information Papers	
04-01-19	Reassessment of open ended customs authorisation (CIP18)
	Additional customs duties on products from the USA (CIP19)
Tariff, Anti-Dumping and Other Notices	
04-01-19	New Computerised Transit System: web declaration completion rules
07-01-19	Notice 371: importing goods for disabled people free of duty and VAT
10-01-19	Tackling tobacco smuggling: outputs
18-01-19	Letter outlining the effect of 'no deal' Brexit on Binding Tariff Information
	Imports of certain rainbow trout originating in Turkey (Anti-Dumping Duty 2310)
	Imports of aluminium radiators, originating in the People's Republic of China (Anti-Dumping Duty 2311)
21-01-19	Imports of certain electric cycles, originating in the People's Republic of China (Anti-Dumping Duty 2313)
	Imports of essential bicycle parts, originating in the People's Republic of China (Anti-Dumping Duty 2312)

Release Date	Ref. No. and Subject
22-01-19	Notice 366: importing biological and chemical substances for research free of duty and VAT
24-01-19	Money laundering supervision: civil measures
28-01-19	CHIEF: customs procedure codes
	CHIEF: document, certificate and authorisation codes
	Changes to measure 2313 (Anti-Dumping Duty measure 2314)
	Investigation of tubes and pipes of ductile cast iron, originating in India (Anti-Dumping Duty 2315)
29-01-19	CHIEF: customs procedure codes
30-01-19	Contact lists of providers who support Customs Freight Simplified Procedures
31-01-19	Draft notices to be made under The Customs (Export) (EU Exit) Regulations 2018
	Northern Ireland Equality Scheme for HMRC
	Draft notices to be made under The Customs (Records) (EU Exit) Regulations 2019

Export Control, Embargo and Sanctions Notices

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

Date	Notice No. and Subct
12-12-18	Financial sanctions, South Sudan
	Financial sanctions, Ukraine (Sovereignty and Territorial Integrity)
13-12-18	Financial sanctions, Democratic Republic of the Congo
14-12-18	Financial sanctions, Eritrea
21-12-18	Financial sanctions, Mali
24-12-18	Financial sanctions, Burma
09-01-19	Who is subject to financial sanctions in the UK? (HM Treasury, OFSI)
	Current list of designated persons, terrorism and terrorist financing (HM Treasury, OFSI)
	Financial sanctions, Iraq (HM Treasury, OFSI)
16-01-19	Notice to exporters 2019/01: collaborative project Typhoon OGEL updated (ECJU)
18-01-19	Current list of designated persons, terrorism and terrorist financing (HM Treasury, OFSI)
21-01-19	Financial sanctions, Chemical Weapons (HM Treasury, OFSI)
23-01-19	Who is subject to financial sanctions in the UK? (HM Treasury, OFSI)
	Financial sanctions, Syria (HM Treasury, OFSI)
	Financial sanctions, Ukraine (Sovereignty and Territorial Integrity) (HM Treasury, OFSI)
24-01-19	Financial sanctions, North Korea (Democratic People's Republic of Korea) (HM Treasury, OFSI)
25-01-19	Notice to exporters 2019/02: UK companies fined for illegal exports (ECJU, DIT)
30-01-19	Financial sanctions, Tunisia (HM Treasury, OFSI)
	Who is subject to financial sanctions in the UK? (HM Treasury, OFSI)
31-01-19	Burma sanctions: guidance (FCO, ECJU, OFSI)
	Venezuela sanctions: guidance (FCO, ECJU, OFSI)
	Iran human rights sanctions: guidance (FCO, ECJU, OFSI)
	UK sanctions regimes if there's no Brexit deal (FCO, ECJU, OFSI)

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
GERMANY	
24-01-19	Act amending the Beef Labeling Act and Milk Law Provisions and repealing the Beef Labeling Penal Regulation (18-01-19) from No. 2 of 24.01.2019, page 33
IRELAND (EIRE)	
01-01-19	S.I. № 568 of 2018 Food Safety Authority of Ireland Act 1998 (Amendment of First Schedule) Order 2018
LUXEMBOURG	
15-01-19	Mem A 13: Implementation of new European non-electric standards applicable in the Grand Duchy of Luxembourg.
	Mem A 14: Implementation of new European standards in the electrotechnical field applicable to the Grand Duchy of Luxembourg.
	Mem A 16: Implementation of new European telecommunications standards applicable in the Grand Duchy of Luxembourg.
22-01-19	Mem A20: Grand-Ducal Regulation of 18 January 2019 prohibiting the transport for commercial purposes, hawking, commercial use, offering for sale, sale or purchase of an ivory wine in the Grand Duchy of Luxembourg.
	Mem A 21: Grand-Ducal Regulation of 18 January 2019 amending the Grand-Ducal Regulation of 19 March 1993 establishing Community measures for the control of Newcastle disease.
NORWAY	
04-01-19	FOR-2018-12-13-2242 Ministry of Finance Regulations on new and changed divisions in the Customs Tariff
	FOR-2018-12-28-2247 Ministry of Transport and Communications Regulations on requirements for CO₂ emissions, etc. for manufacturers of passenger and vans
09-01-19	FOR-2018-12-11-2261 Ministry of Industry and Fisheries Regulations on amendments to the control regulations on listed EU reference laboratories
	FOR-2019-01-07-9 Ministry of Transport and Communications Regulations on amendments to the Regulations on the approval of cars and trailers for cars (car regulations)
	FOR-2019-01-07-10 Ministry of Transport and Communications Regulations on amendments to the regulations on technical requirements and approval of vehicles, parts and equipment (vehicle regulations)
14-01-19	FOR-2019-01-14-19 Ministry of Health and Care Services, Ministry of Trade and Industry, Ministry of Agriculture and Food Regulations on amendments to regulations on public control of compliance with regulations on feed, foodstuffs and health and welfare in animals (control regulations)
17-01-19	FOR-2019-01-16-21 Ministry of Justice and Emergency Planning Regulations on amendments to regulations on land transport of dangerous goods
21-01-19	FOR-2019-01-18-30 Ministry of Trade and Fisheries, Ministry of Agriculture and Food, Ministry of Health and Care Services Regulations on amendments to the Animal Health Regulations
	FOR-2019-01-21-33 Ministry of Finance Regulations on the amendment of the Regulations to the Act on Customs and Goods Transfer (the Customs Regulations)
22-01-19	FOR-2019-01-18-35 Ministry of Health and Care Services Regulations on amendments to regulations on trade between Norway and countries in the EEA area with substances that can be used in the illicit manufacture of drugs (drug precursors)

Date*	Measure
24-01-19	FOR-2019-01-22-39 The Ministry of Health and Care Services Regulations on amendments to the regulation on medicinal products
25-01-19	FOR-2019-01-24-41 Ministry of Health and Care Services Regulations on the amendment of the regulations on medicinal products, regulations on the manufacture and import of pharmaceuticals, regulations on wholesale activities with pharmaceuticals, regulations on the requisition and delivery of pharmaceuticals
POLAND	
14-01-19	№ 64 Regulation of the Minister of Finance of January 11, 2019 regarding information on imported or exported funds, domestic means of payment and foreign exchange values
16-01-19	№ 90 Regulation of the Minister of Agriculture and Rural Development of 10 January 2019 amending the regulation on measures taken in connection with the occurrence of African swine fever
23-01-19	№ 130 Decree of the Minister of Finance of December 21, 2018 regarding the publication of a uniform text of the regulation of the Minister of Development and Finance regarding customs and tax offices and subordinate customs offices in which activities provided for by customs legislation depending on the type of goods or customs procedures are carried out, which goods can be covered
	№ 132 Decree of the Minister of Finance of December 28, 2018 regarding the publication of a uniform text of the Regulation of the Minister of Finance on the lists of goods for the purposes of collecting goods and services tax on imports
	№ 134 Announcement of the Speaker of the Sejm of the Republic of Poland of December 13, 2018 regarding the publication of a uniform text of the Act on Consumer Rights
25-01-19	№ 147 Announcement of the Speaker of the Sejm of the Republic of Poland of 17 January 2019 regarding the publication of a uniform text of the Border Guard Act
SPAIN	
12-01-19	PRESIDENCY: Order PCI / 7/2019, of January 11, by which the International Airport of the Region of Murcia is enabled as a border post. (BOE-A-2019-320)
16-01-19	INDUSTRY TRADE AND TOURISM (ICT): Resolution of January 9, 2019, of the General Directorate of Industry and of the Small and Medium-Sized Company, by which the UNE standard projects that the Spanish Standardization Association has in process, corresponding to the month of December, are submitted to public information, of 2018. (BOE-A-2019-495)
	ICT: Resolution of January 9, 2019, of the General Directorate of Industry and of Small and Medium-Sized Enterprises, whereby European and international standards projects that have been processed as UNE standard projects by the Spanish Standardization Association are submitted to public information, corresponding to the month of December 2018. (BOE-A-2019-496)
17-01-19	HACIENDA: Resolution of January 11, 2019, of the General Directorate of the State Tax Administration Agency, approving the general guidelines of the Annual Tax and Customs Control Plan of 2019. (BOE-A-2019-507)
22-01-19	ICT: Resolution of January 9, 2019, of the General Directorate of Industry and of the Small and Medium-Sized Companies, publishing the list of European standards that have been ratified during the month of December 2018 as Spanish norms. (BOE-A-2019-734)
	ICT: Resolution of January 9, 2019, 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 December 2018. (BOE-A-2019-735)
	ICT: Resolution of January 9, 2019, of the General Directorate of Industry and of the Small and Medium-sized Enterprise, by which the list of UNE standards approved by the Spanish Association for Standardization is published, during the month of December 2018. (BOE-A-2019-736)
SWITZERLAND	
22-01-19	Ordinance of the FDF on the rates of contributions for the export of agricultural commodities (RS 632.111.723.1)
	Order concerning a fee for heavy goods vehicle traffic related to services (Ordinance on a levy on heavy goods vehicle traffic, ORPL) (RS 641.811)
	Ordinance on the type-approval of road vehicles (ORT) (RS 741.511)

Date*	Measure
	Ordinance of the DFI on Cosmetics (OCos) (RS 817.023.31)
	DFI Ordinance on Drinks (RS 817.022.12)
	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)
29-01-19	Ordinance on the Importation of Agricultural Products (Ordinance on Agricultural Imports, OIAgr) (RS 916.01)
	Customs Convention of 14 November 1975 on the International Transport of Goods under Cover of TIR Carnets (TIR Convention) (RS 0.631.252.512)
	Agreement of 15 April 1994 establishing the World Trade Organization Decision of the General Council: Amendment of the Trade Policy Review Mechanism (0.632.20)

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)	
11-01-19	S.I. No 605 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. 7) Regulations 2018
	S.I. No. 606 of 2018 European Union (Restrictive Measures Concerning Iraq) Regulations (No. 5) 2018
	S.I. No. 607 of 2018 European Union (Restrictive Measures Concerning Libya) (No. 7) Regulations 2018
	S.I. No. 608 of 2018 European Union (Restrictive Measures concerning Somalia) (No. 3) Regulations 2018
	S.I. No. 609 of 2018 European Union (Restrictive Measures Concerning Ukraine) Regulations (No. 5) 2018
LIECHTENSTEIN	
17-01-19	LGBI № 2019.001 Order of 15 January 2019 amending the Regulation on measures against Myanmar (LR № 946.222.3)
31-01-19	LGBI № 2019.011 Ordinance of 29 January 2019 amending the Regulation on measures to prevent circumvention of international sanctions in relation to the situation in Ukraine (LR № 946.224.2)
	LGBI № 2019.012 Order of 29 January 2019 amending the Regulation on measures against the Democratic People's Republic of Korea (LR № 946.223.1)
	LGBI № 2019.013 Regulation of 29 January 2019 amending the Regulation on measures against Syria (LR № 946.223.8)
SWITZERLAND	
08-01-19	Ordinance blocking assets in the context of Tunisia (O-Tunisia) (RS 196.127.58)
	Ordinance blocking assets in the context of Ukraine (O-Ukraine) (RS 196.127.67)
09-01-19	Amendment to the Ordinance of 7 August 1990 on economic measures against the Republic of Iraq (RS 946.206) [Entry into force on 08-01-19]
17-01-19	Amendment to the Ordinance of 17 October 2018 instituting measures against Myanmar (RS 946.231.157.5) [Entry into force on 18-01-19 at 6 pm]
	Amendment to the Ordinance of 22 June 2005 instituting measures against the Democratic Republic of the Congo (RS 946.231.12) [Entry into force on 18-01-19 at 6 pm]
30-01-19	Amendment to the Ordinance of 7 August 1990 instituting economic measures towards the Republic of Iraq (RS 946.206) [Entry into force on 29-01-19]
31-01-19	Amendment to the Ordinance on Measures against Individuals and Entities As-

Date*	Restrictive Measure
	sociated with Usama bin Laden, the Group «Al-Qaïda» or the Taliban (RS 946.203) [Entry into force 30-01-19]

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
03-01-19	Regulation Amending the Customs Regulation
08-01-19	Decision on Implementation of Tariff Quotas in Import of Wallpaper and Similar Wall Coverings (Number of Decisions: 555)
09-01-19	Article 23 of the Regulation on the Procedures and Principles of the Regulation on the Procedures and Principles of the Production and Trade of Tobacco Products, Article 6 of the Decision on the Procedures and Principles for the Import, Price Determination and Marketing of Cigars and Cigarillo, 23 th Communiqué on the Implementation of Article 23 of the Regulation on the Principles and Procedures for the Production and Trading of Leaf Cigarette Paper (No: 2019/2)
	Communiqué on the Implementation of Articles 25 and 26 of the Regulation on Procedures and Principles for the Production of Ethyl Alcohol and Methanol and its Domestic and Foreign Trade (No: 2019/4)
	Communiqué on the Application of Articles 22, 23 and 26 of the Regulation on Procedures and Principles Regarding Tobacco Production, Processing and Domestic and Foreign Trade (No: 2019/5)
	In Communiqué on Application of Articles 14 and 5 of the Regulation on Procedures and Principles on Domestic and Foreign Trade of Alcohol and Alcoholic Beverages (No: 2019/7)
10-01-19	Addendum to the Resolution of the Council of Ministers dated 30/9/2013 and numbered 2013/5428 on the Freezing of the Assets of the Persons, Organizations or Organizations Listed by the Decisions of the United Nations Security Council (1267 (1999), 1988 (2011) and 1989 (2011) (1)) Decision on Amendment to the List (Decision: 578)
12-01-19	Communiqué on the Prevention of Unfair Competition in Importation (No: 2019/5)
	Communiqué on the Prevention of Unfair Competition in Importation (No: 2019/6)
	Communiqué on the Prevention of Unfair Competition in Importation (No: 2019/7)
15-01-19	Additional Decision to Import Decree (Decision: 607)
16-01-19	Decision on Implementation of Tariff Quotas in Grain and Pulses Import (Number of Decision: 649)
	Decision on Implementation of Tariff Quotas on the Import of Some Products (Number of Decision: 650)
	Additional Decision to Import Decree (Number of Decision: 651)
	Communiqué on the Implementation of Tariff Quota in the Import of Sunflower Seed Oil
17-01-19	Communiqué on the Amendment of the Turkish Food Codex Communiqué on Foodstuffs (Communiqué No: 2003/42) (No: 2018/50)
22-01-19	Communiqué on the Amendment to the Inward Processing Regime Communiqué (Export: 2006/12) (Export: 2019/1)
23-01-19	Customs General Communiqué (Pre-arrival Customs Procedures) (Serial No: 1)
29-01-19	Communiqué on the Implementation of Tariff Quotas for the Importation of Certain Products
30-01-19	7160 "The Republic of Serbia and the Republic of Turkey Free Trade Agreement" Aide Protocol II Location of the site January 30, 2018 Dated "Protocol II"

Date	Subject
	Agreement “originating products” definition of the concept and Administrative Cooperation Amending the Protocol II Relating to Methods January 17, 2017 Amendment to the Law on the Authorization of the President on Direct Approval by the President of the Republic of Turkey on 30 January 2018 of the Joint Committee Decision and the Service Trade Added to the Agreement

UKRAINE

Ukraine and Israel sign FTA

The Ministry of Foreign Affairs of Ukraine (MFA) [announced](#) that on 21 January 2019, cabinet ministers of Ukraine and Israel signed the 1500 page Free Trade Agreement (FTA) in Jerusalem during the official visit of the President of Ukraine, Petro Poroshenko, to Israel.

According to the MFA, the purpose of the Agreement is to create the legal basis for the liberalization of the markets for industrial and agricultural products of the parties.

The Agreement will promote the development of bilateral trade and economic cooperation between the countries, allow domestic producers to benefit from the liberalization of the goods market of the State of Israel, open up opportunities for both expansion of markets and development and modernization of production of the Ukrainian business.

The FTA will have to be approved by the Ukrainian and Israeli parliaments (Verkhovna Rada and Knesset, respectively) before entry into force.

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
02-01-19	On Approval of the Regulation on the Transboundary Movement of Foreign Currency Values Resolution of the National Bank of Ukraine; Regulation No. 3 of January 2, 2019
16-01-19	On approval of the criteria for assessing the degree of risk from the conduct of economic activities in the field of protection of rights to plant varieties and determine the frequency of planned state supervision (control) of the State Service for Food Safety and Consumer Protection Resolution of the Cabinet of Ministers of Ukraine; Criteria, List from January 16, 2019 No. 24

EURASIAN ECONOMIC UNION (EAEU)

Changes in the rules for determining the origin of goods

From January 12, 2019, Decision No. 49 of the Council of the Eurasian Economic Commission dated July 13, 2018 “[On Approving the Rules for Determining the Origin of Goods Imported into the Customs Territory of the Eurasian Economic Union \(Non-preferential Rules for Determining the Origin of Goods\)](#)” (hereinafter referred to as Non-Preferential Rules) comes into force.

The Non-Preferential Rules regulate the determination of the origin of goods imported into the customs territory of the Eurasian Economic Union (hereinafter - the Union) from countries that are not members of the Union, for the purposes provided for in paragraph 2 of Article 37 of the Treaty on the Eurasian Economic Union of May 29, 2014), namely the application of measures of non-tariff regulation, measures to protect the domestic market (special protective, anti-dumping and countervailing measures), the implementation of state (municipal) procurement, Statistics of foreign trade, establish requirements for the labeling of the origin of goods.

Non-preferential Rules set criteria and specifics of determining the origin of goods imported into the Union, as well as the requirements for documentary evidence of the origin of such goods.

In accordance with paragraph 25 of the non-preferential Rules in the case of application of measures to protect the domestic market stipulated by the Treaty on the EAEU and due to the origin of the goods, the origin of similar goods imported into the customs territory of the Union, is confirmed by a certificate of origin of goods .

Confirmation of the origin of goods imported into the customs territory of the Union, similar to those for which the domestic market protection measures are applied, as provided for by the EAEU Agreement, the certificate of origin of goods is not required in case of payment of anti-dumping and countervailing duties, as well as if the total customs value of imported goods is not exceeds the equivalent of \$ 150.

From January 16, 2019, the Decision of the Council of the Eurasian Economic Commission No. 60 of June 14, 2018 "On Approving the Rules for Determining the Origin of Goods from Developing and Least Developed Countries" (hereinafter referred to as Rules for RS and LDC) comes into force.

The current versions of the Non-Preferential Rules and Rules for RS and LDCs (in Russian and English) are available on the [website of the Eurasian Economic Union](#)

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. Draft orders are generally not listed.

Publication Date	Title
Council (Совет) of the Eurasian Economic Commission Решение	
27-12-18	Council Решение No. 99 (14-09-18) On the date of entry into force of certain decisions of the Board of the Eurasian Economic Commission on the application of measures to protect the domestic market
22-01-19	Council Решение No. 1 (18-01-19) On introducing changes to Section II of the plan for the development of technical regulations of the Eurasian Economic Union and amending the technical regulations of the Customs Union
Council Regulations/Orders (Распоряжение)	

Publication Date	Title
22-01-19	№ 1 (18-01-19) About promising integration projects in the Eurasian Economic Union
	№ 2 (18-01-19) On the development of an initiative to develop a digital ecosystem model to ensure the employment and employment of citizens of member states of the Eurasian Economic Union
	№ 3 (18-01-19) About the working group on the preparation of a document defining the strategic directions for the development of Eurasian economic integration up to 2025
	№ 4 (18-01-19) On the draft Protocol on Amendments to the Treaty on the Joint Board of the Customs Services of the Member States of the Customs Union of June 22, 2011
	№ 5 (18-01-19) On amending the action plan ("roadmap") to determine the sequence of the implementation of relevant measures to harmonize the legislation of the member states of the Eurasian Economic Union in the field of natural monopolies
	№ 6 (18-01-19) On Amendments to the Order of the Council of the Eurasian Economic Commission No. 32 of October 18, 2016
Board (Коллегии) of the Eurasian Economic Commission Решения	
28-12-18	№ 210 (25-12-18) On Approval of the Methodology for Statistics of Mutual Trade in Goods of the Member States of the Eurasian Economic Union and the Methodology of Customs Statistics for Foreign Trade in Goods of the Member States of the Eurasian Economic Union
	№ 211 (25-12-18) On the classification of the urinal in accordance with the uniform Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union
	№ 212 (25-12-18) On the classification of cored wire in accordance with the single Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union
	№ 213 (25-12-18) On the classification of sterilizers in accordance with the single Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union
	№ 214 (25-12-18) On the use of preliminary information provided in the form of an electronic document
	№ 215 (25-12-18) About the Advisory Committee on Competition Policy, Anti-monopoly Regulation and State Price Regulation
	№ 216 (25-12-18) On making changes to the Unified Veterinary (Veterinary-Sanitary) requirements for goods subject to veterinary control (supervision)
	№ 217 (25-12-18) On the list of international and regional (interstate) standards, and in their absence, national (state) standards, as a result of which voluntary compliance with the requirements of the technical regulations of the Customs Union "On the safety of pyrotechnic products" (TP TC 006/2011), and a list of international and regional (interstate) standards, and in their absence, national (state) standards containing the rules and methods of research (testing) and measurements, including the sampling rules necessary for the application and execution of the requirements of the Technical Regulations of the Customs Union "On the safety of pyrotechnic products" (TP TC 006/2011) and the implementation of conformity assessment of technical regulation objects
	№ 218 (25-12-18) On the list of international and regional (interstate) standards, and in the case of their absence, national (state) standards, as a result of which voluntary compliance with the requirements of the technical regulations of the Customs Union "On the safety of explosives and products based on them" is observed 028/2012), and a list of international and regional (interstate) standards, and in their absence, national (state) standards containing the rules and methods of research (testing s) and measurements, including sampling rules required for application and performance requirements of technical regulations CU "On Explosives Safety and products on their basis" (TR CU 028/2012) and of conformity assessment of technical regulation objects
	№ 219 (25-12-18) On the list of international and regional (interstate) standards, and in the case of their absence, national (state) standards, as a result of

Publication Date	Title
	which voluntary compliance with the requirements of the technical regulations of the Customs Union "On the safety of wheeled vehicles" (TP TC 018/2011) is ensured and the list of international and regional (interstate) standards, and in their absence, national (state) standards containing the rules and methods of research (testing) and measurement rhemum, including sampling rules, necessary for the application and execution of the requirements of the Technical Regulations of the Customs Union "On the safety of wheeled vehicles" (TR CU 018/2011) and the implementation of conformity assessment of technical regulation objects
	№ 220 (25-12-18) On the extension of the validity of the rates of import customs duties of the Common Customs Tariff of the Eurasian Economic Union in respect of certain types of components for the production of bicycles
	№ 221 (25-12-18) On approval of the Procedure for submitting to the Eurasian Economic Commission appeals from member states of the Eurasian Economic Union on the introduction of state price regulation, their consideration by the Eurasian Economic Commission and holding consultations and on recognizing as invalid some decisions of the Board of the Eurasian Economic Commission
18-01-19	№ 1 (15-01-19) On introducing amendments to some decisions of the Commission of the Customs Union and the Board of the Eurasian Economic Commission
	№ 2 (15-01-19) Approval of the list of information on the issued certificates of state registration of products that can be obtained by the customs authorities of the member states of the Eurasian Economic Union, and the procedure for obtaining such information
	№ 3 (15-01-19) On approval of the list of products in respect of which the submission of the customs declaration is accompanied by the submission of the document on conformity assessment to the requirements of the technical regulations of the Eurasian Economic Union "On safety of attractions" (EAEU TR 038/2016)
	№ 4 (15-01-19) About the Program for the development (modification, revision) of intergovernmental standards containing the rules and methods of research (testing) and measurements, including the rules for sampling necessary for the application and execution of the requirements of the technical regulations of the Eurasian Economic Union "On the safety of packaged drinking water, including natural mineral water" (EAEU TR 044/2017) and the implementation of conformity assessment of technical regulation objects
	№ 5 (15-01-19) About the classifier of the types of primary packages of medicines
	№ 6 (15-01-19) On the classifier of the types of secondary (consumer) packages of drugs
	№ 7 (15-01-19) On Amendments to the Decision of the Board of the Eurasian Economic Commission of March 26, 2013 No. 55
25-01-19	№ 8 (22-01-19) On Amendments to the Decision of the Board of the Eurasian Economic Commission of December 10, 2013 No. 289
	№ 9 (22-01-19) On the structure and format of the declaration for goods for express cargo and passenger customs declaration for express cargo
	№ 10 (22-01-19) About preferential import duty rates for goods originating from the Islamic Republic of Iran and imported into the customs territory of the Eurasian Economic Union
	№ 11 (22-01-19) On the fulfillment by the Russian Federation of obligations in the framework of the functioning of the internal market of the Eurasian Economic Union
Board Распоряжение	
25-01-19	№ 16 (22-10-19) On approval of the composition of the Advisory Committee on Intellectual Property
	№ 17 (22-01-19) On the draft Memorandum of Understanding between the Eurasian Economic Commission and the World Intellectual Property Organization
	№ 18 (22-01-19) On the implementation of a pilot project to assess the actual

Publication Date	Title
	impact of decisions taken by the Eurasian Economic Commission
Board Recommendations	
18-01-19	Recommendation of the EEC Board No. 1 (15-01-19) On Amendments to Volume VI of the Explanatory Notes to the Common 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 3 January 2019. The table lists the tariff codes, a description, rationale (GRIs) for the decision.

BELARUS

State Customs Committee (acts, resolutions, orders, etc.)

The following normative legal acts of the State Customs Committee (SCC) were posted to the SCC website:

Date	Subject
10-01-19	On ratification of the Agreement between the Government of the Republic of Belarus and the Government of the United Arab Emirates on cooperation and mutual assistance in customs matters . Law of the Republic of Belarus of January 8, 2019 No. 163-3
	On ratification 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 . Law of the Republic of Belarus of January 8, 2019 No. 164-3
	On ratification of the Interim Agreement leading to the formation of a free trade zone between the Eurasian Economic Union and its member states, on the one hand, and the Islamic Republic of Iran, on the other . Law of the Republic of Belarus of January 8, 2019 No. 165-3
16-01-19	On making additions and changes to some laws of the Republic of Belarus on border security issues . Law of the Republic of Belarus of January 9, 2019 No. 168-3
	On the procedure for confirming information on special and (or) declared properties of food raw materials and food products . Resolution of the Council of Ministers of the Republic of Belarus of January 15, 2019 No. 23
	On the procedure and conditions for quality control and safety of biologically active food additives and specialized food products for athletes . Resolution of the Council of Ministers of the Republic of Belarus of January 15, 2019, No. 24
28-01-19	On approval of the Regulations on the procedure for cooperation in ensuring the quality and safety of food products . Resolution of the Council of Ministers of the Republic of Belarus of January 25, 2019 No. 52

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 January 2019. It may be searched by tariff code or description (in Russian).

RUSSIAN FEDERATION

Russia expands import ban against Ukraine

On 29 December 2018, the Russian Prime Minister signed [Resolution No. 1716-83](#) implementing an import ban with respect to the Ukrainian goods. The import ban was introduced within the framework of the Russian countersanctions against Ukraine adopted under [Presidential Decree No. 592](#) dated 22 October 2018.

The list of goods affected by the measure includes agricultural products, raw materials, food products, industrial goods and certain personal hygiene products listed according to their names and HS classification codes.

Per [Resolution No. 1716-83](#) such goods are prohibited from entering Russia if they (i) originate from Ukraine, (ii) are supplied from Ukraine, or (iii) have been in transit through the territory of Ukraine.

The import ban does not apply to those goods which will be transited through Russia to third countries (subject to certain conditions, such as if the goods will be transited under the Russian customs convoy regime).

[Resolution No. 1716-83](#) entered into force immediately upon signing.

If you have any questions, please contact [Vladimir Efremov](#) and [Alexander Bychkov](#)

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
04-01-19	Decree of the Government of the Russian Federation of 29.12.2018 No. 1723 "On exemption from the provision of enforcement of the obligation to pay customs duties and taxes on cultural property imported and (or) exported for the purpose of exhibiting at state, non-state and municipal museums, libraries other non-profit organizations that store and exhibit cultural property, as well as during transportation (transportation) of cultural property throughout the Russian Federation in accordance with the customs procedure of customs transit"
14-01-19	Order of the Federal Customs Service of 07.12.2018 No. 1998 "On approval of the form of the prescription for conducting a customs inspection of premises and territories" (Registered 11.01.2019 No. 53304)
16-01-19	Order of the Federal Customs Service of 10.12.2018 No. 2002 "On approval of the report form and the procedure for filling it out, the procedure, timing and means of reporting by persons owning and (or) using conditionally released goods placed under the customs procedure of release for domestic consumption with benefits on the payment of customs duties associated with restrictions on the use and (or) disposal of these goods " (Registered on 15.01.2019 No. 53357) Order of the Government of the Russian Federation of January 14, 2019 No. 9-p "On signing the Protocol on amending the Agreement between the Government of the Russian Federation and the Government of the Republic of the Philippines on the establishment of the Joint Russian-Philippine Commission

Date of Publication	Subject
	on Trade and Economic Cooperation of November 18, 2015"
18-01-19	Order of the Federal Customs Service of November 19, 2017 No. 1859 "On the determination of the customs body authorized to produce customs examinations during customs control" (Registered 17.01.2019 No. 53406) Order of the Federal Customs Service dated December 13, 2017 No. 2036 "On approval of the form of the register of customs representatives" (Registered 17.01. 2019 No. 53397)
	Resolution of the Government of the Russian Federation No. 12 of January 19, 2019 "On amending the Resolution of the Government of the Russian Federation of August 11, 2016 No. 787" (The amendment concerns the clarification of the preamble of the Resolution of the Government of the Russian Federation of August 11, 2016 No. 787 "On the implementation of a pilot project on the introduction of labeling of goods with control (identification) marks of the commodity item "Garments, clothing accessories and other articles of natural fur" and declaring the Decree of the Government of the Russian Federation dated March 24, 2016 No. 235 "invalidated"
21-01-19	Order of the Federal Customs Service dated 10.30.2018 No. 1752 "On approval of the form of notification (clarification to the notification) of unpaid customs payments, special, antidumping, compensation duties, interest and penalties" (Registered on 18.01.2019 No. 53437) Order of the Federal Customs Service of 21.11.2018 No. 1877 "On approval of the forms of the decision of the customs authority on the recovery of customs duties, special, anti-dumping, countervailing duties, interest and penalties at the expense of property and the decision of the customs authority on the recovery of customs payments, special, anti-dumping, compensation fees, interest and interest at the expense of property " (Registered on 18.01.2019 No. 53419) Order of the Federal Customs Service of 21.11.2018 No. 1878 "On approval of the form of the decision of the customs authority on the recovery of customs payments, special, anti-dumping, countervailing duties, interest and penalties due to advance payments" (Registered 18.01.2019 No. 53425) Order of the Federal Customs Service dated 21.11.2018 No. 1880 "On approval of the form of the decision of the customs authority on levying execution on the subject of pledge" (Registered 18.01.2019 No. 53426) Order of the Federal Customs Service of 11.21.2018 number 1881 "On Approval of the decision of the customs authority to foreclose on bail, submitted for the duties of authorized economic operator, and (or) the obligations of the legal entity carrying out activities in the field of customs" (Registered 18.01. 2019 No. 53420) Order of the Federal Customs Service of 21.11.2018 No. 1882 "On approval of the form of the claim for payment of funds by a guaranteeing association (association)" (Registered on 18.01. 2019 No. 53433) Order of the Federal Customs Service of 21.11.2018 No. 1883 "On Approval of the Form of the Decision of the Customs Authority on Recovery of Funds from Accounts Indisputably" (Registered on 18.01.2019 No. 53427) Order of the Federal Customs Service of 21.11.2018 No. 1884 "On the determination of the list of places of movement of goods across the customs border of the Eurasian Economic Union, in which the system of double corridor is used" (Registered on 18.01. 2019 No. 53434)
23-01-19	Order of the Federal Customs Service of 23.11.2018 No. 1902 "On Approval of Forms of Applications for Inclusion in the Register of Customs Representatives and Application for Amendments to the Register of Customs Representatives" (Registered on 22.01.2019 No. 53478) Order of the Federal Customs Service dated 27/12/2018 number 2137 "On approval of the notification form for the recovery of customs duties, special, antidumping, countervailing duties, interest and penalties due to the cash collateral and due to advance payments" (22.01.2019 Registered number 53487) Order of the Federal Customs Service of 27.12.2018 No. 2138 "On approval of the procedure for writing off customs payments, special, anti-

Date of Publication	Subject
	dumping, countervailing duties, interest and penalties recognized as uncollectible, forms of documents drawn up by customs authorities when they are written off, and a list of documents confirming circumstances of recognizing the sums of customs payments, special, anti-dumping, countervailing duties, interest and penalties as uncollectible “ (Registered on 01.01.2019 No. 53486)
24-01-19	Order of the Federal Customs Service of 20.12.2018 No. 2080 “On approval of the form of receipt of acceptance of goods for storage at the temporary storage of the customs authority” (Registered 23.01.2019 No. 53518)
	Order of the Federal Customs Service dated 12/24/2018 number 2099 “On Approval of the decision on suspension (refusal to suspend) the execution of the appealed decision of the customs authority and forms of decision on a complaint against a decision, action (inaction) of the customs authority” (Registration number 53517 23.01.2019)
	Order of the Federal Customs Service of 27.12.2018 No. 2136 “On approval of the list of documents, in the presence of which a decision is made to recognize the amounts of customs duties, special, anti-dumping, countervailing duties, interest, interest, and uncollectible, forms of documents issued by customs authorities in writing off customs duties, special, anti-dumping, countervailing duties, interest, interest, and the procedure for their cancellation “ (Registered 23.01.2019 No. 53506)
	Order of the Federal Customs Service of 27.12.2018 No. 2141 “On approving the form of the report on the use of general security for the performance of duties to pay customs duties, taxes, special, anti-dumping, countervailing duties, Procedure and deadlines for sending to the person who provided general security for the performance of duties to pay customs duties , taxes, special, anti-dumping, countervailing duties, a report on the use of general security for the performance of duties to pay customs duties, tax , Special, antidumping, countervailing duties and annulment of the order of the FCS of Russia on January 24, 2011 № 101 “On Approval of the report on the use of general security for payment of customs duties and taxes” (Registered 23.01.2019 № 53507).
	Order of the Federal Customs Service of 27.12.2018 No. 2142 “On approval of the application form for the submission of a report on the use of general security for the performance of duties to pay customs duties, taxes, special, anti-dumping, countervailing duties in the form of an electronic document customs duties, taxes, special, anti-dumping, countervailing duties in the form of an electronic document, and the Procedure for filling and submitting application to the customs authority for the submission of a report on the use of general security for the performance of the obligation to pay customs duties, taxes, special, anti-dumping, countervailing duties in the form of an electronic document” (Registered 23.01.2019 No. 53510)
25-01-19	Order of the Federal Customs Service of 24.12.2018 No. 2095 “On the definition of customs authorities authorized to collect customs payments, special, anti-dumping, countervailing duties, interest and penalties” (Registered on 01.24.2019 No. 53535)
	Order of the Federal Customs Service of 27.12.2018 No. 2140 “On approval of the procedure for providing declarants with information on the value of assets” (Registered on 24.01.2019 No. 53545)
28-01-19	Order of the Federal Customs Service dated 21.11.2018 No. 1896 “On approval of the technology for performing customs operations in relation to motor vehicles of international transportation and goods transported by them across the customs border of the Eurasian Economic Union using the Unified Automated Information System of the customs authorities” (Registered 25.01.2019 No. 53579)
	Order of the Federal Customs Service of 20.12.2018 No. 2077 “On Approval of Report Forms, Procedure for Filling Report Forms, Reporting, Reporting Methods and Deadlines by Authorized Economic Operators” (Registered on 25.01.2019 No. 53563).
	Order of the Federal Customs Service dated 27.12.2018 № 2139 “On Approval

Date of Publication	Subject
	of the calculation of customs duties and taxes levied at flat rates or customs duties and taxes levied in the form of aggregate customs payment, the order of drawing up of such a calculation and make changes in it" (Registered 25.01.2019 No. 53571)
	Order of the Federal Customs Service of 28.12.2018 № 2155 "On Approving the Procedure for Keeping a register of persons (the founders and (or) members), the amount of customs duties, special, antidumping, countervailing duties, interest and penalties which are deemed to be uncollectible" (Registered 25.01.2019 No. 53580)

Africa

CÔTE D'IVOIRE

Public procurement going paperless

The Ivorian State has been working on the dematerialization project for nearly two years. The project aims to manage all the procedures, operations and organizations enabling the procurement and administration of public contracts by electronic means. In this context, the Ivorian government passed the [order \(Arrêté\) № 737/SEPTEMBRE/DGBF/DMP of July 30, 2018](#) setting forth the implementation of the first phase of the dematerialization of public markets.

According to the communiqué of the Council of Ministers of June 28, 2017, the Ivorian state has committed to implementing the project in two phases: the first phase concerns exchanges and communications between public actors, contracting authorities and public procurement units when the second one deals with exchanges and communications between public actors and economic operators.

Pursuant to the July 30, 2018 order relating to Phase 1, a number of procedures necessary for the preparation of tenders are handled electronically, including:

- the development and validation of a preliminary procurement plan;
- the preparation and validation of prequalification or tender documents;
- the preparation of the various minutes and reports issued by the committee responsible for opening and evaluating bids (Commission d'Ouverture des plis et de Jugement des offres); and
- project development for the tender.

Going paperless is meant to enhance transparency and reduce costs associated with hard copy submissions.

If you have any questions, please contact [Richard Mugni](#), [Céline van Zeebroeck](#) or [Fabien Hecquet](#).

TOGO

Measures to support companies facing hardship

The Togolese National Assembly passed on November 20, 2018 the 2019 finance law ([law No. 2018-020 related to finances law, 2019 management](#)). Among the measures that were adopted, a derogatory tax regime has been established to support companies facing hardship as part of their restructuring operations.

A restructuring operation is defined by law as “(i) any action materializing a control change of the company in hardship or of all or part of its subsidiaries (ii) any action of assets cession of the company in hardship or of all or part of its subsidiaries (iii) any connected or preparatory action about operations concerned by the (i) and the (ii) of this article and (iv) any constitutive act of the economic, financial and social restructuring plan of the company in hardship”.

This derogatory tax regime applicable for fiscal years beginning on January 1, 2018, will be implemented by tax exemptions.

Will be exempted from corporate tax the profits of these companies, from minimum lump-sum tax on the total sales revenue and from property tax on constructed and non-constructed property as defined by the tax code. The exemptions also apply to the tax related to amounts paid in relation to wages as well as the professional tax on sales revenue and rented value of properties enabling the exercise of the activity. The law also provides for other exemptions such as the financial activities tax regarding the whole financial operations, the tax on insurance contracts as well as registration fees and stamp duties.

To benefit from these exemptions, the companies facing hardship require an approval (*agrément*) from the minister in charge of finances who will adjudicate depending on the business activity of the company to have “*growth and employment potentialities*”, is “*strategic for the country and regions*” and “*necessary to the economic operation of the country*”. It will also be granted if “*the amount of the planned investment is significantly important*” and if it “*constitutes a decisive factor which provides the sustainability of the company in hardship and the safeguard or the development of employment on a local or national scale*”.

The approval, with a maximum term of five years, may cover all or part of exemptions provided by the 2019 finance law. It may be withdrawn by the minister in charge of finances in case the company does not comply with the commitments on employment and investment made in its application for approval.

If you have any questions, please contact [Richard Mugni](#), [Céline van Zeebroeck](#) or [Fabien Hecquet](#)

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; NO-

AA=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
01-16-19	In the Matter of Multiwire Laboratories, Ltd [\$80,000 settlement agreement for exports to China] (BIS)
01-17-19	In the Matter of Folasade Omowanile [\$19,000 settlement for export violations] (BIS)
	Los Angeles-area electronics distributor pleads guilty to selling counterfeit integrated circuits with military and commercial uses (DOJ, ICE, DoD)
01-28-19	Chinese telecommunications conglomerate Huawei and Huawei CFO Wanzhou Meng charged with financial fraud (DOJ, ICE, FBI, BIS, DoD)
01-30-19	ICE HSI arrest 2 for fraud targeting actors and others (DOJ, ICE, NYPD)
01-31-19	ICE, CBP operation nets over \$24 million in fake sports-related merchandise (ICE, CBP, Atlanta PD, National Football League)
01-31-19	Settlement Agreement between the U.S. Department of the Treasury's Office of Foreign Assets Control and e.l.f. Cosmetics, Inc. [\$996,080 for alleged

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 – December 2018 (older issues)
Francophone Africa Newsletter Legal Alert January 2019 (Eng. and Fr. bilingual)
Baker McKenzie FenXun Compliance & Investigations Client Alert: China's revised Criminal Procedure Law expands powers for corruption trials
Baker McKenzie FenXun Trade and Customs/Technology, Media & Telecommunications Client Alert: New cross-border e-Commerce ("CBE") regulations bring new opportunities and challenges for overseas sellers
Hong Kong Tax Client Alert: Hong Kong's New Tax Incentives for R&D
Hong Kong Corporate Compliance and Services Client Alert: Convictions in less than a year after the Significant Controllers Register law came into force
North America International Commercial Client Alert: Section 301 Duty Mitigation Strategies
Insight: (Russia) Websites Obligated to "Immediately" Remove Illegitimate Content or Risk Blocking

Subject
Thailand Trade and Commerce Client Alert: Thailand Introduces New Investment and Tax Scheme on International Business Center
Ukraine Banking and Finance Client Alert: NBU Cancels Registration and Maximum Interest Rate Cap for Cross-Border Loans
Vietnam Client Announcement: CPTPP comes into effect on 14 January 2019 for Vietnam
Vietnam Trade Client Alert: CPTPP - Customs Issues for Vietnam
Other areas
Canadian Labour and Employment Law (blog)
Hong Kong/Beijing/Shanghai Capital Markets/Dispute Resolution Client Alert: SEHK's new review structure for Listing Committee decisions will take effect around mid-2019 (Eng.); 港交所上市委员会决定的新修订复核架构大约将于 2019 年中生效 (Chinese)
Baker McKenzie FenXun Beijing/Hong Kong/Shanghai Dispute Resolution Client Alert: Hong Kong and China sign new arrangement on reciprocal recognition and enforcement of judgments in civil and commercial matters
Russia Technology, Media and Telecoms Client Alert: Websites obliged to "immediately" remove illegitimate content or risk blocking (Eng.); Изменен порядок блокировки сайтов: владельцы сайтов теперь должны "незамедлительно" удалять незаконную информацию, чтобы избежать блокировки (Rus.)
Singapore Intellectual Property Client Alert
Insight: (Switzerland) My New App is Out – What Regulations? <i>[Discusses treatment of App as a medical device, requiring conformity testing before marketing in Switzerland]</i>
Thailand Quarterly Alert (October-December 2018)
Insight: Proposed Amendments to Drug Act in Thailand
Ukraine Banking and Finance Client Alert: Foreign Companies Permitted to Open Offshore Accounts in Ukraine
US Government Enforcement Practice Client Alert: A Return to the Broad Extraterritorial Reach of the US Federal Securities Laws? US Court of Appeals for the Tenth Circuit in <i>Scoville</i> Says "Yes"
US Employment & Compensation Law Digest 2018/2019
Vietnam Renewable Energy Client Alert: New Circular 02 on Development Guidelines for Wind Power Projects in Vietnam
Vietnam Renewable Energy Client Alert: Vietnam's Long-Awaited Draft Policy for new 2-year Solar Power Feed-in-Tariff Mechanism from 1 July 2019 until 30 June 2021 Released
Vietnam Financial Services Client Alert: State Bank's New Regulations on Savings Deposits and Term Deposits
Vietnam Banking & Finance Client Alert: New regulation applicable to credit institutions and foreign bank branches established and operating in Vietnam when lending in foreign currencies to borrowers being residents

Webinars, Meetings, Seminars, Etc.

2019: What's Up in International Trade?

Keeping up to Speed on Evolving Challenges



We are very pleased to announce our **16th annual Global Trade and Supply Chain Webinar Series** entitled, “**2019: What's Up in International Trade? Keeping up to Speed on Evolving Challenges**”. The series will include the latest international trade developments including updates on Trade Wars, Trade Agreement negotiations and key customs, export controls and sanctions developments. In addition to our usual topics of Customs and export controls/sanctions, we will also cover Foreign investment review regimes around the world and emerging compliance risks in areas such as Human Rights and Forced Labour.

This year, we will expand our program of basic customs webinars to cover the areas of export controls and sanctions. The Basic program (highlighted in **orange**) will be primarily aimed at participants who are new to Global Trade and/or those who would like a refresher.

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 and co-leader of the EMEA Customs practice, 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 missed a webinar that has already been given, wish to see it again or want to download a presentation, you may do so at [this 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.

Upcoming Webinar Dates and Topics:

Date	Topic
January 29	Basic: How to Classify Your Products (Customs)

Details

Webinar Start Time:
 08:00 AM (Pacific) - San Francisco
 10:00 AM (Central) - Chicago
 11:00 AM (Eastern) - DC
 4:00 PM (GMT) - London
 5:00 PM (CET) - Frankfurt
 12:00 AM+ (CST) - Beijing
 1:00 AM+ (JST) - Tokyo

*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.

Webinar Series Lead:
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 Partner
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These webinars are all complimentary.

REGISTER NOW!

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

	<p>Speakers: Jose Hoyos-Robles (Mexico City), Olof Johannesson (Stockholm), Andrew Rose (London), and Riza Buditomo (Jakarta)</p>
February 26	<p>Trade Wars vs. Free Trade Agreements (Brexit, TPP, NAFTA)</p> <p>Speakers: Stu Seidel (DC), Cindy Owens (Singapore), Jenny Revis (London), and Meera Rolaz (London)</p>
March 19	<p>Basic: Export controls and sanctions</p> <p>Speakers: Ben Smith (London), Olof Konig (Stockholm), Hanna Shtepa (Kyiv), and Paul Amberg (Amsterdam)</p>
April 30	<p>Conducting investigations and making disclosures</p> <p>Speakers: Ross Denton (London), John McKenzie (San Francisco), Anahita Thoms (Dusseldorf), and Lise Test (DC)</p>
May 21	<p>Basic: How to determine the origin of your products (Customs)</p> <p>Speakers: Adrianna Ibarra-Fernandez (Mexico City), Jessica Mutton (Barcelona), and John F. McKenzie (San Francisco)</p>
June 25	<p>Overview of global ABC enforcement</p> <p>Speakers: Yindi Gesinde (London), Julian Godfray (London), Omid Uskowi (DC), and Henry Chen (Shanghai).</p> <p>Moderator: Tristan Grimmer (London)</p>
July 30	<p>Basic: How to value your products (Customs)</p> <p>Speakers: Kevin Nordin; (London) Jon Cowley (Hong Kong), and Brian Cacic (Toronto)</p>
August 27	<p>Foreign investment review regimes around the world: Focus on US, EU, UK, Germany and Canada</p> <p>Speakers: Kevin Nordin; (London) Jon Cowley (Hong Kong), and Brian Cacic (Toronto)</p>
September 24	<p>Basic: Overview of customs and imports developments: US, Brazil, China/Asia and Mexico</p> <p>Speakers: Eunkyung Kim Shin (Chicago), Alessandra Machado (Sao Paolo), Frank Pan (Shanghai), and Armando De Lille (Monterrey)</p>
October 29	<p>Key updates on export controls and sanctions</p> <p>Speakers: Kerry Contini (DC), Sven Bates (London), Alexandra Alberti (London), Alexander Bychkov (Moscow), and Anne Petterd (Singapore)</p>
November 19	<p>Basic: Overview of customs and imports developments: EU, Middle East and Russia</p>

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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?



<p>December 17</p>	<p>Speakers: Nicole Looks (Frankfurt), Ana Royuela (Barcelona), Reggie Mezu (Dubai), and Vladimir Efremov (Moscow)</p> <p>Managing Emerging Compliance Risks</p> <p>Speakers: Tristan Grimmer (London), Christopher Burkett (Toronto), and Francesca Richmond (London)</p>	 <p>To receive or updates in real time please follow us on Twitter: @BMckTrade</p>
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<p>Baker McKenzie.</p> <p>2018 Global Trade and Supply Chain Webinar Series</p> <p>Continuing Challenges in Global Trade</p>	
<p>Our 15th annual Global Trade and Supply Chain Webinar Series entitled, “2018: Continuing Challenges in Global Trade” ended on December 8, 2018.</p> <p>In 2018, we again expanded our usual program to include our Customs Academy, which featured six “<i>Customs 101</i>” webinars (highlighted in green below). The Customs 101 program is primarily aimed at participants who are new to Customs and/or those who would like a refresher and included introductory sessions on key Customs topics such as tariff classification, valuation and origin; and an overview of Customs in some key jurisdictions.</p> <p>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, moderated these webinars and were joined by experts from across our global network.</p> <p>If you missed a webinar that has already been given, wish to see it again or want to download a presentation, you may do so at this 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.</p>	
<p>January 30</p>	<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), and Christopher Burkett (Toronto)</p>
<p>February 27</p>	<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 Nicole Looks (Frankfurt)</p>
<p>March 27</p>	<p>Hot Topics in US, European, and Asian Export Controls</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> <p>Questions: If you have any questions regarding this webinar series, please contact:</p> <p>Sal Gonzalez Business Development Specialist Tel: +1 202 835 1661 sal.gonzalez@bakermckenzie.com</p>	

	Speakers: Marc Lager (Vienna), Anne Petterd (Singapore), Alex Lamy (DC), John McKenzie (San Francisco)
April 24	Customs Basic: How to determine the origin of your products
	Speakers: Adrianna Ibarra-Fernandez (Mexico City), Jessica Mutton (London), and John McKenzie (Palo Alto)
May 22	Russian and EU Customs Update
	Speakers: Alexander Bychkov (Moscow), Nicole Looks (Frankfurt) and Jenny Revis (London)
June 26	Customs Basic: How to value your products
	Speakers: Kevin Nordin (London), Jon Cowley (Hong Kong) and Brian Cacic (Toronto)
July 24	Update on US "Protectionism", Brexit and TPP
	Speakers: Stu Seidel (DC), Jenny Revis (London), Cindy Owens (Singapore) and Fred Burke (Ho Chi Minh)
August 28	Customs Basic: What you need to know about importing into China, Russia and the Middle East
	Speakers: Frank Pan (Shanghai), Vladimir Efremov (Moscow), and Reggie Mezu (Middle East)
September 25	Customs Audits and Enforcement Actions: Best Practices and Trends
	Speakers: Adriana Ibarra-Fernandez (Mexico), Nicole Looks (Frankfurt), and Stuart Seidel (DC)
October 30	Customs Basic: What you need to know about importing into Mexico, Brazil and Argentina
	Speakers: Armando de Lille-Calatayud (Monterrey), 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)

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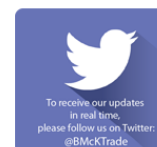
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Pending - We have applied for CES and CCS credit for these webinars to the National Customs Brokers & Forwarders Association of America, Inc.

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**RECORDED SESSIONS FROM OUR 2018
ANNUAL YEAR-END REVIEW OF IMPORT/EXPORT DEVELOPMENTS
IN SANTA CLARA, CALIFORNIA**

**14 November 2018 – [Year-End Review of Import/Export Developments \(Export Day\)](#)
Video**

- Foreign Investment Risk Review Act (“FIRRMA”) and the Revision of the CFIUS Process
- United States Export Control Developments
- European Union Export Control Developments
- Emerging Export Control Programs in the Asia/Pacific Region
- Economic Sanctions Developments
- Export Control and Economic Sanctions Enforcement

[Click here to view and/or download the materials.](#)

**15 November 2018 – [Year-End Review of Import/Export Developments \(Import Day\)](#)
Video**

- The Trump Administration Trade Agenda (this panel did not include slides)
- Trade Wars
- Trade Agreements Developments
- Overview of Customs and Import Developments: USA, Canada, EU, Mexico and Brazil
- Update on Foreign Import Restrictions
- Anti-Corruption Compliance and Trade Issues

[Click here to view and/or download the materials.](#)



Presentation Materials

- [Changes and Developments in Japan and Asia Pacific](#)

- [Business Implications of Trade Conflict](#)
- [Free Trade Agreement Developments](#)
- [Trade Sanctions and Export Controls](#)
- [E Commerce Challenges and Opportunities](#)



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RECORDED SESSIONS FROM OUR 2017 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

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/353	12/18/2018	02/01/2019	Packaging and food utensils that come into contact with foodstuffs
 Argentina	ARG/251/Add.1	12/18/2018	Not given	Medicinal preparations
 Argentina	ARG/257/Add.2	12/18/2018	Not given	Food products
 Argentina	ARG/351/Add.2	12/18/2018	Not given	Wine of fresh grapes, including fortified wines; grape must other than that of heading 20.09 (HS 2204)
 Argentina	ARG/352/Add.1	12/18/2018	Not given	Wine of fresh grapes, including fortified wines; grape must other than that of heading 20.09 (HS 2204)
 Bahrain, Kingdom of	BHR/557	01/04/2019	03/05/2019	Buses
 Bahrain, Kingdom of	BHR/558	01/08/2019	03/09/2019	Food additives
 Bolivia	BOL/8/Add.1	12/13/2018	Not given	Cosmetic products (HS Chapters 33 and 34)
 Brazil	BRA/597/Add.3	01/03/2019	Not given	Toys also their parts and accessories, Wheeled toys designed to be ridden by children (for example, tricycles, scooters, pedal cars); dolls' carriages (HS 9501)
 Brazil	BRA/720/Add.1	01/04/2019	Not given	HS Chapter 87 - Vehicles; HS - 8512 Electrical lighting or signalling equipment; for motor vehicles. Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof (HS 87), Electrical lighting or signalling equipment (excluding articles of heading 85.39), windscreen wipers, defrosters and demisters, of a kind used for cycles or motor vehicles. (HS 8512) .
 Brazil	BRA/764/Add.3	01/04/2019	Not given	Agriculture and livestock products
 Brazil	BRA/854	01/03/2019	Not given	Medicaments and biological products
 Brazil	BRA/855	01/03/2019	03/04/2019	Medical devices
 Brazil	BRA/856	01/04/2019	01/29/2019	HS 0304 Fish fillets & other fish meat, fresh, chilled or frozen (whether or not minced); HS 0307 Molluscs & other aquatic invertebrates, live, fresh, chilled, frozen; HS 0306 Crustaceans, live, fresh, chilled, frozen
 Brazil	BRA/857	01/04/2019	Not given	Advanced investigational therapy
 Brazil	BRA/858	01/04/2019	02/03/2019	Plants, medical products containing controlled substances
 Brazil	BRA/859	01/04/2019	03/28/2019	Fresh and frozen lobster (HS Code(s) 03.06.31; 03.06.11; 03.06.91; 03.06.39.10)
 Brazil	BRA/860	01/04/2019	03/28/2019	Shrimps (HS Code(s) 03.06.16; 03.06.35; 03.06.36; 03.06.99; 03.06.17; 03.06.95)
 Canada	CAN/573	01/03/2019	02/02/2019	• 4-Anilino-N-phenethylpiperidine (ANPP) (N-phenyl-1-(2-phenylethyl)piperidine-4-amine), its salts, derivatives, and analogues and salts of derivatives and analogues • Derivatives and analogues of 3,4-methylenedioxyphenyl-2-propanone, including methyl 3-(1,3-benzodioxol-5-yl)-2-methyloxirane-2-carboxylate (MMDMG) • Derivatives and analogues of 1-phenyl-2-propanone, including methyl 2-methyl-3-phenyloxirane-2-carboxylate (BMK methyl glycidate) and 3-oxo-2-

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
				phenylbutanamide (?-phenylacetoacetamide-APAA) • Derivatives and analogues of norfentanyl • Benzylfentanyl (N-(1-benzylpiperidin-4-yl)-N-phenylpropionamide), its salts, derivatives and analogues
 Canada	CAN/574	01/03/2019	02/05/2019	Alcoholic beverages
 Chile	CHL/462	12/11/2018	02/09/2019	Cold-formed carbon steel structural piping with longitudinal seams (welded) and a rectangular, squared, round or special shape, for use in construction (bolted, riveted and welded structures), and for general structural purposes
 Chile	CHL/463	12/11/2018	02/09/2019	Structural sections of cold-formed carbon steel manufactured using profiling machines, with a L, U, C, Z or special shape, for use in construction (bolted, riveted and welded structures), and for general structural purposes.
 Chile	CHL/431/Add.1	12/12/2018	Not given	Ventilation ducts
 Chile	CHL/434/Add.1	12/18/2018	Not given	Smoke extraction ducts
 Colombia	COL/230/Add.1	12/13/2018	Not given	Cosmetic products (HS Chapters 33 and 34)
 Costa Rica	CRI/183	12/11/2018	02/09/2019	Biofuels
 Ecuador	ECU/337/Add.1	12/13/2018	Not given	Cosmetic products (HS Chapters 33 and 34)
 Egypt	EGY/1/Add.5	01/09/2019	Not given	Food products
 Egypt	EGY/1/Add.6	01/09/2019	Not given	Food products
 Egypt	EGY/2/Add.7	01/09/2019	Not given	Food products
 Egypt	EGY/3/Add.17	01/09/2019	Not given	Chemical, textile and engineering products
 Egypt	EGY/202	01/09/2019	03/10/2019	Glass liquid cleaner
 Egypt	EGY/203	01/09/2019	03/10/2019	Glass tableware
 Egypt	EGY/204	01/09/2019	03/10/2019	Diapers for children and adult
 Egypt	EGY/205	01/09/2019	03/10/2019	Fat Spreads And Blended Spreads
 Egypt	EGY/206	01/09/2019	03/10/2019	Fish oils
 Egypt	EGY/207	01/09/2019	03/10/2019	Electronic Cigarettes - Electronic Liquid
 Egypt	EGY/208	01/09/2019	03/10/2019	Thermally toughened glass panels
 El Salvador	SLV/203	12/19/2018	02/17/2019	Units of measurement
 El Salvador	SLV/204	12/19/2018	02/17/2019	Waste water
 European Union	EU/638	01/03/2019	03/04/2019	Wine products
 European Union	EU/639	01/03/2019	03/04/2019	Wine products
 Finland	FIN/55	01/11/2019	03/12/2019	Construction products
 Finland	FIN/56	01/11/2019	03/12/2019	Construction products
 Finland	FIN/57	01/11/2019	03/12/2019	Construction products

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Finland	FIN/58	01/11/2019	03/12/2019	Construction products
 Finland	FIN/59	01/11/2019	03/12/2019	Construction products
 Finland	FIN/60	01/11/2019	03/12/2019	Construction products
 Finland	FIN/61	01/11/2019	03/12/2019	Construction products
 Finland	FIN/62	01/11/2019	03/12/2019	Construction products
 Finland	FIN/63	01/11/2019	03/12/2019	Construction products
 Finland	FIN/64	01/11/2019	03/12/2019	Construction products
 Finland	FIN/65	01/11/2019	03/12/2019	Construction products
 Finland	FIN/66	01/11/2019	03/12/2019	Construction products
 Finland	FIN/67	01/11/2019	03/12/2019	Construction products
 Finland	FIN/68	01/11/2019	03/12/2019	Construction products
 Finland	FIN/69	01/11/2019	03/12/2019	Construction products
 Japan	JPN/617	01/03/2019	03/04/2019	Wireless devices operating in close proximity to the human body
 Korea, Republic of	KOR/807	01/08/2019	03/09/2019	Noodles [19021910] including sauces [2103], Naeng-myun [19021930] including sauces [2103], Instant noodles [19023010] including sauces [2103], ready-to-eat hamburger and ready-to-eat sandwich
 Kuwait	KWT/445	01/04/2019	03/05/2019	Buses
 Kuwait	KWT/446	01/08/2019	03/09/2019	Food additives
 Mexico	MEX/440	12/11/2018	01/25/2019	Portable pressure vessels, equipment and accessories for service stations selling liquefied petroleum gas
 Mexico	MEX/441	12/11/2018	01/26/2019	Ultrasound clinics
 Mexico	MEX/442	12/13/2018	01/29/2019	Medical equipment for eximer laser ophthalmic surgery
 Mexico	MEX/443	12/18/2018	02/10/2019	AC motors with a rated output of 1 W or more, and less than 180 W
 Mexico	MEX/444	12/19/2018	02/15/2019	Lighting equipment that distributes, filters or controls light emitted by one or more light emitting diodes (LEDs) and includes all necessary accessories for mounting, protecting and operating those LEDs (Tariff heading: 854140)
 Mexico	MEX/197/Add.3	12/21/2018	Not given	Pesticides
 Mexico	MEX/378/Add.1	12/21/2018	Not given	Onshore and offshore pipelines, throughout their entire life cycle, that are used to collect hydrocarbons and transport oil, natural gas, petroleum products and petrochemicals; and pipelines used in natural gas processing and oil refining processes and for the distribution of natural gas and petroleum products. Pipelines that are out of operation (temporarily or after having been abandoned), and pipelines which have not yet been built or are inactive, are also included
 Mexico	MEX/390/Add.1	12/14/2018	Not given	Yoghurt (HS 04031001)

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Mexico	MEX/391/Add.1	12/14/2018	Not given	Milk powder or dried milk
 Mexico	MEX/395/Add.1	12/14/2018	Not given	Cheese
 Mexico	MEX/399/Add.2	12/18/2018	Not given	Hygiene products (irrespective of their physical state), substances intended for the washing or cleaning of objects, surfaces or buildings, and substances that release a specific fragrance into the air. These products include soaps, detergents, cleaners, whiteners, starches for external use, stain-removers, disinfectants, deodorisers and air fresheners, and other similar products determined by the Ministry of Health.
 Oman	OMN/390	01/04/2019	03/05/2019	Buses
 Oman	OMN/391	01/08/2019	03/09/2019	Food additives
 Peru	PER/99/Add.1	12/13/2018	Not given	Cosmetic products (HS Chapters 33 and 34)
 Philippines	PHL/209	01/09/2019	01/25/2019	Flat Glass, Heat-Strengthened and Fully Tempered Flat Glass, Laminated Glass and Laminated Safety Glass in Building and Bent Glass; Glass and glassware (HS 70)
 Qatar	QAT/555	01/04/2019	03/05/2019	Buses
 Qatar	QAT/556	01/08/2019	03/09/2019	Food additives
 Russian Federation	RUS/89	01/10/2019	03/01/2019	Products for children and adolescents
 Russian Federation	RUS/89/Add.1	01/11/2019	Not given	Products for children and adolescents
 Russian Federation	RUS/90	01/10/2019	03/1/2019	Food additives, complex food additives, flavors, technological aids, food products in terms of the content of food additives in it, biologically active substances from flavors, residual quantities of technological aids
 Russian Federation	RUS/90/Add.1	01/11/2019	Not given	Food additives, complex food additives, flavors, technological aids, food products in terms of the content of food additives in it, biologically active substances from flavors, residual quantities of technological aids
 Saudi Arabia	SAU/1097	01/04/2019	03/05/2019	Fuel systems
 Saudi Arabia	SAU/1098	01/04/2019	03/05/2019	Buses
 Saudi Arabia	SAU/1099	01/08/2019	03/09/2019	Food additives
 Switzerland	CHE/233	01/09/2019	03/21/2019	Telecommunication equipment, radio equipment and telecommunication terminal equipment
 Tanzania	TZA/230	01/04/2019	03/05/2019	Adhesives
 Thailand	THA/427/Rev.2	01/09/2019	Not given	Stretch Cling Film for Food (HS 3919)
 Thailand	THA/503/Add.1	01/10/2019	Not given	New pneumatic tyres
 Uganda	UGA/1012	01/04/2019	03/05/2019	Toffee; Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel. (HS 1702), - Other (HS 170490)

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Uganda	UGA/1013	01/04/2019	03/05/2019	Chewing gum, whether or not sugar-coated (HS 170410)
 United Arab Emirates	ARE/453	01/04/2019	03/05/2019	Buses
 United Arab Emirates	ARE/454	01/08/2019	03/09/2019	Food additives
 United States	USA/893/Add.9	01/04/2019	Not given	Food products, labelling
 United States	USA/1435	01/03/2019	02/19/2019	Food labeling
 United States	USA/1364/Add.2	01/08/2019	Not given	Bioengineered (BE)
 Yemen	YEM/158	01/04/2019	03/05/2019	Buses
 Yemen	YEM/159	01/08/2019	03/09/2019	Food additives

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 Issued	TRS Number	Merchandise	Tariff Classification and Basis
11-04-16	274532	Ladies knitted upper garment, style A02-79616U	6110.30.00.82 [GIR 1, 6]
03-01-17	277411	Chynar Brand Vegetable Ghee	1517.90.99.00 [GIR 1, 6]
03-29-17	277312	C9 series, C12, C15 and C18 Vinyl Cones	3926.90.99.90 [GIR 1, 6]
	277307	CM Series Saucer Cones	3926.90.99.90 [GIR 1, 6]
	277196	Fritch Plate (Item No. HOP-FOP)	7308.90.00.99 [GIR 1, 6; EN 73.08]
	277259	Ground Screw Flange (Item No. HOP-GSF)	7318.15.00.10 [GIR 1, 6; Sec. XV n 2(a); EN 73.18]
	277314	Mango Lime Quinoa Salad (5 lb/2.27 kg bulk)	1904.10.90.90 [GIR 1, 6]
	277313	Mediterranean Quinoa Salad (5 lb/2.27 kg bulk)	1904.10.90.90 [GIR 1, 3(b), 6]
	277203	Slate Tile Interface (Item No. HOP-TRH-09)	8302.49.00.90 [GIR 1, 6; EN Chap 83, 83.02]
04-13-17	277504	Plastic Egg Trays	3923.10.90.90; EN Chap 83, 83.02]

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 190,000 such rulings are in the database.

CBP Rulings: Revocations or Modifications

No proposals or actions 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.

European Classification Regulations

No Classification Regulations were published in the *Official Journal* during the period covered by this *International Trade Compliance Update*.

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 or CN code	Description of Articles
2019/C 2/02 (04-01-19)	p. 296 7307 19 10	The explanatory note to subheading 7307 19 10 (Of malleable cast iron), the third paragraph under the heading is deleted.
	p. 296 7307 19 90	A new explanatory note is inserted

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. As a result of the US Government partial shutdown, no 337 actions were published during the past month by the US International Trade Commission, the independent United States agency charged with enforcement of section 337.

In addition to the above actions, the ITC normally publishes notices indicating that it has received complaints filed on behalf of companies alleging violations of §337 and soliciting comments on any public interest issues raised by the complaints. As a result of the US Government partial shutdown, no public interest notices were published during the past month.

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, China, India, Argentina, Brazil, and occasionally other countries. We also are listing WTO safeguard notifications (Click on blue text for link to official document.)

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



WTO Safeguard Notifications

Notification №	Member	Merchandise	Action
G/SG/N/6/TUR/25 (01-04-19)	Turkey	Yarn of nylon or other polyamides	Initiation of a safeguard investigation on 30-12-18
G/SG/N/6/MDG/3 G/SG/N/7/MDG/3 G/SG/N/11/MDG/3 (07-01-19)	Madagascar	Detergent powder	Initiation of a safeguard investigation on 31-12-18
G/SG/N/6/PHL/12 (11-01-19)	Philippines	Ceramic floor and wall tiles	Initiation of a safeguard investigation on 20-12-18
(EU) 2019/67 (16-01-19)	EU	Indica rice originating in Cambodia and Myanmar/Burma	Imposition of safeguard measures



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

Case №	Merchandise/Country	Action
No AD/CVD notices were published by the Department of Commerce during January 2019 due to the partial US Government shutdown		



United States International Trade Commission (USITC)

Inv. №	Merchandise/Country	Action
701-TA-448 731-TA-1117	Certain Off-The-Road Tires From China	[SECOND REVIEW] Institution of Five-Year Reviews
701-TA-453 731-TA-1136-1137	Sodium Nitrite From China and Germany	[SECOND REVIEW] Institution of Five-Year Reviews
701-TA-452 731-TA-1129-1130	Raw Flexible Magnets From China and Taiwan	[SECOND REVIEW] Institution of Five-Year Reviews
701-TA-405-406, 408 731-TA-899-901, 906-908	Hot-Rolled Steel Products From China, India, Indonesia, Taiwan, Thailand, and Ukraine	[THIRD REVIEW] Institution of Five-Year Reviews
731-TA-990	Non-Malleable Cast Iron Pipe Fittings From China	[THIRD REVIEW] Institution of a Five-Year Review



Canadian International Trade Tribunal (CITT)

Ref. Number	Merchandise/Country	Action
LE-2018-008	<i>Dumping and Subsidizing</i> of Aluminum Extrusions originating in or exported from China	Notice of Expiry of Order and Schedule



Canada Border Services Agency (CBSA)

Ref. Number	Merchandise/Country	Action
FISC 2018 SP 02	Certain Fabricated Industrial Steel Components originating in China, S. Korea and Spain	Notice of Scope Ruling - Statement of Reasons



Canada Border Services Agency (CBSA)

Ref. Number	Merchandise/Country	Action
NIT 2018 IN	Certain Nitisinone Capsules originating in Sweden	Statement of Reasons Concerning the preliminary determination
OCTG1 SC 2019 UP 01	Certain Oil Country Tubular Goods (OCTG) and Certain Seamless Casing from China	Notice of Initiation of Normal Value and Export Price Review
OCTG1 SC 2019 UP 02	Certain Oil Country Tubular Goods (OCTG) and Certain Seamless Casing from China	Notice of Initiation of Normal Value and Export Price Review
AE 2018 SP	Certain extruded aluminum originating in China	Scope Proceeding - Statement of Essential Facts
COR 2018 IN	Certain corrosion-resistant steel sheet from China, Chinese Taipei, India and South Korea	Notice of Final Determination
UWM 2018 ER	Dumping and Subsidizing: Certain unitized wall modules, originating in or exported from China	Notice of Expiry Review Decision
CPF 2019 RI	Certain Copper Pipe Fittings from the United States, South Korea and China	Notice of Re-investigation of normal values and export prices and Chinese subsidy amounts
CSWP3 2018 IN	Carbon Steel Welded Pipe Exported from Pakistan, the Philippines, Turkey and Vietnam	Statement of Reasons concerning the termination of the dumping investigation (Erbosan Erciyas Boru Sanayii ve Ticaret A.S., Turkey) and final determination with respect to the dumping



Mexico - Ministry of Economy

Ref. №	Merchandise/Country	Action
EA 03/17	Emulsion polybutadiene styrene rubber originating in the USA, Poland, S. Korea and Japan, regardless of the country of export	Final AD resolution
AE 13/17	Cut bond paper originating in Brazil, regardless of the country of export	Final resolution of the circumvention investigation



European Union

Reference	Merchandise/Country	Action
2019/C 15/03	Certain rainbow trout originating in Turkey	Notice concerning the anti-subsidy measures in force: change of name of a company subject to the CVD rate for cooperating non-sampled companies
(EU) 2019/59	Aluminium radiators originating in China	Commission Implementing Regulation imposing a definitive ADD following an expiry review
(EU) 2019/72	Electric bicycles originating in China	Commission Implementing Regulation imposing a definitive CVD
(EU) 2019/73	Electric bicycles originating in China	Commission Implementing Regulation imposing a definitive ADD and collecting the provisional duty
(EU) 2019/73 Corrigendum	Electric bicycles originating in China	Commission Implementing Regulation imposing a definitive ADD and collecting the provisional duty
(EU) 2019/99	Tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India	Commission Implementing Regulation terminating the absorption reinvestigation without amending the ADD measures in force



Australian Anti-Dumping Commission

Ref. №	Merchandise/Country	Action
2019/01	Various	Monthly Status Report - December
2019/02	Hot Rolled Structural Steel Sections from Japan, Korea, Taiwan, Thailand #499	Initiation of a Review of Anti-dumping Measures
2019/03	Grinding Balls from China #502	Initiation of an Accelerated Review
2019/04	Aluminium Extrusions from Malaysia #498	Termination of Accelerated Review
2019/05	PVC Flat Electric Cables from China #469	Preliminary Affirmative Determination and
2019/06	Aluminium Extrusions from China #497	Initiation of a Review of Anti-dumping Measures
2019/07	Steel Reinforcing Bar from Turkey #495	Preliminary Affirmative Determination
2019/12	Railway Wheels from China, France #466	Termination of Subsidy Investigation
2019/13	Railway Wheels from China, France #466	Further extension of time to issue Final Notice
2019/14	Steel Pallet Racking from China, Malaysia #441	Extension of time to provide REP 441 to the Minister



China Ministry of Commerce (MOFCOM)

Ref. №	Merchandise/Country	Action
3, 2019	Solar-grade polysilicon originating in the US	Final review of the CV measures investigation
2, 2019	Solar-grade polysilicon originating in the US and S. Korea	Final review of the AD measures investigation
5, 2019	Monobutyl ethers of ethylene glycol and diethylene glycol originating in the US and the EU	Final review of the AD measures



Government of India Ministry of Finance (Department of Revenue)

Notification №	Merchandise/Country	Action
01/2019-Cus (ADD) 04-01-19	Methylene Chloride originating in or exported from the European Union and the United States of America	Definitive ADD imposed for a period of 5 years
02/2019-Cus (ADD) 15-01-19	Jute Products viz – Jute Yarn/Twine (multiple folded/cabled and single), Hessian Fabric and Jute Sacking Bags originating in or exported from Bangladesh and Nepal	Provisional assessment of exports by M/s Janata Jute Mills Ltd. (Producer), M/s. Aman Jute Fibrous Ltd. (Producer) and M/s IB Jute Corporation (Exporter/ Trader) discontinued
03/2019-Cus (ADD) 15-01-19	Jute Products viz – Jute Yarn/Twine (multiple folded/cabled and single), Hessian Fabric and Jute Sacking Bags originating in or exported from Bangladesh and Nepal	ADD rate prescribed for final assessment of exports by M/s Janata Jute Mills Ltd. (Producer), M/s. Aman Jute Fibrous Ltd. (Producer) and M/s IB Jute Corporation (Exporter/ Trader)
4/2019-Cus (ADD) 24-01-19	Metaphenylene Diamine originating in or exported from China PR	Notification No. 11/2014-Customs (ADD) dated March 11, 2014 imposing Anti-dumping Duty rescinded
5/2019-Cus (ADD) 24-01-19	Metaphenylene Diamine originating in or exported from China PR	Definitive ADD imposed for a period of 5 years
6/2019-Cus (ADD) 28-01-19	Fluoroelastomers originating in or exported from China PR	Definitive ADD imposed for a period of 18 months


Government of India Ministry of Commerce and Industry (Department of Commerce)

File No and Date	Merchandise/Country	Action
INITIATIONS		
7/44/2018-DGTR 10-01-19	Electrical Insulators originating in or exported from China PR	Initiates Sunset Review Investigation
7/38/2018-DGTR 15-01-19	Saturated Fatty Alcohols originating in or exported from Indonesia, Malaysia, Thailand and Saudi Arabia	Initiates New Shipper Review on behalf of PT. Energi Sejahtera Mas (Producer) and Sinarmas Cepa Pte Ltd (Exporter)
ORAL HEARINGS		
7/11/2017-DGAD 07-01-19	Melamine originating in or exported from China PR	Schedules oral hearing on 30 January, 2019 in New Shipper Review Investigation
7/11/2017-DGAD 11-01-19		Reschedules oral hearing on 14 February, 2019 in New Shipper Review Investigation
7/9/2017-DGAD 07-01-19	Jute Products viz – Jute Yarn/Twine (multiple folded/cabled and single), Hessian Fabric and Jute Sacking Bags originating in or exported from Bangladesh	Schedules oral hearing on 30 January, 2019 in New Shipper Review Investigation
7/9/2017-DGAD 11-01-19		Reschedules oral hearing on 14 February, 2019 in New Shipper Review Investigation
6/18/2018-DGAD 07-01-19	Saccharin originating in or exported from China PR	Schedules oral hearing on 22 January, 2019 in Anti-subsidy Investigation
7/31/2018-DGTR 09-01-19	Aluminium Alloy Road Wheels originating in or exported from China PR, Korea RP and Thailand	Schedules oral hearing on 7 February, 2019 in Sunset Review Investigation
7/31/2018-DGTR 16-01-19		Reschedules oral hearing on 19 February, 2019 in Sunset Review Investigation
7/18/2018-DGAD 09-01-19	Ductile Iron Pipes originating in or exported from China PR	Reschedules oral hearing on 25 January, 2019 in Anti-dumping Investigation
6/23/2018-DGTR 11-01-19	High Speed Steel of Non-Cobalt Grade originating in or exported from Brazil, China and Germany	Schedules oral hearing on 7 February, 2019 in Anti-dumping Investigation
7/21/2018-DGTR 11-01-19	Fluoroelastomers originating in or exported from China PR	Schedules oral hearing on 8 February, 2019 in Anti-subsidy Investigation
7/34/2018-DGTR 11-01-19	Poly Vinyl Chloride Suspension Grade originating in or exported from China PR, Thailand and the United States of America	Schedules oral hearing on 12 February, 2019 in Sunset Review Investigation
6/22/2018-DGAD 18-01-19	Welded Stainless Steel Pipes and Tubes originating in or exported from China PR and Vietnam	Schedules oral hearing on 5 February, 2019 in Anti-subsidy Investigation
6/22/2018-DGAD 28-01-19		Reschedules oral hearing on 15 February, 2019 in Anti-subsidy Investigation
6/19/2018-DGAD 18-01-19	Atrazine Technical originating in or exported from China PR	Schedules oral hearing on 8 February, 2019 in Anti-subsidy Investigation
FINAL FINDINGS		
6/12/2018-DGAD 03-01-19	Non-Plasticized Industrial Grade Nitrocellulose excluding Nitrocellulose Damped in Ethanol and Waterwet originating in or exported from Brazil, Indonesia and Thailand	Corrigendum issued to Final Findings in AD Investigation
6/12/2017-DGAD (Pt.1) 07-01-19	High Tenacity Polyester Yarn originating in or exported from China PR	Final Findings amended in AD Investigation to incorporate change of name of exporters
7/20/2018-DGAD 11-01-19	Nonyl Phenol originating in or exported from Chinese Taipei	Final Findings issued in second Sunset Review Investigation
7/22/2018-DGAD 15-01-19	4, 4 Diamino Stilbene 2, 2 Disulphonic Acid originating in or exported from the China PR	Final Findings issued in Sunset Review Investigation
6/25/2017-DGAD 17-01-19	Fluoroelastomers originating in or exported from China PR	Corrigendum to Final Findings issued in AD Investigation
6/45/2017-DGAD	Textured Tempered Coated and Uncoated Glass	Final Findings issued in AD Investigation


Government of India Ministry of Commerce and Industry (Department of Commerce)

File № and Date	Merchandise/Country	Action
17-01-19	originating in or exported from Malaysia	
7/16/2018-DGAD 29-01-19	Paracetamol originating in or exported from China PR	Final Findings issued in Sunset Review Investigation
OTHERS		
7/31/2018-DGTR 08-01-19	Aluminium Alloy Road Wheels originating in or exported from China PR, Korea RP and Thailand	Proposal for sampling in Sunset Review Investigation
6/10/2018-DGAD 15-01-19	Certain Epoxy Resins originating in or exported from China PR, the European Union, Korea RP, Taiwan and Thailand	Terminates AD Investigation
6/18/2018-DGAD 22-01-19	Low Ash Metallurgical Coke originating in or exported from Australia and China PR	Time for filing questionnaire response in Mid-term Review Investigation extended until 11 February, 2019


Argentina Ministry of Production and Labor – Secretary of Commerce

Ref. Number	Merchandise/Country	Action
Res. № 211/2018	Three-phase liquid dielectric transformers with power greater than 10,000 KVA, except for three-phase transformers of liquid dielectric for furnace with power superior to 30,000 KVA, originating in Brazil, China and S. Korea	Expiry and changed circumstances review


Brazil Ministry of Development, Industry and Trade

Reference	Merchandise/Country	Action
Secex № 1	New rubber tires for passenger cars, radial constructions, series 65 and 70, rims 13 “and 14” and bands 165, 175 and 185, originating in S. Korea, Thailand, Chinese Taipei and Ukraine	Initiates review of ADD
Secex № 2	Tableware originating in China	Initiates review of ADD



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