

International Trade Compliance

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

BAKER & MCKENZIE

Newsletter

November 2016 | Update

www.internationaltradeupdate.com

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

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2016 A Year-End Review of IMPORT/EXPORT DEVELOPMENTS



November 15-16, 2016 | Santa Clara, CA & Webcast

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To keep abreast of trade news, visit our blogs -

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

For additional articles and updates on trade sanctions and related subjects, please visit: <http://sanctionsnews.bakermckenzie.com/> regularly.

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

For resources and news regarding the *Trans-Pacific Partnership Agreement*, please visit <http://tpp.bakermckenzie.com/>.

Baker and McKenzie has also established a new blog for *Brexit* issues. Visit <http://brexit.bakermckenzie.com/> often to see how the UK referendum on exiting the EU may affect your business.

Please see our [Webinars, Meetings, Seminars](#) section for additional events and recorded presentations.

World Trade Organization (WTO)

WTO members accept Argentina's invitation to host 2017 Ministerial Conference

The WTO [announced](#) that members agreed at a meeting of the WTO's General Council on 3 October to accept Argentina's offer to host the organization's Elev-

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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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enth Ministerial Conference (MC11) next year in Buenos Aires. Argentina will be the first South American country to host the biennial event.

The Ministerial Conference, which is attended by trade ministers and other senior officials from the organization's 164 members, is the highest decision-making body of the WTO. Under the Marrakesh Agreement Establishing the WTO, the Ministerial Conference is to meet at least once every two years. The last Ministerial Conference took place in Nairobi, Kenya, in December 2015.

The dates for MC11 have not been fixed, but the meeting is likely to take place in early December 2017.

Trade Policy Review: South Korea, DR of Congo

The seventh review of the trade policies and practices of the Republic of Korea took place on 11 and 13 October 2016. The basis for the review was a [report by the WTO Secretariat](#) and a [report by the Government of the Republic of Korea](#).

The second review of the trade policies and practices of the Democratic Republic of the Congo took place on 25 and 27 October 2016. The basis for the review was a [report by the WTO Secretariat](#) and a [report by the Government of the Democratic Republic of the Congo](#).

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
DS513	Morocco - Anti-dumping Measures on Certain Hot-Rolled Steel From Turkey (Complainant: Turkey) Consultations requested by Turkey	05-10-16

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
DS473	European Union – Anti Dumping Measures on Biodiesel from Argentina (Complainant: Argentina)	Appellate Body report issued Adopted by DSB	06-10-16 26-10-16
DS316	European Communities and Certain Member States — Measures Affecting Trade in Large Civil Aircraft – Recourse to Article 21.5 of the DSU by the United States	EU files appeal against compliance panel ruling	13-10-16
DS456	India — Certain Measures Relating to Solar Cells and Solar Modules (Complainant: United States)	DSB adopted Appellate Body report	14-10-16
DS471	United States – Certain Methodologies and their Application to Anti-Dumping Proceedings Involving China (Complainant: China)	Panel report issued	19-10-16
DS508	China — Export Duties on Certain Raw Materials (Complainant: USA)	China blocked USA's request for Panel	26-10-16
DS464	United States — Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea (Complainant: Korea)	U.S. will implement DSB recommendations- needs reasona-	

DS No.	Case Name	Activity	Date
		ble time	
DS485	Russia — Tariff Treatment of Certain Agricultural and Manufactured Products (Complainant: EU)	Russia will implement- needs reasonable time	

WTO partners with UN and ITC to improve transparency in TBT and SPS regulations

On 13 October 2016, the WTO announced that Director-General Roberto Azevêdo signed on 6 October a Memorandum of Understanding with the United Nations and the International Trade Centre (ITC) on developing an online alert system for notifications of technical barriers to trade (TBT) and sanitary and phytosanitary (SPS) measures. Known as ePing (www.epingalert.org), the system will help stakeholders, in particular small and medium-sized enterprises (SMEs), keep track of TBT and SPS measures and adapt to changing regulatory requirements.

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)

2017 HS released

On 28 October 2016, the WCO [announced](#) the release of the 2017 edition of the Harmonized System Nomenclature, the world’s global standard for classifying goods in international trade, which will enter into force on 1 January 2017.

The 2017 Edition of the HS Nomenclature includes 242 sets of [amendments](#) (including some complementary amendments): 85 relating to the agricultural sector; 45 to the chemical sector; 22 to the wood sector; 15 to the textile sector; 6 to the base metal sector; 25 to the machinery sector; 18 to the transport sector and an additional 26 that apply to a variety of other sectors.

The 2017 edition of the Harmonized System comprises a total of 5,387 separate groups of goods identified by a 6-digit code (compared to 5,205 in the 2012 edition).

[Click here](#) for the HS Nomenclature 2017 Edition.

The WCO had earlier [recommended](#) that members add statistical suffixes in 2017 to their national tariff schedules for substances controlled under the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* and [also recommended](#) statistical suffixes to facilitate the monitoring of the international movement of goods required for the production and use of improvised explosive devices .

WCO releases guidelines on Customs-Tax cooperation

On 25 October 2016, the WCO [announced](#) that it had released [Guidelines for Strengthening Cooperation and the Exchanging of Information between Customs and Tax Authorities at the National Level](#). The announcement said:

These Guidelines have been formulated with the support of WCO Members and development partners, especially the Organisation for Economic Co-operation and Development (OECD) and the International Chamber of Commerce (ICC). The Guidelines aim to provide reference guidance to Customs and Tax authorities who wish to go further in their cooperation and develop operational models which enable agencies to work together to their mutual benefit.

Although there is no limit to the ways in which these two agencies can work together, and countries should consider new and innovative methods based on their organizational structure, needs and operational requirements, the Guidelines highlight some overarching principles and associated benefits concerning enhancement of Customs-Tax cooperation.

In particular, the Guidelines provide a comprehensive overview of the enablers for mutual cooperation and exchange of information, address the scope and remit of information exchange, cover different information exchange mechanisms, list the type of activities that Customs and Tax authorities may undertake together, and provide key principles and points to consider when developing a Memorandum of Understanding/Agreement (MOU/MOA).

58th Session Harmonized System Committee Concludes

The WCO [announced](#) that its Harmonized System Committee (HSC) held its 58th Session from 28 September to 7 October 2016 at the WCO headquarters in Brussels. More than 120 participants representing 65 Contracting Parties to the HS Convention, two WCO Member administration and four international organizations attended. The announcement said:

The HSC took some 50 decisions on the tariff classification of products covered by the whole range of the HS Nomenclature. Where applicable, the products were classified in the 2012 Edition of the Nomenclature as well as in the 2017 Edition. The HSC adopted 11 sets of amendments to the Explanatory Notes and approved 14 new Classification Opinions. Anticipating the 2017 Edition of the Compendium of Classification Opinions, the HSC revised 6 existing Classification Opinions and deleted 2 Classification Opinions. When deemed approved by the WCO Council at the end of December 2016, these classification decisions (except for those in respect of which requests for re-examination will be entered) and amendments to the Explanatory Notes and Compendium of Classification Opinions will be made available on the WCO website.

In the framework of the HS Nomenclature 2017 Edition that will enter into force on 1 January 2017, the HSC approved three minor corrigendum amendments of some technical/editorial errors.

The Committee accepted the single Russian language version of the HS 2017 Nomenclature presented by the Customs Administration of the Russian Federation as well as the single Spanish language version of the HS 2017 Nomenclature (VUESA (Versión Única en Español del Sistema. Armonizado 2017) submitted by COMALEP (the Secretariat of the Multilateral Agreement on Cooperation and Mutual Assistance between Customs National Directors of Latin America, Spain and Portugal).

Some of the decisions concerning the classification of goods gave rise to ask the HS Review Sub-Committee to examine a possible amendment of the Nomenclature (HS 2022) to facilitate the future classification of products, for example, the classification of meat preparations of Chapter 16 containing cocoa.

In addition, the HSC examined a series of general questions, including the status and challenges in relation to implementation of the HS Nomenclature 2017 Edition.

Announcements and news releases [dd-mm-yy]

Date	Title
05-10-16	Joint WCO/OECD workshop on Transfer Pricing and Customs Valuation for Customs and Tax Administrations
06-10-16	WCO at 2016 FIATA World Congress
	WCO ESA Regional Accreditation Workshop on Risk Management Hosted by SARS
	WCO International Seminar on Countering New Psychoactive Substances (NPS)
	WCO at 2016 FIATA World Congress
10-10-16	The WCO and the Customs Administration of Guinea reinforce their cooperation under the WCO - WACAM Project!
	Training seminar on Customs valuation control for Haitian and Dominican Customs officers held in Port-au-Prince (Haiti) from 26 to 30 September 2016
12-10-16	WCO promotes collaboration at the IATA Cargo Security and Facilitation Forum 2016
	The WCO Trade Facilitation Agreement Working Group successfully concluded its 6th Meeting in conjunction with the Permanent Technical Committee
	The 4th Customs Laboratory Programme
	WCO successfully delivers diagnostic assessment of the Afghan Customs Department
	The WCO ESA pool of trainers meet for the 2nd Regional Training of Trainers Workshop
13-10-16	WCO advocates for more resources for Customs to combat illicit wildlife trade at the European Parliament's public hearing
14-10-16	WCO successfully evaluates Sierra Leone's Customs valuation capacities
	WCO attends UPU 2016 Ministerial Conference
	Regional Security Workshop held in Pretoria, South Africa
	WCO successfully evaluates Sierra Leone's Customs valuation capacities
17-10-16	WCO meets with Indian Ambassador in the context of MCTP Meeting
	WCO Cargo Targeting System Air Cargo Pilot Commences in New Zealand
	WCO attends EU High Level Seminar on e-Commerce
	213th/214th Permanent Technical Committee concludes its robust discussions with high level of commitment
18-10-16	58th Session Harmonized System Committee Concludes
18-10-16	The WCO welcomes 'New Deal' to phase out HFCs under the Montreal Protocol
19-10-16	Latest edition of WCO News now available
20-10-16	Armenia's new Government pledges continuous political support for Customs reform
21-10-16	WCO successfully facilitates Strategic planning workshop in Sierra Leone
	Bosnia & Herzegovina and Montenegro host two WCO National Workshops on the modernization of their Customs Laboratories
25-10-16	Joint ICAO-WCO Regional Workshop on Air Cargo Security and Facilitation
	WCO releases Guidelines on Customs-Tax Cooperation
	WCO Addresses High Level Meeting of Customs Directors General of the European Union
26-10-16	USD 460 million and hundreds of weapons seized in global counter-smuggling operation
	WCO attends the 7th Meeting of the ECO Council of Customs Administrations Heads
27-10-16	Samoa becomes the 105th Contracting Party to the Revised Kyoto Convention
28-10-16	WCO supports the EAC region to sensitise additional 116 stakeholders on the EAC Regional AEO program
	The 2017 edition of the Harmonized System Nomenclature is coming. What's new ?
	The WCO and the ECOWAS Commission Customs Directorate successfully lay down the basis for a regional training strategy!
31-10-16	A new WCO Regional Customs Laboratory in Moscow
	WCO successfully supports Zimbabwe Revenue Authority in updating their training and talent management strategies

Other International Matters

CITES #Cop17 ends

On 4 October 2016, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) [announced](#) that the triennial two-week summit (the 17th meeting of the Conference of the Parties (#CoP17)) of the CITES closed in Johannesburg.

The announcement stated that CITES #CoP17 was the largest ever meeting of its kind with 152 governments taking decisions on 62 species-listing proposals submitted by 64 countries. In total, over 3,500 people attended the meeting, which also recorded the highest number of side events and intense media interest from every region of the world.

#CoP17 saw a number of firsts, including, the first ever:

- Resolution on corruption and wildlife crime;
- Decisions on cybercrime and wildlife crime;
- Resolution on strategies to reduce the demand for illegally traded wildlife,
- Resolutions affecting the helmeted hornbill and snakes;
- Decisions on targeting the illegal fishing of and trade in totoaba, and the related illegal killing of the vaquita;
- Resolution and decisions on youth engagement in CITES; and

Decisions on rural communities engagement, providing a greater voice for local people in managing wildlife.

It was also the first meeting where the European Union was participating, and voting, as a Party to the Convention. Some other notable outcomes include:

- The rejection of a Decision-Making Mechanism (DMM) for a future trade in ivory;
- An agreement to close domestic markets in ivory where they contribute to poaching or illegal trade;
- The rejection of all proposals to change the protection of Southern African elephant populations;
- Stricter monitoring and regulation of hunting trophies to bring them under trade control measures, including recommending conservation benefits and incentives for people to conserve wildlife;
- A decision to conduct a study to improve knowledge on regulation of trade in the European eel, and to look more broadly at all Anguilla eels;
- An agreement to undertake specific work on marine turtles to understand the impact of international trade on their conservation status;
- The introduction of a captive breeding compliance process to check the authenticity of specimens described as captive bred;
- Acceptance of the National Ivory Action Plans as a tool for those Parties mostly affected by illegal trade in ivory, including source, transit and destination countries, to build their capacity in addressing illegal trade and ensuring compliance with the commitments they make under the plans;
- A decision to undertake studies in legal and illegal trade in lion bones and other parts and derivatives;

- A request to review all species listed on Appendix I to identify what measures are needed to improve their conservation status;
- Improvements to processes to ensure that wildlife trade is sustainable, legal and traceable; and
- Agreements on process to improve traceability and identification of CITES-listed species.

Changes to the CITES Appendices, Resolutions and Decisions enter into force 90 days after the CoP.

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
05-10-16	2016/056 - Amendment to Appendix III

The Americas – Central America

El Salvador

Documents

Date	Series and Nº	Subject
28-10-16	DGA 017-2016	Update log haulers international land load
		Annex I Form carriers upgrade
		Annex II carriers upgrade
21-10-16	DGA 018-2016	Coding packaging type names used in international trade

Nicaragua

Nicaraguan Classification Resolutions (Customs Rulings)

The Dirección General de Servicios Aduaneros (Nicaraguan Customs Service) has made the full text of tariff classification resolutions issued from 2004 to the present available on its [website](#). The tariff classification resolutions are based on the common Central American tariff known as [Sistema Arancelario Centroamericano](#).

Panama

Official Gazette

The following documents of interest to international traders (other than food safety standards) were published in the *Gaceta Oficial – Digital* (Official Gazette – Digital) during the period of coverage:

Publication Date	Title
13-10-16	Cabinet Counsel: Cabinet Resolution No. 126 (27-09-16) - Approving the recruitment, by exceptional procedure between the National Customs Authority and the company Crimsonlogic . Panama Inc. for service and support system preventive and corrective management Integrated Customs Service (SIGA)

Food Safety Standards

The following food safety standards (AUPSA-DINAN Decisions) were published by the Food Safety Authority in the *Gaceta Oficial – Digital* (Official Gazette – Digital) during the period of coverage. [Repealed documents are not shown; unless otherwise specified, food is for human consumption; dates are dd/mm/yy]:

Publication Date	AUPSA-DINAN № and Date	Food and Origin
04-10-16	069-2016 14-09-16	Abrogating AUPSA-DINAN-189-2007 (Native State of Michigan), AUPSA-DINAN-082-2007 (Native State of Michigan), AUPSA-DINAN-292-2007 and AUPSA-Dinan- 322-2007 (Native State of Washington) AUPSA-DINAN-295-2007 (Native State of Colorado), AUPSA-DINAN-296-2007 (Native State of Idaho), AUPSA-DINAN-297-2007 (Native State of New York), AUPSA-DINAN-304-2007 (Native Florida), AUPSA-DINAN-406-2007 (Native State of New Jersey), AUPSA-DINAN-111-2007 (Native State California), AUPSA-DINAN-126-2007 (California Native), AUPSA-DINAN-141-2007 (California Native), AUPSA-DINAN-047-2013 (Native State of Nebraska), AUPSA- DINAN-048-2013 (Native State Minnesota), AUPSA-DINAN-051-2016 (Native Wisconsin) issued and plant protection requirements for importing beans (beans, beans, beans) Type Phaseolus (phaseolus spp.) or Vigna (Vigna Spp.) in dried grains and shelled, for human consumption and / or transformation, originating in the United States.
04-09-16	070-2016 4-09-16	plant protection requirements for importing thyme (thymus vulgaris L.) dry for use and / or transformation, from Jamaica.
	071-2016 14-09-16	Sets forth the plant protection requirements for importing fruits and / or dried walnuts in shell or shelled, dried or dehydrated, for human consumption and / or transformation, originating in Chile
06-10-16	072-2016 27-09-16	Amending Resolution AUPSA-DINAN-019 of 13 April 2016.
	073-2016 27-09-16	Amending Resolution AUPSA-DINAN-020-2016 of 14 April 2016.
26-10-16	074-2016 19-10-16	Amending Article 5 of Res. AUPSA-DINAN-.054 of 11 July 2016.

The Americas - North America

Canada

Canada and EU sign historic CETA trade agreement

On October 30, 2016, the Prime Minister of Canada's home page [announced](#) that Prime Minister Justin Trudeau, European Commission President Jean-Claude Juncker and European Council President Donald Tusk signed the *Comprehensive Economic and Trade Agreement* (CETA) during the European Union-Canada Leaders' Summit in Brussels, Belgium.

According to the announcement, CETA is a modern, progressive trade agreement that, when implemented, will generate billions of dollars in bilateral trade and investment, provide greater choice and lower prices to consumers, and create middle class jobs in many sectors on both sides of the Atlantic. Both Canada and the EU are committed to bringing CETA into force as soon as possible.

The leaders also signed the *Strategic Partnership Agreement (SPA)*, which will enhance cooperation in important areas such as energy, environment and climate change, migration and peaceful pluralism, counter-terrorism and international peace and security, and effective multilateralism.

- Backgrounder – [Signing of the Canada-EU Strategic Partnership Agreement](#)
- Backgrounder – [Next steps for the Canada-EU Comprehensive Economic and Trade Agreement](#)
- Backgrounder – [Benefits of the Canada-EU Comprehensive Economic and Trade Agreement](#)
- [EU-Canada Summit Joint Declaration](#)
- [Canada-European Union: Comprehensive Economic and Trade Agreement \(CETA\)](#)
- [Strategic Partnership Agreement \(SPA\)](#)

On October 31, 2016, the Hon. Chrystia Freeland, Minister of International Trade, tabled the treaty and introduced implementing legislation in the House of Commons. The legislation will be subject to all stages of the legislative process. The implementation of CETA is expected in 2017.

Canada's new entry requirement

A new entry requirement, known as an Electronic Travel Authorization (eTA), is now in effect for [visa-exempt foreign nationals](#) travelling to or transiting through Canada by air. To make sure travelling to Canada stays easy and stress free, leniency will be shown to travellers who are caught unaware until November 9, 2016.

However, starting November 10, 2016, all air travellers, including Canadian citizens, will need to have appropriate documents to travel to Canada before they can board their flight. A valid Canadian passport is the only reliable and universally accepted travel document that provides proof that you are a citizen and have the right to enter Canada without being subjected to immigration screening. Make sure that the expiry date of the passport is well beyond your planned return date.

Exception for Americans and American-Canadians

American citizens, including American-Canadian citizens, must carry proper identification and meet the basic requirements to enter Canada. You do not need a Canadian passport, a Canadian visa or an eTA to fly to Canada if you are travelling with a valid U.S. passport. [Learn more](#)

Canada publishes Order adopting 2017 Harmonized System into the Customs Tariff

On October 5, 2016, the *Canada Gazette* published the [Order Amending the Schedule to the Customs Tariff \(Harmonized System, 2017 \(SOR/2016-253, Sept. 23, 2016\)](#) (the "Order") which adopts into Canada's *Customs Tariff* the World Customs Organization (WCO) amendments to the Harmonized System nomenclature that will enter into force on January 1, 2017.

Miscellaneous regulations and proposals

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

Publication Date	Title
10-01-16	Health: Publication of results of investigations for 89 substances specified on the Domestic Substances List (paragraph 68(b) of the Canadian Environmental Protection Act, 1999)
	Environment/Health: Proposed Regulations Amending Certain Regulations Made Under Section 89, Subsection 93(1) and Section 114 of the Canadian Environmental Protection Act, 1999 (PR)
	Transport: Proposed Regulations Amending the Motor Vehicle Safety Regulations (Electronic Stability Control Systems for Heavy Vehicles) pursuant to the Motor Vehicle Safety Act (PR)
10-05-16	Transport: Regulations Amending the Motor Vehicle Safety Regulations (Standard 214) (SOR/2016-254, Sept. 23, 2016) pursuant to the Motor Vehicle Safety Act (R)
	Environment: Regulations Amending the Prohibition of Certain Toxic Substances Regulations, 2012 (SOR/2016-252, Sept. 23, 2016) pursuant to the Canadian Environmental Protection Act, 1999 (R)
	Finance: Order Amending the Schedule to the Customs Tariff (Harmonized System, 2017) (SOR/2016-253, Sept. 23, 2016) pursuant to the Customs Tariff (O)
	Environment: Order Adding Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999 (SOR/2016-251, Sept. 23, 2016) pursuant to the Canadian Environmental Protection Act, 1999
10-08-16	Environment/Health: Publication after screening assessment of a substance — phosphoric acid, tris(methylphenyl) ester (TCP), CAS RN 1 1330-78-5 — specified on the Domestic Substances List (subsection 77(1) of the Canadian Environmental Protection Act, 1999) (N)
	Environment/Health: Publication after screening assessment of a substance — 1H-isoindole-1,3(2H)-dione, 2,2'-(1,2-ethanediyl)bis[4,5,6,7-tetrabromo-(EBTBP), CAS RN 21 32588-76-4 — specified on the Domestic Substances List (paragraphs 68(b) and 68(c) of the Canadian Environmental Protection Act, 1999) (N)
	Environment/Health: Publication after screening assessment of a substance — 1,3,5-triazine-2,4,6-triamine (melamine), CAS RN 11 108-78-1 — specified on the Domestic Substances List (subsection 77(1) of the Canadian Environmental Protection Act, 1999) (N)
	Environment/Health: Publication after screening assessment of a substance — 1,4:7,10-dimethanodibenzo[a,e] cyclooctene, 1,2,3,4,7,8,9,10,13,13,14,14-dodecachloro-1,4,4a,5,6,6a,7,10,10a,11,12,12a-dodecahydro- (DP), CAS RN 11 13560-89-9 — specified on the Domestic Substances List (paragraphs 68(b) and 68(c) of the Canadian Environmental Protection Act, 1999) (N)
	Environment/Health: Publication after screening assessment of the substance benzene, 1,1'-(1,2-ethanediyl)bis[2,3,4,5,6-pentabromo- (DBDPE), CAS RN 11 84852-53-9 (paragraphs 68(b) and 68(c) of the Canadian Environmental Protection Act, 1999) (N)
	Environment/Health: Publication after screening assessment of two substances — 2-propanol, 1-chloro-, phosphate (3:1) [TDCPP], CAS RN 1 13674-84-5 and 2-propanol, 1,3-dichloro-, phosphate (3:1) [TDCPP], CAS RN 13674-87-8 — specified on the Domestic Substances List (paragraphs 68(b) and 68(c) of the Canadian Environmental Protection Act, 1999) (N)
	Environment/Health: Publication of results of investigations for the substance benzene, 1,3,5-tribromo-2-(2-propenyloxy)- (ATE), CAS RN 11 3278-89-5 (paragraph 68(b) of the Canadian Environmental Protection Act, 1999) (N)
	Environment/Health: Publication of results of investigations for the substances benzoic acid, 2,3,4,5-tetrabromo-, 2-ethylhexyl ester (TBB), CAS RN 11 183658-27-7, and 1,2-benzenedicarboxylic acid, 3,4,5,6-tetrabromo-, bis(2-

Publication Date	Title
	ethylhexyl) ester (TBPH), CAS RN 26040-51-7 (paragraph 68(b) of the Canadian Environmental Protection Act, 1999)
10-15-16	Environment: Order 2016-87-10-02 Amending the Non-domestic Substances List pursuant to the Canadian Environmental Protection Act, 1999 (O)
	Environment/Health: Publication of final decision after screening assessment of 19 substances specified on the Domestic Substances List (paragraphs 68(b) and (c) or subsection 77(6) of the Canadian Environmental Protection Act, 1999)
10-19-16	Environment: Order 2016-87-10-01 Amending the Domestic Substances List (SOR/2016-267, Oct. 4, 2016) pursuant to the Canadian Environmental Protection Act, 1999 (O)
10-22-16	Environment: Ministerial Condition No. 18752 pursuant to the Canadian Environmental Protection Act, 1999 (N) [1,2-cyclohexanedicarboxylic acid, 1-butyl 2-(phenylmethyl) ester, Chemical Abstracts Service Registry No. 1200806-67-2]
	Environment: Proposed Order Amending Schedule 1 to the Species at Risk Act (PR)
10-29-16	Transport: Proposed Regulations Amending the Motor Vehicle Safety Regulations (Standards 101 and 111) pursuant to the Motor Vehicle Safety Act (PR)

CBSA advance rulings

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

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

D-Memoranda and CNs revised or cancelled

The following is a list of Canada Border Services Agency D-Memoranda, Customs Notices (CNs) and other publications issued, revised or cancelled during the past month. (Dates are given in yyyy/mm/dd format.)

Date	Reference	Action	Title
10-19-16	CN 16-20	New	Deconsolidation Notice – Paper Options for Warehouse Operators, Terminal Operators and Freight Forwarders

Antidumping and countervailing duty cases

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

Mexico

Freight companies must secure the Certified Commercial Partner Registry before March 10, 2017 to continue using the exclusive “FAST” lane

Use of the exclusive “FAST” lane

In accordance with the [First Resolution of Amendments to the Foreign Trade General Rules for 2016](#) (the Resolution), published by the Ministry of Finance and

Public Credit (SHCP) on May 9, 2016, in the *Federal Official Gazette* (FOG), as of March 10, 2017, all freight companies that desire to continue using the exclusive “FAST” lanes to carry out the customs clearance of goods, must secure the Certified Commercial Partner Registry.

According to Article 22 of the Resolution, all freight companies will have a 10-month term following the date of publication of the Resolution, to obtain the Certified Company Framework Registry under Certified Commercial Partner category (rule 7.1.5 of the *Foreign Trade General Rules for 2016*) in order to continue using the exclusive “FAST” lanes, which is a benefit granted to companies that have been registered in the Certified Companies Framework, under Authorized Economic Operator (AEO) category.

Formerly, Chapter 3.8 of the *Foreign Trade General Rules for 2015*, in force until June 19, 2016, granted such benefit to all companies that were registered as certified companies under “L” category (former NEEC authorization), regardless of the freight company used, provided that the latter had its registry under “FAST” program for drivers of U.S. Customs and Border Protection (CBP). Nonetheless, as a result of the Resolution, it will be necessary for such certified companies to carry out the transportation of goods through freight companies registered as Certified Commercial Partners. From March 10, 2017 on, the use of the “FAST” lane will be limited to those companies that have been registered as a Certified Commercial Partner.

Benefits for C-TPAT companies

Freight companies that apply for the AEO registry after the date of the publication of the Resolution (May 9, 2016), will not have to file the “Terrestrial Carrier Profile” with such application. As the case may be, they will only have to evidence the following: (i) having a validation report issued by C-TPAT during the last 3 years, and file it as an exhibit on the application, jointly with a translation to Spanish of such document; (ii) have authorized through C-TPAT’s webpage to share information with Mexico; and (iii) not being subjected to an AEO cancellation procedure in Mexico.

In view of the foregoing, we strongly advise our clients to verify whether their operations require the above referred registry.

Should you have any comments or questions with regard to this alert, please do not hesitate to contact [Edith Salcedo Hinojosa](#) or [Andrea Diéguez Orozco](#).

U.S. and Mexico agree on mechanism to avoid double taxation of maquiladoras

On October 14, 2016, the Mexican Tax service (SAT) [announced](#) that Mexican and US tax authorities had reached an agreement to give legal certainty to companies with subsidiaries in Mexico that conduct operations in the maquila sector. The agreement includes the methodology for a proper assessment of income tax. The Spanish languish announcement (unofficial translation below) stated:

In order to implement equitable tax processes and avoid double taxation, thus improving competition in the Mexican foreign trade, the Tax Administration Service (SAT) and the Internal Revenue Service of the United States of America (IRS, for its acronym English), reached a technical agreement on the methodology for resolution of transfer pricing, regarding the maquila operation.

With this, both authorities shall accept the results of the methodology for determining the income tax in the maquila industry operations carried out between subsidiaries of US companies in Mexico. With this it is planned to solve a significant portion of the more than 700 requests for confirmation of transfer pricing APAs (APAs) requested to date.

The agreed methodology builds on the relevant regulations on transfer pricing in both countries; It will be an option for processing and expeditious resolution of requests that only apply when companies express it through writing.

The SAT will notify taxpayers who qualify for this agreement with the IRS, through an announcement that, besides the procedure and all relevant specifications, will detail the considerations and steps to be taken to adhere to the terms of the agreement.

The agreement between the Mexican authorities and US represents the culmination of over two years of collaboration, which results in strengthening ties between the two governments on taxation of multinational companies and commitment to provide legal certainty to taxpayers.

Steel duties increased

On October 7, 2016, the Ministry of Economy published in the *Diario Oficial de la Federacion* (Federal Official Gazette) the [Amendment Decree of the Import and Export Duties Law](#) (the “Decree”). By means of this publication the MFN duty applicable to 97 tariff items of Chapter 72 “Iron and Steel” is once again raised to 15% *ad valorem*. This increase will become effective as of October 10, 2016 and will last 180 calendar days. According to such publication, the purpose of this raise is to give the domestic industry a chance to recover and prepare a solid legal strategy against unfair trade practices.

It is important to mention that up to October 7, 2015 these tariff items were exempted from the payment of import duties, however in October 8, 2015 a decree similar to the one published today raised the duties to 15% *ad valorem* which was valid until October 1, 2016.

This means that as of October 2, 2016 the importation of goods classified in these tariff items returned to the original exemption, situation that will end next Monday, when the Decree published today becomes effective.

For additional information, please contact [Adriana Ibarra-Fernandez](#) of our Mexico City office, or any member of our Mexican Customs and Foreign Trade group.

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. Dates are mm-dd-yy)

Publication Date	Title
10-04-16	Economy: Call for accreditation and approval of verification units in order to assess the compliance of the Mexican Official Standard NOM-194-SCFI-2015, essential safety devices in new vehicles Safety specifications.
10-05-16	Environment: Draft Mexican Official Standard NOM-168-SEMARNAT-ASEA-2016, maximum levels allowable emissions from gas turbines, open - cycle or combined cycle aeroderivative and measurement
10-07-16	Economy: Decree amending the Tariff of the Law on General Import and Export Duties and Decree by which various sectoral promotion programs are established

Publication Date	Title
10-11-16	Economy: Acuerdo making known amendments to the Mutual Recognition Agreement between the Government of the United Mexican States and the Government of Canada for conformity assessment teams telecommunications, published on 28 May 2012.
	Economy: Acuerdo making known amendments to the Mutual Recognition Agreement between the Government of the United Mexican States and the Government of the United States of America for the evaluation of the conformity of telecommunications equipment, issued on July 28, 2011
10-19-16	Hacienda: Second resolution of amendments to the General Rules on Foreign Trade for 2016.
	Energy: Response to comments received on the Draft Mexican Official Standard NOM-005-ENER-2016, Energy efficiency of household electric washing machines. Boundaries, testing and labeling methods.
	Energy: Response to comments received on the Draft Mexican Official Standard NOM-016-ENER-2016, Energy efficiency of AC motors, three - phase induction squirrel cage type potentially nominal 0.746 kW to 373 kW. Limits, test method and marking.
10-21-16	Economy: Notice setting forth the amount as of September 2016, the maximum quota to export sugar to the United States during the period from 1 October 2016 to 30 September 2017
	Economy: Response to comments the Proposed Official Mexican Standard NOM-196-SCFI-2015, Products. Terminal equipment to connect or interconnect via a wired access to a Public Network Telecommunications, published on April 8, 2016
10-26-16	Economy: Draft Mexican Official Standard NOM-204-SCFI-2015, Machinery combustion engine portable internal, usually agricultural, forestry and domestic-use specifications and test methods.
10-27-16	Economy: Acuerdo amending the Acuerdo by the Ministry of Economy issues rules and criteria of a general character on Foreign Trade.

Antidumping and countervailing duty cases which

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

United States

[NOTE ON *FEDERAL REGISTER* TABLES IN THE **UNITED STATES** SECTION BELOW: N=NOTICE, FR=FINAL RULE, PR=NOTICE OF PROPOSED RULEMAKING, AN=ADVANCE NOTICE OF PR, IR=INTERIM RULE, TR=TEMPORARY RULE, 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 Obama signed the following documents relating to international trade, national emergencies, sanctions, embargoes, or blocking orders:

Date	Subject
10-11-16	Presidential Determination No. 2016-12 of September 27, 2016 Presidential Determination on Foreign Governments' Efforts Regarding Trafficking in Persons
10-12-16	Executive Order 13742 of October 7, 2016 - Termination of Emergency With Respect to the Actions and Policies of the Government of Burma
10-14-16	Presidential Policy Directive -- United States-Cuba Normalization
10-20-16	Notice of October 18, 2016 - Continuation of the National Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia

Date	Subject
10-21-16	Presidential Determination No. 2016-14 of September 28, 2016 – Presidential Determinations With Respect to the Child Soldiers Prevention Act of 2008 <ul style="list-style-type: none"> • Memorandum of September 28, 2016 - Delegation of Authority Under Section 404(c) of the Child Soldiers Prevention Act of 2008
10-25-16	Notice of October 21, 2016 - Continuation of National Emergency With Respect to the Democratic Republic of the Congo

President continues national emergency with respect to DRC

On October 25, 2016, the *Federal Register* published Presidential [Notice of October 21, 2016 - Continuation of National Emergency With Respect to the Democratic Republic of the Congo](#), which continues for an additional year the national emergency first declared on October 27, 2006, by Executive Order 13413 and amended by Executive Order 13671 of July 8, 2014. The national emergency is being continued because the situation in or in relation to the Democratic Republic of the Congo continues to pose an unusual and extraordinary threat to the foreign policy of the United States.

President continues national emergency with respect to Colombian drug traffickers

On October 20, 2016, the *Federal Register* published Presidential [Notice of October 18, 2016 - Continuation of the National Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia](#), which continues for an additional year the national emergency first declared on October 21, 1995 by Executive Order 12978. The national emergency is being continued because the actions of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad.

President issues Policy Directive on U.S. - Cuba Normalization

On October 14, 2016, President Obama issued a [Policy Directive – United States-Cuba Normalization](#). In the Directive, the President stated the following long term end-state goals:

1. Enhanced security of the United States and U.S. citizens at home and abroad.
2. A prosperous, stable Cuba that offers economic opportunities to its people.
3. Increased respect for individual rights in Cuba. Even as we pursue normalization, we recognize we will continue to have differences with the Cuban government.
4. Integration of Cuba into international and regional systems.

To advance the four end-state goals associated with the Administration's strategic vision for U.S.-Cuba normalization, the President said the United States will move concurrently on the following six priority objectives:

1. Government-to-Government Interaction
2. Engagement and Connectivity
3. Expanded Commerce
4. Economic Reform
5. Respect for Universal Human Rights, Fundamental Freedoms, and Democratic Values

6. Cuban Integration into International and Regional Systems

The Directive requires various agencies and departments to cooperate and collaborate with Cuba where possible to achieve these objectives and encourages Congress to build support to contribute to normalization by lifting the trade embargo and other statutory restraints.

[See BIS and OFAC actions taken on October 17, 2016, [below](#).]

President terminates Burma Sanctions Program

On October 7, 2016, President Obama signed an [Executive Order \(E.O.\) 13742 “Termination of Emergency With Respect to the Actions and Policies of the Government of Burma”](#) (published in the *Federal Register* on October 12, 2016), which terminated the national emergency with respect to Burma (Myanmar), revoked E.O.s 13047, 13310, 13448, 13464, 13619, and 13651, and waived financial and blocking sanctions in the *Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008*.

On the same day, the Department of the Treasury [announced](#) that as a result of President Obama’s [Executive Order](#) terminating the national emergency with respect to Burma, revoking the Burma sanctions Executive Orders, and waiving other statutory blocking and financial sanctions on Burma, the economic and financial sanctions administered by Treasury’s Office of Foreign Assets Control (OFAC) are no longer in effect. This includes the following impacts, among others:

- All individuals and entities blocked pursuant to the Burmese Sanctions Regulations (BSR) have been removed from OFAC’s Specially Designated Nationals and Blocked Persons (SDN) List.
- All property and interests in property blocked pursuant to the BSR are unblocked.
- The ban on the importation into the United States of Burmese-origin jadeite and rubies, and any jewelry containing them, has been revoked.
- All OFAC-administered restrictions under the Burma sanctions program regarding banking or financial transactions with Burma are no longer in effect.
- OFAC will remove the BSR from the Code of Federal Regulations.
- Compliance with the State Department’s Responsible Investment Reporting Requirements is no longer required by OFAC’s regulations and is now voluntary.

The termination of the Burma sanctions program **does not** impact Burmese individuals or entities blocked pursuant to other OFAC sanctions authorities, such as counter-narcotics sanctions. They remain on the SDN List, and their property and interests in property remain blocked. Further, pending or future OFAC enforcement investigations or actions related to apparent violations of the BSR when in effect may still be carried out.

Treasury said that the removal of sanctions “fulfill the announcement made by President Obama during the visit of State Counsellor Aung San Suu Kyi, stand as a testament to the far-reaching changes that Burma has undergone in the past few years, and are intended to support efforts by the civilian government and the people of Burma to continue their process of political reform and broad-based economic growth and prosperity.”

The Executive Order terminates all OFAC-administered restrictions and authorizations under the Burma sanctions program pertaining to banking with Burma.

This includes the OFAC general licenses issued in 2012 and 2013 that authorized certain correspondent account activity with Burmese banks.

In 2003, the Financial Crimes Enforcement Network (FinCEN) found Burma to be a “jurisdiction of primary money laundering concern” under Section 311 of the *USA PATRIOT Act*. As a result, FinCEN issued a prohibition on U.S. financial institutions from maintaining correspondent accounts for Burmese banks. The 2003 finding remains in place, but FinCEN is issuing an administrative exception today to suspend the prohibition so that U.S. financial institutions can continue to provide correspondent services to Burmese banks, subject to the appropriate due diligence requirements. This exception is based on Burma’s progress in improving its anti-money laundering regime and its commitment to continue making progress to address money laundering, corruption, and narcotics-related activities. FinCEN intends to rescind its action in its entirety when Burma has made sufficient progress in addressing these issues.

FinCEN’s administrative exception can be [found here](#).

For additional information and updates, please see our [Sanctions Blog](#) or contact any member of the Outbound Trade practice.

Circuit Court upholds right to use FCA for marking duties

On October 5, 2016, the U.S. Court of Appeals for the Third Circuit issued a precedential opinion in [U.S. ex rel. Customs Fraud Investigations, LLC v. Victaulic Co.](#) (No 15-2169), vacating a dismissal and remanding to the U.S. District Court (E.D. Pa.) a *qui tam* action brought under the *False Claims Act* (FCA) involving marking duties, so that the complaint might be amended and the case proceed. A *qui tam* action is a suit brought by a person (referred to as the relator -- in this case, Customs Fraud Investigations, LLC (CFI), established specifically to pursue trade violations and unpaid duties in connection with tube and pipe imports). Under the *qui tam* provisions, the United States may intervene and take over the case, but whether it intervenes or not, a successful relator receives a percentage of the recovery. This is a “reverse” FCA claim – not that an undeserved payment was made by the government to the Defendant, but rather that the Defendant, in this case Victaulic, is retaining money it should have paid the government in the form of marking duties.

The basis of CFI’s allegations was that Victaulic had, over the past decade, imported millions of pounds of improperly marked pipe fittings without disclosing that the fittings are improperly marked. Since this improper marking was not discovered by Customs officials, Victaulic avoided paying 10% marking duties on these fittings. In this case, the District Court dismissed the suit with prejudice because it said the complaint was based on legal conclusions unsupported by the facts alleged, and then denied the CFI’s motion to amend the complaint because it said, among other reasons, that the amended complaint was futile, stating explicitly that failure to pay marking duties could not, as a matter of law, give rise to a reverse false claims action because the duties were too attenuated and contingent to qualify as the types of obligations to pay money to the government covered by the FCA. The amended complaint that CFI attempted to file was more detailed and contained supporting facts.

The Appellate Court discussed the FCA, its 2009 amendments, the Tariff Act and the marking requirements and then vacated the District Court’s holding, stating that the imposition of the marking duty is non-discretionary since, by statute, such duties “shall not be remitted wholly or in part nor shall payment thereof be avoid-

able for any cause.” In setting forth this regulatory scheme, Congress specifically noted that marking duties “shall not be construed to be penal” and are to be considered similar to any other customs duty owed. The Senate Report to the 2009 amendments to the FCA discussed marking duties and how they would be covered by the amendments. The Appellate Court then said that the lower court should not have dismissed the suit and should have allowed the relator to amend its complaint.

Interestingly, the United States had declined to intervene in the original *qui tam* action, but did appear as *amicus curiae* in the appeal, arguing that the District Court’s interpretation of the FCA’s reverse false claims provision was incorrect and that marking duty obligations are covered by the FCA.

The Appellate Court also noted that the instant matter will require the active involvement of the District Court, in conjunction with counsel and their clients, to limit the expense and burden of discovery while still providing enough information to allow CFI to test its claims on the merits.

One judge filed a dissent saying that CFI’s investigation into Victaulic’s imports (based in part on eBay ads and sales) is incapable of supporting the kinds of statistical inferences (plausible allegation of fraud) that CFI wants the Court to draw. The dissenting judge also believed that the District Court was correct to deny CFI’s motion to reopen the judgment on the ground of undue delay.

USTR seeks applicants for NAFTA Chapter 19 roster

On October 26, 2016, the Office of the United States Trade Representative (USTR) published in the *Federal Register* a [document](#) [Docket Number USTR-2016-0020] inviting applications from eligible individuals wishing to be included on the roster of individuals to serve on binational panels convened to review final determinations in antidumping or countervailing duty (AD/CV) proceedings and amendments to AD/CVD statutes of a NAFTA Party pursuant to Chapter 19 of NAFTA. The United States annually renews its selections for the Chapter 19 roster. USTR invites applications from eligible individuals wishing to be included on the roster for the period April 1, 2017, through March 31, 2018. Applications must be received by November 17, 2016.

USTR seeks comments on Environmental Review of WTO Environmental Goods Agreement

On October 24, 2016, USTR, on behalf of the Trade Policy Staff Committee (TPSC), published in the *Federal Register* a [notice](#) [USTR-2016-0022] inviting written comments from the public on the interim environmental review of the proposed *WTO Environmental Goods Agreement* (EGA). The interim environmental review will be available at the [USTR website here](#). Written comments are due by 11:59 PM on November 21, 2016.

USTR seeks comments on WTO disputes

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

F.R. Date	Matter	Comments Due
10-14-16	United States—Certain Measures Relating to the Renewable Energy Sector [Docket Number USTR–2016–0018; Dispute No	11-25-16

F.R. Date	Matter	Comments Due
	WTO/DS510] (N/RFC) [<i>India has requested consultations</i>]	
10-27-16	China – Export Duties on Certain Raw Materials [Docket USTR-2016-0021; Dispute № WTO/DS508]	12-15-16

ITC requests petitions for duty suspensions and reductions

On October 14, 2016, the U.S. International Trade Commission (ITC) published in the *Federal Register* a [notice](#) requesting members of the public to submit petitions for duty suspensions and reductions and ITC disclosure forms. As required by section 3(b)(1) of the [American Manufacturing Competitiveness Act of 2016](#), the ITC is publishing notice requesting members of the public who can demonstrate that they are likely beneficiaries of duty suspensions or reductions to submit petitions for duty suspensions and reductions.

Consistent with the statute, the ITC will accept petitions submitted during the 60-day period beginning on October 14, 2016, and ending at 5:15 p.m. EST December 12, 2016. All petitions must be submitted via the [ITC's designated secure web portal](#). At a later date the ITC will publish notice of the opportunity for the public to submit comments on the petitions filed.

The process being followed by the ITC will eventually result in recommendations by the ITC to Congress to include or not include petitioned products in a miscellaneous tariff bill (MTB).

The MTB process allows importers to seek a temporary suspension or reduction of duties of up to \$500,000 per year for each eligible product. If you import products that are not produced in the U.S. (and are not in direct competition with U.S. manufactured products), this is an opportunity that must not be overlooked.

We recently participated in an ITC training session on using the online portal and believe companies should find it to be a relatively straight-forward process. We are assisting a number of clients prepare and/or file MTB petitions and would be happy to discuss this opportunity with you further. If you would like to do so, just let us know.

For additional information, please contact [Ted Murphy](#) or any member of the Customs group with whom you normally work.

ITC investigations

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

Investigation. No. and title	Requested by:
Inv. 332-325 The Economic Effects of Significant U.S. Import Restraints; Ninth Update; Special Topic: The Effects of Tariffs and of Customs and Border Procedures on Global Supply Chains (N/H/RFC)	USTR
Inv. 332-345 Recent Trends in U.S. Services Trade, 2016 Annual Report (USITC Pub. 4643) (R) [20th Annual Report]	ITC
Inv. 332-558 Nepal: Advice Concerning Whether Certain Textile and	USTR

Investigation. No. and title	Requested by:
Apparel Articles are Import Sensitive (R) (USITC Pub. 4640)	

Commerce proposes modifications to Steel Import Monitoring and Analysis System

On October 13, 2016, the Department of Commerce (Commerce) published in the *Federal Register* a [proposed rule](#) [Docket Number: 160803687–6687–01] to request public comments on proposed modifications to the regulations for the Steel Import Monitoring and Analysis (SIMA) System that would extend the system until March, 2022. Extension of the authority for the SIMA System will ensure Commerce’s ability to track as early as possible certain steel mill imports into the United States and make the import data publicly available approximately five weeks in advance of the full public trade data release by the Bureau of the Census. Having such access to information about steel imports provides the public with greater knowledge to evaluate current market conditions.

Comments must be submitted on or before 5 p.m. November 14, 2016.

DHS seeks comments to reduce regulatory burden

On October 11, 2016, the Department of Homeland Security (DHS) published in the *Federal Register* a [notice of Retrospective Review Initiative and request for comments](#) [Docket No. DHS–2016–0072]. DHS is seeking comments from the public on specific existing significant DHS regulations that should be considered as candidates for streamlining or repeal. These efforts will help DHS ensure that it satisfies its statutory obligations and achieves its regulatory objectives without imposing unwarranted costs.

DHS is seeking this input pursuant to the process identified in *DHS’s Final Plan for the Retrospective Review of Existing Regulations*. According to the Final Plan, DHS will initiate its retrospective review process, on a three year cycle, by seeking input from the public. Input that will be most helpful to DHS is input that identifies specific regulations and includes actionable data supporting the nomination of specific regulations for retrospective review.

Written comments are requested on or before November 10, 2016 Late filed comments will be considered to the extent practicable.

ATF announces ITDS test of Voluntary Export Pilot Project

On October 12, 2016, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice, published in the *Federal Register* a [notice](#) [Docket No. ATF 2016R-11] announcing that along with other agencies, the ATF will participate in a U.S. Customs and Border Protection (CBP) pilot test of the International Trade Data System (ITDS), using electronic processing of export data through the Automated Export System (AES) which is accessed within CBP’s Automated Commercial Environment (ACE). ACE, the primary system through which exporters transmit export data for the clearance of cargo, automates manual processes, eliminates paper, and helps exporters efficiently comply with laws and regulations. Exporters of *National Firearms Act* (NFA) firearms, which include machineguns, silencers and destructive devices, may use the ACE portal, to submit data via the AESDirect system. Participation in the pilot test is voluntary.

The pilot test will allow participating exporters to submit forms, such as the ATF Form 9, Application and Permit for Permanent Exportation of Firearms, and information to CBP electronically to obtain CBP certification of exportation. CBP will validate that information, and electronically transmit export information to agencies (including ATF) to satisfy CBP's certification requirements. The pilot test seeks to streamline this part of the export process. Information on ATF's rules and regulations, and answers to commonly asked questions, can be found on the [agency's Web site](#).

Interested exporters of NFA firearms, which include machineguns, silencers and destructive devices, may participate in the pilot test throughout the duration of the pilot. This pilot began upon publication of the *Federal Register* notice, and will continue until concluded by publication of a notice ending it. See *Federal Register* notice for ATF and CBP contacts and additional information.

COAC to meet in November

On October 31, 2016, U.S. Customs and Border Protection (CBP) published in the *Federal Register* a [notice](#) [Docket No. USCBP–2016–0066] advising the public that the Advisory Committee (COAC) will meet at the Washington Marriott Wardman Park Hotel, in Washington, DC. The meeting will be open to the public. The COAC will meet on Thursday, November 17, 2016, from 12:30 p.m. to 4:30 p.m. EST. Please note that the meeting may close early if the committee has completed its business.

Meeting participants may attend either in person or via webinar after pre-registering using a method indicated in the *Federal Register* notice.

The COAC will hear from the following subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed:

1. **The Trade Enforcement and Revenue Collection (TERC) Subcommittee** will discuss the progress made on prior TERC, Bond Working Group, and Intellectual Property Rights Working Group recommendations, as well the recommendations from the Forced Labor Working Group.
2. **The Global Supply Chain Subcommittee** will provide an update report on the progress of the Customs- Trade Partnership Against Terrorism (C-TPAT) Working Group that is reviewing and developing recommendations to update the C- TPAT minimum security criteria.
3. **The One U.S. Government Subcommittee (1 USG)** will discuss the progress of the North American Single Window (NASW) Working Group's NASW approach. The subcommittee will also discuss the progress of the Automated Commercial Environment (ACE) Single Window effort.
4. **The Exports Subcommittee** will give an update on the Air, Ocean, and Rail Manifest Pilots and discuss the progress of the Truck Manifest Sub- Working Group, which is coordinating with the 1 USG NASW Working Group.
5. **The Trade Modernization Subcommittee** will discuss the progress of the International Engagement and Trade Facilitation Working Group which will be identifying examples of best practices in the U.S. and abroad that facilitate trade. The subcommittee will discuss the startup of the Revenue Modernization Working Group which will be generating advice pertaining to the strategic modernization of Customs and Border Protection's revenue collections process and systems.

Finally, the subcommittee will discuss the startup of the **Rulings and Decisions Working Group** which will be identifying process improvements in the receipt and issuance of CBP Headquarters' rulings and decisions.

6. **The Trusted Trader Subcommittee** will continue their discussion on their vision for an enhanced Trusted Trader concept that includes engagement with CBP to include relevant partner government agencies with a potential for international interoperability.

Meeting materials will be available by November 14, 2016, at the CBP [COAC webpage](#).

CBP provides new mailing address for NCSD

On October 28, 2016, U.S. Customs and Border Protection (CBP) published in the *Federal Register* a [final rule \[technical correction\]](#) [CBP Dec. 16–19] amending the CBP regulations to reflect that the mail room servicing the Director, National Commodity Specialist Division (NCSD), Regulations and Rulings, in the Office of Trade, has relocated within New York, and a new location has been established to receive non-electronic correspondence. E-rulings procedures will remain the same and are not affected by the change in office location.

Starting October 28, 2016, all non-electronic correspondence to the NCSD should be sent to the following address: Director, National Commodity Specialist Division, Regulations and Rulings, Office of Trade, 201 Varick Street, Suite 501, New York, New York 10014.

CBP extends comment period - AD/CVD evasion investigations

On October 21, 2016, U.S. Customs and Border Protection (CBP) published in the *Federal Register* a [document](#) [CBP Dec. 16-11] providing an additional 60 days for interested parties to submit comments on the interim final rule that amended the CBP regulations setting forth procedures for CBP to investigate claims of evasion of antidumping and countervailing duty orders in accordance with section 421 of the *Trade Facilitation and Trade Enforcement Act of 2015*. The interim final rule was published in the *Federal Register* on August 22, 2016, with comments due on or before October 21, 2016. To have as much public participation as possible in the formulation of the final rule, CBP is extending the comment period to December 20, 2016.

CBP establishes Electronic Visa Update System

On October 20, 2016, CBP published in the *Federal Register* a [final rule](#) [USCBP-2016-0046; CBP Dec. No. 16-17] that amends the Department of Homeland Security's (DHS's) regulations to establish the Electronic Visa Update System (EVUS). This system will allow for the collection of biographic and other information from nonimmigrant aliens who hold a passport issued by an identified country containing a U.S. nonimmigrant visa of a designated category. Nonimmigrant aliens subject to these regulations must periodically enroll in EVUS and obtain a notification of compliance with EVUS prior to travel to the United States. Individuals subject to the EVUS regulations must comply with EVUS in order to maintain the validity of their visas falling within a designated category. The final rule was effective on publication. Interested persons may submit comments on this rulemaking by submitting written data, views, or arguments on all aspects of this final rule, but comments must be received on or before January 18, 2017. The Compliance date is November 29, 2016 or as set forth in 8 C.F.R. § 215.24(c).

On October 20, 2016, the Department of State published in the *Federal Register* a parallel [final rule](#) [Public Notice: 9530] to amend its visa regulations to reflect the new EVUS requirements. The rule institutes a requirement for nonimmigrant aliens who hold a passport issued by an identified country containing a U.S.

nonimmigrant visa of a designated category to periodically provide required information to DHS after the receipt of his or her visa of a designated category. The final rule is effective on November 29, 2016. The Department of State will accept comments until December 19, 2016.

CBP EVUS requirements: designation of PRC and B1, B2 visas

On October 20, 2016, CBP published in the *Federal Register* a [notice](#) [CBP Dec. No. 16-18] identifying the People's Republic of China (PRC) as an EVUS country and designating B-1, B-2, and B-1/B-2 visas issued without restriction for the maximum validity period, which is generally 10 years, as designated visa categories when the visas are contained in a passport issued by the PRC.

CBP proposes electronic notices of liquidation as official notice

On October 14, 2016, CBP published in the *Federal Register* a [notice of proposed rulemaking](#) [USCBP-2016-0065] that, if adopted, would amend the CBP regulations to reflect that official notice of liquidation, suspension of liquidation, and extension of liquidation will be posted electronically on the CBP Web site. The document also proposes regulatory revisions to reflect that official notice of liquidation will no longer be posted at the customhouses or stations and that official notices of suspension of liquidation and extension of liquidation will no longer be mailed. Additionally, the document proposes to make certain technical corrections to the CBP regulations.

Comments must be received on or before November 14, 2016.

CBP adds nine airports to Global Entry program

On October 4, 2016, CBP published in the *Federal Register* a [general notice](#) [CBP Dec. No. 16-16] announcing the expansion of the Global Entry program to nine additional airports: Fairbanks International Airport, Fairbanks, Alaska (FAI); Oakland International Airport, Oakland, California (OAK); Sacramento International Airport, Sacramento, California (SMF); Norman Y. Mineta San Jose International Airport, San Jose, California (SJC); Lois Armstrong New Orleans International Airport, New Orleans, Louisiana (MSY); Kansas City International Airport, Kansas City, Missouri (MCI); Lambert-St. Louis International Airport, St. Louis, Missouri (STL); William P. Hobby International Airport, Houston, Texas (HOU); and Burlington International Airport, Burlington, Vermont (BTV).

Global Entry is a voluntary program that allows pre-approved participants dedicated U.S. Customs and Border Protection (CBP) processing into the United States using Global Entry kiosks located at designated airports. CBP previously announced in the *Federal Register* thirty-nine designated Global Entry airports. Global Entry will be available at all nine additional airport locations on or before April 3, 2017. The exact starting date for each airport location will be announced on the [CBP Global Entry Web site](#).

CBP delays ACE as sole drawback, duty deferral and entry summary EDI system

On October 3, 2016, CBP published in the *Federal Register* a [notice delaying the effective date](#) of ACE becoming the sole CBP-authorized electronic data interchange (EDI) system for processing electronic drawback, duty deferral entries and entry summary filings. On August 30, 2016, CBP published a notice in the *Federal Register* announcing October 1, 2016 as the effective date. This notice

announces that the effective date for the transition to ACE as the sole CBP-authorized EDI system for electronic drawback and duty deferral entry and entry summary filings is delayed until further notice.

CBP will publish a subsequent notice announcing the effective date when ACE will be the sole CBP-authorized EDI system for processing electronic drawback and duty deferral entry and entry summary filings, and ACS will no longer be a CBP-authorized EDI system for purposes of processing these filings.

Miscellaneous CBP and CBP related Federal Register documents

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

F.R. Date	Subject
10-05-16	Agency Information Collection Activities: NAFTA Regulations and Certificate of Origin (N/RFC) [CBP Forms 434, 446, and 447]
	Agency Information Collection Activities: United States-Caribbean Basin Trade Partnership Act (CBTPA) (N/RFC) [Form 450]
10-17-16	Notice of Revocation of Customs Brokers' Licenses (N)
10-20-16	DHS: Privacy Act of 1974: Implementation of Exemptions: Department of Homeland Security, United States Customs and Border Protection DHS/CBP-023 Border Patrol Enforcement Records, System of Records. [Docket No. DHS-2016-0070] (PR)
	DHS: Privacy Act of 1974: Department of Homeland Security, United States Customs and Border Protection DHS/CBP-023 Border Patrol Enforcement Records, System of Records [Docket No. DHS-2016-0067] (N)

CBP ICPs and other publications and fact sheets

During the period of coverage of this *Update*, CBP issued the following new or revised Informed Compliance Publications (ICPs) in the, “*What Every Member of the Trade Community Should Know About...*” series, other publications and fact sheets or posted on-line documents:

- [Forced Labor - Importer Due Diligence](#) (CBP Publication # 0564-0916, Oct. 2016)
- [Trade Facilitation and Trade Enforcement Act of 2015 - Overview](#) (CBP Publication # 0544-0716, Updated Oct. 2016)
- [CBP Forced Labor Enforcement, Points of Contact](#) (CBP Publication # 0547-0716, Updated Oct. 2016)
- [TFTEA-Increase in the De Minimis Value Exemption](#) (CBP Publication No. 0522-0516)
- [TFTEA - De Minimis Value Exemption FAQs](#) (Draft)
- [Dog and Cat Protection Act](#) (CBP Publication # 0556-0816)
- [ACE Reconciliation Frequently Asked Questions](#) (Oct. 19, 2016)
- [CBP Export Manifest Implementation Guide](#) (Sept. 2016)
- [DIS Implementation Guide](#) (Oct. 14, 2016)
- [CPSC e-Filing Alpha Pilot Implementation Guide, V3.3](#) (Oct.17, 2016)
- [CATAIR Appendix PGA](#) (Oct. 20, 2016)

Revocations or modifications of CBP rulings

No revocations or modifications, or proposals to revoke or modify, were published during October 2016.

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
10-03-16	16-000861	Publication of an FRN Concerning the Delay for Drawback and Duty Deferral Filing in ACE
	16-000862	Deactivation of 25 CBP Chicago Port Codes for Cargo
	16-000863	Clarification of 2 ACE Entry Summary items deployed 9/27/2016
	16-000864	ACE Statements and Reconciliation Information Notices
	16-000865	ACE PRODUCTION deployment, Tuesday October 4, 2016 @0600ET, impact ACE CargoRel & EntrySum
	16-000866	Update – ACE Portal Account Password Activation and Reset Capability Reminder
10-04-16	16-000867	September 2016 ACE Monthly Trade Update
	16-000868	Remote Location Filing and FTZ Weekly Entries - UPDATE
10-05-16	16-000869	Local Closure for the Port of Charleston, SC for October 5-7, 2016
	16-000870	ACE PRODUCTION Cargo Release deployment, Thurs. October 6, 2016 @ 0600ET
	16-000871	Harmonized System Update (HSU) 1613 created on October 4, 2016
	16-000872	FDA Offices Closed Due to Hurricane Matthew
10-06-16	16-000873	Local Closure for the Ports of Savannah and Brunswick, Ga for October 6-7, 2016
	16-000874	HTS Testing in ACE Certification
10-07-16	16-000876	The 2016 East Coast Trade Symposium Registration is OPEN!
	16-000877	HTS Queries Unavailable in ACE Certification
	16-000879	Updated ACE CATAIR Documentation Posted to CBP.gov
	16-000880	UPDATE: PROD and CERT Deployment Dates for PGA Changes
	16-000881	Additional ACE PGA Items deploying to ACE PRODUCTION this Saturday Oct 8, 2016 @ 2200-0400
10-12-16	16-000884	Updated AMS CATAIR Guidelines, September 2016
	16-000885	FWS ACE Implementation Webinar - Thursday, October 13, 2016 12:30-2:00 p.m. EDT
	16-000886	Update: Quota 10/3 Sugar Opening Moment
10-13-16	16-000887	FDA Supplementary Information for Filing CVM Pharmaceutical Products in ACE
	16-000888	FWS webinar October 13, 2016: POSTPONED
	16-000889	ACE AESDirect Enhancements
	16-000890	Local Closure for Ports of 5201, 5203, 5204 and 5206 for October 6, 2016
	16-000891	Additional Update: Quota 10/3 Sugar Opening Moment
10-14-16	16-000893	Electronic Notice of Liquidation Notice of Proposed Rulemaking Published
	16-000894	New Protest Filer Capabilities Deployed in ACE Reports
	16-000896	Availability of ATF Export Pilot
10-17-16	16-000902	Initiation of Antidumping and Countervailing Duty Investigations
	16-000903	Deactivation of CBP Laredo Port Codes 2381, 2394, 2395, 2399 for Cargo
	16-000904	Technical Issues for FDA ACE Entries
	16-000906	ACE PRODUCTION and ACE CERTIFICATION Entry Summary deployment Tues. Oct. 18, 2016

Date	CSMS#	Title
10-18-16	16-000909	Issue with Protest Filer Reports in ACE
10-19-16	16-000911	Protest Filer Reports Now Working in ACE
	16-000912	Technical Issues for FDA ACE Entries
	16-000913	Update: Technical Issues for FDA ACE Entries
10-20-16	16-000914	DIS Agency Code Validation in PROD as of 10/15/16
	16-000915	ACE Reconciliation Test Samples of RE/RX & Supporting Documents
10-21-16	16-000919	Deployment of Quota Production Bugs/Fixes
10-24-16	16-000920	ACE System Failure response for ACE Entry summary issue
	16-000921	Updated ACE Documentation Posted to CBP.gov
	16-000922	Update ACE System Failure response for ACE Entry summary issue
10-25-16	16-000923	Quota Opening Moment Reminder for October 26 2016
10-28-16	16-000924	ACE PRODUCTION Deployment 10/28/16 at 1315 ET
	16-000925	Update: ACE PRODUCTION Deployment 10/28/16 at 1400 ET
	16-000926	ACE Entry Summary Business Process Trade 7.6c – 10/28/2016
10-31-16	16-000929	CPSC e-Filing Alpha Pilot Implementation Guide, V3.3, October 17, 2016

Foreign Trade Zones

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

F.R. Date	Document
10-03-16	Foreign-Trade Zone (FTZ) 133-Quad-Cities, Iowa/Illinois; Authorization of Production Activity; Deere & Company, Subzone 133F, (Construction and Forestry Equipment), Dubuque, Iowa [B-40-2016]
10-04-16	Foreign-Trade Zone (FTZ) 158-Vicksburg/Jackson, Mississippi; Notification of Proposed Production Activity; MTD Consumer Group, Inc. (Lawn and Garden Equipment); Verona, Mississippi [B-65-2016]
10-05-16	Foreign-Trade Zone 7-Mayagüez, Puerto Rico; Application for Subzone; Romark Global Pharma, LLC; Manatí, Puerto Rico [S-139-2016]
	Approval of Subzone Expansion; Tesla Motors, Inc.; Palo Alto and Fremont, California [S-88-2016]
10-07-16	Foreign-Trade Zone (FTZ) 44H-East Hanover, New Jersey; Notification of Proposed Production Activity; Givaudan Flavors Corporation (Flavor Products); East Hanover, New Jersey [B-66-2016]
	Foreign-Trade Zone (FTZ) 82—Mobile, Alabama; Notification of Proposed Production Activity; Airbus Americas, Inc. (Commercial Passenger Jet Aircraft); Mobile, Alabama [B-67-2016]
10-14-16	Foreign-Trade Zone (FTZ) 277 – Western Maricopa County, Arizona - Notification of Proposed Production Activity - IRIS USA, Inc. - (Plastic Household Storage/Organizational Containers) - Surprise, Arizona [B-68-2016]
10-19-16	Foreign-Trade Zone (FTZ) 27 – Boston, Massachusetts - Notification of Proposed Production Activity - Claremont Flock, a Division of Spectro Coating Corporation (Textile Flock) Leominster, Massachusetts [B-69-2016]
	Foreign-Trade Zone 73 -- Baltimore, Maryland, Area - Application for Subzone Jos. A. Bank Manufacturing Company. Hampstead and Eldersburg, Maryland [S-134-2016]
10-20-16	Foreign-Trade Zone (FTZ) 158 – Vicksburg/Jackson, Mississippi - Authorization of Production Activity - Bauhaus Furniture Group, LLC; H.M. Richards Company, Inc.; Lane Home Furniture; Morgan Fabrics Corporation (Upholstered Furniture) Tupelo, Mississippi, area [B-43-2016]
	Foreign-Trade Zone (FTZ) 158 – Vicksburg/Jackson, Mississippi - Authorization of Production Activity - Southern Motion, Inc. (Upholstered Furniture) Pontotoc and Baldwin, Mississippi [B-42-2016]
10-27-16	Foreign-Trade Zone 80 -- San Antonio, Texas - Application for Subzone - CGT U.S. Limited New Braunfels, Texas [B-70-2016]

F.R. Date	Document
10-31-16	Foreign-Trade Zone (FTZ) 38-Spartanburg, South Carolina Authorization of Production Activity Benteler Automotive Corporation (Automotive Suspension and Body Components) Duncan, South Carolina [B-48-2016]

DoD proposes rule on withholding unclassified technical data

On October 31, 2016, the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, department of Defense (DoD) published in the *Federal Register* a [proposed rule](#) [Docket ID: DOD-2015-OS-0126] that would establish policy, assign responsibilities, and prescribe procedures for the dissemination and withholding of certain unclassified technical data and technology subject to the *International Traffic in Arms Regulations* (ITAR) and *Export Administration Regulations* (EAR). It applies to DoD components, their contractors and grantees and is meant to control the transfer of technical data and technology contributing to the military potential of any country or countries, groups, or individuals that could prove detrimental to U. S, national security or critical interests. Comments must be received by December 30, 2016.

DOJ guidance on voluntary self-disclosures of export control and sanctions violations

On October 2, 2016, the National Security Division (NSD) of the U.S. Department of Justice (DOJ) issued [Guidance Regarding Voluntary Self-Disclosures, Cooperation, and Remediation in Export Control and Sanctions Investigations Involving Business Organizations](#) (the Guidance). The 11-page document first reviews the importance of export controls and trade sanctions and the priority to given by the DOJ/NSD working with law enforcement agencies and local U.S. attorneys to thwart illegal efforts to circumvent such controls. The Guidance (which only applies to export control and sanctions violations) then “memorializes the policy of NSD to encourage business organizations to voluntarily self-disclose criminal violations of the statutes implementing the U.S. government’s primary export control and sanctions regimes – the *Arms Export Control Act* (AECA), 22 U.S.C. § 2778, and the *International Emergency Economic Powers Act* (IEEPA), 50 U.S.C. § 1705.”

The Guidance sets forth the criteria that NSD, through the Counterintelligence and Export Control Section (CES) and in partnership with the U.S. Attorneys’ Offices, uses in exercising its prosecutorial discretion in this area and in determining the possible benefits that could be afforded to an organization that makes a voluntary self-disclosure (VSD), as defined below. The Guidance also implements in export control and sanctions cases the memorandum of the Deputy Attorney General dated September 9, 2015, promoting greater accountability for individual corporate defendants (DAG Memo on Individual Accountability), as well as the November 2015 revisions to the Principles of Federal Prosecution of Business Organizations set forth in the U.S. Attorneys’ Manual (USAM Principles).

Business entities should continue to submit VSDs to the Department of State, Directorate of Defense Trade Controls (DDTC) for violations of the International Traffic in Arms Regulations (ITAR); to the Department of Commerce, Bureau of Industry Security (BIS) for violations of the Export Administration Regulations (EAR); and to the Department of the Treasury, Office of Foreign Assets Control (OFAC), for violations of U.S. sanctions regulations. However, as discussed further below, when an organization, including its counsel, becomes aware that the

violations may have been willful, it should within a reasonably prompt time also submit a VSD to CES.

The following actions are required for a company's disclosure to be deemed voluntary:

- The company discloses the conduct "prior to an imminent threat of disclosure or government investigation," U.S.S.G. § 8C2.5(g)(1);⁸
- The company discloses the conduct to CES and the appropriate regulatory agency "within a reasonably prompt time after becoming aware of the offense," U.S.S.G. § 8C2.5(g)(1), with the burden on the company to demonstrate timeliness; and
- The company discloses all relevant facts known to it, including all relevant facts about the individuals involved in any export control or sanctions violation.

Full cooperation is also required in the DOJ investigation. This includes:

- As set forth in the DAG Memo on Individual Accountability, disclosure on a timely basis of all facts relevant to the wrongdoing at issue, including all facts related to involvement in the criminal activity by the corporation's officers, employees, or agents;
- Proactive cooperation, rather than reactive; that is, the company must disclose facts that are relevant to the investigation, even when not specifically asked to do so, and must identify opportunities for the government to obtain relevant evidence not in the company's possession and not otherwise known to the government;
- Preservation, collection, and disclosure of relevant documents and information relating to their provenance;
- Provision of timely updates on the company's internal investigation, including but not limited to rolling disclosures of information;
- Where requested, de-confliction of an internal investigation with the government investigation;
- Provision of all facts relevant to potential criminal conduct by all third-party companies (including their officers or employees) and third-party individuals;
- Upon request, making available for interviews those company officers and employees who possess relevant information; this includes, where appropriate and possible, officers and employees located overseas as well as former officers and employees (subject to the individuals' Fifth Amendment rights);
- Disclosure of all relevant facts gathered during the company's independent investigation, rather than a general narrative, including attribution of facts to specific sources where such attribution does not violate the attorney-client privilege;
- Disclosure of overseas documents, the location in which such documents and records were found, and who found the documents (except where such disclosure is impossible due to foreign law, including but not limited to foreign data privacy laws);¹¹
- Unless legally prohibited, facilitation of the third-party production of documents and witnesses from foreign jurisdictions; and
- Where requested and appropriate, provision of translations of relevant documents in foreign languages.

In addition, timely and appropriate remediation is required. The Guidance lists a number of steps to be taken in this regard:

- Implementation of an effective compliance program, the criteria for which will be periodically updated and which may vary based on the size and resources of the organization, but will include:

- Establishment of a culture of compliance, including an awareness among employees that any criminal conduct, including the conduct underlying the investigation, will not be tolerated;
 - Dedication of sufficient resources to the compliance function;
 - Ensuring that compliance personnel have the qualifications and experience to understand and identify transactions that pose a potential risk;
 - Institution of a compliance function that is independent;
 - Performing an effective risk assessment and tailoring the compliance program based on that assessment;
 - Implementation of a technology control plan and required regular training of employees to ensure export-controlled materials are appropriately handled;
 - Appropriate compensation and promotion of a company's compliance personnel, compared to other employees;
 - Auditing of the compliance program to ensure its effectiveness; and
 - A reporting structure of compliance personnel within the company that facilitates the identification of compliance problems to senior company officials and maximizes timely remediation.
- Appropriate discipline of employees, including those identified by the corporation as responsible for the criminal conduct, and a system that provides for the possibility of disciplining others with oversight of the responsible individuals and considers how compensation is affected by both disciplinary infractions and failure to supervise adequately.
 - Any additional steps that demonstrate recognition of the seriousness of the corporation's criminal conduct, acceptance of responsibility for it, and the implementation of measures to preclude a repetition of such misconduct, including measures to identify future risks.

The Guidance also lists potential aggravating circumstances, including:

- Exports of items controlled for nuclear nonproliferation or missile technology reasons to a proliferator country;
- Exports of items known to be used in the construction of weapons of mass destruction;
- Exports to a terrorist organization;
- Exports of military items to a hostile foreign power;
- Repeated violations, including similar administrative or criminal violations in the past;
- Knowing involvement of upper management in the criminal conduct; and
- Significant profits from the criminal conduct, including disproportionate profits or margins, whether intended or realized, compared to lawfully exported products and services

Although the ultimate resolution will depend on an evaluation of the totality of the circumstances in a particular case, where a company voluntarily self-discloses criminal violations of export controls and sanctions, fully cooperates, and appropriately remediates in accordance with the standards set forth in the Guidance, the company may be eligible for a significantly reduced penalty, to include the possibility of a non-prosecution agreement (NPA), a reduced period of supervised compliance, a reduced fine and forfeiture, and no requirement for a monitor.

Where an organization does not voluntarily self-disclose, but, after learning of violations from the government's investigation, cooperates fully and appropriately remediates the practices that led to the violations, the company still may be eligi-

ble to receive some credit, to include the possibility of a deferred prosecution agreement (DPA), a reduced fine and forfeiture, and an outside auditor as opposed to a monitor. A company that does not voluntarily disclose its export control and sanctions violations will rarely qualify for an NPA.

Because financial institutions often have unique reporting obligations under their applicable statutory and regulatory regimes, the Guidance does not apply to financial institutions. Nevertheless, financial institutions are encouraged by DOJ to make voluntary disclosures to DOJ and may benefit from such disclosures under DOJ policy applicable to all business organizations. See, e.g., USAM § 9-28.900.

FinCEN grants conditional exception to BSA Regulations relating to the Burma section 311 final rule

On October 19, 2016, the Financial Crimes Enforcement Network (FinCEN), Treasury, published in the *Federal Register* a [grant of conditional exception](#) [FinCEN Issuance 2016-1] pursuant to authority under the *Bank Secrecy Act* (BSA), which would permit certain U.S. financial institutions to maintain correspondent accounts for Burmese banks under certain conditions, that is, provided that such covered financial institution subjects the account to the due diligence obligations set forth under Section 312 of the *USA PATRIOT Act* and its implementing regulation 31 C.F.R. 1010.610.

FinCEN states that it is providing this exceptive relief given (i) FinCEN's assessment of Burma's progress to date in addressing issues identified in FinCEN's 2003 finding that Burma was a jurisdiction of primary money laundering concern; (ii) a high-level commitment by Burma to continue making progress in addressing those issues; and (iii) FinCEN's consideration of the ongoing effect on U.S. national security and foreign policy of U.S. financial institutions' compliance with 31 C.F.R. 1010.651. (See *Federal Register* document for steps that Burma has taken.) This conditional exception is applicable beginning October 7, 2016.

OFAC publishes guidance on certain publishing activities

On October 28, 2016, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued [interpretive guidance](#) on the publishing of general licenses and certain exemptions found in the *Iranian Transactions and Sanctions Regulations* (ITSR), 31 C.F.R. §§ 560.210, 560.538, the *Cuban Assets Control Regulations* (CACR), 31 C.F.R. §§ 515.206, 515.577, the *Sudanese Sanctions Regulations* (SSR), 31 C.F.R. §§ 538.212, 538.529, the *Syrian Sanctions Regulations* (SySR), 31 C.F.R. §§ 542.211, 542.532, and the *Burmese Sanctions Regulations* (BSR), 31 C.F.R. §§ 537.210, 537.526.

OFAC issues Issuance of Belarus-Related General License

On October 18, 2016, the Department of the Treasury [announced](#) that, in consultation and coordination with the Department of State, the Office Assets Control (OFAC) is authorizing by [General License 2B](#) transactions involving certain Belarusian entities blocked pursuant to Executive Order 13405. This license does not generally authorize the release of property blocked pursuant to E.O. 13405. This authorization expires on April 30, 2017, unless extended or revoked.

BIS and OFAC further expand authorizations for Cuba activities

On October 14, 2016, the U.S. Department of Commerce's Bureau of Industry and Security (BIS) and the U.S. Treasury Department's Office of Foreign Assets

Control (OFAC) announced final rules amending the [Export Administration Regulations \(EAR\)](#), 15 C.F.R. Part 730 *et seq.*, and the [Cuban Assets Control Regulations \(CACR\)](#), 31 C.F.R. Part 515, respectively, to authorize additional activities relating to Cuba. The final rules became effective on October 17, 2016, upon publication in the *Federal Register*.

The rules were announced on the same day that the President [issued a Presidential Policy Directive](#) relating to U.S.-Cuba Normalization, which outlined a government-wide approach to promoting engagement with the Cuban government and Cuban people. The OFAC and BIS rules significantly expand the available authorizations for certain activities relating to import and export transactions, financing, commerce, health and medicine, travel, and infrastructure, including the following:

Import and Export Transactions

- **Removal of 100% U.S. Origin Requirement:** OFAC has amended the general license for exports from the United States and reexports from third countries that are authorized by BIS (CACR §515.533(a)), to remove the requirement that items reexported from a third country be of “100% U.S.-origin.” Instead, OFAC has added a provision stating that the transaction must not be between a U.S.-owned or -controlled firm in a third country and Cuba for export of commodities produced outside the United States or Cuba, per the statutory requirement in Section 1706 of the Cuban Democracy Act of 1992. As a result, items that are produced in the United States but are not of 100% U.S. origin generally may be reexported to Cuba from a third country under this provision, provided the reexport is licensed or otherwise authorized by BIS.
- **Imports into the United States Specifically Intended for Cuba:** OFAC has clarified that imports into the United States of items from a third country that are specifically intended for export to Cuba under a BIS license or other authorization are authorized under the general license at CACR §515.533(a). This resolves the ambiguity about whether such imports were “ordinarily incident” to the subsequent BIS-authorized export or whether they needed to be separately licensed by OFAC. OFAC has not clarified whether U.S. parent companies are permitted to source items intended for Cuba from a third country subsidiary under this provision, however. Additionally, Note 1 to §515.533(a) still contains the limitation that transactions not “tied to specific exports or reexports, such as transactions involving future (non-specific) shipments, must be separately licensed by OFAC.”
- **Return and Repair/Service:** OFAC has added a new general license authorizing transactions ordinarily incident to the import into the United States or a third country of items previously exported or reexported to Cuba, as well as the service and repair of those items (CACR §515.533(b)). The items must have been exported or reexported to Cuba pursuant to either (i) the general license at CACR §515.533(a) for BIS-authorized exports/reexports or (ii) a specific license issued under at CACR §515.559 for reexports of non-U.S. produced items by a U.S.-owned or -controlled firm in a third country. However, any follow-up export or reexport of serviced, repaired, or replacement items to Cuba must be separately authorized by OFAC and/or BIS.
- **Consumer Goods for Personal Use:** BIS has amended the EAR to allow exports and reexports of certain items sold directly to eligible individuals in Cuba for their personal use or their immediate family’s personal use, under License Exception for Support for the Cuban People (SCP), EAR §740.21(b)(4). Eligible items are those classified as EAR99 or controlled on the U.S. Commerce Control List for anti-terrorism reasons only. The new authorizations will facilitate direct sales by online retailers and other retailers that sell consumer products directly to end users. Note that certain prohibited members of the Cuban government and the Cuban Communist Party (as redefined in this rule and further explained below) are not eligible purchasers or end-users under this provision.

Commerce and Financing

- Contingent Contracts: OFAC has added a new general license authorizing persons subject to U.S. jurisdiction to enter into contingent contracts for transactions that are currently prohibited by the CACR (CACR §515.534). The performance of such contracts, including making deposits and receiving payments, must be made contingent on prior OFAC authorization of the underlying transactions or such authorization no longer being required, as well as on prior licensing from any other relevant federal agency. The term “contingent contracts” is defined to include executory contracts, executory pro forma invoices, agreements in principle, executory offers capable of acceptance such as bids or proposals in response to public tenders, binding memoranda of understanding, or any other similar agreements.
- Vessels Entering U.S. Ports: OFAC has amended the general license at CACR §515.550 to allow certain foreign vessels that have called on Cuban ports in the last 180 days to enter into U.S. ports, despite the prohibition under CACR §515.207(a) that normally prohibits such vessels from entering U.S. ports to load or unload freight. The exception applies only to foreign vessels that have carried only items that would be designated EAR99 or controlled for anti-terrorism reasons only if they were subject to the EAR, from a third country to Cuba.
- Cargo Transiting Cuba: BIS has amended the License Exception for Aircraft, Vessels and Spacecraft (AVS), EAR §740.15(e), to authorize cargo to transit through Cuba aboard an aircraft that is on a temporary sojourn in Cuba pursuant to License Exception AVS, provided the cargo is bound for another destination. Previously this license exception was available only to cargo aboard a vessel. The cargo may not be removed from the aircraft or vessel for use in Cuba and may not be transferred to another aircraft or vessel while in Cuba.
- Agricultural Items Financing: OFAC has clarified that “agricultural items” authorized for export to Cuba by BIS, such as pesticides and tractors, are not subject to the same statutory restrictions on payment terms, *i.e.*, cash in advance or third-country financing, that apply to “agricultural commodities” such as poultry and corn (CACR §515.533(a)(4)).

Health and Medicine

- Joint Medical Research: OFAC has issued a new general license authorizing persons subject to U.S. jurisdiction to engage in commercial and non-commercial joint medical research with Cuban nationals (CACR §515.547(a)). The general license does not authorize the establishment of a business or physical presence in Cuba, without separate authorization from OFAC, or the export/reexport of goods, technology, or software that is subject to the EAR, without separate authorization from BIS.
- FDA Approval of Cuban-Origin Pharmaceuticals: OFAC has issued a new general license authorizing all transactions incident to obtaining approval of Cuban-origin pharmaceuticals from the U.S. Food and Drug Administration (“FDA”) (CACR §515.547(b)). This includes discovery and development, pre-clinical research, clinical research, regulatory review, regulatory approval and licensing, regulatory post-market activities, and the import into the United States of the pharmaceuticals.
- Marketing and Distribution of Cuban-Origin Pharmaceuticals: OFAC has issued a separate general license authorizing the marketing, sale, or other distribution in the United States of FDA-approved Cuban-origin pharmaceuticals, including the import of such pharmaceuticals into the United States (CACR §515.547(c)). OFAC has not defined the term “pharmaceuticals” in this context, however, and it is unclear whether the term corresponds to the definition of “medicine” used in other OFAC sanctions programs.
- Bank Accounts: OFAC has also added authorization under CACR §515.547(d) for persons subject to U.S. jurisdiction to open, maintain, and close bank accounts at Cuban financial institutions, for the purpose of engaging in the authorized health and medicine-related activities described above.

Travel

- Imports into the U.S.: OFAC has lifted the \$400 monetary limit on merchandise acquired in Cuba and imported into the United States by U.S. persons as accompanied baggage, as well as the similar \$100 limit on alcohol and tobacco merchandise. Additionally, U.S. persons are permitted to import Cuban-origin merchandise acquired in third countries as accompanied baggage, without a monetary limit (CACR §515.585). All such Cuban-origin merchandise imported into the United States by U.S. persons is permitted for personal-use only. “Personal use” includes giving the item to another individual as a gift, but not the transfer of the item to another person for payment (CACR §515.560). OFAC previously permitted non-U.S. person travelers to import Cuban-origin goods into the United States in accompanied baggage, with the exception of alcohol and tobacco products (CACR §515.585). OFAC has now removed the alcohol and tobacco products exception. Non-U.S. persons are still prohibited from importing Cuban-origin goods in commercial quantities or for resale (CACR §515.569).
- Remittances: OFAC has amended CACR §515.570(i) to authorize persons subject to U.S. jurisdiction to make remittances to third-country nationals for their travel to, from, and within Cuba, so long as such travel would be authorized by a general license if the that traveler were a U.S. national, *e.g.*, for educational activities, support of the Cuban people, family visits to close relatives, professional research, etc.
- Civil Aviation Safety: OFAC has added a new general license authorizing persons subject to U.S. jurisdiction to provide Cuba and Cuban nationals, wherever located, with services aimed at promoting safety in civil aviation and the safe operation of commercial aircraft (CACR §515.572(a)(5)).

Miscellaneous

- Infrastructure: OFAC has issued a new general license allowing persons subject to U.S. jurisdiction to provide services to Cuba or Cuban nationals, related to developing, repairing, maintaining, and enhancing certain Cuban infrastructure in order to directly benefit the Cuban people (CACR §515.591). “Infrastructure” in this context means systems and assets in the public transportation, water management, waste management, non-nuclear electricity generation, and electricity distribution sectors, as well as in hospitals, public housing, and primary and secondary schools.
- Prohibited Officials: OFAC has revised its definition of prohibited officials of the Government of Cuba (CACR §515.337) and prohibited members of the Cuban Communist Party (CACR §515.338), to limit those prohibited persons to members of the Council of Ministers, flag officers of the Revolutionary Armed Forces, and members of the Politburo. BIS has made corresponding changes to its lists of Cuban government and Cuban Communist Party officials who are ineligible to receive certain items otherwise permitted under license exceptions, *i.e.*, gift parcels (License Exception GFT, EAR §740.12(a)), consumer communications devices (License Exception CCD, EAR §740.19), and software and commodities to improve the free flow of communication (License Exception SCP, EAR §740.21(d)(4)).

In connection with the regulatory amendments, OFAC has also issued new and updated [Cuba FAQ's](#), a [Fact Sheet](#), and [updated Travel Guidance](#) for travel between the United States and Cuba.

For additional information, please contact [Nicholas Coward](#) or [Maria van Wagenberg](#), or any U.S. outbound Practice attorney with whom you normally work.

OFAC updates FAQs regarding JCPOA

On October 7, 2016, the U.S. Treasury Department's Office of Foreign Assets Control (OFAC) updated its list of [Frequently Asked Questions \(FAQs\) Relating to the Lifting of Certain U.S. Sanctions under the Joint Comprehensive Plan of Action \(JCPOA\)](#). These updates provide clarification on existing OFAC guidance originally issued in January 2016 and most recently updated in June 2016. For more information on the June 2016 updated guidance, please see our blog post [here](#).

These FAQs do not reflect any changes or relaxation of U.S. sanctions targeting Iran. Rather, OFAC amended the June 2016 version of the FAQs to clarify and reiterate its position on certain banking practices related to Iran and on activities under [General License H](#). OFAC also added three FAQs to provide guidance on due diligence practices for non-U.S. persons engaging in transactions with or involving Iran.

Financial and Banking Measures

- In the updated FAQs, OFAC reiterated its position that non-U.S. financial institutions may process transactions denominated in U.S. dollars or maintain U.S. dollar denominated accounts that involve Iran. Such activities by non-U.S. financial institutions may occur provided that the transactions or accounts do not involve, directly or indirectly, the U.S. financial system, any U.S. person, or any person on OFAC's [List of Specially Designated Nationals and Blocked Persons](#) (SDN List).
- OFAC reaffirmed the prohibition against "U-Turn" transactions, i.e., U.S. dollar clearing transactions involving Iran that begin and end with non-U.S., non-Iranian financial institutions. In sum, non-U.S. financial institutions are still prohibited from clearing U.S. dollar transactions involving Iran through the U.S. financial system or by involving U.S. persons in such transactions unless such transfers are authorized by OFAC or exempt from the prohibitions under U.S. sanctions targeting Iran.
- The updated FAQs confirm that U.S. financial institutions may transact with non-U.S., non-Iranian financial institutions that do business with Iranian financial institutions. The FAQs indicate that such Iranian financial institutions may not be on the SDN List.

General License H Operating Policies

- OFAC reiterated that General License H authorizes a U.S. person to change the operating policies and procedures of a U.S. entity or its owned-or-controlled foreign entity multiple times to enable the foreign entity to engage in transactions pursuant to General License H. These changes may not be pursued to facilitate any particular transaction involving Iran.

New Due Diligence FAQs

- In the new due diligence FAQs, OFAC advised that it is not necessarily sanctionable for non-U.S. persons to engage in transactions with entities that are controlled or minority owned by an Iranian or Iran-related person on the SDN List. That said, non-U.S. persons should exercise caution when engaging in such transactions to ensure no SDN is involved.
- OFAC stated that sufficient due diligence on potential Iranian counterparties for non-U.S. persons might require more than screening the names of the potential counterparties against the SDN List. In addition to such screening, OFAC suggested that a non-U.S. person should ensure that due diligence reflects its internal risk assessment, best practices of the relevant industry, and due diligence expectations in its local jurisdiction.

- Finally, OFAC reiterated that best practices for non-U.S. financial institutions include performing due diligence on their own customers. OFAC clarified, however, that it does not expect a non-U.S. financial institution to repeat due diligence that bank customers have performed on their own Iranian customers unless the financial institution has reason to believe that such due diligence is insufficient.

For additional information, please contact [Alex Lamy](#) or [Sylvia Lis](#) or any member of the U.S. Outbound Trade Group with whom you normally work.

BIS authorizes optional e-filing of restrictive trade practice or boycott reports

On October 14, 2016, the BIS published in the *Federal Register* a [final rule](#) [Docket No. 160303188-6188-01] that amends the *Export Administration Regulations* (EAR) to permit electronic submission as an additional method available to United States persons for reporting requests they receive to take certain actions in furtherance or support of an unsanctioned foreign boycott, as required under the restrictive trade practices or boycotts provisions of the EAR. These amendments are administrative changes to those provisions' reporting requirements, which currently permit reporting of such requests solely by mail. BIS is making these amendments consistent with U.S. Government policy to modernize regulatory requirements and promote efficiency. This rule also makes conforming regulatory changes.

This rule was effective on publication.

BIS and State revise EAR and ITAR for fire control, laser, imaging, and guidance equipment that no longer warrant control under the USML

On October 12, 2016, the Bureau of Industry and Security (BIS) published in the *Federal Register* a [final rule](#) [Docket No. 140221170-6403-03] that describes how articles the President determines no longer warrant control under Category XII (Fire Control, Laser, Imaging, and Guidance Equipment) of the United States Munitions List (USML) of the *International Traffic in Arms Regulations* (ITAR) will be controlled under the Commerce Control List (CCL) of the *Export Administration Regulations* (EAR) by amending Export Control Classification Number (ECCN) 7A611 and creating new "600 series" ECCNs 7B611, 7D611, and 7E611. In addition, for certain dual-use infrared detection items, this final rule expands controls for certain software and technology, eliminates the use of some license exceptions, revises licensing policy, and expands license requirements for certain transactions involving military end users or foreign military commodities. This final rule also harmonizes provisions within the EAR by revising controls related to certain quartz rate sensors.

On the same date, the Department of State published in the *Federal Register* a [final rule](#) [Public Notice: 9605] amending the ITAR by revising Category XII (fire control, laser, imaging, and guidance equipment) of the USML to remove certain items from control on the USML and to describe more precisely the articles continuing to warrant control on the USML. State also amended USML Categories VIII, XIII, and XV to reflect that items previously described in those Categories are now controlled under the revised Category XII or Commerce's CCL. Further, State revised USML Category XI to move items to the CCL as a result of changes to related control in USML Category XII.

Both final rules are effective December 31, 2016.

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

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

F.R. Date	Applicable orders
10-04-16	OFAC: Additional Designations, Foreign Narcotics Kingpin Designation Act (N)
10-05-16	OFAC: Sanctions Actions Pursuant to Executive Orders 13660, 13661, 13662, and 13685 (N) [121 persons]
10-06-16	OFAC: Unblocking of Specially Designated Nationals and Blocked Persons, Executive Order 12978 (N) [one individual]
	OFAC: Unblocking of Specially Designated Nationals and Blocked Persons, Foreign Narcotics Kingpin Designation Act (N) [four individuals, five entities]
10-07-16	OFAC: Additional Designations, Foreign Narcotics Kingpin Designation Act
10-11-16	OFAC: Unblocking of Specially Designated Nationals and Blocked Persons Pursuant To Executive Order 13288, Executive Order 13391, and Executive Order 13469 (N) [nine individuals and 11 entities]
10-14-16	OFAC: Designation of Four Individuals and Nine Entities Pursuant to Executive Order 13581, "Blocking Property of Transnational Criminal Organizations" (N)
10-20-16	State: Review of the Designation as a Foreign Terrorist Organization of Army of Islam (and other aliases) [Public Notice: 9765] (N)
	State: Review of the Designation as a Foreign Terrorist Organization of the Communist Party of the Philippines/New People's Army (and other aliases) [Public Notice: 9768] (N)
	State: Review of the Designation as a Foreign Terrorist Organization of Indian Mujahedeen (and other aliases) [Public Notice: 9767] (N)
	State: Review of the Designation as a Foreign Terrorist Organization of Tehrik-e Taliban Pakistan (TTP) (and other aliases) [Public Notice: 9766]
10-25-16	OFAC: Sanctions Actions Pursuant to Executive Order 13224 (N) [4 individuals and 1 entity]
10-31-16	OFAC: Unblocking of Specially Designated Nationals and Blocked Persons Resulting From the Termination of the National Emergency and Revocation of Executive Orders Related to Burma (N)

Commerce and State meetings and notices related to trade

F.R. Date	Subject
10-05-16	National Institute of Standards and Technology (NIST), Commerce: Request for Comments on U.S. Technical Participation in the 15th Conference of the International Organization of Legal Metrology (OIML) [Docket No. 160927891-6891-01] (N/RFC)
	Bureau of Industry and Security (BIS): Materials Processing Equipment Technical Advisory Committee: Notice of Partially Closed Meeting (N/H) [Oct. 25, 2016]
	BIS: Sensors and Instrumentation Technical Advisory Committee: Notice of Partially Closed Meeting (N/H) [Oct. 26, 2016]
	BIS: Information Systems Technical Advisory Committee: Notice of Partially Closed Meeting (N/H) [Oct. 19 and 20, 2016]
10-07-16	BIS: Emerging Technology and Research Advisory Committee: Notice of Open Meeting (N/H) [Oct. 27, 2016]
10-18-16	BIS: Discontinuance of Information Collection 0694-0009: Triangular Transactions "Stamp" Covered by a U.S. Import Certificate (N)
10-19-16	BIS: Renewal of Agency Information Collection for: Procedure for Parties on the Entity List to Request Removal or Modification of Their Listing (N)
	State: Defense Trade Advisory Group: Notice of Open Meeting [Public Notice: 9763] (N/H) [November 15, 2016]
10-20-16	BIS: Materials Technical Advisory Committee (N/H) [Partially closed Nov. 3,

F.R. Date	Subject
	2016] BIS: Transportation and Related Equipment Technical Advisory Committee (N) [Partially closed - Nov. 16, 2016] State: Visas: Visa Information Update Requirements under the Electronic Visa Update System (EVUS) [Public Notice: 9530] (FR/RFC)
10-26-16	State: Meetings of The United States-Peru Environmental Affairs Council, Environmental Cooperation Commission, and Sub-Committee on Forest Sector Governance [Public Notice: 9771] (N/H) [US-Peru TPA - Nov. 3-4, 2016]
10-31-16	BIS: Proposed Information Collection: Comment Request; Report of Requests for Restrictive Trade Practice or Boycott (N) International Trade Administration (ITA): Call for Applications for the International Buyer Program Select Service for Calendar Year 2018 [Docket No.: 161012955-6955-01] (N) ITA: Call for Applications for the International Buyer Program Calendar Year 2018 [Docket No. 161012954-6954-01] (N)

FTC amends Hobby Protection Act regulations

On October 14, 2016, the Federal Trade Commission (FTC) published in the *Federal Register* a [final rule](#) amending 16 C.F.R. Part 304, its Rules and Regulations under the *Hobby Protection Act* ("Act") as part of its regular review of all its Rules and Guides, and in response to Congressional amendments to the Act. Under the final rule, section 304.3 has been revised to read as follows:

§ 304.3 Applicability.

Any person engaged in the manufacturing, or importation into the United States for introduction into or distribution in commerce, of imitation political or imitation numismatic items shall be subject to the requirements of the Act and the regulations promulgated thereunder. Any person engaged in the sale in commerce of imitation numismatic items shall be subject to the requirements of the Act and the regulations promulgated thereunder. It shall be a violation of the Act and the regulations promulgated thereunder for a person to provide substantial assistance or support to any manufacturer, importer, or seller of imitation numismatic items, or to any manufacturer or importer of imitation political items, if that person knows or should have known that the manufacturer, importer, or seller is engaged in any practice that violates the Act and the regulations promulgated thereunder.

The rule is effective November 16, 2016.

FTC and CPSC Federal Register documents

The following Federal Trade Commission (FTC) and Consumer Product Safety Commission (CPSC) documents which may be of interest to importers were published *Federal Register* during the past month:

F.R. Date	Subject
10-14-16	FTC: Rules and Regulations under the Hobby Protection Act (FR)
10-28-16	FTC: Energy Labeling Rule (FR/C)

TTB and ATF announcements and Federal Register documents

The Alcohol and Tobacco Tax and Trade Bureau (TTB) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have posted the following information or regulatory actions of interest to international traders :

Date	Subject
10-13-16	ATF: International Trade Data System Test-Voluntary Export Pilot Project [Docket No. ATF 2016R-11] (N)
10-24-16	ATF: Agency Information Collection Activities; Proposed eCollection eComments Requested; Notice of Firearms Manufactured or Imported (ATF Form 2 (5320.2) (N)

FDA Federal Register documents

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

F.R. Date	Subject
10-04-16	Agency Information Collection Activities; Proposed Collection; Comment Request; Information From United States Firms and Processors That Export to the European Union [Docket No. FDA-2016-N-2976] (N)
	Dietary Supplements: New Dietary Ingredient Notifications and Related Issues; Revised Draft Guidance for Industry; Extension of Comment Period [Docket No. FDA-2011-D-0376] (N)
10-07-16	Additions and Modifications to the List of Drug Products That Have Been Withdrawn or Removed From the Market for Reasons of Safety or Effectiveness [Docket No. FDA-1999-N-0194 (Formerly 99N-4490)] (FR)
10-17-16	Electronic Submission of Labeling for Certain Home-Use Medical Devices [Docket No. FDA-2016-N-2491] (PR)
	Use of Ozone-Depleting Substances [Docket No. FDA-2015-N-1355] (FR)
10-26-16	Use of Ozone-Depleting Substances [Docket No. FDA-2015-N-1355] (PR)
	Use of Ozone-Depleting Substances [Docket No. FDA-2015-N-1355] (PR)
10-28-16	Listing of Ingredients in Tobacco Products; Revised Draft Guidance for Industry; Availability [Docket No. FDA-2009-D-0524] (N)
	New Animal Drugs; Updating Tolerances for Residues of New Animal Drugs in Food [Docket No. FDA-2012-N-1067] (PR/Supp. N)
10-31-16	Describing a Hazard That Needs Control in Documents Accompanying the Food, as Required by Four Rules Implementing the FDA Food Safety Modernization Act: Guidance for Industry; Availability [Docket No. FDA-2016-D-2841] (N)

APHIS and other USDA notices issued

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

F.R. Date	Subject
10-05-16	FSIS: Food Safety and Inspection Service Labeling Guideline on Documentation Needed To Substantiate Animal Raising Claims for Label Submission [Docket No. FSIS-2016-0021] (N)
10-26-16	APHIS: Exportation of Live Animals, Hatching Eggs, and Animal Germplasm From the United States [Docket No. APHIS-2012-0049] (FR)
	APHIS: Importation of Hass Avocados From Colombia [Docket No. APHIS-2016-0022] (PR)
10-27-16	APHIS: Importation of Orchids in Growing Media From Taiwan [Docket No. APHIS-2016-0005] (PR)

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](#).

- Canada - [Canada Announces Revision of the Food Guide](#)
- Australia - [Exporter Guide](#)
- India - [FSSAI Proposes Draft Regulation on New Product Approval Procedures](#)
- Ireland - [Irish Alcohol Bill Could Impact U.S. Exports to the EU](#)
- Japan - [Draft Expanded Country of Origin Labeling \(COOL\) for Ingredients](#)
- Azerbaijan - [Azerbaijan Tariff Increases November 2](#)
- Ukraine - [Exporter Guide](#)
- India - [FSSAI Publishes Draft Regulation on Food Fortification](#)
- Russia - [Wheat Export Duty Temporarily Decreased to Zero](#)
- Japan - [Japan Now Requires Bifenthrin Testing for U.S. Celery](#)
- India - [2016 Amendment to the Legal Metrology Rules](#)
- Japan - [Japan is Considering Expanding COOL Requirements for Ingredients](#)

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
10-03-16	Environmental Protection Agency (EPA): Cancellation of Pesticides for Non-Payment of Year 2016 Registration Maintenance Fees; Summary of Orders Issued [EPA-HQ-OPP-2016-0548; FRL-9952-54] (N)
	EPA: Pesticide Product Registration; Receipt of Applications for New Active Ingredients [EPA-HQ-OPP-2015-0021; FRL-9952-20]
	EPA: Bacillus Mycoides Isolate J; Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2014-0920; FRL-9947-92] (FR)
	Labor: Notice of Final Determination Regarding the Proposed Revision of the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor Pursuant to Executive Order 13126 (N)
10-04-16	National Highway Transportation Safety Admin. (NHTSA): List of Nonconforming Vehicles Decided To Be Eligible for Importation [Docket No. NHTSA-2016-0081] (FR)
10-05-16	Drug Enforcement Admin. (DEA): Established Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2017 [Docket No. DEA-443F] (FO)
	Energy: Energy Conservation Standards for General Service Lamps: Public Meeting [Docket No. EERE-2013-BT-STD-0051] (N/H)
	EPA: Receipt of Information Under the Toxic Substances Control Act [EPA-HQ-OPPT-2013-0677; FRL-9953-29] (N)
	EPA: Amendments, Extensions, and/or Issuances of Experimental Use Permits [EPA-HQ-OPP-2015-0163; FRL-9952-04] (N)
	EPA: Pesticide Product Registration; Receipt of Applications for New Uses and

F.R. Date	Subject
	<p>New Active Ingredients: Correction [EPA-HQ-OPP-2014-0009 and EPA-HQ-OPP-2014-0011; FRL-9951-70] (N/C)</p> <p>EPA: Tolfenpyrad; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2016-0193; FRL-9951-57] (FR)</p> <p>EPA: Acrylic acid-butyl acrylate-styrene copolymer; Tolerance Exemption [EPA-HQ-OPP-2016-0330; FRL-9952-34] (FR)</p>
10-06-16	EPA: Dichlormid; Pesticide Tolerances [EPA-HQ-OPP-2016-0121; FRL-9951-90] (FR)
10-11-16	<p>Department of Defense (DoD): Defense Federal Acquisition Regulation Supplement: Procurement of Commercial Items (DFARS Case 2016-D006); Extension of Comment Period [Docket DARS-2016-0028] (PR/E)</p> <p>EPA: Mandestrobin; Pesticide Tolerances [EPA-HQ-OPP-2014-0285; FRL-9945-37] (FR)</p> <p>EPA: Protection of Stratospheric Ozone: Determination 32 for Significant New Alternatives Policy Program [EPA-HQ-OAR-2003-0118; FRL-9953-72-OAR]</p>
10-12-16	Patent and Trademark Office (PTO): Secrecy and License to Export (Proposed collection/RFC)
10-13-16	DEA: Withdrawal of Notice of Intent to Temporarily Place Mitragynine and 7-Hydroxymitragynine Into Schedule I [Docket No. DEA-442W] (W/RFC)
10-14-16	<p>Energy: Energy Conservation Program: Test Procedures for Portable Air Conditioners: Correction [Docket Number EERE-2014-BT-TP-0014] (FR/C)</p> <p>Energy: Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Open Meetings for the Circulator Pumps Working Group to Negotiate a Notice of Proposed Rulemaking (NOPR) for Energy Conservation Standards and Test Procedures [Docket Number EERE-2016-BT-STD-0004] (N/H)</p> <p>EPA: Pyridaben; Pesticide Tolerances [EPA-HQ-OPP-2015-0390; FRL-9951-92] (FR)</p> <p>EPA: Isofetamid; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2016-0429; FRL-9952-59] (FR)</p> <p>EPA: Tebufenozide; Proposed Pesticide Tolerance [EPA-HQ-OPP-2008-0824; FRL-9952-75] (PR)</p> <p>NHTSA: Notice of Receipt of Petition for Decision That Nonconforming Model Year 2008 Chevrolet Silverado Trucks are Eligible for Importation [Docket No. NHTSA-2016-0041; Notice 1] (N)</p>
10-17-17	<p>Energy: Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment [Docket Number EERE-2016-BT-STD-0007] (Final Determination)</p> <p>Fish and Wildlife Service (FWS): Endangered and Threatened Wildlife and Plants; Review of Foreign Species That Are Candidates for Listing as Endangered or Threatened; Annual Notification of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions [Docket No. FWS-HQ-ES-2016-0072; 4500030115] (N)</p> <p>Energy: Energy Conservation Program: Energy Conservation Standards for General Service Lamps [Docket Number EERE-2013-BT-STD-0051] [Proposed definition and data availability]</p> <p>EPA: Metaldehyde; Pesticide Tolerances [EPA-HQ-OPP-2015-0558; FRL-9951-78] (FR)</p> <p>EPA: Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities [EPA-HQ-OPP-2015-0032; FRL-9952-19] (N/RFC)</p> <p>EPA: Pesticide Product Registration; Receipt of Applications for New Uses [EPA-HQ-OPP-2014-0011; FRL-9953-58] (N)</p> <p>EPA: Receipt of Information under the Toxic Substances Control Act [EPA-HQ-OPPT-2013-0677; FRL-9953-54] (N)</p> <p>Pipeline and Hazardous Materials Safety Administration (PHMSA): International Standards on the Transport of Dangerous Goods [Docket No. PHMSA-2016-0114; Notice No. 2016-19] (N/H)</p> <p>Federal Highway Administration (FHWA): Buy America Nationwide Waiver Notification for Commercially Available Off-the-Shelf (COTS) Products With Steel or Iron Components and for Steel Tie Wire Permanently Incorporated in</p>

F.R. Date	Subject
	Precast Concrete Products [FHWA-2016-0028] (N)/ <i>Proposed waivers</i>
10-19-16	Federal Aviation Administration (FAA): Hazardous Materials: Emergency Restriction/Prohibition Order [Docket No. FAA-2016-9288] [<i>Samsung Galaxy Note 7</i>]
	EPA: Penflufen; Pesticide Tolerances [EPA-HQ-OPP-2015-0559; FRL-9952-22] (FR)
	Energy: Energy Conservation Program: Test Procedures for Certain Categories of General Service Lamps [Docket No. EERE-2016-BT-TP-0005] (FR)
	EPA: Fluridone; Pesticide Tolerances [EPA-HQ-OPP-2016-0325; FRL-9951-81] (FR)
10-20-16	Federal Transit Administration (FTA): Notice of Buy America Waiver of Domestic Content Requirement for Minivans and Vans [Docket No. FTA-2016-0025] (N)
	National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA): Endangered and Threatened Wildlife and Plants: Final Rule to List the Island Grouper (<i>Mycteroperca fusca</i>) as Threatened and the Gulf Grouper (<i>Mycteroperca jordani</i>) as Endangered Under the Endangered Species Act [Docket No. 150527481-6928-02] (FR)
	PHMSA: Hazardous Materials: Damaged, Defective, Recalled Lithium Cells or Batteries or Portable Electronic Devices [Docket Number PHMSA-2016-0110; Notice No. 2016-21]
	EPA: Reconsideration of Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces [EPA-HQ-OAR-2009-0734; FRL-9954-38-OAR] (N)
10-21-16	EPA: Significant New Uses of Chemical Substances: Updates to the Hazard Communication Program and Regulatory Framework; Minor Amendments to Reporting Requirements for Premanufacture Notices; Reopening of Comment Period [EPA-HQ-OPPT-2014-0650; FRL-9952-69] (PR/RO)
	NHTSA: Notice of Receipt of Petition for Decision that Nonconforming Model Year 1996 and 1997 Ferrari F50 Passenger Cars Are Eligible for Importation [Docket No. NHTSA-2015-0094; Notice 1] (N)
10-25-16	DEA: Final Adjusted Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2016 [Docket No. DEA-420F] (Final Order)
	EPA/NHTSA: Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles - Phase 2 [EPA-HQ-OAR-2014-0827; NHTSA- 2014-0132; FRL-9950-25-OAR] (FR)
	EPA: Spirotetramat; Pesticide Tolerance [EPA-HQ-OPP-2015-0679; FRL-9951-80] (FR)
10-27-16	Energy: Energy Conservation Standards for Residential Central Air Conditioners and Heat Pumps: Availability of Provisional Analysis Results [Docket Number EERE-2014-BT-STD-0048] (N)
	EPA: Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities [EPA-HQ-OPP-2016-0594; FRL-9953-98] (N)
	EPA: Receipt of a Pesticide Petition Filed for Residues of a Pesticide Chemical in or on a Commodity [EPA-HQ-OPP-2016-0083; FRL-9954-27] (N)
	EPA: Significant New Use Rule on Certain Chemical Substances [EPA-HQ-OPPT-2015-0810; FRL-9951-77] (PR)
	EPA: Certain New Chemicals; Receipt and Status Information for June 2016 [EPA-HQ-OPPT-2016-0082; FRL-9952-62] (N)
	EPA: Pesticide Product Registration; Receipt of Application for New Use [EPA-HQ-OPP-2016-0594; FRL-9953-99] (N)
	Occupational Safety and Health Administration (OSHA): Preparations for the 32nd session of the UN Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCGHS) [Docket No. OSHA-2016-0005] (N/H) [<i>Nov. 15, 2016</i>]
10-28-16	Energy: Energy Conservation Program: Energy Conservation Standards for Miscellaneous Refrigeration Products [Docket Number EERE-2011-BT-STD-0043] (PR)
	Energy: Energy Conservation Program: Energy Conservation Standards for

F.R. Date	Subject
	Miscellaneous Refrigeration Products [Docket Number EERE-2011-BT-STD-0043] (FR)

Commerce seeks information on softwood lumber subsidies

On October 27, 2016, Enforcement and Compliance, International Trade Administration, Department of Commerce published in the *Federal Register* a [notice](#) requesting comments on any subsidies, including stumpage subsidies, provided by certain countries exporting softwood lumber or softwood lumber products to the United States during the period January 1, 2016 through June 30, 2016.

Comments must be submitted within 30 days after publication of the notice.

Commerce releases list of AD/CVD scope rulings

On October 7, 2016, Enforcement and Compliance, International Trade Administration, Department of Commerce published in the *Federal Register* a [notice](#) listing of scope rulings and anticircumvention determinations made between October 1, 2015, and December 31, 2015, inclusive. Commerce intends to publish future lists after the close of the next calendar quarter. Rulings were issued in the following investigations:

- A-570-967 and C-570-968: Aluminum Extrusions From the People's Republic of China (PRC)
- A-570-018 and C-570-019: Boltless Steel Shelving Units Prepackaged for Sale From the PRC
- A-570-901: Certain Lined Paper Products From the PRC
- A-570-504: Certain Petroleum Wax Candles From the PRC
- A-570-972: Certain Stilbenic Optical Brightening Agents From the PRC
- A-570-010 and C-570-011: Crystalline Silicon Photovoltaic Products From the PRC
- A-570-970: Multilayered Wood Flooring From the PRC
- A-570-886: Polyethylene Retail Carrier Bags From the PRC
- A-570-928: Uncovered Innerspring Units From the PRC

Antidumping and countervailing duty cases

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

The Americas - South America

Argentina

Boletín Oficial publications

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

BO Date	Subject
03-10-16	National Administration of Medicine, Food and Medical Technology (ANMATM): Disp. 10694/2016 (28-09-16) Ban on marketing of certain food products
	ANMATM: Disp. 10695/2016 (28-09-16) Ban on marketing of certain food products
	ANMATM: Disp. 10696/2016 (28-09-16) Ban on use and marketing of certain household products
	ANMATM: Disp. 10697/2016 (28-09-16) Ban on use and marketing of certain household products
	ANMATM: Disp. 10700/2016 (28-09-16) Ban on use and marketing of certain cosmetics
	ANMATM: Disp. 10705/2016 (28-09-16) Ban on use and marketing of certain cosmetics
	ANMATM: Disp. 10707/2016 (28-09-16) Ban on use and marketing of certain cosmetics
	ANMATM: Disp. 10710/2016 (28-09-16) Ban on use and marketing of certain cosmetics
	ANMATM: Disp. 10711/2016 (28-09-16) Ban on use and marketing of certain cosmetics
	ANMATM: Disp. 10713/2016 (28-09-16) Ban on marketing of certain medical products
	ANMATM: Disp. 10714/2016 (28-09-16) Ban on use and marketing of certain cosmetics
	ANMATM: Disp. 10717/2016 (28-09-16) Ban on marketing of certain food products
	ANMATM: Disp. 10718/2016 (28-09-16) Ban on marketing of certain food products
	ANMATM: Disp. 10720/2016 (28-09-16) Ban on marketing of certain food products
ANMATM: Disp. 10722/2016 (28-09-16) Ban on marketing of certain medical products	
06-10-16	Decree № 1065 (05-10-16) Exempting from the payment of import duties and taxes products of countries participating in the "22° Feria Artesanal del Mundo y Comunidades Indígenas"
06-10-16	Decree № 1067 (05-10-16) Exempting from the payment of import duties and taxes products of countries participating in the "23° Feria Internacional del Norte Argentino - FERINOA 2016" .
07-10-16	Federal Administration of Public Revenue (AFIP): General Resolution 3942 (06-10-16) Economic Complementation Agreement No. 18 - Eighty-Third Additional Protocol. Digital certificate of origin (COD). Pilot Plan between Argentina and the Federative Republic of Brazil. Implementation.
11-10-16	Law № 27279 Plant Protection Products (07-10-16)
11-10-16	AFIP: General Resolution 3943 (07-10-16) Process. Law No. 27,260. Book II, Titles I and II "voluntary and exceptional reporting system tenure domestic, foreign and other currency assets in the country and abroad" and "Regime exceptional regularization of tax obligations, the resources of the social and customs security." General Resolutions No. 3,919 and No. 3,920, their respective amended and supplemented. amending standard.
14-10-16	AFIP: General Resolution 3944 (13-10-16) Process. Law No. 27,260. Book II, Title I "voluntary reporting system and outstanding tenure domestic, foreign and other goods in the country and abroad currency". General Resolution No. 3,919, as amended. amending standard.
17-10-16	ANMATM: Disp. 11225/2016 (12-10-16) Ban on use and marketing of certain medical products
17-10-16	ANMATM: Disp. 11228/2016 (12-10-16) Ban on use and distribution of certain medical products
17-10-16	ANMATM: Disp. 11231/2016 (12-10-16) Ban on use and marketing of certain home sanitary products
17-10-16	ANMATM: Disp. 11233/2016 (12-10-16) Ban on use and marketing of certain medical products
17-10-16	ANMATM: Disp. 11235/2016 (12-10-16) Ban on use and marketing of certain

BO Date	Subject
	cosmeticsproducts
	ANMATM: Disp. 11237/2016 (12-10-16) Ban on use and marketing of certain cosmeticsproducts
	ANMATM: Disp. 11240/2016 (12-10-16) Ban on use and marketing of certain cosmetics products
	ANMATM: Disp. 11242/2016 (12-10-16) Ban on use and marketing of certain foodstuffs
	ANMATM: Disp. 11243/2016 (12-10-16) Ban on use and marketing of certain foodstuffs
	ANMATM: Disp. 11244/2016 (12-10-16) Ban on use and distribution of certain medical products
	ANMATM: Disp. 11245/2016 (12-10-16) Ban on use and marketing of certain medical products
	ANMATM: Disp. 11246/2016 (12-10-16) Ban on use and marketing of certain home sanitary products
	ANMATM: Disp. 11276/2016 (13-10-16) Prohibition on use, marketing, import and export of certain chemicals
21-10-16	Central Bank: Communication "A" 6060 /2016 (09-09-16) Ref .: Circular RUNOR 1 - 1224. "Prevention of money laundering, terrorist financing and other illicit activities." complementary aspects of customer due diligence. Adequacy.
26-10-16	AFIP: Gen. Res. Nº 3949 (24-10-16) Export destinations for consumption of natural gas. Determination of taxable value.
31-10-16	Decree 1133/2016 (28-10-16) Exempting from import duties and other charges products from countries participating in the International Fair Multisectorial "Expo Productos y Artesanías del Mundo - Primavera 2016".
	Decree 1134/2016 (28-10-16) Exempting from import duties and other charges products from countries participating in the "International Fair of Villa Gesell"

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
28-09-16	CAMEX: Resolution No. 91 of 27-09-16 Changes to 2% (two percent) the rates of import duty levied on capital goods, the ex-tariff condition.
29-09-16	CAMEX: Resolution No. 92 of 29-09-16 Changes the Brazilian Exceptions List the Common External Tariff of MERCOSUR.
10-10-16	CAMEX: Resolution No. 95, of 10-10-16 Changes the Brazilian Exceptions List the Mercosur Common External Tariff regarding the maize grain
11-10-16	CAMEX: Resolution No. 98, of 10-10-16 Changes the Brazilian Exceptions List the Common External Tariff of MERCOSUR
18-10-16	SECEX: Ordinance No. 44 of 17-10-16 - establishes criteria for allocating quota for imports, determined by CAMEX Resolution No. 95 of October 10, 2016.

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].

	Subject
03-10-16	Health: Decree No. 26 of 2016.- Amendment to Decree No. 977 of 1996, approving Food Health Regulations
06-10-16	Hacienda: Exempt Decree number 332 of 2016.- Determines number of weeks for calculating import parity price of automotive gasoline according to Law No. 20,765
	Agriculture: Exempt Resolution number 5,482, of 2016.- Modifies Resolution No. 1,557, of 2014, which establishes requirements for the authorization of pesticides
07-10-16	Hacienda: Decree Nº 262 - Making a customs point permanent
12-10-16	Agriculture: Exempt Decree Nº 369 of 2016.- Amendment to Exempt Decree No. 156 1998 that enables ports for the importation of plants, animals, products and by-products and agricultural and livestock inputs to the national territory
15-10-16	Hacienda: Decree Nº 348 free of 2016.- Apply cuts customs duties for imports of wheat and wheat flour or meslin
22-10-16	Hacienda: Exempt Decree Nº 370 of 2016.- Establishes provisional anti-dumping duty on imports of steel wire rod originating in China
25-10-16	Hacienda: Exempt Resolution Nº 5,981, of 2016.- Amendment Compendium of Customs Regulations
	Hacienda: Exempt Resolution Nº 5,671, 2016.- Establishes extension of time for the Export Cargo Deposit Pilot Program
28-10-16	Hacienda: Exempt Decree Nº 365 of 2016.- Apply reduction of customs duties for the import of raw sugar, refined sugar grades 1 and 2, and refined sugar grades 3 and 4 and substandard

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. Post entry [Classification, valuation and origin decisions on claims](#) (fallos de reclamaciones) at the first and second instance levels from 2003 to the present are also 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 issued in 2013 may be found at http://www.dian.gov.co/DIAN/13Normatividad.nsf/pages/Clasificacion_arancelarias_2013. For prior years, please see http://www.dian.gov.co/DIAN/13Normatividad.nsf/pages/Clasificaciones_arancelarias.

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
30-09-16	MinCIT: Circular 024 of 2016 "Products that require authorization, permit pre-export and certification by entities operating in the Single Window Trade – VUCE"
03-10-16	DIAN: Resolution № 65 of 2016 By which modifies the paragraphs párrafo 9 ° and 10 ° 11 and 12 to Article 1 of Resolution 4083 of 1999 is added.
04-10-16	DIAN: Resolution № 66 of 2016 By means of which functions are distributed in the Special Administrative Unit of the National Taxes and Customs.
05-10-16	DIAN: Circ. 07 Reopening of national borders with the Bolivarian Republic of Venezuela
07-10-16	MinCIT: Circular № 025 Circular 025 of 2016 "Resolution 1649 of August 31, 2016"
	MinCIT: Circular № 026 of 2016 "Pilot Implementation submission and updating of exporting companies before the anti-narcotics police through the Single Window for Foreign Trade – VUCE":
14-10-16	DIAN: Cir. 35 Reference Prices of Agricultural Products
	DIAN: Circular 2588 2016 Ad-Valorem taxes applicable to agricultural products concerned, their substitutes, agro-industrial products or byproducts.
20-10-16	DIAN: Resolution № 67 of 2016 Through which Resolution 000015 of 17 February 2016 is added [regarding requirements for Authorized Economic Operators]
24-10-16	MinCIT: Decree № 1687 Whereby the Soy group is removed from the Andean Price Band System -SAFP tariff subheading 1202.42.00.00
25-10-16	MinCIT: Cir. № 027 Amendment of Circular № 026 2015 - By which export quotas for sugar and sugar products are regulated in the agreement for trade promotion between Colombia - United States
31-10-16	DIAN: Circular 2595 of 2016 Ad-Valorem taxes applicable to agricultural products concerned, their substitutes, agro-industrial products or byproducts.
	DIAN: Cir. 36 of 2016 Reference prices for agricultural 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
02-10-16	External Relations: Agreement of Cooperation Agreement Between the Government Cooperation Agreement between the Government of the Republic of Peru and the Swiss Federal Council to prevent illicit trafficking in cultural property

Date	Subject
	External Relations: International Convention Entry into force of the Cooperation Agreement between the Government of the Republic of Peru and the Swiss Federal Council to prevent illicit trafficking in cultural property
05-10-16	National Customs and Tax Administration: Resolution No. 38-2016-SUNAT / 5F0000 General Procedure approved General Manifest INTA-PG.09 (version 6) National Customs and Tax Administration: Resolution No. 39-2016-SUNAT / 5F0000 Rectification approved the specific procedure cargo manifest acts related linked documents and incorporation INTA-PE.09.02 (version 6)
06-10-16	National Customs and Tax Administration: Resolution No. 37-2016-SUNAT / 5F0000 Approved the specific procedure Personnel Registry Operators Foreign Trade INTA-PE.24.04 (version 1)
07-10-16	Economy and Finance vice Ministerial Resolution 014-2016-EF / 15.01 Reference prices and additional variables rights referred to Supreme Decree No. 115-2001-EF applicable to imports of sugar corn rice and whole milk powder
08-10-16	Defense: Directorial Resolution No. 0882-2016 MGP / DGCG National standards incorporating Amendment 37-14 to the International Maritime Dangerous Goods Code (IMDG Code) for maritime transport of packaged dangerous goods and harmful substances in packaged form
09-10-16	Foreign Trade and Tourism: Ministerial Resolution No. 327-2016-MINCETUR Modify the RM No. 247-2010-MINCETUR / DM MINCETUR designating alternate representative to the Commission on Combating Customs Crimes and Piracy
10-10-16	External Relations: Supreme Decree No. 079-2016 -RE Ratify Addendum No. 3 to the Funding Agreement between the European Union and the Republic of Peru on the Programme Support Promotion Policy Peruvian exports of organic products (EURO-ECO-TRADE) Agriculture and Irrigation: Directorial Resolution No. 0042-2016-MINAGRI-SENASA-DSV Establish phytosanitary requirements for the importation of fresh fruit Palta Hass of origin and provenance Colombia Agriculture and Irrigation: Directorial Resolution No. 0041-2016-MINAGRI-SENASA-DSV Phytosanitary requirements necessary to establish compliance importing Pineapple Fresh Fruit origin and provenance Colombia Agriculture and Irrigation: Directorial Resolution No. 0024-2016-MINAGRI-SENASA-DSA Approved health import requirements mandatory various live-stock goods from Colombia
11-10-16	Agriculture and Irrigation: Directorial Resolution No. 0025-2016-MINAGRI-SENASA-DSA Approved health import requirements mandatory for livestock goods from Argentina and Austria
14-10-16	Economy and Finance: Supreme Decree No. 282-2016 -EF Affect the rate of return of customs duties provided for in the Rules of Procedure of Restitution Simplified Customs Duties approved by Supreme Decree No. 104-95-EF
20-10-16	Defense: Ministerial Resolution No. 1118-2016-DE / VRD Ministry representatives appointed to the Commission on Combating Customs Crimes and Piracy created by Law No. 27595
22-10-16	Agriculture and Irrigation: Directorial Resolution No. 0043-2016-MINAGRI-SENASA-DSV Phytosanitary requirements necessary to establish compliance on import of the parasitoid Encarsia Formosa and entomopathogenic nematodes Steinernema feltiae Heterorhabditis bacteriophora and source and origin Netherlands Agriculture and Irrigation: Directorial Resolution No. 0044-2016-MINAGRI-SENASA-DSV Have considered various options in the additional statement phytosanitary certificate for imports of sexual or asexual seeds of peppers as equivalent phytosanitary requirement for pests: Xanthomonas vesicatoria and Pseudomonas syringae pv. Syringa
25-10-16	National Institute of Antitrust and Protection of Intellectual Property (INDECOPI) Resolution No. 189-2016 / CDB-INDECOPI Apply anti-dumping duties on imports of biodiesel originating in the Republic of Argentina for a period of five years
28-10-16	Economy and Finance: Supreme Decree No. 295-2016-EF Revision to Table of Sanctions for offenses under the Customs Act
29-10-16	SUNAT: Resolution No. 280-2016 / SUNAT Incorporate the use of electronic

Date	Subject
	money in the Easy Pay System for the declaration and payment of dues New Single Simplified
	SUNAT: Resolution No. 40-2016-SUNAT / 5F0000 Specific Procedure Control modify restricted and prohibited goods INTA-PE.00.06 (version 3)
30-10-16	SUNAT: Resolution No. 41-2016 / SUNAT / 5F0000 General Procedure modified Export Final INTA-PG.02 (Version 6)

Venezuela

Exoneration from VAT and customs fees for the sale and import of goods and the provision of services destined to activities related to mass transport of passengers

[Presidential Decree No. 2,448](#) (the “Decree”) (*Official Gazette* No. 40,980 of September 2, 2016) exonerated from VAT liability the sale and import of goods and the provision of services listed below and exonerated from customs fees the import of the goods listed below, made by Governmental offices or State-owned companies, destined to activities related to the administration, design, construction, installation, operation, maintenance, functioning, repowering, modernization, reconstruction, expansion of the systems of massive transport of passengers exclusively by underground, elevated or in level, subway type, trolleybus, and rail track. The Decree entered into force on September 9, 2016 and will remain in force for five years.

The following are the exonerated goods and services:

Goods	Goods for construction, rolling material (wagons, locomotives, traction vehicles) railways, electrification, control and communications for trains, railroads and vehicles, access control and payment of tickets, equipment for the displacement of users in passenger stations, ventilation systems, air conditioning for fixed installations and rolling material, bombing system, support equipment, security and protection equipment and other necessary goods such as tools, manuals and parts.
Services	Studies, designs and fabrication of activities related to the massive transport of passengers, construction, rolling material, railways, fixed installations and mobile equipment, electronic and mechanical systems and equipment for massive transportation.

The exoneration will apply when the Governmental office or State-owned company requests the exoneration to the Ministry of the People's Power for Transport and Public Works and the latter approves such request in the following terms:

1. For imports and sale of mobile goods: Indication that the goods and their amounts correspond with the nature and scope of the activity to develop. It must indicate the specific number of items, the commercial description, the measurement unit, and the amount of goods of the operations are subject to the benefit, in addition to the customs office designated by the applicant through which the imports will be made.
2. For the provision of services: the request will indicate the need of the applicable service.

The Legal Department of the Ministry of the People's Power for Transport and Public Works must issue a favorable opinion during the 10 business days after the request is filed and recommend to the Minister the approval or not of the request. The Minister will have 10 business days to approve the request. The Minister must notify the decision to the applicant within 10 business days as of the expiration of the previous period.

The importer may use the approval of the Minister in one or more imports and must file a certified copy before the applicable customs office. The National Integrated Service of Customs and Tax Administration Revenue Service will keep a control of the balance of the imported goods and the goods to be imported in the future, in cases in which imports are made through different shipments. In the case of imports, the exoneration will apply if there is not national production of the imported goods, or if the national production of such good is insufficient, in which case, the Ministry must certify this condition. The importer must file a copy of the certification before the applicable customs office at the moment of the nationalization of the goods.

The beneficiaries of the exoneration must indicate in the invoice and in the purchase order or service agreement the phrase "exonerated operation", as well as the number, date and information of the publication of the Decree and the number of the applicable purchase order of the service. The beneficiaries must file before the Regional Management of National Integrated Service of Customs and Tax Administration Revenue Service, a quarterly relation of the operations that were subject of the exoneration described in this Decree.

The beneficiaries will lose the exoneration if they fail to comply with (i) the biannual evaluation established in article 65 of the VAT Law or (ii) the obligations established in the VAT Law and other tax regulations such as the Organic Law of Customs and its regulations.

For additional information, please contact [Ronald Evans](#), [José P. Barnola \(Jr.\)](#) or [Jorge Jraige](#). This article is also available in [Spanish here](#).

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 as well as material pertaining to the CIS is shown under EUROPE.]

Australia

DIBP issues guidance on voluntary disclosures

On 17 October 2016, the Department of Immigration and Border Protection (DIBP) issued [Notice № 2016/35, Voluntary disclosures under Section 243T and Section 243U Customs Act 1901](#) which provides guidance on what a voluntary disclosure is, what it can cover, and how to make a submission. The submission, called an error notice, must disclose fully, truthfully and of the submitter's own accord, the details of the relevant import or export declaration(s) and the nature of the error(s). If the disclosure results in additional duty and taxes, the outstanding amount must be paid. If a voluntary disclosure is made, the person making it is protected from offences in sections 243T and 243U of the *Customs Act 1901* (the Act) that relate to false or misleading statements.

A voluntary disclosure is the communication to DIBP through a written notice of an error (error notice), omission or adjustment in a statement (excluding outturn or cargo reports). Examples of an identified error or omission include:

- an error or omission in the customs value, including:

- failure to include a price related cost when calculating the customs value of goods
- incorrect adjustments to the customs value relating to transfer pricing
- an incorrect tariff classification
- an incorrectly applied Tariff Concession Order.

An error notice is not taken to be given voluntarily if:

- given after an officer exercises a power under a customs-related law to verify the information in the statement (such as a 214AD notice); or
- an infringement notice for an offence against sections 243T or 243U is issued in relation to the statement; or
- proceedings have commenced against an offence within sections 243T or 243U in relation to the statement.

An error notice can be made by amending a declaration in the Integrated Cargo System (ICS) or through a written declaration to an Australian Border Force (ABF) Officer outlining the nature of the errors and the relevant declarations.

After providing an error notice to DIBP and depending upon the nature of the error, omission or adjustment, you might also be asked to provide additional information to assist in the processing of a voluntary disclosure.

For more information, visit www.border.gov.au/voluntarydisclosures. If a holder of the broker's licence becomes aware that information that has been provided to DIBP by or on behalf of a client of the broker is false, misleading or incomplete, the broker must, as soon as practicable after becoming aware of the error or omission provide written particulars of the incident to DIBP.

DIBP notices and advices

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

Date	Series and No	Title
xx-10-16	Fact Sheet	Managing the risk of asbestos at the border
17-10-16	DIBP Notice No 2016/35	Voluntary disclosures under Section 243T and Section 243U Customs Act 1901

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
05-10-16	TC16-38 5 October 2016 Notice of Rates of Exchange - 04/10/2016
07-10-16	Charter of the United Nations Act 1945 Listing Declaration (No. 3) 2016 Charter of the United Nations Act 1945 Listing Declaration (No. 3) 2016
12-10-16	TC16-39 12 October 2016
19-10-16	Notice of Rates of Exchange - 18/10/2016 TC16-40 19 October 2016
26-10-16	TC16-41 26 October 2016
27-10-16	Notice of Rates of Exchange - 25/10/2016

Australian Tariff Precedents

The Department of Immigration and Border Protection (DIBP) and one of its predecessors, Australian Customs and Border Protection Service (ACBP) publish and post its [Tariff Precedent Files](#). Tariff Precedents are considered statements from Customs made to provide guidance on various classification issues.

Antidumping and countervailing duty cases

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

China (including Hong Kong SAR)

China launches “cooperation platform”

[General Administration of Customs \(GAC\) Announcement No 58](#) announced the launch on 18 October 2016 of a “[cooperation platform](#)” website in order to build a closer relationship between enterprises and the GAC. Enterprises with a IC card or IKEY card may use the website. Other enterprises will have to register first and other functions will not be immediately available.

The website will have the following functions (rough translation):

- Enterprise information: enterprises can query the enterprise customs registration information, customs personnel information, corporate credit rating, the annual report submitted, customs error records, customs operations for information.
- Customs Department for business: enterprises can apply for registration of enterprises through the platform, the declaration business license, enterprise registration information change, the declaration of administrative licensing changes, corporate certification applications, enterprise customs error review.
- Enterprise troubleshooting: enterprises involved in customs problems may raise issues with Customs through the platform in time for enterprises to solve or coordinate the solution.
- Policies and regulations: the Customs can push through the platform national and customs import and export policies and regulations to the enterprise, so that enterprises can understand and master them in a timely manner.
- Enterprise materials submissions: enterprises can submit the annual report of the enterprise, corporate certification report, self-evaluation of enterprise certification and other materials.
- Customs Department business: the platform will automatically declare the validity of the enterprise, the annual report submitted to the Customs Department for the situation to remind the business to avoid the relevant enterprises overdue customs operations.

China ends discriminatory tax exemptions for domestic civil aircraft

On October 18, 2016, United States Trade Representative Michael Froman announced that the United States has confirmed that China has ended discriminatory [tax exemptions](#) that had benefited certain types of aircraft produced in China. The United States challenged these tax exemptions at the WTO. China’s policy exempted certain aircraft produced in China – generally those under 25 metric tons by weight, including general aviation, business jets, and regional aircraft – from a 17 percent value-added tax. But it imposed those taxes on imported aircraft, including products manufactured in the United States. This impacted pro-

ducers of American-made aircraft as well as American parts producers who provide components to foreign-made aircraft.

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
09-20-16	GAC Ann. № 51	Promulgated on Regulating the Import and Export Goods Declaration Form under the Preferential Trade Agreement)
09-23-16	Interpretation	China-US C-TPAT Joint Certification
09-23-16	GAC Ann. № 53	Announcement on Matters Concerning the Operation of the Origin Control System of the Special Customs Controlled Areas (Bonded Supervisory Places)
09-26-16	GAC Order № 230	Measures for the Implementation of the Customs Inspection Act of the People's Republic of China
09-28-16	GAC Ann. № 54	Announcement on Matters Concerning the Customs Clearance and Audit of Business Consultation on Regional Customs Clearance
09-30-16	GAC Ann. № 55	Announcement on Adjustment of Consumption Tax Policy for Cosmetics
	MOFCOM № 53	About 2017 sugar import tariff quota and allocation rules apply announcement
10-08-16	MOFCOM Order № 3	Interim Measures for the Administration of the Establishment and Alteration of Foreign-Funded Enterprises
10-09-16	GAC Ann. № 56	In order to implement the "Opinions of the State Council on Promoting the Innovative Development of Processing Trade" (Guo Fa (2016) 4) and the Opinions of the State Council on Promoting the Restoration of Foreign Trade (Guo Fa (2016) 27)), According to the GAC Ann. № 45
10-12-16	GAC Ann. № 57	Announcement on Enterprises' Access to the Unified Information System for Cross-border E-commerce Import
10-17-16	GAC Ann. № 58	Launch GAC-enterprises cooperation platform
10-18-16	MOFCOM № 56	On 2017 fertilizer import tariff quota volume, allocation principles and procedures and related announcements

Antidumping and Countervailing Duty Cases

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

India

Other CBEC and DGFT notifications, circulars and instructions

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

Date	Series and №	Subject
CBEC		
03-10-16	54/2016 –Cus (T)	Includes two ICDs in list of Customs stations from where

Date	Series and №	Subject
		Export/Import under EP schemes can take place
	55/2016 –Cus (T)	Seeks to further amend notification No.12/2012-Customs, dated 17.03.2012
	56/2016 –Cus (T)	Amendment to Notification No. 57/2000-Cus dated 08.05.2000
	57/2016 –Cus (T)	Amendment to Notification No.94/96-Customs, dated the 16th December, 1996
05-10-16	58/2016 –Cus (T)	Makes further amendments to Notification no. 157/90-Customs dated 28th March, 1990 regarding temporary admission under the ATA Carnet
06-10-16	124/2016-Cus (NT)	Rate of exchange of conversion of the foreign currency with effect from 7th October, 2016
14-10-16	126/2016-Cus (NT)	Tariff Notification in respect of Fixation of Tariff Value of Edible Oils, Brass Scrap, Poppy Seeds, Areca Nut, Gold and Silver- Reg
20-10-16	127/2016-Cus (NT)	Rate of exchange of conversion of the foreign currency with effect from 21st October, 2016
31-10-16	131/2016-Cus (NT)	Regarding All Industry Rates (AIRs) Drawback effective from 15.11.2016
	132/2016-Cus (NT)	Re: amends Customs, Central Excise Duties and Service Tax Drawback Rules effective from 15.11.2016
	133/2016-Cus (NT)	Tariff Notification in respect of Fixation of Tariff Value of Edible Oils, Brass Scrap, Poppy Seeds, Areca Nut, Gold and Silver
DGFT		
04-10-16	Not. 30/2015-2020	Continuation of Minimum Import Price (MIP) on 66 HS Codes of Iron and Steel under Chapter 72 of ITC (HS), 2012 -Schedule - 1 (Import Policy): amendment in import Policy Conditions.
	Pub. Not. 37/2015-2020	Amendment in Para 4.94(a)(i), 4.94(a)(ii) and ANF-4I of Hand Book of Procedures 2015-20 - reg.
06-10-16	Pub. Not. 38/2015-2020	Procedure governing import of un-shredded scrap (HMS-I & HMS-II) under Para 2.54 of Handbook of Procedures (2015-2020).
20-10-16	Pub. Not. 39/2015-2020	Inclusion of Inland Container Depots located at Kalinaganagar and Turnb Village (Taluka Umbergaon, District Valsad) as a Port of Registration under Para 4.37 of Hand Book of Procedures (2015-2020).
25-10-16	Pub. Not. 40/2015-2020	Corrigendum to Public Notice No. 38/(2015-2020) dated 6th October, 2016.

Antidumping and countervailing duty cases

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

Indonesia

Regulations and other legal documents

The following import or export regulations and other documents were issued by the Ministry of Trade (T), the Ministry of Finance (F) or Customs & Excise (CE) or Director General of Customs (C) (dd-mm-yy).

Date	Reference	Matter
26-08-16	61/M-DAG/PER/8/2016 (T)	Pricing Benchmark Top Export Agricultural and Forestry Products Subject to Customs Exit
31-08-16	(F) KEP-1630/KM.4/2016	Pricing for Calculation of Export Levy
09-09-16	(C) Decree No. 415/BC	About Specifying Fully (Mandatory) Customs Decla-

Date	Reference	Matter
	/2016	ration Document Delivery System via Electronic Data Interchange (EDI)
13-09-16	(F) Regulation No. 134/PMK.010 / 2016	On the Fifth Amendment to Regulation of the Minister of Finance No. 213 / PMK.011 / 2011 on Classification System of Goods and Imposition of Import Duty on Imported Goods
20-09-16	64/M-DAG/PER/9/2016 (T)	Revenue Terms And Origin of Goods Outside the Customs Area ...
29-09-16	(F) KMK-1868/KM.4/2016	Pricing for Calculation of Export Levy

Malaysia

Federal Government Gazette

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

Date	Matter
06-10-16	P.U. (A) 252/2016 Consumer Protection (Certificate of Conformance and Conformity Mark of Safety Standards) (Amendment) Regulations 2016 - Consumer Protection Act 1999
07-10-16	P.U. (A) 253/2016 Customs Duties (Exemption) (Amendment) (No. 3) Order 2016 - Customs Act 1967
10-10-16	P.U. (A) 257/2016 Consumer Protection (Safety Standards for Toys) (Amendment) Regulations 2016 - Consumer Protection Act 1999
12-10-16	P.U. (B) 440/2016 Notification of Values of Crude Petroleum Oil Under Section 12 - Customs Act 1967
17-10-16	P.U. (B) 448/2016 Notice of Negative Final Administrative Review Determination of an Anti-Dumping Duty With Regard to the Imports of Polyethylene Terephthalate Originating or Exported From the Kingdom of Thailand - Countervailing and Anti-dumping Duties Act 1993
20-10-16	P.U. (B) 450/2016 Notification of Values of Crude Palm Oil Under Section 12 - Customs Act 1967
25-10-16	P.U. (B) 456/2016 Notification of Values of Crude Petroleum Oil Under Section 12 - Customs Act 1967
	P.U. (B) 457/2016 Notification of Values of Palm Kernel Under Section 12 - Customs Act 1967
31-10-16	P.U. (A) 281/2016 Customs Duties (Exemption) (Amendment) (No. 4) Order 2016 - Customs Act 1967
	P.U. (A) 286/2016 Customs Duties (Labuan) Order 2016 - Customs Act 1967
	P.U. (A) 287/2016 Customs Duties (Langkawi) (Amendment) Order 2016 - Customs Act 1967
	P.U. (A) 288/2016 Customs Duties (Tioman) (Amendment) Order 2016 - Customs Act 1967

Customs rulings

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

New Zealand

MPI clearance of wooden packaging and pallets

New Zealand Customs Service "[Customs Release](#)" advises importers and their agents that from 31 October 2016 goods classified under Chapter 44, subchapter 15 of the HS Tariff, being wooden packaging, pallets etc, will require clearance from the Ministry for Primary Industries, whether the goods are new or used.

This will be the same risk management approach as is taken for a number of other wood / wood product imports.

Consultation on Stockholm persistent organic pollutants and Rotterdam chemicals

The Environmental Protection Authority (EPA) is consulting on proposals to add new persistent organic pollutants (POPs) to Schedule 2A of the *Hazardous Substances and New Organisms Act 1996* (HSNO Act) .

The discussion document also covers:

- Changes to the Schedules of the *Imports and Exports (Restrictions) Prohibition Order (No 2) 2004* to include the new POPs and chemicals added to the Rotterdam Convention.
- Minor amendments to the *Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011* (ACVM Regulations), administered by the Ministry for Primary Industries.

New Zealand is a party to two United Nations agreements: the *Stockholm Convention on Persistent Organic Pollutants* (Stockholm Convention) and the *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade* (Rotterdam Convention). The parties to both conventions meet every two years and may decide to add new chemicals to those subject to the conventions.

A number of chemicals recently added to both conventions have not yet been included in New Zealand's domestic law. To ensure New Zealand complies with its international obligations, the amendments are required to the relevant New Zealand law.

The consultation is open for submission until 9:00am 27 October.

[For more details, click here to read the discussion document and the submissions form on the EPA website.](#)

Import prohibition on asbestos-containing products

From 1 October 2016 the importation of asbestos-containing products into New Zealand is prohibited unless the importer has a [permit](#) for the shipment issued by the Environmental Protection Authority (EPA). The importation ban has been put in place by way of the [Imports and Exports \(Asbestos-containing Products\) Prohibition Order 2016](#), made under the [Imports and Exports \(Restrictions\) Act 1988](#).

An exception to the prohibition is made if the product is imported solely for the purpose of export and is subject to the control of the Customs (as defined in sec-

tion 20 of the *Customs and Excise Act 1996*) at all times while it is in New Zealand.

The EPA must not grant a permit unless the applicant satisfies the EPA that one of the following applies:

- there is no alternative non-asbestos product available;
- the cost of using an alternative non-asbestos product would be disproportionately high having regard to the risk of exposure from the asbestos-containing product;
- the product is to be used solely for the purposes of research and development or teaching.

The applicant must also satisfy the EPA that the risk of exposure from the asbestos-containing product will be adequately managed. In addition, the EPA may impose any conditions on a permit it considers appropriate. The fee for the application is NZ\$650 (excluding GST), and must be paid when the application is lodged. If the time taken to process the application exceeds 2.5 hours, an additional assessment fee of \$116 (excluding GST) per hour will be payable. This additional fee will be discussed with the applicant before an invoice is prepared.

New Zealand Gazette

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

Date	Matter
04-10-16	Tariff Concession Approvals, Withdrawals and Declines Notice (No. 28) 2016
11-10-16	Tariff Concession Approvals, Withdrawals and Declines Notice (No. 29) 2016
	Tariff Concession (Advertisement) Notice No. 2016/29
	Tariff Concession (Advertisement) Notice No. 2016/29
18-10-16	Tariff Concession (Advertisement) Notice No. 2016/30
	Tariff Concession Approvals, Withdrawals and Declines Notice (No. 30) 2016
25-10-16	Tariff Concession (Advertisement) Notice No. 2016/31
	Tariff Concession Approvals, Withdrawals and Declines Notice (No. 31) 2016

Philippines

Philippines ratifies TFA

On 27 October 2016, the WTO [announced](#) that the Philippines has ratified the Trade Facilitation Agreement (TFA), becoming the 95th member of the WTO to do so. The Philippines' instrument of acceptance was submitted to the WTO on 27 October 2016. The TFA will enter into force once two-thirds of the WTO membership has formally accepted the Agreement. The Philippines' acceptance means over 86 per cent of the ratifications needed for entry into force have now been received.

Concluded at the WTO's 2013 Bali Ministerial Conference, the TFA contains provisions for expediting the movement, release and clearance of goods, including goods in transit. It also sets out measures for effective cooperation between customs and other appropriate authorities on trade facilitation and customs compliance issues. It further contains provisions for technical assistance and capacity building in this area. On 31 July 2014, the Philippines submitted its [Category A](#) notification to the WTO outlining which substantive provisions of the TFA it intends to implement upon entry into force of the Agreement.

Website established for consultations on CMTA

Republic Act (RA) No. 10863, otherwise known as the [Customs Modernization and Tariff Act](#) (CMTA), was signed into law on 30 May 2016

The CMTA amended the *Tariff and Customs Code of the Philippines* (TCCP) with the aim of modernizing Customs rules and procedures for faster trade, reduce opportunities for corruption, improve Customs service delivery and improve supply chain.

The Department of Finance has established a website for the public consultation on the drafting of the Implementing Rules and Regulations (IRR) of the CMTA.

At present, there is a [call for position papers and participation in the public consultation on the Customs Bonded Warehousing System](#). The Department of Finance is accepting Position Papers from interested private and public stakeholders from 13 October to 20 October 2016, closing exactly at midnight, Philippine Standard Time.

Upcoming events (as of October 13, 2016) are (mm-dd-yy)

Topic	Posting Date	Deadline/Public Consultation
Customs Bonded Warehousing System	10-13-16	10-20-16
Balikbayan Boxes	10-20-16	10-27-16
Conditionally Tax and Duty Exempt Importation by <i>Balikbayans</i> , Returning Residents and Overseas Filipino Workers	10-27-16	11-03-16
Duty Drawback, Refund and Abatement	11-03-16	11-10-16
Treatment of Different Types of Stores, Clearance of Postal Items, Traveler and Passenger Baggage Processing	11-10-16	11-17-16
Entry Lodgment and Cargo Clearance Process	11-17-16	11-24-16
Abandonment – Kinds and Effects	11-24-16	12-01-16
Authorized Economic Operators	12-01-16	12-08-16
Dispute Settlement and Protest	12-08-16	12-15-16
Export Cargo Clearance and Issuance of Rule of Origin	12-15-16	12-22-16
Closed consultations		
Post Clearance Audit	09-29-16	10-06-16
Alert Orders and Risk Management in Customs Control	09-15-16	09-22-16
Advance Ruling System	09-01-16	09-08-16
De Minimis Importations	08-25-16	09-01-16

BOC increases De Minimis from P10 to P10,000

On October 11, 2016 the Bureau of Customs (BOC) [announced](#) that the first Customs Administrative Order (CAO) that will implement a salient feature of the *Customs Modernization and Tariff Act* (CMTA, Republic Act (RA) No. 10863) has already been signed and approved.

On September 28, [CAO No. 02-2016 Subject: Imported Goods With De Minimis Value Not Subject to Duties and Taxes](#) was signed by Customs Commissioner Nicanor Faeldon and approved by Finance Secretary Carlos Dominguez III. It implements Section 423 of the CMTA, which provides that “[n]o duties and taxes shall be collected on goods with freight on board (FOB) or free carrier (FCA) value of P10,000.00 or below.” The announcement said:

De minimis, as defined in this CAO, is the value of goods for which no duty or tax is collected. Goods with de minimis value are considered importations with negligible amount and entitled to immediate release.

It is an upgrade from the decades-old *Tariff and Customs Code of the Philippines* (TCCP), which only provided P10 as the de minimis threshold.

This CAO is the product of a public consultation held on 1 September to incorporate inputs from stakeholders.

“This is good news for Filipinos, who can now fully enjoy their small purchases from other countries. I trust that everyone will strictly abide by the provisions of the CAO,” Commissioner Faeldon said.

This CAO aims to minimize importation and customs administration costs in the clearance of importations with de minimis value without compromising customs border enforcement and control. This also aims to make Customs responsive to the growing liberalization and facilitation thrust in consonance with the different applicable international trade agreements.

The CAO specifies exclusions from immediate release, including prohibited and restricted importations. Regulated importations within de minimis value shall comply with the requirements of the concerned regulatory agencies.

Importations of tobacco goods, wines and spirits within the de minimis value shall still be subject to payment of excise tax, as provided by the *National Internal Revenue Code* (NIRC).

This CAO also gives the Secretary of Finance the power to adjust the de minimis value every three years using the Consumer Price Index, as published by the Philippine Statistics Authority.

Goods found to violate this CAO shall be disposed of in accordance with Chapter 10, Title XI, of the CMTA. Violations committed by any person, officer or employee shall be penalized in accordance with Title IV of the CMTA and other penal provisions.

This CAO shall take effect on 25 October, 15 days after its publication in the Official Gazette. The full text may be viewed at <http://www.gov.ph/2016/10/10/custom-administrative-order-no-02-s-2016/>. The Bureau will release other information materials like infographics for stakeholders and the public soon.

With the first CAO already released, BOC continues with its series of public consultations to include stakeholders in drafting the other CAOs that will highlight other important provisions of the CMTA

Customs Orders

The following [Customs Administrative Orders \(CAO\)](#), [Customs Memorandum Circulars \(CMC\)](#) (other than IPR recordations, exchange rates, and rice prices) and [Customs Memorandum Orders \(CMO\)](#) were posted to the [Bureau of Customs website](#) [Date is mm/dd/yy]:

Date	Reference	Matter
09-28-16	CAO 02-2016	Imported Goods with De Minimis Value not Subject to Duties and Taxes

Singapore

Singapore- Australia FTA - 3rd review completed with new updates

Trade between Singapore and Australia is strong as the value of two-way goods trade was AUD 16.2 billion in 2015. Both countries took steps to make it even stronger when they completed the 3rd review and signed updates to the *Singapore-Australia Free Trade Agreement* (SAFTA) on 13 October 2016. The new agreement captures the most recent developments in trade rules and includes

provisions from the *ASEAN-Australia-New Zealand Free Trade Agreement* (AANZFTA) and the *Trans-Pacific Partnership* (TPP). It enters into force in 2017, once Singapore and Australia have completed their domestic treaty processes.

How will this agreement help your business?

The updates create new trade rules for goods, increase opportunities for government contracts, provide greater access to the services sector, facilitate investments, improve mobility for business persons and create rules to facilitate trade in a digital economy.

How will this agreement help your business?

- easier claims for preferential treatment by way of clarifying and simplifying the rules of origin and origin certification;
- full schedule of product specific rules of origin including products such as certain electronic machinery, equipment and parts thereof, and certain beverages;
- allows for self-certification and sets origin verification procedures including written requests for information, requests for customs administrations to assist in verification and verification visits;
- new rules and special annexes for the trade of cosmetics, medical devices, and wine and distilled spirits, which are consistent with the TPP.

Updates in the services sector:

- includes telecommunications and e-commerce TPP provisions to ensure consistency between the trade agreements;
- recognizes Juris Doctor degrees of universities currently listed in SAFTA;
- provides for new access for universities with a graduate model of legal education;
- recognizes the health degrees in physiotherapy, occupation therapy and speech therapy;
- establishes a framework under SAFTA to support mutual recognition of professional qualifications. Priority will be given to arrangements for engineers and accountants;
- provides for cross-border services in investment advice and portfolio management services, and brokerage services for insurance of maritime, aviation and transportation related risk;
- extends the length of stay from 3 months to two years for independent executives and contractual service suppliers;
- extends the length of stay for intra-corporate transferees up to a new maximum stay of 15 years;
- extends the length of stay for individuals offering services relating to installation and servicing of machinery and equipment for up to 3 months;
- allows for spouses and dependents of Singaporeans and Australians to enter as intra-corporate transferees, independent executives and contractual service suppliers.

Updates for investments include:

- updates the existing investor-state dispute settlement (ISDS) and establishes more explicit safeguards that protect the Government's right to regulate in the public interest including public welfare, health, environment;

- establishes rules to protect government action that may be inconsistent with an investor's expectations, which is not a breach of the minimum standard of treatment obligation;
- excludes tobacco control measures from ISDS;
- carves out certain government functions from being challenged under ISDS including pharmaceutical and medicare schemes, Therapeutic Goods Administration and Office of the Gene Technology Regulator, foreign investment policy, decisions of the Foreign Investment Review Board, social services including social welfare, public education, health and public utilities and policies related to creative arts, indigenous traditional cultural expressions and other cultural heritage;
- harmonizes investment screening thresholds and rules with the TPP

Updates for government procurement include:

- modernizes and updates procurement practices including but not limited to establishing transparency for the procurement process and rules for technical specifications so as to avoid unnecessary obstacles to trade;
- facilitates the participation of small and medium enterprises (SME) in government contracts by providing comprehensive procurement-related information in a single electronic portal, making tender documentation available free of charge, conducting procurement by electronic means and consideration of SME subcontracting.

For additional information, please contact [Anne Petterd](#) in Sydney or [Eugene Lim](#) or [Ken Chia](#) in Singapore.

Vietnam

Government documents

The following Government laws, decrees, decisions, notices and other documents related to international trade were posted by the General Department of Vietnam Customs on its [website](#). Translations are automated and unofficial [dd-mm-yy]:

Date	Reference and Matter
05-10-16	Official Letter No. 1325 / GSQL-GQ2 of 05.10.2016 of the General Department of Customs guiding TTHQ for goods imported to serve the research - development, exhibitions, displays and product introduction
	Official Letter No. 1326 / GSQL-GQ2 of 05.10.2016 of the General Department of Customs on imported goods for re-export
06-10-16	Official Letter No. 1333 / GSQL-GQ1 of 06.10.2016 of the General Department of Customs on imported scrap
	Official Letter No. 9631 / TCHQ-TXNK dated 06.10.2016 of the General Department of Customs on tax and customs policy for the service fee centralized purchasing
10-10-16	Official Letter No. 1344 / GSQL-GQ1 10.10.2016 of the General Department of Customs inspection of goods on display formaldehyde, product introduction
12-10-16	Official Letter No. 14 401 / TCHQ-BTC dated 10.12.2016 of the Ministry of Finance on handling tax on imported goods of investment projects
13-10-16	Official Letter No. 9796 / TCHQ-TXNK dated 10.13.2016 of the General Administration of Customs on environmental tax on petroleum imports

Europe and Middle East

Middle East

GCC member states launch safeguard investigation on ferro-silico-manganese

On 5 October 2016, the WTO announced that Saudi Arabia, on behalf of the Gulf Co-operation Council (GCC) member states, notified the WTO's Committee on Safeguards that it initiated on 3 October 2016 a safeguard investigation on Ferro-silico-manganese.

The address of the competent authority for correspondence is:

Cooperation Council for the Arab States of the Gulf
 Mr. Rihan Mubarak Fayez
 Directorate General of GCC-Bureau of Technical
 Secretariat for Anti Injurious Practices in International Trade
 P.O. Box 7153 Riyadh 11462
 TEL: (+966) 112551388 – TEL: (+966) 112551399
 FAX: (+966) 11 2810093
 Kingdom of Saudi Arabia
 Email: TSAD@gccsg.org

Further information is available in [G/SG/N/6/SAU/2](#).

European Union and EFTA

Commission publishes 2017 version of the Combined Nomenclature

The European Commission has published the latest version of the Combined Nomenclature (CN) as [Commission Implementing Regulation \(EU\) 2016/1821 of 6 October 2016 amending Annex I to Council Regulation \(EEC\) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff](#) in the *Official Journal* of 28 October 2016. It will be applicable from 1 January 2017.

The CN forms the basis for the declaration of goods (a) at importation or exportation or (b) when subject to intra-Union trade statistics. This determines which rate of customs duty applies and how the goods are treated for statistical purposes.

The 2017 CN reflects the international commitments entered into by the Union, including the latest changes in the Harmonised System Nomenclature, the changes made as a result of Council Decision 2010/314/EU, and the changes made as a result of the Agreement in the form of the Declaration on the Expansion of Trade in Information Technology Products (ITA) approved, on behalf of the Union, by Council Decision (EU) 2016/971.

The amendments to the CN also take account of, for instance, changes in requirements relating to statistics and to commercial policy, technological and commercial developments, and the need to align or clarify texts or the changes to the references following the entry into force of the Union Customs Code.

Annex 1 to Section I (Agricultural Annexes) of Part Three (Tariff Annexes) of the CN contains Table I for the calculation of the agricultural components (AE), additional duties for sugar (AD S/Z) and additional duties for flour (AD F/M). Consider-

ing that the determination of the content of sucrose/invert sugar/isoglucose for products containing fructose could be interpreted differently in practice, a text clarifying the calculation has been set out in footnote 3 to Table 1.

The measures provided for in the Regulation are in accordance with the opinion of the Customs Code Committee.

EU expands sanctions in respect of North Korea

On 14 October 2016, the EU updated its sanctions in respect of the Democratic People's Republic of Korea ("DPRK") in order to implement recent changes to UN sanctions on DPRK (as discussed in our recent Sanctions blog post available [here](#)).

The update identifies a list of additional goods to which the prohibitions on the transfer, procurement and provision of technical assistance apply (the "Sensitive Goods List"). The Sensitive Goods List is split into both (1) Nuclear- and/or Missile-usable Items and (2) Chemical/Biological Weapons-usable Items. It includes various goods meeting certain specifications as set out in the Annex to the Regulation.

The "Nuclear- and/or Missile-usable Items" list includes the following types of goods if they meet certain specifications: magnet materials; maraging steel; magnetic alloy materials in sheet or thin strip form; frequency changers (also known as converters or inverters); high-strength aluminium alloy; fibrous or filamentary materials; filament winding machines; flow-forming machines; laser welding equipment; 4- and 5-axis CNC machine tools; plasma cutting equipment and metal hydrides.

The "Chemical/Biological Weapons-usable Items" list includes the following types of goods if they meet certain specifications: certain chemicals suitable for the production of chemical warfare agents; reaction vessels reactors, agitators, heat exchangers, condensers, pumps, valves, storage tanks, containers, receivers, and distillation or absorption columns that meet certain performance parameters; and conventional or turbulent air-flow clean-air rooms and self-contained fan-HEPA filter units that could be used for certain containment facilities.

Please see [Implementing Regulation 2016/1831](#) of 14 October 2016 amending [Regulation 329/2007](#) for full details of the goods covered.

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

EU foreign ministers meet to discuss Syrian conflict

On 17 October 2016, European Union foreign ministers met to discuss the conflict in Syria and possible further action.

EU ministers called on Russia to take immediate action to halt indiscriminate bombing by the Syrian regime, restore a cessation of hostilities, ensure immediate and expanded humanitarian access and create the conditions for a credible and inclusive political transition in Syria. In addition, they condemned the confirmed use of chemical weapons (as detailed in the UN's [JIM report](#)) and widespread attacks on civilians and human rights violations and abuses by the Syrian regime and Da'esh, simultaneously urging the Organisation for the Prohibition of Chemical Weapons and the United Nations Security Council to take "strong action" in this respect.

The EU Council concluded that the EU and its Member States will seek to explore possibilities of concerted action *inter alia* through the UN General Assembly, and that the EU will act swiftly to impose restrictive measures against Syria by targeting Syrian individuals and entities supporting the Assad regime.

The Council conclusions are available in full [here](#). For additional information, please contact [Ross Denton](#).

EU to provisionally apply SADC EPA

On 11 October 2016, the *Official Journal* published a [notice](#) announcing that the European Union and the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia, the Republic of South Africa and the Kingdom of Swaziland have notified the completion of the procedures necessary for the provisional application of 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](#), in accordance with Article 113 of that Agreement. Consequently, the Agreement applies provisionally as from 10 October 2016 between the European Union and the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia, the Republic of South Africa and the Kingdom of Swaziland. By virtue of Article 3(2) of [Council Decision \(EU\) 2016/1623](#) on the signing and provisional application of the Agreement, Article 12(4) shall not be provisionally applied. On 10 October 2016, for products originating in Botswana, Namibia and Swaziland, pursuant to Article 5 of [Council Regulation \(EU\) 2016/1076](#), Protocol 1 of the Agreement concerning the definition of the concept of 'originating products' will supersede the provisions contained in Annex II of the said Regulation.

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

No amendments to the *Explanatory Notes to the Combined Nomenclature of the European Union* 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 substanc-

es and fishing rights) were published in the *Official Journal of the European Union*:

OJ Date	Subject
01-10-16	Council Decision (EU) 2016/1749 of 17 June 2016 on the conclusion, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, with the exception of its provisions falling within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union
	Council Decision (EU) 2016/1750 of 17 June 2016 on the conclusion, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, as regards its provisions on obligations related to judicial cooperation in criminal matters and the definition of criminal offences
	<ul style="list-style-type: none"> • Protocol to Eliminate Illicit Trade in Tobacco Products
	Council Decision (EU) 2016/1754 of 29 September 2016 amending Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece
04-10-16	Commission Decision (EU) 2016/1756 of 28 September 2016 determining the European Union position with regard to a decision of the management entities under the Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment, on the revision of specifications for displays included in Annex C to the Agreement
	Commission Implementing Decision (EU) 2016/1765 of 3 October 2016 on the identification of ICT Technical Specifications for referencing in public procurement
05-10-16	Commission Implementing Regulation (EU) 2016/1768 of 4 October 2016 concerning the authorisation of guanidinoacetic acid as a feed additive for chickens for fattening, weaned piglets and pigs for fattening and repealing Commission Regulation (EC) No 904/2009
	Commission Implementing Decision (EU) 2016/1770 of 30 September 2016 concerning certain protective measures relating to African swine fever in Poland and repealing Implementing Decisions (EU) 2016/1406 and (EU) 2016/1452 (notified under document C(2016) 6102)
	Commission Implementing Decision (EU) 2016/1771 of 30 September 2016 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States, as regards the entries for Lithuania and Poland (notified under document C(2016) 6103)
06-10-16	Commission Implementing Decision (EU) 2016/1774 of 4 October 2016 amending Decision 2010/381/EU on emergency measures applicable to consignments of aquaculture products imported from India and intended for human consumption (notified under document C(2016) 6280)
	Commission Implementing Decision (EU) 2016/1775 of 4 October 2016 amending Decision 93/195/EEC by adding Qatar to the list of third countries from which Member States authorise the re-entry into Union territory of registered horses which have been temporarily exported for a period of less than 90 days to take part in International Group/Grade meetings (notified under document C(2016) 6270)
07-10-16	Notice concerning the provisional application of the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part
	Commission Regulation (EU) 2016/1776 of 6 October 2016 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of sucralose (E 955) as a flavour enhancer in chewing gum with added sugars or polyols
	Commission Implementing Decision (EU) 2016/1781 of 5 October 2016 amending Annex II to Decision 2007/777/EC as regards inserting an entry for Saint Pierre and Miquelon in the list of third countries or parts thereof from which the introduction into the Union of meat products and treated stomachs, bladders and intestines is authorised (notified under document C(2016) 6287)

OJ Date	Subject
	Commission Implementing Decision (EU) 2016/1782 of 5 October 2016 amending Decision 2008/185/EC as regards the inclusion of Lithuania in the list of Member States where an approved national control programme for Aujeszky's disease is in place and updating the list of national institutes in Annex III (notified under document C(2016) 6288)
08-10-16	Commission Implementing Regulation (EU) 2016/1784 of 30 September 2016 amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis Commission Regulation (EU) 2016/1785 of 7 October 2016 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cymoxanil, phosphane and phosphide salts and sodium 5-nitroguaiacolate, sodium o-nitrophenolate and sodium p-nitrophenolate in or on certain products
11-10-16	Notice concerning the provisional application of 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 Council Decision (EU) 2016/1790 of 12 February 2016 on the conclusion of Revision 3 of the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for the reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') Agreement concerning the adoption of harmonised technical United Nations Regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these United Nations Regulations Commission Implementing Regulation (EU) 2016/1793 of 10 October 2016 amending Implementing Regulation (EU) 2016/759 as regards the introduction into the Union of gelatine and collagen and treated raw materials for these products from Taiwan Council Decision (EU) 2016/1795 of 29 September 2016 establishing the position to be adopted on behalf of the European Union with regard to the amendments to the Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and to the Annexed Regulations to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) Decision No 1/2016 of the Joint Implementation Committee set up by the Voluntary Partnership Agreement between the European Union, of the one part, and the Republic of Indonesia, of the other part of 15 September 2016 concerning the start date of the Forest Law Enforcement Governance and Trade (FLEGT) licensing scheme [2016/1797]
12-10-16	Commission Implementing Regulation (EU) 2016/1802 of 11 October 2016 amending Implementing Regulation (EU) No 414/2013 specifying a procedure for the authorisation of some biocidal products in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council Commission Implementing Decision (EU) 2016/1804 of 10 October 2016 on the detailed rules for the application of Articles 34 and 35 of Directive 2014/25/EU of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors (notified under document C(2016) 6351)
13-10-16	Commission Delegated Regulation (EU) 2016/1788 of 14 July 2016 amending Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards the list of requirements for vehicle EU type-approval, and amending and correcting Commission Delegated Regulations (EU) No 1322/2014, (EU) 2015/96, (EU) 2015/68 and (EU) 2015/208 with regard to vehicle construction and general requirements, to environmental and propulsion unit performance requirements, to vehicle braking requirements and to vehicle functional safety requirements Commission Implementing Regulation (EU) 2016/1789 of 7 September 2016 amending Implementing Regulation (EU) 2015/504 with regard to the administrative requirements for the approval and market surveillance of agricultural and

OJ Date	Subject
	forestry vehicles
14-10-16	<p>Commission Regulation (EU) 2016/1814 of 13 October 2016 amending the Annex to Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for steviol glycosides (E 960)</p> <p>Commission communication in the framework of the implementation of Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (Publication of references of European Assessment Documents in accordance with Article 22 of Regulation (EU) No 305/2011) [2016/C 378/08]</p> <p>Information notice — Public consultation — Geographical indications from Colombia and Chile [2016/C 378/14]</p> <p>Commission communication in the framework of the implementation of Directive 2014/53/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (Publication of titles and references of harmonised standards under Union harmonisation legislation) [2016/C 381/01]</p> <p>Commission communication in the framework of the implementation of Commission Delegated Regulation (EU) No 65/2014 of 1 October 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of domestic ovens and range hoods and of Commission Regulation (EU) No 66/2014 of 14 January 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for domestic ovens, hobs and range hoods (Publication of titles and references of harmonised standards under Union harmonisation legislation) [2016/C 381/02]</p>
15-10-16	<p>Commission Delegated Regulation (EU) 2016/1824 of 14 July 2016 amending Delegated Regulation (EU) No 3/2014, Delegated Regulation (EU) No 44/2014 and Delegated Regulation (EU) No 134/2014 with regard, respectively, to vehicle functional safety requirements, to vehicle construction and general requirements and to environmental and propulsion unit performance requirements</p> <p>Commission Implementing Regulation (EU) 2016/1825 of 6 September 2016 amending Implementing Regulation (EU) No 901/2014 with regard to the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles</p> <p>Commission Implementing Regulation (EU) 2016/1826 of 14 October 2016 concerning the non-approval of the active substance tricyclazole, 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</p> <p>Corrigendum to the Commission communication in the framework of the implementation of the European Parliament and the Council Directive 2009/142/EC relating to appliances burning gaseous fuels (codified version) (Publication of titles and references of harmonised standards under the directive) (OJ C 349, 22.12.2010) [2016/C 382/07]</p>
18-10-16	<p>Commission Implementing Regulation (EU) 2016/1832 of 17 October 2016 amending the model certificates for imports into the Union of meat preparations, meat products and treated stomachs, bladders and intestines, as well as fresh meat of domestic solipeds set out in Decisions 2000/572/EC and 2007/777/EC and Regulation (EU) No 206/2010 as regards public health requirements for residues</p> <p>Commission Implementing Regulation (EU) 2016/1833 of 17 October 2016 concerning the authorisation of a preparation of kidney bean lectins (<i>Phaseolus vulgaris</i> lectins) as a feed additive for suckling piglets (holder of authorisation Biolek Sp. z o.o.)</p> <p>Commission Implementing Regulation (EU) 2016/1834 of 17 October 2016 amending Regulation (EU) No 37/2010 as regards the substance monepantel</p> <p>Commission Regulation (EU) 2016/1822 of 13 October 2016 amending Annexes II, III and V to Regulation (EC) No 396/2005 of the European Parliament and</p>

OJ Date	Subject
	of the Council as regards maximum residue levels for aconifen, deltamethrin, fluazinam, methomyl, sulcotrione and thiodicarb in or on certain products
19-10-16	Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change <ul style="list-style-type: none"> • Paris Agreement
	Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information
	Commission Implementing Regulation (EU) 2016/1823 of 10 October 2016 establishing the forms referred to in Regulation (EU) No 655/2014 of the European Parliament and of the Council establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters
	Value Added Tax (VAT) — Exempt investment gold — List of gold coins meeting the criteria established in Article 344(1), point (2) of Council Directive 2006/112/EC (special scheme for investment gold) — Valid for the year 2017 [2016/C 385/09]
	Commission Directive (EU) 2016/1855 of 19 October 2016 amending Directive 2009/32/EC of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients
20-10-16	Regulation No 67 of the Economic Commission for Europe of the United Nations (UNECE) — Uniform provisions concerning the I. Approval of specific equipment of vehicles of category M and N using liquefied petroleum gases in their propulsion system; II. Approval of vehicles of category M and N fitted with specific equipment for the use of liquefied petroleum gases in their propulsion system with regard to the installation of such equipment [2016/1829]
	Commission Directive (EU) 2016/1855 of 19 October 2016 amending Directive 2009/32/EC of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients
21-10-16	Commission Regulation (EU) 2016/1866 of 17 October 2016 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 3-decen-2-one, acibenzolar-S-methyl and hexachlorobenzene in or on certain products
	Commission Implementing Regulation (EU) 2016/1867 of 20 October 2016 amending the Annex to Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty
	Council Decision (EU) 2016/1850 of 21 November 2008 on the signature and provisional application of the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part <ul style="list-style-type: none"> • Stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part
22-10-16	Council Decision (EU) 2016/1873 of 10 October 2016 on the signing, on behalf of the European Union, of the Agreement establishing the EU-LAC International Foundation <ul style="list-style-type: none"> • Agreement establishing the EU-LAC International Foundation
	Council Decision (EU) 2016/1876 of 13 October 2016 on the position to be adopted on behalf of the European Union within the Association Committee in Trade configuration established by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other
	Commission Implementing Decision (EU) 2016/1878 of 21 October 2016 determining that the temporary suspension of the preferential customs duty established under the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, is not appropriate for imports of bananas originating in Guatemala for the year 2016
25-10-16	Commission Implementing Regulation (EU) 2016/1881 of 24 October 2016

OJ Date	Subject
	<p>amending Implementing Regulation (EU) No 837/2012 as regards the minimum activity of 6-phytase produced by <i>Aspergillus oryzae</i> (DSM 22594) as feed additive for sows (holder of authorisation DSM Nutritional Products Ltd)</p> <p>Council Decision (EU) 2016/1883 of 18 October 2016 establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the United States' request for a WTO waiver to permit the US to provide preferential treatment to eligible products originating in Nepal</p> <p>Commission Regulation (EU) 2016/1872 of 6 October 2016 establishing for 2016 the 'Prodcum list' of industrial products provided for by Council Regulation (EEC) No 3924/91</p>
26-10-16	<p>Council Decision (EU) 2016/1884 of 18 October 2016 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Eastern Republic of Uruguay pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union</p> <ul style="list-style-type: none"> Agreement in the form of an Exchange of Letters between the European Union and the Eastern Republic of Uruguay pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union <p>Council Decision (EU) 2016/1885 of 18 October 2016 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union</p> <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 pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the Schedule of the Republic of Croatia in the course of its accession to the European Union <p>Notice to economic operators — New round of requests for the suspension of the autonomous Common Customs Tariff duties on certain industrial and agricultural products [2016/C 394/05]</p>
27-10-16	<p>Corrigendum to List of national authorities designated according to the provision in Article 29(2) of Council Regulation (EC) No 515/97 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ C 366, 14.12.2013) [2016/C 396/08]</p>
28-10-16	<p>Commission Implementing Regulation (EU) 2016/1821 of 6 October 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff</p> <p>Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015</p> <ul style="list-style-type: none"> International Agreement on Olive Oil and Table Olives, 2015 <p>Commission Implementing Decision (EU) 2016/1898 of 26 October 2016 amending Implementing Decision 2013/764/EU concerning animal health control measures relating to classical swine fever in certain Member States (notified under document C(2016) 6710)</p> <p>Commission Implementing Decision (EU) 2016/1900 of 26 October 2016 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States, as regards the entries for Estonia, Latvia and Poland (notified under document C(2016))</p> <p>Commission Implementing Decision (EU) 2016/1899 of 26 October 2016 amending Decisions 92/260/EEC, 93/197/EEC and 2004/211/EC as regards</p>

OJ Date	Subject
	temporary admission and imports of registered horses from certain parts of Egypt (notified under document C(2016) 6791)
	Decision No 1/2016 of the EU-Former Yugoslav Republic of Macedonia Stabilisation and Association Council of 20 January 2016 replacing Protocol 4 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation [2016/1901]
	Commission communication in the framework of the implementation of Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (Publication of titles and references of harmonised standards under Union harmonisation legislation). [2016/C 398/09]
29-10-16	Update of the list of border crossing points as referred to in Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) [2016/C 401/04]

Restrictive measures established, amended, corrected

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

OJ Date	Restrictive Measure
01-10-16	Council Decision (CFSP) 2016/1755 of 30 September 2016 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya
	Council Implementing Regulation (EU) 2016/1752 of 30 September 2016 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya
13-10-16	Corrigendum to Council Regulation (EU) 2016/841 of 27 May 2016 amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea (OJ L 141, 28.5.2016)
15-10-16	Commission Implementing Regulation (EU) 2016/1827 of 14 October 2016 amending for the 255th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations
18-10-16	Commission Implementing Regulation (EU) 2016/1831 of 14 October 2016 amending Council Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea
	Council Decision (CFSP) 2016/1839 of 17 October 2016 amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea
28-10-16	Council Implementing Decision (CFSP) 2016/1897 of 27 October 2016 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria
	Council Implementing Regulation (EU) 2016/1893 of 27 October 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria
29-10-16	Commission Implementing Regulation (EU) 2016/1906 of 28 October 2016 amending for the 256th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations
	Council Decision (CFSP) 2016/1908 of 28 October 2016 amending Decision 2010/573/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova

Antidumping and countervailing duty cases

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

Individual Countries

France

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
03-10-16	DA № 16-048 (BOD 7137) - Duties and taxes on energy products from 1 October 2016
10-10-16	2016/50 - Notice to importers of certain hot-rolled products of iron, non-alloy steel or other alloy steel, originating in China
	2016/51 - Notice to importers of certain heavy plate non-alloy steel or other alloy steel, originating in China
11-10-16	2016/52 - Notice to importers and exporters regarding the entry into force of the Economic Partnership Agreement (EPA) EU-SADC EPA States
17-10-16	2016/53 - Notice to importers of certain food preparations, originating in the United States
28-10-16	2016/54-Notice to importers of threaded pipe fittings, cast, malleable cast iron, originating in China

Norway

Revised rules for advance opinions (rulings) on binding tariff classification, origin and duties issued

On 21 October 2016, the Ministry of Finance published [Regulations amending the Regulations to the law on customs and movement of goods \(Customs Regulations\)](#) [FOR-2016-10-20-1219] which, effective 1 November 2016, will replace the 2008 rules governing tariff classification opinions (rulings) with detailed rules authorizing the issuance of advance binding tariff classification opinions (rulings) and add origin opinions (rulings) and opinions (rulings) for the duties and fees due.

Under the revised rules, applications on form RD0009 for classification opinions (for a single product at a time) may be made to the regional Customs offices (or the Oslo or Akershus offices for foreign applicants) by an importer, exporter to or from Norway or a domestic producer if classification is needed for other national requirements. The advance opinion will be valid for six years. The opinion is not retroactive and is only valid for the requestor and the identical product. It will cease to be valid if the tariff nomenclature changes. It may be withdrawn by the Customs region if the Harmonised System or Explanatory Notes significantly change, the WCO HS Committee issues an opinion contrary to the ruling or if there are multiple classification opinions on similar goods (presumably conflicting). It may be withdrawn by the Customs Administration if it is contrary to law. The withdrawal takes effect immediately, although if there is evidence that goods were bought or sold before it was recalled, it will be valid for an additional six months.

Advance origin opinions (rulings) are to be issued in a similar manner but are valid for only three years and may be issued to domestic or foreign producers, importers or exporters to or from Norway. The applications for, and issuance of, advance opinions (rulings) on customs duties or fees are similar to the origin rulings. They are valid for three years unless the rate of duty or fee changes. The grounds for withdrawing an origin or duty/fee due opinion are similar to those relating to the withdrawal of classification opinions. The withdrawal takes effect immediately, although if there is evidence that goods were bought or sold before it was recalled, it will be valid for an additional six months.

United Kingdom

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 (CIPs)	
07-10-16	Customs Information Paper 52 (2016): transport identification measures
10-10-16	Customs Information Paper 56 (2016): Customs Comprehensive Guarantee for potential debts
17-10-16	Customs Information Paper 55 (2016): Union Customs Code
Tariff Notices	
11-10-16	UK Trade Tariff: imports and community transport inwards
13-10-16	Tariff Stop Press Notice 34 (2016): change of description to commodity code
	Tariff Stop Press Notice 35 (2016): changes to the monthly trade euro rate
	UK Trade Tariff: customs procedure codes
18-10-16	Tariff Stop Press Notice 36 (2016): amendments to commodity codes in chapter 72
19-10-16	Tariff Notice 34 (2016): playing cards
	Tariff Notice 35 (2016): a stand or foot used for items of furniture
	Tariff Notice 36 (2016): bank note validator and cash distributor
20-10-16	Tariff Notice 37 (2016): video recording and inspection device
Other Publications	
03-10-16	Import and Export: Application for repayment/remission (C285)
06-10-16	Alcohol and Tobacco Duty: stores authority for spirits and tobacco products (C945)
14-10-16	CFSP Information Paper 1 (2016): importation of controlled goods
20-10-16	Anti-Dumping Duty measure AD2154
24-10-16	HMRC exchange rates for 2016: monthly
	Customs Freight Simplified Procedures: contact lists

ECO establishes new blog website and home page

The Export Control Organisation (ECO) in the new Department for International Trade has established a new blog website called "[Import and export licensing](#)" as well as a [new home page](#) on the Gov.UK website where you can find news, statistics, and links for ECO Notices to Exporters, applying for export licences on SPIRE, determining if an export licence is required, seeing whether there is an OGEL available for your exports, finding training opportunities and guidance.

ECO Notices to Exporters and DIT documents

The following Export Control Organisation (ECO) [Notices to Exporters](#) and other Department for International Trade (DIT) documents were issued:

Date	Notice No. and Subject
13-10-16	Doing business in Switzerland: Switzerland trade and export guide Notice to exporters 2016/23: Spire website and email addresses updated
27-10-16	Guidance: Overseas Business Risk - Venezuela (Update)

Other EU-EFTA Notices

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
France	
01-10-16	Economy and Finance: Decree of 19 August 2016 amending the Decree of 22 December 2011 fixing the price rules for the application of the tax on maritime passengers to board of protected natural areas provided by Article 285 quater of the Customs Code
02-10-16	Foreign Affairs: Decree No. 2016-1294 of 29 September 2016 concerning the publication of the Agreement between the Government of the French Republic and the Government of the Grand Duchy of Luxembourg concerning cooperation in their border areas between the police authorities and the customs authorities signed in Luxembourg on 15 October 2001 (1) and the agreement between the Government of the French Republic, the Kingdom of Belgium, the Government of the Federal Republic of Germany and the Government of the Grand Duchy of Luxembourg regarding the establishment and operation of a joint center for police and customs cooperation in the common border area, signed in Luxembourg on 24 October 2008(2)
	Defense: Decree of 28 September 2016 amending the order of 27 June 2012 on the list of war related materials and equipment subject to a prior export authorization and defense related products subject to prior authorization of transfer
05-10-16	Social Affairs: Decision of 9 May 2016 concerning authorization to import embryonic cells for application research purposes of the provisions of Article L. 2151-6 of the Code of Public Health
	Economy: Decree of 30 September 2016 taken for the application of Articles 28-1 and R. 15-33-2 of the Code of Criminal Procedure appointing the commission whose assent is required for the appointment of customs officers authorized to conduct judicial inquiries
08-10-16	Law No 2016- 1322 of 7 October 2016 authorizing the ratification of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, on the one hand, and Mongolia, on the other (1)
14-10-16	No 109 Notice to importers of wood and wood products from Indonesia, implementation of the FLEGT licensing scheme (Forest Law Enforcement Governance and Trade)
16-10-16	Justice: No 8 Decree of 11 October 2016 relating to foreign traders and amending the Bylaws of the Commercial Code
28-10-16	Economy and Finance: No 11 Decree No. 2016-1443 of 26 October 2016 on rules for sampling carried out by customs officers
Ireland (Eire)	
21-10-16	S.I. No.533 of 2016 Solicitors (Money Laundering and Terrorist Financing Regulations) 2016
Liechtenstein	
28-10-16	LGBI No 2016.329 Announcement of 25 October 2016, the applicable pursuant to the Customs Treaty in Liechtenstein Swiss legislation (annexes I and II) (LR No 170.551.1631)

Date*	Measure
Luxembourg	
06-10-16	Mem. A. № 207 – Implementation of new European standards for non-electric field applied in the Grand Duchy of Luxembourg. – Implementation of new European standards of electrical engineering applicable in the Grand Duchy of Luxembourg - Implementation of new European standards of telecommunications applicable in the Grand Duchy of Luxembourg.
20-10-16	Mem. A № 214 - Implementation of new European standards for non-electric field applied in the Grand Duchy of Luxembourg
	Mem. A № 214 - Implementation of new European standards of electrical engineering applicable in the Grand Duchy of Luxembourg
	Mem. A № 214 - Implementation of new European standards applicable in the field of telecommunications in the Grand Duchy of Luxembourg
Malta	
04-10-16	№ 317 of 2016 - Simplifying Terms and Conditions of Transfers of Defence-Related Products (Amendment) Regulations, 2016 - Government Gazette of Malta No. 19,650 – 04.10.2016
28-10-16	№ 351 of 2016 – Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations, 2016 Government Gazette of Malta No. 19,669 – 28.10.2016
	№ 352 of 2016 – Public Procurement Regulations, 2016 Government Gazette of Malta No. 19,669 – 28.10.2016
	№ 353 of 2016 – Concession Contracts Regulations, 2016 Government Gazette of Malta No. 19,669 – 28.10.2016
Norway	
04-10-16	FOR-2016-09-24-1143 Climate and Environment Ministry Amendments to product regulation (change in § 2-30)
	FOR-2016-09-24-1144 Labour and Social Affairs, Ministry of Justice, Climate and Environment Ministry Regulation amending the Regulation on registration, evaluation, authorization and restriction of chemicals (REACH Regulation)
	FOR-2016-09-24-1145 Labour and Social Affairs, Climate and Environment Ministry Regulation amending the Regulation on biocides (Biocide)
	FOR-2016-09-26-1146 Health and Care Services Regulations amending the aroma Regulations
	FOR-2016-09-26-1147 Health and Care Services Regulation amending the Regulation on cosmetics and bodycare products
07-10-16	FOR-2016-09-26-1157 Health and Care Services Regulation amending the Regulation on cosmetics and bodycare products
	FOR-2016-09-29-1162 Agriculture and Food Regulation amending the Regulation on pesticide
	FOR-2016-10-04-1166 Climate and Environment Ministry Regulations amending the REACH Regulation (approval for use of blyulfokromatgul and blykromat-molybdatsulfatrød)
	FOR-2016-10-04-1168 Climate and Environment Ministry Regulation amending the Regulation on the restriction of use of hazardous chemicals and other products (Product Regulations)
11-10-16	FOR-2016-09-22-1172 Finance Regulation amending the Customs Regulations
	FOR-2016-10-06-1175 Agriculture and Food Regulation amending the Regulation on animal health conditions for the importation and exportation of equidae
	FOR-2016-10-06-1176 Ministry of Health, Ministry of Agriculture, Industry and Fisheries Ministry Regulation amending the Regulation on special safeguard measures for imports of aquaculture products from India for human consumption
14-10-16	FOR-2016-10-06-1194 Health and Care Services Regulation amending the Regulation on the sampling and analysis for the official control of certain contaminants in foodstuffs
	FOR-2016-10-11-1197 Agriculture and Food Regulation amending the Regulation on imports of cooked meat, meat products, treated stomachs, bladders and intestines from third countries
18-10-16	FOR-2016-09-27-1207 Agriculture and Food Regulation amending the Regulation on the determination of discounted tariffs for imports of industrial processed

Date*	Measure
	agricultural products
21-10-16	FOR-2016-10-13-1213 Health and Care Services Regulation amending the Regulation on specific hygiene rules for food of animal origin (animalehygieneforskriften)
	FOR-2016-10-19-1217 Ministry of Health, Ministry of Agriculture, Industry and Fisheries Ministry Regulations amending the regulations as a result of new animaliebiproduktforskrift
	FOR-2016-10-19-1218 Ministry of Health, Climate and Environment Ministry, Agriculture and Food Regulation amending the Regulation on infectious waste from health and animal health service, etc.
	FOR-2016-10-20-1219 Finance Regulations amending the Regulations to the law on customs and movement of goods (Customs Regulations)
28-10-16	FOR-2016-10-24-1246 Ministry of Transport Regulation amending the Regulation on technical requirements and approval of vehicles, parts and equipment, the regulations on the approval of vehicles and trailers for cars, Regulations concerning the approval of moped and motorcycle and Regulations concerning the approval of tractor and trailer wheels
	FOR-2016-10-25-1247 Health and Care Services Regulations concerning the lifting of regulations on the upper limit of erucic acid in oils and fats, etc.
Poland	
03-10-16	№ 1603 Regulation of the Minister of Development dated 21 September 2016. Amending the Regulation on the establishment plan for the development of the special economic zone of the Kraków Technology Park
	№ 1604 Proclamation of the Marshal of the Polish Sejm on 8 September 2016. On the uniform text of the law on commercial quality of agri-food products
05-10-16	№ 1613 Regulation of the Minister of Development dated 16 September 2016. Amending Regulation on the establishment of a development plan of the Legnica Special Economic Zone
07-10-16	№ 1643 Proclamation of the Marshal of the Polish Sejm on 8 September 2016. On the uniform text of the Law on the Border Guard
	№ 1644 Regulation of the Minister of Agriculture and Rural Development dated 7 October 2016. Repealing the ordinance on measures taken to limit the spread of African swine fever
18-10-16	№ 1718 Proclamation of the Marshal of the Polish Sejm of 16 September 2016. On the uniform text of the Act on the Office for Registration of Medicinal Products, Medical Devices and Biocidal Products
20-10-16	№ 1730 Regulation of the Minister of Development and Finance of 20 October 2016. On the requirements for toys
21-10-16	№ 1737 Regulation of the Minister of Development and Finance of 10 October 2016. Amending the Regulation on the types of documents relevant to the checks carried out by the Customs Service, as well as persons obliged to store them
26-10-16	№ 1762 Regulation of the Minister of Agriculture and Rural Development dated 21 October 2016. In the production of products of animal origin from the area subject to restrictions for animal health
27-10-16	№ 1770 Regulation of the Minister of Agriculture and Rural Development of 25 October 2016. Amending Regulation on the measures taken in connection with the occurrence of African swine fever
28-10-16	№ 1774 Regulation of the Minister of Finance dated 20 October 2016. On the implementation of the customs territory of the European Union and output outside of this area and the placement under the customs procedure and re-export of equipment and military units of the Ministry of Internal Affairs
Spain	
20-10-16	Foreign Affairs: Provisional application of the Protocol to the Euro-Mediterranean Association Agreement between the European Community and its Member States on the one part, and the Lebanese Republic on the other, to take account of the accession of the Republic of Croatia to the European Union, signed in Brussels on April 28, 2016. (BOE-A-2016-9606)
26-10-16	Industry, etc.: Resolution of 18 October 2016, the Directorate General of Industry and Small and Medium Enterprises, for which the draft standards undergo

Date*	Measure
	<p>public information UNE that the Spanish Association for Standardization and Certification is pending, for the month September 2016. (BOE-A-2016-9781)</p> <p>Industry, etc.: Resolution of 18 October 2016, the Directorate General of Industry and Small and Medium Enterprises, by undergoing public information projects of European and international standards that have been processed as projects of UNE, for the month September 2016. (BOE-A-2016-9782)</p>
27-10-16	<p>Industry, etc.: Resolution of 24 October 2016, the Directorate General of Industry and Small and Medium Enterprises, for which the draft standards undergo public information UNE that the Spanish Association for Standardization and Certification is pending, for the month August 2016. (BOE-A-2016-9880)</p> <p>Industry, etc.: Resolution of 24 October 2016, the Directorate General of Industry and Small and Medium Enterprises, by undergoing public information projects of European and international standards that have been processed as projects of UNE, for the month August 2016. (BOE-A-2016-9881)</p>
31-10-16	<p>Hacienda: Resolution of 17 October 2016, the Department of Customs and Excise of the State Tax Administration Agency, approving the Internal Regulations of the Zona Franca (free trade zone) de Santander is approved. (BOE-A-2016-9993)</p> <p>Industry, etc.: Resolution of 18 October 2016, the Directorate General of Industry and Small and Medium Enterprises, for which the relationship of European standards that have been ratified during the month of September 2016 as Spanish standards is published.(BOE-A-2016-9998)</p> <p>Industry, etc.: Resolution of 18 October 2016, the Directorate General of Industry and Small and Medium Enterprises, for which the relationship of UNE annulled by the Spanish Association for Standardization and Certification during the month of September 2016 is published.(BOE-A-2016-9999)</p> <p>Industry, etc.: Resolution of 18 October 2016, the Directorate General of Industry and Small and Medium Enterprises, for which the relationship of UNE standards approved by the Spanish Association for Standardization and Certification during the month of September 2016 is published.(BOE-A-2016-10000)</p>
Switzerland	
04-10-16	<p>Ordinance on the import of agricultural products (Ordinance on agricultural imports, OIAgr) (RS 916.01)</p> <p>Decision № 1/2013 of the Ukraine-EFTA Joint Committee: establishment of rules of procedure of the EFTA-Ukraine Joint Committee of the Free Trade Agreement of 24 June 2010 between the EFTA States and Ukraine (RS 0.632.317.671)</p>
11-10-16	<p>Ordinance of the FDF on the contribution rate to the export of agricultural commodities (RS 632.111.723.1)</p> <p>Ordinance on the protection of designations of origin and geographical indications for agricultural products and processed agricultural products (Ordinance on PDO and PGI) (RS 910.12)</p> <p>Order of RFLD on minimum requirements for the control of designations of origin and protected geographical indications (Control Order of PDO and PGI) (RS 910.124)</p> <p>Ordinance on the import of agricultural products (Ordinance on agricultural imports, OIAgr) (RS 916.01)</p> <p>Ordinance on the import and export of vegetables, fruit and horticultural plants (OIELFP) (RS 916.121.10)</p> <p>Ordinance of the FOAG on fixing periods and deadlines as well as the authorization of quota portions of fresh vegetables and fresh fruit (Ordinance authorizing imports on the OIELFP) (RS 916.121.100)</p> <p>Ordinance of the FOAG on fixing periods and deadlines as well as the authorization of parts quota of fresh vegetables, fresh fruit and fresh cut flowers (Ordinance authorizing imports on the OIELFP) (RS 916.121.100)</p> <p>Ordinance on the circulation of plant protection products (Ordinance on Plant Protection Products, OPPh) (RS 916.161)</p> <p>Order of OSAv establishing measures to prevent the introduction of African swine fever present in certain Member States of the European Union (RS 916.443.107)</p>
12-10-16	DFI Ordinance regulating the import trade, transit and export of animals and

Date*	Measure
	animal products with third countries (OITE-PT-DFI) (RS 916.443.106)
14-10-16	DFI Ordinance regulating the import trade, transit and export of animals and animal products with third countries (OITE-PT-DFI) (RS 916.443.106)
18-10-16	Agreement between the Swiss Federal Council and the Government of the Republic of Peru to prevent illicit trafficking in cultural property (with annexes) (RS 0.444.164.11)
25-10-16	Ordinance of the FDF on goods enjoying customs relief according to their use (Ordinance on customs relief, OADou) (RS 631.012)
	Ordinance of the FDF on goods enjoying customs relief according to their use (Ordinance on customs relief, OADou) (RS 631.012)
	Ordinance on the import of agricultural products (Ordinance on agricultural imports, OIAgr) (RS 916.01)
	Ordinance on the import of agricultural products (Ordinance on agricultural imports, OIAgr) (RS 916.01)
	Federal decree approving the agreement between Switzerland and Italy on police and customs cooperation
	Agreement on police and customs cooperation between the Swiss Federal Council and the Government of the Italian Republic (RS 0.360.454.1)
United Kingdom	
03-10-16	SR 2016/366 - The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016
19-10-16	SI 2016/992 - The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016
21-10-16	SI 2016/976 - The Biofuels and Hydrocarbon Oil Duties (Miscellaneous Amendment) Regulations 2016

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)	
14-10-16	S.I. No. 514 of 2016 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. 4) Regulations 2016
Liechtenstein	
06-10-16	LGBI № 2016.311 Decree of 4 October 2016 concerning amendment of the ordinance on measures against Libya (LR № 946.221.4)
	LGBI № 2016.312 Decree of 4 October 2016 concerning amendment of the ordinance on measures to avoid the circumvention of international sanctions in connection with the situation in Ukraine (LR № 946.224.2)
	LGBI № 2016.313 Decree of 4 October 2016 concerning amendment of the ordinance on measures against individuals and entities with links to the grouping "Al Qaeda" (LR № 946.222.22)
13-10-16	LGBI № 2016.324 Decree of 11 October 2016 concerning amendment of the ordinance on measures against Syria (LR № 946.223.8)
20-10-16	LGBI № 2016.325 Decree of 18 October 2016 concerning amendment of the ordinance on measures against individuals and entities with links to the grouping "Al Qaeda" (LR № 946.222.22)
	LGBI № 2016.326 Decree of 18 October 2016 concerning amendment of the ordinance on measures against the Democratic Republic of Congo (LR № 946.222.5)
	LGBI № 2016.328 Exchange of Notes between the Principality of Liechtenstein

Date*	Restrictive Measure
	and the European Union on the adoption of Regulation (EU) 2016/399 establishing a Community Code on the crossing of persons across borders (Schengen Borders Code) (the Schengen acquis) (LR № 0.362.380.069)
28-10-16	LGBI № 2016.335 Decree of 25 October 2016 concerning amendment of the ordinance on measures against the Democratic Republic of Congo (LR № 946.222.5)
Norway	
14-10-16	FOR-2016-10-11-1199 Foreign Affairs Regulation amending the Regulation on the implementation of the United Nations Security Council resolutions on sanctions against Iraq
25-10-16	FOR-2016-10-14-1228 Foreign Affairs Regulation amending the Regulation on sanctions and restrictive measures against North Korea
Poland	
14-10-16	№ 1694 Regulation of the Minister of Development and Finance of 6 October 2016. On the suspension of the payment of guaranteed depositors in case the funds deposited in the account have been blocked on the basis of the provisions on combating money laundering and financing of terrorism
Switzerland	
10-10-16	Amendments to Order of 27 August 2014 establishing measures to prevent circumvention of international sanctions in connection with the situation in Ukraine (RS 946.231.176.72)
10-10-16	Amendments to the Ordinance of 8 June 2012 on measures against Syria (RS 946.231.172.7)
20-10-16	Amendments to Ordinance of 22 June 2005 on measures against the Democratic Republic of Congo (RS 946.231.12) <i>effective 19-10-16</i>
26-10-16	Amendments to the Order of 2 October 2000 instituting measures against persons and entities associated with Usama bin Laden, the group "Al Qaeda" or the Taliban (RS 946.203) <i>effective 25-10-2016</i>
31-10-16	Amendments to the Ordinance of 11 November 2015 establishing measures against the Islamic Republic of Iran (RS 946.231.143.6) <i>[Eff. 01-11-16]</i>
United Kingdom	
19-10-16	SI 2016/991 - The Democratic People's Republic of Korea (Sanctions) (Overseas Territories) (Amendment) (No. 3) Order 2016

Non EU-EFTA European Countries

Ukraine

Ukraine expands sanctions against Russia

On 17 October 2016 the President of Ukraine enacted [Presidential Decree No. 467/2016 approving the Decision of the National Security and Defense Council of Ukraine dated 17 October 2016](#) (the "Decree") imposing new personal sanctions against 335 individuals and 167 entities, and extending the sanctions imposed in September 2015 against 388 individuals and 105 entities for one more year.

The updated sanctions list mainly affects Russian legal entities in the following sectors:

- **Industrial complex:** Rusal, Rostovtopprom, Donalians, Binom-D, Monolit Impeks and others;
- **Military complex:** Rosteh, Rosoboroneksport, Rostvertol, Izhmash and others;
- **Gas, machine-building and energy:** Kamaz, Bashneft, Novocherkaska GRES, Spezneftegaz, Transmashholding, Diakont, Hidropres, Rysneftedobycha and others;
- **Tobacco industry:** Megapolis;

- **Aviation and navigation:** Uktus, Ikar, Alrosa, Jet Air Group, Sokol, Transoptimal-Rostov, Horp-shipping Agency, Ladoga, V.F. Tanker - Invest, Gazprom Flot, Transpetrochart, Aviation Complex named after Iliushin and others; and
- **Payment services:** Zolota Korona, Kolibri, Unistream, Anelik, Blizko and others.

In addition to freezing assets, restrictions on trade operations, restrictions on exit of capital from Ukraine, suspension of performance of economic and financial obligations, prohibition on participation in public procurement, denial and cancellation of visas and prohibition on entering Ukraine, the Decree also imposed the following new sanctions:

- prohibition on lease and privatisation of state assets by companies controlled by individuals subject to sanctions;
- prohibition on executing agreements with respect to securities issued by entities subject to sanctions;
- prohibition on charter capital increase for companies controlled/owned (by more than 10%) by individuals/legal entities subject to sanctions;
- prohibition for the National Bank of Ukraine (the "NBU") to issue licenses for investments in the foreign country subject to sanctions and placement of currency values on accounts and deposits in the foreign country;
- prohibition on issuing licenses, permits and other authorizations allowing import or export of currency values from the foreign country subject to sanctions to Ukraine, or to such foreign country from Ukraine;
- limitation of cash withdrawals from payment cards issued by residents of a foreign country subject to sanctions;
- prohibition on registering the participant of the international payment system, the payment organization of which is a resident of the foreign country subject to sanctions;
- restriction on flights and transit of resources and goods via the territory of Ukraine; and
- prohibition or limitation on entry of foreign non-military vessels and warships to the territorial sea of Ukraine and its internal waters, ports and aircrafts to the airspace of Ukraine or landing on the territory of Ukraine.

The full list of legal entities and individuals subject to sanctions is given in the [annexes](#) to the Decree.

Any counterparty dealing with entities or individuals on the sanctions list must carefully assess the exact scope of sanctions imposed and the implications of dealing with such entities and individuals.

Please refer to our legal alert ([here](#)) for further information on the sanctions imposed in September 2015 that have been extended for one more year.

As previously announced, Baker & McKenzie has set up a dedicated blog, accessible on <http://sanctionsnews.bakermckenzie.com/>, to provide real-time updates on international sanctions and critical developments regarding the Ukraine crisis from an international trade compliance perspective.

For additional information, please contact [Ihor Olekhov](#), Partner or [Hanna Shtepa](#), Senior Associate in our Kyiv office.

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
17-10-16	On the decision of the National Security and Defense Council of Ukraine of 16 September 2016 "On application of special personal economic and other restrictive measures (sanctions)" Decree of the President of Ukraine № 467/2016 from 17.10.2016

EAEU and CIS countries

Eurasian Economic Union (EAEU)

EAEU-Vietnam FTA enters into force

On 6 October 2016, the Eurasian Economic Commission [announced](#) that the [Free Trade Agreement between the Eurasian Economic Union \(EAEU\) and its Member States and the Socialist Republic of Viet Nam](#) entered into force on 5 October 2016. The EAEU consists of Armenia, Belarus, Kazakhstan, the Kyrgyz Republic and the Russian Federation. According to the announcement, the Vietnamese government will eliminate 59% of duties on goods from EAEU members immediately and gradually reduce the rates on 29% of imported goods until they reach zero according to a schedule that varies from 5 to 10 years depending on the product involved. Vietnam will not reduce the duties on the remaining 12% of goods (generally those that the EAEU was not interested in). No figures were given for EAEU reductions in duty.

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 [new Eurasian Economic Commission documentation page](#).

Publication Date	Title
Council (Совет) of the Eurasian Economic Commission (Решения)	
28-09-16	№ 60 (09-08-16) On Amendments to the technical regulations of the Customs Union "On safety of light industry products" (TR CU 017/2011)
	№ 61 (09-08-16) On the establishment of import customs duties of the Common Customs Tariff of the Eurasian Economic Union in respect of certain types of knitted fabrics, knitted or crocheted
	№ 62 (09-08-16) On Amendments to the single commodity nomenclature of foreign economic activity of the Eurasian Economic Union, the Common Customs Tariff of the Eurasian Economic Union and certain acts that are included in the right to the Eurasian Economic Union, in respect of civil helicopters
	№ 63 (09-08-16) On Amendments to the single commodity nomenclature of foreign economic activity of the Eurasian Economic Union, the Common Customs Tariff of the Eurasian Economic Union in respect of certain types of aircraft engines, as well as some of the decisions of the Supreme Eurasian Economic Council and the Council of the Eurasian Economic Commission

Publication Date	Title
	№ 64 (09-08-16) On amendments to some decisions of the Commission of the Customs Union, and on the approval of the list of certain types of machine tools for the shipbuilding industry, imported into the territory of the Russian Federation
05-10-16	№ 65 (11-07-16) On the detailed plans for 2016 for the implementation of the action plan on implementation of the main directions of development of the "single window" mechanism in the system of foreign trade regulation
10-10-16	№ 66 (12-02-16) On the list of sensitive agricultural products in respect of which the states - members of the Eurasian economic union is mutual provision of plans (programs) of production, and the implementation of paragraph 2 of Article 95 of the Treaty on the Eurasian Economic Union on May 29, 2014
19-10-16	№ 67 (09-08-16) On Access exporting member states of the Eurasian Economic Union to the services infrastructure of sea ports of the Russian Federation
	№ 68 (09-08-16) On the technical regulations of the Eurasian Economic Union, "Requirements for liquefied petroleum gas for use as fuel"
Council Regulations/Orders	
05-10-16	№ 17 (11-07-16) On the working group on financial support for exports
Board (Коллегии) of the Eurasian Economic Commission (Решения)	
28-09-16	№ 105 (27-09-16) About Strategy of development of cross-border space of trust
	№ 106 (27-09-16) On the implementation of the commitments by the Kyrgyz Republic in the framework of the internal market of the Eurasian Economic Union
	№ 107 (27-09-16) On Amendments to Section 2.12 of the list of goods in respect of which set a permissive procedure for import into the customs territory of the Eurasian Economic Union and (or) export from the customs territory of the Eurasian Economic Union
30-09-16	№ 108 (27-09-16) About directories and classifiers used to fill the vehicle passport (passport chassis of the vehicle) and the passport of self-propelled machines and other equipment
05-10-16	№ 109 (04-10-16) On Amendments to the list of goods and rates, in respect of which during the transitional period, the Kyrgyz Republic, the rates of import customs duties that differ from rates of duty established by the Common Customs Tariff of the Eurasian Economic Union
	№ 110 (04-10-16) On Amendments to Note 8 to the Single Commodity Nomenclature of Foreign Trade of the Eurasian Economic Union
06-10-16	№ 111 (04-10-16) On the technological documents regulating information interaction in the implementation of "The formation, maintenance and use of a database of sales (purchases) of funds received to the accounts in foreign currency states - members of the Eurasian Economic Union" means the integrated information system of foreign and mutual trade of the overall process
	№ 112 (04-10-16) On the technological documents regulating information interaction in the implementation of the means of the integrated information system of foreign and mutual trade of the general process of "Ensuring the exchange of information on the amount of enrollment and distribution of import customs duties, as well as the formation, maintenance and use of the database containing such information"
	№ 113 (04-10-16) On the implementation of the commitments by the Kyrgyz Republic in the framework of the internal market of the Eurasian Economic Union
	№ 114 (04-10-16) On the implementation of the Republic of Kazakhstan in the framework of the obligations of the internal market of the Eurasian Economic Union
Board Распоряжение	
28-09-16	№ 144 (27-09-16) Draft Memorandum of Understanding between the Eurasian Economic Commission and the General Secretariat of the Andean Community
29-09-16	№ 145 (27-09-16) On Amendments to the Advisory Committee on Entrepreneurship
	№ 146 (27-09-16) About the order of the Council of the Eurasian Economic Commission "On the Draft Agreement on the harmonization of the legislation -

Publication Date	Title
	<p>the Eurasian Economic Union in the sphere of the financial market</p> <p>№ 147 (27-09-16) On Amendments to the working group to develop proposals for the formation of the digital space of the Eurasian Economic Union</p>
	<p>№ 148</p>
30-09-16	<p>№ 149 (27-09-16) Draft decision of the Council of the Eurasian Economic Commission "About the order of the Supreme Eurasian Economic Council" On the annual report of the Eurasian Economic Commission on the state of competition in cross-border markets and the measures taken to curb violations of common competition rules to them "</p> <p>№ 150 (27-09-16) Draft decision of the Council of the Eurasian Economic Commission "On approval of a common list of quarantine objects of the Eurasian Economic Union"</p> <p>№ 151 (27-09-16) Draft decision of the Council of the Eurasian Economic Commission "On approval of the Unified quarantine phytosanitary requirements for regulated products and quarantine facilities at the customs border and on the customs territory of the Eurasian Economic Union"</p> <p>№ 152 (27-09-16) Draft decision of the Council of the Eurasian Economic Commission "On approval of common rules and standards to ensure plant quarantine in the customs territory of the Eurasian Economic Union"</p> <p>№ 153 (27-09-16) Draft decision of the Council of the Eurasian Economic Commission "On introduction of changes to the plan of development of technical regulations of the Eurasian Economic Union and the changes in the technical regulations of the Customs Union"</p>
03-10-16	<p>№ 154 (27-09-16) About the order of the Council of the Eurasian Economic Commission "On the list of activities for the implementation of the broad guidelines of the macroeconomic policy of the states - members of the Eurasian Economic Union in the 2016 - 2017 years</p>
05-10-16	<p>№ 155 (04-10-16) Draft decision of the Council of the Eurasian Economic Commission "On the draft decision of the Supreme Eurasian Economic Council" On Amendments to the list of sensitive goods in respect of which the decision to change the rate of import duty is taken by the Council of the Eurasian Economic Commission "</p> <p>№ 156 (04-10-16) Draft decision of the Council of the Eurasian Economic Commission "On Amendments to the list of goods and rates, in respect of which during the transitional period the Republic of Armenia, the rates of import customs duties different from the rates of the Common Customs Tariff of the Eurasian Economic Union"</p> <p>№ 157 (04-10-16) Draft decision of the Council of the Eurasian Economic Commission "On Amendments to the list of goods in respect of which the Republic of Kazakhstan in accordance with the commitments undertaken as a condition of joining the World Trade Organization, the rates of import customs duties are applied, lower compared to the rates of the Common Customs duties rate the Eurasian economic Union, and sizes of rates of duties "</p> <p>№ 158 (04-10-16) On Amendments to the Advisory Committee on Natural Monopolies</p> <p>№ 159 (04-10-16) On Amendments to the composition of the Advisory Committee on Transportation and Infrastructure Committee</p>
Board Recommendations	
28-09-16	<p>№ 16 (06-09-16) On introduction of changes in volume VI of the Explanatory Notes to the Single Commodity Nomenclature of Foreign Trade of the Eurasian Economic Union</p> <p>№ 17 (05-07-16) On introduction of changes in volume VI of the Explanatory Notes to the Single Commodity Nomenclature of Foreign Trade of the Eurasian Economic Union</p>

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 27 January 2016. The table lists the tariff codes, a description, rationale (GRIs) for the decision.

Belarus

Preliminary decisions on tariff classification

The State Customs Committee maintains a [searchable database of preliminary decisions on the tariff classification of goods](#) (*База данных товаров, в отношении которых принято предварительное решение о классификации*). The database has been updated through October 2016. It may be searched by tariff code or description (in Russian).

Russian Federation

Russia partially lifts the food embargo on Turkey

On October 10, 2016 the Russian Government issued [Decree No. 1020](#) on the exclusion from the list of banned food products originating from Turkey the following items:

- fresh or dried oranges (HS code 0805 10);
- fresh or dried mandarins (tangerines) (HS code 0805 20);
- fresh apricots (HS code 0809 10);
- fresh peaches, including nectarines (HS code 0809 30);
- fresh plums and blackthorn (HS code 0809 40).

The list of embargoed Turkish food products that was initially established by Governmental Decree No. 1296 on November 30, 2015 now continues to include 13 HS positions (e.g., poultry, sea salt, cucumbers, chewing gum, etc.). As a reminder, earlier this year Russia lifted a ban on Turkey related to tourism services and charter flights. So, currently, in addition to the mentioned partial food embargo Russia still maintains restrictions in the sphere of labor for Turkish citizens (subject to certain exceptions), as well as provision of certain specifically listed works and services for companies that are under Turkish jurisdiction (e.g., construction, architecture, public procurement, etc.). The text of Decree No 1020 is available in the [English](#) and [Russian](#) languages.

For additional information, please contact [Alexander Bychkov](#).

Preliminary decisions on tariff classification

The Federal Customs Service (FCS) has a [searchable on-line database of preliminary decisions on tariff classification](#). It may be searched by tariff code, description (in Russian) or note number.

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*. {The summaries were prepared by the Legal Portal in Russian and were machine translated}:

Date of Publication	Subject
03-10-16	Order of the Federal Customs Service № 1796 of 09-19-2016 "On the Repeal of the Federal Customs Service of Russia Order dated October 31, 2006 № 1072" On declaring Russian goods placed under the free customs zone regime "and dated December 25, 2009 № 2386" on amendments to the order of the FCS of Russia № 1072 of October 31, 2006
06-10-16	The order of the Russian Federation № 2072-r from 04-10-2016 "On the suspension of the Agreement between the Government of the Russian Federation and the Government of the United States of America on cooperation in research and development in the nuclear and energy sectors by 16 September 2013"
11-10-16	<p>Decree № 1020 of 09-10-2016 - On Amendments to the list of agricultural products, raw materials and food, country of origin is the Republic of Turkey and which are prohibited from being imported into Russia. From the list, in particular, are excluded fresh and dried oranges, tangerines and other citrus fruits, fresh apricots, peaches, plums.</p> <p>Russian Federation Government Resolution №1019 from 07-10-2016 "On technical regulation on safety of chemical products" (This technical regulation establishes requirements for the safety of chemical products, taking into account the Global Harmonized System of Classification and Labelling of Chemicals in the part of the establishment: criteria for the classification of chemical substances and mixtures to human health and the environment, as well as the dangers arising from physico-chemical properties;. the elements of information systems, including requirements for labeling and safety data sheet Technical regulation is designed to establish on the territory of the Russian Federation obligatory for application and performance requirements for chemical products, to ensure its free movement during release issued on the territory of the Russian Federation. The identification of chemical products is carried out by the manufacturer (person authorized by the manufacturer), the importer of these products. Technical regulations, approved by this resolution shall come into force on 1 July 2021)</p>
12-10-16	Order of the Federal Customs Service № 1604 of 08-18-2016 "On Amendments to the Order of the Federal Customs Service of Russia № 207 on 9 February 2015 " On Approval of the Regulation on the implementation of the internal financial audit of the Federal Customs Service "
13-10-16	<p>Order of the Federal Customs Service № 1530 of 05-08-2016 "On Amendments to the Order of the Federal Customs Service of Russia on № 339 27 February 2015 " On Approval of the Regulation on the implementation of the internal financial control of the Federal Customs Service"</p> <p>Russian Federation Government Resolution № 1034 dated 12-10-2016 "On Amendments to the Rules of the pilot project for the introduction of labeling control (identification) signs on the heading" Articles of apparel, clothing accessories and other articles of fur "</p>
18-10-16	<p>Order of the Federal Customs Service № 1881 of 29-09-2016 "On Amendments to the appendix № 1 to the order of the FCS of Russia № 459 of 13 March 2013 "</p> <p>Order of the Russian Federation № 2168-r of 15-10-2016 "On signing the Agreement between the Russian Federation and the Government of the Republic of the Union of Myanmar by the Government on the establishment in the city of Yangon Trade Representation of the Russian Federation in the Republic of the Union of Myanmar."</p>

Date of Publication	Subject
19-10-16	Russian Federation Government Resolution № 1059 of 17-10-16 "On the bodies (organizations) of the Russian Federation authorized to confirm the country of origin of the goods when they are exported to the Socialist Republic of Vietnam,"
25-10-16	Order of the Federal Customs Service № 1934 of 10-10-2016 "On Invalidating Certain Regulatory Legal Acts of the Russian FCS"
	Order of the Federal Customs Service № 1935 of 10-10-2016 "On the Annulment of the order of the FCS of Russia July 30, 2015 № 1526"
26-10-16	Order of the Federal Customs Service № 1911 dated 04-10-2016 "On the Annulment of the order of the FCS of Russia June 18, 2013 № 1115"

Non-EAEU CIS countries

Azerbaijan

New Antidumping Law comes into force

Following the amendments to the public procurement legislation (effective July 2016), on 13 July 2016, the President of the Republic of Azerbaijan signed the Decree on the Implementation of Law No. 261-VQ *On Anti-dumping, Countervailing and Protective Measures*, dated 31 May 2016 (the "Law"). The Law became effective after 90 days from the date of its official publication, which is 15 July 2016

The Law aims to protect Azerbaijan's economic interests by supporting and stimulating local producers, and by regulating the implementation of antidumping, countervailing and protective measures against dumped, subsidised and increased imports that cause injury or risk of injury to the domestic industry.

The Law sets forth the criteria for the determination of dumped goods and injury, the definitions of domestic industry and subsidy, and the methods of calculation and comparison of normal market value and export price. It also presents the grounds and order for the imposition and collection of anti-dumping and countervailing duties, including the application of provisional measures, and the initiation of and subsequent investigation, such as consultation and dispute settlement.

One of the major innovations of the Law is the determination of the concepts of dumped and subsidised imports. According to Section 1 of the Law, dumped import is the importation of a product into the customs territory of Azerbaijan at a price less than its normal value.

Under Section 9 of the Law, a subsidy is deemed to exist if a foreign government grants discounts to an entrepreneur by any of the following means:

- (i) a government practice involves a direct transfer of funds (e.g. grants, loans and equity infusion), potential direct transfers of funds, or liabilities (e.g. loan guarantees);
- (ii) government revenue that is otherwise due is foregone or not collected (e.g. fiscal incentives, such as tax credits). The exemption of an exported product from duties or taxes borne by the like product when destined for domestic consumption, or the remission of such duties or taxes in amounts not in excess of those which have accrued, should not be deemed to be a subsidy.
- (iii) a government provides preferential goods or services other than general infrastructure or purchase of goods; or

(iv) a government directly or indirectly supports revenues or prices, which has resulted in export increase or import decrease.

Further, in case the amount of dumping margin and subsidy is “de minimis” (which is less than 2% for margin and 1% for subsidy) or the volume of the dumped or subsidised import or the caused injury is of less importance (meaning that the aggregate value of all dumped and subsidised imports from different countries is less than 7% of aggregate sales of import of the like products) the investigation should be cancelled.

The Law also introduces the concept of special and differential treatment of developing countries. Thus, in accordance with Section 21.3 of the Law, protective measures are not applicable to certain developing countries using the national preferential system, provided the volume of imports from these countries meet particular requirements.

The notion of a public hearing in investigations regarding potentially dumped products is presented by the Law. According to Section 28 of the Law, all the interested parties to the case are entitled to question each other in a public hearing and present written evidences to the relevant state authority (the Ministry of Economy).

The Law entitles the Cabinet of Ministers to apply antidumping measures by imposing a provisional antidumping duty or price undertakings on exporters. The Cabinet of Ministers can also impose compensation duties against exporters benefiting from foreign subsidies after following certain procedures provided under the law.

Finally, notifications regarding the initiation, suspension or cancellation of an investigation, notifications on public hearings, as well as all other notifications issued by the respective state authorities, should be in writing, prepared and served as per the requirements prescribed in the Law and made publicly available in mass media. The Law requires that all notifications be clearly grounded with an explanation of all determinations.

For further information, please contact [Kamil Valiyev](#), Partner or [Turkan Yusibova](#), Junior Associate.

Procurement of imported goods (works and services) has been stopped

On 15 September 2016, the President signed Decree No 1046 *On Supplementary Measures to Improve Effectiveness of Procurement in Operations of State Executive Bodies and Organizations Funded through the State Budget* (the “Decree”) which came into effect on 16 September 2016. The Decree’s goal is to increase the effectiveness of the operations of the state executive bodies and organizations funded from the State Budget of the Republic of Azerbaijan (altogether the “Subjects”), as well as to improve the efficiency and competitiveness of the business and investment environment.

The Decree prohibits the procurement of imported goods (works and services) by the Subjects starting from 16 September 2016 up to 1 January 2018. However, it does not cover the purchase of state guaranteed foreign loans, foreign grants, pharmaceuticals and medical products, as well as the procurement of imported goods (works and services) concerning state security and defence. The Subjects must seek consent from the Ministry of Economy if there is a necessity to procure

imported goods (works and services). The Minister of Economy will issue its decision in agreement with the President.

Neither the Decree nor the relevant legislative acts of the Republic of Azerbaijan provides a definition of "imported goods (works and services)". The Customs Code of the Republic of Azerbaijan only differentiates between "foreign" and "internal" goods, according to which foreign goods imported to the country get the status of internal goods after completion of their customs clearance and placement under the free turnover customs procedure. Therefore, it is not clear whether the restrictions in respect of imported goods, works and services are limited only to their direct imports by the Subjects, or whether they also apply to the procurement of all such goods, works and services from vendors, contractors and service providers registered in the Republic of Azerbaijan. Such ambiguity may affect the procurement of the Subjects from the local branches of foreign vendors, contractors and service providers and require the latter to explore new ways and possibly restructure their local operations so that their offerings are not qualified as imported goods, services and works. 2

Furthermore, the circle of the Subjects considered under the Decree is not clear. The Decree specifies the restrictions applied to procurements by the executive bodies and organizations funded from the state budget. It does not clarify which organizations are covered under the organizations funded from the state budget. Although the Law of the Republic of Azerbaijan on Budget Systems provides a definition for "budgeted organization", where it means a department or organization which is *directly* financed through the state budget of the Republic of Azerbaijan (or the budget of the Nakhivan Autonomous Republic), the law does not define the term "organizations funded from the state budget", which has a different meaning within the law.

There are a number of state owned enterprises, e.g. SOCAR, which are partially subsidized or funded from the state budget. It could be expected that the restrictions will only apply to them where their procurements are financed by the funds allocated from the state budget. Nevertheless, the Cabinet of Ministers should clarify to what extent these organizations are subject to the above mentioned restrictions.

For further information, please contact [Kamil Valiyev](#), Partner or [Rena Eminova](#), Associate.

Africa

South Africa

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

Publication Date	Publication Details	Subject	Implementation Date
21-10-16	GG.40356 R.1285	Amendment of the General Notes to Schedule No. 1 to give effect to the implementation of the Preferential Trade Agreement between the Common Market of the South (MERCOSUR) and the Southern African Customs Union (SACU) <ul style="list-style-type: none"> Notice R.1285 	01-04-16

Publication Date	Publication Details	Subject	Implementation Date
	GG.40356 R.1287	Amendment of Part 1 of Schedule No. 1 to give effect to the implementation of the Preferential Trade Agreement between MERCOSUR and SACU <ul style="list-style-type: none"> • Notice R.1287 	
	GG.40356 R.1286	Amendment of Schedule No. 10 by the insertion of Part 7 after Part 6 to give effect to the implementation of the Preferential Trade Agreement between MERCOSUR and SACU <ul style="list-style-type: none"> • Notice R.1286 <ul style="list-style-type: none"> ○ Annex I ○ Annex II ○ Annex IV ○ Annex V ○ Annex VI ○ Annex VII 	
	GG.40356 R.1289	Amendment of the General Notes to Schedule 1 to give effect to the implementation of the Economic Partnership Agreement (EPA) between the European Union (EU) and the Southern African Development Community EPA States <ul style="list-style-type: none"> • Notice R.1289 	10-10-16
	GG.40356 R.1283	Amendment of Part 1 of Schedule No. 1 to give effect to the implementation of the EPA agreement between the EU and the SADC EPA States (Fish products) <ul style="list-style-type: none"> • Notice R.1283 	
	GG.40356 R.1284	Amendment of Part 1 of Schedule No. 1 to give effect to the implementation of the EPA agreement between the EU and the SADC EPA States (Industrial) <ul style="list-style-type: none"> • Notice R.1284 	
	GG.40356 R.1290	Amendment of Schedule No. 10 by the re-numbering of Part 1 as Part 1A and the insertion of Part 1B to give effect to the implementation of the EPA agreement between the EU and the SADC EPA States <ul style="list-style-type: none"> • Notice R.1290 <ul style="list-style-type: none"> ○ Annex I ○ Annex I cntd from Ch 20 to 39 ○ Annex I cntd from Ch 39 to 64 ○ Annex I cntd from Ch 64 to 84 ○ Annex I cntd from Ch 84 to 97 ○ Annex II to Ch 37 ○ Annex II cntd from Ch 37 to 72 ○ Annex II cntd from Ch 72 to 99 ○ Annex IV 	
	GG.40363 R.1306	Amendment of Part 1 of Schedule No. 2 by the insertion of various items under item 204.00 in order to impose Anti-Dumping duties on frozen potato chips originating in or imported from Belgium and the Netherlands – ITAC Report No. 474 <ul style="list-style-type: none"> • Notice R.1306 	

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

Private party-initiated False Claims Act cases involving Customs

Author: [Ted Murphy](#), Partner, Washington, DC

There are two recent developments that highlight the continued evolution of private party-initiated trade enforcement actions filed under the *qui tam* provisions of the *False Claims Act* (“FCA”). The developments are as follows:

- Earlier this month, federal prosecutors filed suit in the Southern District of New York (“SDNY”) alleging that a double invoicing scheme, involving a Chinese manufacturer (Wuxi Yifeng Garments), its U.S. subsidiary (Yingshun Garments), and a U.S. wholesale customer (Notations, Inc.), defrauded the United States of millions of dollars of customs duties on garments imported from China. The complaint, filed following an investigation by U.S. Customs and Border Protection (“CBP”) and Immigration and Customs Enforcement’s (“ICE”) Homeland Security Investigations, alleged that between 2009 and 2014, Yingshun submitted fraudulent commercial invoices to CBP, purposefully undervaluing imported garments by 75% or more. Additionally, the complaint alleged that Yingshun’s managing director oversaw much of the undervaluation scheme and Notations (who purchased imported garments from Yingshun) actively participated in the scheme by falsely representing to U.S. retail customers that documentation submitted to CBP by Yingshun was accurate. A copy of the complaint is available from [the author](#).
- On October 5, 2016, the U.S. Court of Appeals for the Third Circuit remanded a May 2013 suit against a U.S. pipe fittings manufacturer, Victaulic Co., back to the U.S. district judge (who had originally dismissed it). The underlying complaint alleged that Victaulic (1) purposefully failed to mark its foreign-made pipe fittings to hide the country of origin, and (2) falsified entry documents to avoid having to pay marking duties. In dismissing the suit, the U.S. district judge found that, while the alleged violations could rise to a claim under the FCA, the relator “provide[d] no basis for its wholly conclusory allegations that [the U.S. company] had falsified its customs entry documents or knowingly avoided paying any required marking duties.” In remanding the case, however, Judge Jane Richards Roth emphasized that “the plain text of the FCA’s reverse claims provision is clear: any individual who knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the government may be subject to liability”. A copy of the Third Circuit’s opinion is [available here](#).

These cases are significant for a few reasons.

First, the targets being pursued for customs noncompliance under the FCA are expanding. While private party-initiated trade enforcement actions are increasingly common, most *qui tam* FCA cases that we have seen focus enforcement efforts against parties that make direct representations to the government (e.g., importers that submit false invoices to CBP). In the SDNY case, however, federal prosecutors included a U.S. downstream purchaser, that neither imported the subject garments nor made direct representations to the government, as a defendant in the complaint.

Second, the types of parties pursuing customs noncompliance under the FCA are expanding. Both cases were initiated by relators that had little or no relationship to the target companies. Specifically, the relator in the SDNY suit was the mother

of an ex-employee of the target. As we originally reported in 2014, the relator in the Third Circuit appeal was Customs Fraud Investigations, LLC (“CFI”), a company that was created for the specific purpose of analyzing potential customs fraud, filing FCA suits, and recovering financial incentives resulting from the settlements of those suits (i.e., the case was brought by an entity that did nothing more than scour the internet for possible violations). While we have seen cases initiated by various categories of whistleblowers (e.g., competitors, disgruntled employees, trade associations, etc.) these are the first instances we are aware of where the relators are this far removed from the targets.

Finally, the SDNY suit highlights the government’s willingness to prosecute not only companies for customs noncompliance, but the individual employees involved in the noncompliance, as well. As discussed above, federal prosecutors named the target importer, as well as its managing director, as defendants in the complaint.

Taken together, these cases underscore the continued trend (and evolution) of private parties initiating their own trade enforcement actions. Given the increasing number (and type) of these cases, all companies should make sure they have effective internal controls in place that include processes for vetting suppliers and reporting issues of non-compliance.

We hope this is helpful. If you have any questions, or would like to discuss these issues further, please let us know.

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 U.S. 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; FTC= FEDERAL TRADE COMMISSION; FWS= US FISH & WILDLIFE SERVICE; GSA= GENERAL SERVICES ADMINISTRATION; HSI=US IMMIGRATION AND CUSTOMS ENFORCEMENT, HOMELAND SECURITY INVESTIGATIONS; IRS= INTERNAL REVENUE SERVICE; NOAA=NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION; OFAC=OFFICE OF FOREIGN ASSETS CONTROL (TREASURY); SEC=SECURITIES AND EXCHANGE COMMISSION; TTB= ALCOHOL AND TOBACCO TAX AND TRADE BUREAU; 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.]

Date of Release	Subject
10-03-16	CBP continues to seize millions of illegal counterfeits in Puerto Rico (CBP, ICE, CPSC, FDA, FWS, USPIS)
10-06-16	In the Matter of: Russell Henderson Marshall-Order Denying Export Privileges. (BIS) Brooklyn Resident and Two Russian Nationals Arrested in Connection with Scheme to Illegally Export Controlled Technology to Russia (DOJ, ICE, FBI, BIS,

Date of Release	Subject
	DoD)
10-17-16	CBP Seizes Over 220K Prescription Pills, Tablets Headed for Nigeria (CBP)
10-19-16	Manufacturer of Kwik Fix, Hammer Tite, and Krylex Glues Settles with FTC, Agrees to Drop Misleading 'Made in USA' Claims (includes \$220,000 judgment) (FTC)
10-21-16	Tobacco Importer Charged with Failure to Pay Federal Excise Taxes (DOJ, TTB, IRS)
10-26-16	In re: Junaid Peerani – Order Denying Export Privileges (BIS)
10-28-16	Two California Men Among Those Charged in Scheme to Smuggle Military Aircraft Parts and Defense Items to Iran (DOJ, ICE, DoD, CBP)

Newsletters, Reports, Articles, Etc.

Baker & McKenzie Global VAT/GST Newsletter

Baker & McKenzie's [September 2016 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: October 2016 International Trade Compliance Update {older editions here}
Global Compliance News: The new global anti-bribery standard – how will your company measure up?
Azerbaijan Trade: New Antidumping Law Comes Into Force
Azerbaijan Trade: Procurement of Imported Goods (Works and Services) has been Stopped
Buenos Aires White Collar Crime - Investigations and Compliance Alert: Benefits for Whistle-Blowers Extended to Investigations Related to Corruption, Customs Crimes and Economic and Financial Crimes (Eng.); Se Amplió la Figura del Arrepentido a Casos de Corrupción, Delitos Aduaneros y Delitos Contra el Orden Económico y Financiero (Span.)
Kyiv International Trade Client Alert: Ukraine Expands Sanctions against Russia (Eng.)
Mexico International Trade & Customs Legal Alert: Freight companies must secure the Certified Commercial Partner Registry before March 10th, 2017 to continue using the exclusive "FAST" lane (Eng.); Empresas transportistas deberán obtener el Registro como Socio Comercial Certificado, antes del 10 de marzo de 2017 para seguir utilizando el carril exclusivo "FAST" (Span.)
Singapore Client Alert: Export Controls: Updates on Singapore Strategic Goods Control List 2016
Singapore Client Alert: Singapore-Australia Free Trade Agreement (SAFTA): 3rd Review Completion with New Updates [Full Alert here]
Venezuela Legal Alert: VAT and customs fees exoneration for the sale and import of goods and the provision of services destined to activities related to the massive transport of pas-

Subject
sengers (Eng.); Venezuela Síntesis Legal: Exoneración del IVA y tasas aduaneras para la venta e importación de bienes y prestación de servicios destinados a las actividades relacionadas con el transporte masivo de pasajeros (Span.)
Other areas
Kyiv Real Estate and Construction Client Alert: Procedure for approval of land allocation projects improved (Eng.); Удосконалено процедуру погодження проектів відведення земельних ділянок (Ukr.); Усовершенствована процедура согласования проектов отвода земельных участков (Rus.)
London: Structured Capital Markets Briefing Edition 19 September 2016
Turkey IT/C and Healthcare Legal Alert: Turkey Introduces Strict Requirements on Personal Health Data Processing

Webinars, Meetings, Seminars, Etc.

2016 – A Year-End Review of Import/Export Developments

November 15-16, 2016 | Santa Clara, CA & Webcast

Below is the Agenda, contact list and speakers:

Conference Agenda

*NOTE: Schedule is in Pacific Time and subject to change**

Tues., Nov. 15, 2016 - Export Controls and Economic Sanctions

Time	Topic	Speakers/Panelists
8:00-8:30	Registration & Breakfast	
8:30-8:40	Welcome & Introduction	John F. McKenzie
8:40-10:00	United States Export Control Developments <ul style="list-style-type: none"> • Export Control Reform Initiative • Implementation of Wassenaar Amendments • Amendments to Encryption Export Controls • Cloud Computing • ITAR Developments 	Nicholas F. Coward Janet K. Kim Alison Stafford Powell Paul Amberg
10:00-11:00	Canadian, Mexican and European Export Control Developments <ul style="list-style-type: none"> • Export Control Implications of Brexit 	Paul Burns Adriana Ibarra-Fernandez Chiara Klau James Robinson
11:00-11:15	Coffee Break	
11:15-12:30	Update on Economic Sanctions <ul style="list-style-type: none"> • Amendments to European Sanctions on Iran • Amendments to United States Sanctions (Iran, Cuba) • Ukraine-related Sanctions • Russian Response to Ukraine-related Sanctions 	Mattias Hedwall Chiara Klau Alex Lamy Janet Kim Alison Stafford Powell Alexander Bychkov Vladimir Efremov Brian Cacic
12:30-1:45	Lunch	
1:45-2:30	Export Control Developments in Asia <ul style="list-style-type: none"> • Developments with Existing Export Control Programs (Singapore, Malaysia, Taiwan, Hong Kong) • Emerging Export Control Regimes 	Eugene Lim Anne Peng Yi Lin Seng

(Philippines, Thailand, Vietnam)

2:30-2:45 Coffee Break

2:45-4:30 Export/Import Enforcement Trends

- Review of Export Control and Economic Sanctions Enforcement: Cases in the United States
- New OEE Penalty Guidelines
- Export Enforcement in the European Union
- Voluntary Self-Disclosures of Compliance Problems (OEE and DDTC)
- Cybersecurity and Fintech

[Ryan Fayhee](#)
[John F. McKenzie](#)
[James Robinson](#)
[Mattias Hedwall](#)
[Paul Amberg](#)

Wed., Nov. 16, 2016 - Customs and Import Compliance Developments

Time	Topic	Speakers/Panelists
8:00-8:30	Registration & Breakfast	
8:30-8:40	Welcome & Introduction	John F. McKenzie
8:40-10:00	Customs Developments in the United States, Canada and the European Union <ul style="list-style-type: none"> • United States Customs Developments • Canadian Customs Developments • European Union Customs Code • Update on Trade Agreements: TTP, TTIP, ITA-2, CETA 	Stuart Seidel Paul Burns Jenny Revis James Small
10:00-11:00	Customs & Border Protection Focused Assessments, Audits and Enforcement Actions <ul style="list-style-type: none"> • CBP Informed Compliance Letters • Lessons from Recent CIT and CAFC Enforcement Cases 	Ted Murphy Paul Amberg
11:00-11:15	Coffee Break	
11:15-12:15	Trade Related Aspects of Brexit from the UK and EU Perspectives	Jenny Revis Mattias Hedwall Chiara Klau James Small
12:15-1:30	Lunch	
1:30-2:45	Latin American Trade Developments (Brazil, Mexico)	Alessandra Machado Adriana Ibarra-Fernandez
2:45-4:15	The New Mercantilism: Emerging Indirect Trade Barriers in Russia and China <ul style="list-style-type: none"> • Cybersecurity and Anti-Terrorism Legislation • Encryption Regulation • Government Procurement <ul style="list-style-type: none"> • FSTEC Requirements • Local Content Requirements • CBRC Notice 317 • Russian VAT on Cross-Border Online Transactions 	Eugene Lim Anne Peng Alexander Bychkov Vladimir Efremov

If you have any questions, please contact:

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2016 International Trade Compliance Webinar Series

Our 13th annual, International Trade Compliance Webinar Series entitled, [“TPP and New Developments in Global Trade”](#) has been completed. It had several sessions covering the Trans-Pacific Partnership (TPP), as well as sessions covering key developments in customs, export and FCPA. Terrie Gleason, a partner in our Washington, DC office and Co-Chair of the Firm’s Global Customs and FTA Practice Group moderated these webinars.

All webinars run approximately 90 minutes. If you missed a webinar, wish to see it again or want to download a presentation, you may so at [this new link](#) or by clicking the blue title below which indicates the material has been posted. Due to a re-design of our website, **previous links are no longer valid.**

Recorded Webinars:

Date	Topic
Presented January 26	Overview of the Trans-Pacific Partnership (TPP) Speakers: Frederick Burke (Ho Chi Minh City), Miguel Noyola (Chicago), Eugene Lim (Singapore), and Elizabeth Nightingale (Kuala Lumpur).
Presented February 16	The Trans-Pacific Partnership (TPP) and Labor and Environment Speakers: Frederick Burke (Ho Chi Minh City) and Thuy Hang Nguyen (Ho Chi Minh City).
Presented March 29	Customs Considerations in Free Trade Agreements, Including TPP and NAFTA Speakers: Adriana Ibarra (Mexico City), Stuart Seidel (Washington, DC), and Meredith DeMent (Washington, DC).
Presented April 19	The Latest on Trade Sanctions: Iran, Russia, and Other Developments Speakers: Steven Hill (Washington, DC), Philippe Reich (Zurich), Alexander Bychkov (Moscow), and Ben Smith (London).
Presented May 24	Cuba Sanctions Developments and Updates Speakers: Alison Stafford-Powell (Palo Alto), Alexandre Lamy (Washington, DC), Brian Cacic (Toronto), and Julia Pfeil (Frankfurt).
Presented June 21	FCPA Considerations Arising in Import/Export Operations Speakers: John McKenzie (San Francisco), Joan Meyer (Washington, DC) and Mini vandePol (Hong Kong).
Presented July 26	Update on Customs Valuation Issues Around the World – Transfer Pricing, First Sale, Royalties Speakers: Paul Burns (Toronto), Nicole Looks (Frankfurt), Jennifer Revis (London), and Eugene Lim (Singapore).

Practice Group Co-Chair: **Teresa A. Gleason**, Co-Chair, Global Customs and FTA Practice (Washington, DC), Tel: +1 202 452 7030, teresa.gleason@bakermckenzie.com

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

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

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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/243/Add.1	10/07/2016	Not given	Active pharmaceutical ingredients (APIs)
 Argentina	ARG/289/Add.5	10/07/2016	Not given	Motor vehicles, trailers and semi-trailers
 Argentina	ARG/304/Add.1	10/07/2016	Not given	Packaged paper
 Argentina	ARG/306	10/07/2016	Not given	Hazardous goods
 Armenia	ARM/77	10/24/2016	11/10/2016	Personal protective equipment
 Armenia	ARM/78	10/27/2016	11/10/2016	Agricultural and forestry tractors and their trailers
 Australia	AUS/102	10/13/2016	12/12/2016	All industrial chemicals used in Australia
 Australia	AUS/103	10/24/2016	Not given	Self-balancing scooters also known as hover boards, gliders, smart boards, sky walkers and mod boards
 Brazil	BRA/388/Add.3	10/03/2016	Not given	Medicines
 Brazil	BRA/684/Add.1	10/05/2016	Not given	All foods containing originally lactose or food that have been altered and contain residual lactose
 Brazil	BRA/684/Add.2	10/05/2016	Not given	All foods containing originally lactose or food that have been altered and contain residual lactose
 Brazil	BRA/695	10/13/2016	12/5/2016	Medical devices
 Brazil	BRA/696	10/17/2016	10/20/2016	Labels and leaflets of pesticides, wood preservers and others
 Brazil	BRA/621/Add.2	10/26/2016	Not given	Instruments & apparatus for measuring, level pressure (HS 9026.20, 90.14, 90.15, 90.28 or 90.32)
 Canada	CAN/443/Add.1	10/12/2016	Not given	Toxic substances
 Canada	CAN/490/Add.1	10/11/2016	Not given	Tobacco products
 Canada	CAN/500	10/11/2016	12/15/2016	For the two fuels regulations (HS 2207.20; 2710; 2710.12; 2710.19; 2710.91; 2710.99; 3826) For Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations and Solvent Degreasing Regulations (HS 2903.23.00.00) For Solvent Degreasing Regulations (HS 2903.22.00.00) For Volatile Organic Compound (VOC) Concentration Limits for Automotive Refin-








Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
				ishing Products Regulations (HS 2710.12.90 31; 3208.90.90 10; 3208.90.90 20; 3209.10.00 10; 3209.10.00 20; 3209.90.00 10; 3209.90.00 20; 3210.00.00 10; 3210.00.00 20; 3210.00.00 90; 32.12; 3814.00.00 10; 3814.00.00 20; 3814.00.00 30; 3814.00.00 90) For Volatile Organic Compound (VOC) Concentration Limits for Architectural Coatings Regulations (HS 3208.90.90 10; 3208.90.90 20; 3209.10.00 10; 3209.10.00 20; 3209.90.00 10; 3209.90.00 20; 3210.00.00 10; 3210.00.00 20; 3210.00.00 90; 32.12; 3214.10.90 10; 3214.10.90 20; 3214.10.90 90; 3214.90.00 10; 3214.90.00 90; 3814.00.00 10; 3814.00.00 20; 3814.00.00 30; 3814.00.00 90; 3824.40.00 00) (HS 220720, 2710, 271019, 271091, 290322, 290323, 320890, 320910, 320990, 3210, 3212, 3214, 38, 3814, 382440)
 Chile	CHL/348/Add.1	09/28/2016	Not given	Steel Electrically welded mesh for use in reinforced concrete
 Chile	CHL/349/Add.1	09/28/2016	Not given	Concrete
 Chile	CHL/350/Add.1	09/28/2016	Not given	Electric and hydraulic lifts and freight lifts
 Chile	CHL/351/Add.1	09/28/2016	Not given	Electric and hydraulic lifts
 Chile	CHL/373	09/28/2016	11/27/2016	Steel for reinforced concrete structures
 Chile	CHL/374	09/30/2016	11/29/2016	Concrete
 Chile	CHL/375	10/17/2016	12/16/2016	Non-road mobile machinery, generating sets, public transport buses, and fuel
 China	CHN/683/Rev.1	10/03/2016	Not given	Water closets
 China	CHN/930/Rev.1	10/03/2016	Not given	Light-duty vehicles (HS 8703, 8704)
 China	CHN/1182	10/12/2016	12/11/2016	Drug
 Colombia	COL/199/Add.3	10/06/2016	Not given	Cookers, ovens, continuous-flow water heaters, storage water heaters and grills (HS 7321.11, 8419.11, 8419.19)
 Colombia	COL/73/Add.4	10/07/2016	Not given	Liquefied petroleum gas (LPG) cylinders
 Colombia	COL/156/Add.2	10/07/2016	Not given	LPG cylinders (HS 7311)
 Colombia	COL/212/Add.2	10/17/2016	Not given	Air conditioners; refrigerators and/or freezers; electromagnetic ballasts; electronic ballasts; single-phase squirrel-cage induction electric motors (60Hz); three-phase squirrel-cage induction electric motors (60Hz); electric washing machines; electric storage water heaters; gas-fired storage water heaters; gas-fired continuous flow water heaters; freestanding or built-in work tables; table-top and built-in cookers; work tables with grill; and table-top cookers and ovens.
 Czech Republic	CZE/200	10/20/2016	12/19/2016	Sources of ionising radiation (including radionuclide sources) and workplace equipment with a source of ionising radiation; Sources of ionising radiation used in healthcare; Construction materials; Drinking water (water intended for public supply)
 Ecuador	ECU/5/Add.5	09/28/2016	Not given	Welded steel tanks and cylinders for liquefied petroleum gas (LPG) and accessories thereof

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Ecuador	ECU/111/Add.3	09/28/2016	Not given	Perfumes and toilet waters (HS 3303); Lip make-up preparations (HS 3304.10); Eye make-up preparations (HS 3304.20); Manicure or pedicure preparations (HS 3304.30); Powders, whether or not compressed (HS 3304.91); Shampoos (HS 3305.10); Preparations for permanent waving or straightening (HS 3305.20); Hair lacquers (HS 3305.30); Other (HS 3305.90); Dentifrices (HS 3306.10); Other (HS 3306.90); Pre-shave, shaving or after-shave preparations (HS 3307.10); Personal deodorants and antiperspirants (HS 3307.20); Perfumed bath salts and other bath preparations (HS 3307.30); Other (HS 3307.90)
 Ecuador	ECU/215/Add.2	10/06/2016	Not given	Hearing protectors (HS 3926.90.60)
 Ecuador	ECU/216/Add.2	10/06/2016	Not given	Protective goggles and special masks for worker safety (HS 3926.90.70, 9004.90.10)
 Ecuador	ECU/217/Add.2	10/06/2016	Not given	Safety belts and personal protective equipment for fall prevention (HS 6307.90.20, 6307.90.90)
 Ecuador	ECU/328	09/26/2016	12/19/2016	Sugar labelling (17011200, 17011300, 17011400, 17019100, 17019910 and 17019990)
 Egypt	EGY/93/Add.1/Corr.1	10/07/2016	Not given	Non-alcoholic beverages
 Egypt	EGY/93/Corr.1	10/07/2016	Not given	Non-alcoholic beverages
 Egypt	EGY/163	10/07/2016	12/06/2016	Glass in building - basic soda lime silicate glass products
 European Union	EU/409	10/05/2016	12/04/2016	Linuron (pesticide active substance)
 European Union	EU/410	10/06/2016	12/05/2016	Windscreen washing fluids, defrosting fluids and denatured alcohol containing methanol in quantities equal to or greater than 0.6% by weight.
 European Union	EU/411	10/06/2016	12/05/2016	Perfluorooctanoic acid (PFOA), its salts and PFOA-related substances as a substance on its own and as a constituent of other substances, in mixtures, or in articles or any part thereof, in a concentration equal to or greater than 25ppb of PFOA or 1000 ppb of one or a combination of related substances.
 European Union	EU/412	10/14/2016	12/13/2016	Food
 European Union	EU/413	10/17/2016	12/16/2016	Food
 European Union	EU/414	10/20/2016	12/19/2016	Construction products. Panels, boards, tiles, blocks and similar articles of vegetable fibre, of straw or of shavings, chips, particles, sawdust or other waste, of wood, agglomerated with cement, plaster or other mineral binders (HS 6808)
 European Union	EU/415	10/20/2016	12/19/2016	Aromatised wine products
 European Union	EU/416	10/26/2016	12/25/2016	Construction products
 European Union	EU/417	10/26/2016	12/25/2016	Genetically modified organisms intended for deliberate release into the environment, including genetically modified food and feed
 European Union	EU/418	10/28/2016	12/27/2016	Buprofezin (pesticide active substance)
 India	IND/47/Add.3	10/07/2016	Not given	Addition of 15 products to the Schedule of the "Electronics and Information Technology Goods (Requirements for Compulsory Registration) Order,

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
				2012" (List attached)
 Korea, Republic of	KOR/672	10/6/2016	12/05/2016	Cosmetics
 Korea, Republic of	KOR/673	10/10/2016	12/09/2016	Electrical Appliances and industrial products
 Korea, Republic of	KOR/674	10/10/2016	12/09/2016	Electrical Appliances and Industrial Products
 Korea, Republic of	KOR/675	10/10/2016	12/09/2016	Aquatic equipment
 Korea, Republic of	KOR/676	10/11/2016	12/10/2016	Three children's products (care articles for children, toy and school things) for safety confirmation
 Korea, Republic of	KOR/677	10/11/2016	12/10/2016	Electronic power assisted boards
 Korea, Republic of	KOR/678	10/11/2016	12/10/2016	Textile products for infants
 Korea, Republic of	KOR/679	10/11/2016	12/10/2016	Textile products, leather products
 Korea, Republic of	KOR/680	10/11/2016	12/10/2016	Leather products for children, textile products for children
 Korea, Republic of	KOR/681	10/12/2016	12/11/2016	Internal corded window blinds (HS 6303)
 Korea, Republic of	KOR/682	10/12/2016	12/11/2016	Foods, livestock products
 Korea, Republic of	KOR/683	10/12/2016	12/11/2016	Common safety standards of children's products
 Korea, Republic of	KOR/684	10/14/2016	12/13/2016	Chemical products (products used by general consumers mainly as household items and biocides)
 Korea, Republic of	KOR/685	10/21/2016	12/20/2016	Sawn timber, nonstructural glued laminated timber and glued laminated board
 Lithuania	LTU/6/Add.3	10/12/2016	Not given	Construction products
 Malaysia	MYS/70	10/11/2016	12/10/2016	Logs and baulks (HS 4403); Plywood (HS 4412)
 Mexico	MEX/320	09/26/2016	Not given	Compressed natural gas (CNG) loading terminals (heading 76.13)
 Mexico	MEX/321	09/26/2016	Not given	Natural gas, ethane, biogas and coal-associated gas (heading 2711)
 Mexico	MEX/322	09/26/2016	Not given	Propolis (heading 1702)
 Mexico	MEX/323	09/26/2016	Not given	Hydrocarbons (heading 2711)
 Mexico	MEX/324	09/26/2016	Not given	Artificial light sources (heading 9405)
 Mexico	MEX/325	09/26/2016	Not given	Natural gas (heading 2711.21.00.00)
 Mexico	MEX/326	09/26/2016	11/12/2016	Radiocommunications systems (tariff heading 8517)
 Mexico	MEX/327	10/03/2016	12/02/2016	Sanitary fixtures and accessories (heading 69.10)
 New Zealand	NZL/76	10/03/2016	10/14/2016	Hot water bottles made from rubber and polyvinyl chloride (PVC) (HS 4014-90-01)
 Pakistan	PAK/106	10/26/2016	12/25/2016	Household Refrigerating Appliances Characteristics and Test Methods PS: IEC 62552 (HS 84.18)
 Pakistan	PAK/107	10/26/2016	12/25/2016	Truck and Bus Tyres and Rims (Metric Series) (HS 40.11)
 Pakistan	PAK/108	10/26/2016	12/25/2016	Ready mixed paint brushing, finishing, semi gloss for general purpose (HS 32.08, 32.09 and 32.10)
 Pakistan	PAK/109	10/26/2016	12/25/2016	Polypropylene woven laminated hermetically sealed block bottom valve sacks for packing cement (HS 63.05)
 Pakistan	PAK/110	10/26/2016	12/25/2016	Packaged Liquid Milk (HS 04.01)

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 Paraguay	PRY/87/Add.1	10/06/2016	Not given	Sugar for human consumption
 Singapore	SGP/30	10/13/2016	12/12/2016	1) Zinc 8208; Carbon Batteries: . HS: 85068010 : Primary cells & batteries of Zinc carbon of external volume not over 300 cubic cm . HS: 85068020 : Primary cells & batteries of Zinc carbon of external volume not over 300 cubic cm 2) Alkaline Batteries: . HS: 85068091 : Other primary cells & batteries of external volume not over 300 cubic cm . HS: 85068099 : Other primary cells & batteries of external volume over 300 cubic cm 3) Mercury Oxide Batteries: . HS: 85063000 : Primary cells and batteries of mercuric oxide 4) Zinc Silver Oxide Batteries: . HS: 85064000 : Primary cells and batteries of Silver Oxide 5) Zinc Air Batteries: . HS: 85066010 : Primary cells and batteries of Air Zinc of external volume not over 300 cubic cm . HS: 85066090 : Primary cells and batteries of Air Zinc of external volume over 300 cubic cm
 Slovenia	SVN/99	10/21/2016	12/20/2016	Meat products
 Slovenia	SVN/100	10/21/2016	12/14/2016	Edible salt
 South Africa	ZAF/212	10/06/2016	12/02/2016	The proposed regulations cover the quality standards, containers, packing and marking requirements, sampling procedures, methods of inspection, offences and penalties, other legislation and repeal of regulation. Soya beans, whether or not broken. (HS 1201)
 Taiwan Economy	TPKM/248	10/06/2016	12/05/2016	92 items of electrical and electronic products (HS: Chapters 84 & 85 & 90). Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof (HS 84), electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles (HS 85), optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof (HS 90)
 Taiwan Economy	TPKM/249	10/14/2016	12/13/2016	Cosmetics used for washing hair, cosmetics used for bathing, cosmetics used for face-washing, and soap as defined in relevant provisions of the Statute for Control of Cosmetic Hygiene and Toothpaste
 Taiwan Economy	TPKM/250	10/17/2016	12/16/2016	Safety footwear and protective footwear (refer to attachment)
 Taiwan Economy	TPKM/251	10/20/2016	12/19/2016	Food additives, egg products, edible vinegars and infant foods
 Taiwan Economy	TPKM/252	10/20/2016	12/19/2016	Dehumidifiers; Other (HS: 847989), - Other appliances (HS: 850980)
 Taiwan Economy	TPKM/253	10/20/2016	12/19/2016	Refrigerators, household type. Compression-type (HS 841821)
 Thailand	THA/383/Rev.3	10/04/2016	Not given	Product licensing
 Thailand	THA/455/Add.1	10/06/2016	Not given	Electric mosquito swatter (HS 8543)
 Thailand	THA/456/Add.1	10/06/2016	Not given	Lead-containing paints (HS 3208, 3209)
 Thailand	THA/466/Add.1	10/12/2016	Not given	Household or laundry - type washing machines, including machines which both wash and dry (HS

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
				8450)
 Thailand	THA/489	10/12/2016	12/11/2016	Low carbon steel wire rods
 Thailand	THA/55/Rev.1	10/17/2016	Not given	Hot-rolled steel coil strip plate and sheet (HS 72.08)
 Thailand	THA/57/Rev.1	10/17/2016	Not given	Hot-rolled carbon steel coil strip plate and sheet (HS 72.08)
 Thailand	THA/442/Add.1	10/19/2016	Not given	Fluorescent lamps, Discharge lamps (HS 8539)
 Turkey	TUR/79	10/12/2016	12/14/2016	Specifications for food additives
 Turkey	TUR/80	10/12/2016	11/11/2016	Toys (HS 95)
 Turkey	TUR/80/Add.1	10/25/2016	Not given	Toys (HS 95)
 Turkey	TUR/81	10/21/2016	12/20/2016	Grape molasses (HS 200799)
 Turkey	TUR/82	10/27/2016	12/26/2016	Distilled spirit drinks
 United States	USA/880/Add.1	10/05/2016	Not given	Road vehicles
 United States	USA/998/Add.3	10/05/2016	Not given	Residential conventional ovens (HS 851430)
 United States	USA/1201	10/05/2016	12/13/2016	Baby changing products
 United States	USA/1202	10/05/2016	Not given	Veterinary biological products
 United States	USA/1203	10/05/2016	10/06/2016	Fireworks
 United States	USA/874/Add.6	10/10/2016	Not given	General service lamps (HS 8512.90)
 United States	USA/1090/Add.1	10/10/2016	Not given	Plastic bags and plastic film
 United States	USA/1116/Add.1	10/07/2016	Not given	Canned and bottled foods and beverages
 United States	USA/1147/Add.2	10/10/2016	Not given	Motor fuel and petroleum
 United States	USA/1188/Add.1	10/07/2016	Not given	Speed limiting devices
 United States	USA/1204	10/07/2016	10/24/2016	Computers, computer monitors
 United States	USA/1205	10/10/2016	Not given	Oil and gas production systems. Petroleum gases and other gaseous hydrocarbons (HS 2711)
 United States	USA/1013/Add.2	10/19/2016	Not given	Chemical substances
 United States	USA/1125/Add.1	10/19/2016	Not given	Shell eggs (HS 0407)
 United States	USA/1144/Add.2	10/19/2016	Not given	Chemical bulk storage
 United States	USA/1165/Add.1	10/19/2016	Not given	Motor vehicle emissions
 United States	USA/874/Add.7	10/26/2016	Not given	General service lamps (HS 8512.90)
 United States	USA/970/Add.2/Corr.1	10/25/2016	Not given	Portable air conditioners
 United States	USA/1012/Add.2/Corr.1	10/26/2016	Not given	Excess flow valves in gas distribution systems
 United States	USA/1012/Add.2	10/24/2016	Not given	Excess flow valves in gas distribution systems
 United States	USA/1085/Add.2	10/26/2016	Not given	General service lamps- Lamps (HS 851310)
 United States	USA/1114/Add.1	10/24/2016	Not given	Imitation numismatic items
United States	USA/1126/Add.1	10/26/2016	Not given	Voting systems
United States	USA/1141/Add.1	10/26/2016	Not given	Gas utilities and equipment
United States	USA/1171/Add.1	10/26/2016	Not given	Chemical substances

Country	Notification	Date Issued	Final Date for Comments	Merchandise Covered
 United States	USA/1206	10/24/2016	11/14/2016	Small off-road engines
 United States	USA/1207	10/24/2016	12/23/2016	Antifreeze (HS 3820)
 United States	USA/1208	10/24/2016	12/23/2016	Fuel inspection
 United States	USA/1209	10/26/2016	12/06/2016	Respiratory protection
 United States	USA/1210	10/26/2016	Not given	Evoked photon image capture device
 United States	USA/1211	10/26/2016	Not given	Apical closure device
 United States	USA/1212	10/26/2016	01/17/2017	Home-use medical devices
 Viet Nam	VNM/89	10/03/2016	Not given	Safety glazing
 Viet Nam	VNM/90	10/03/2016	12/02/2016	Pneumatic tyres for motor vehicles and their trailers
 Viet Nam	VNM/91	10/03/2016	12/02/2016	Road vehicles

CBSA Advance Rulings

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

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

Date	TRS Number	Merchandise	Tariff Classification and Basis
12-01-15	272487	100% beige cotton canvas messenger bag	4202.12.10.00 [GIR 1,6] May qualify for LDC rate (Nepal)
10-20-15	272003	20-Watt Halogen Bulb	8539.21.00.11 [GIR 1,6]
10-20-15	271997	50-Watt Halogen Bulb	8539.21.00.11 [GIR 1,6]
11-17-15	272462	Easter Window Clings Item #A8357	9505.90.00.90 [GIR 1,6]
09-21-15	271414	Forerunner 225 GPS running watch from Garmin	9102.12.00.00 [GIR 1,6; ENs to 91.02]
09-21-15	271861	High Bay LED lighting fixture	9405.10.00.99 [GIR 1,6; EN I(1) 94.05]
03-18-16	273947	Ice confection bars in four flavours—banana, honey dew melon, mango, and strawberry	2105.00.91.90 (in access) 2105.00.92.90 (over access) [GIR 1,6; Can. Rule 1].
03-10-16	273788	K-9 Kannon, P/N 49213	8479.89.90.90 [GIR 1,6; Chap. 39 Note 2(s); Chap. 95 Note 5]
10-07-15	271831	KNAGGLIG #10292357 storage box	4420.90.00.90 [GIR 1,6; EN 44.20]
10-07-15	271833	KNAGGLIG #70292359 storage box	4420.90.00.90 [GIR 1,6; EN 44.20]
11-17-15	272062	Manual Material Lift 20578158 SLC-12	8427.90.00.00 [GIR 1,6; EN 84.26]
10-20-15	272001	Pack of three 50-Watt Halogen Bulbs	8539.21.00.11 [GIR 1,6; EN 85.39(B)]
10-20-15	272087	Pantone Plastics Selector Chips	4911.10.00.39 [GIR 1,6; Sec. VII LN 2; EN Chap. 49]
11-16-15	272618	Pulley Tire	8483.50.00.90 [GIR 1,6; EN (G) to 84.83]
01-27-16	272744	Revo II, polymer of vinyl chloride (PVC) flooring	3918.10.90.10 [GIR 1,6; EN to Chap. 39]
09-21-15	271859	Soap Dish made of Water Buffalo Bone	9601.90.00.00 [GIR 3b, 6; EN 96.01; Chap 44 Note 1(q)]
08-18-15	270999	Three manual truck turntables	8428.90.00.99 [GIR 1,6; EN 84.28]

Date	TRS Number	Merchandise	Tariff Classification and Basis
11-17-15	271942	UHD-III ROV System	8479.89.90.90 [GIR 1,6; EN 84.79 (B); CITT AP-2012-017]
12-01-15	271552	Wallyflex	8508.70.10.00 [GIR 1,6; D10-0-1; LN 2(b) to Sec. XVI]
11-17-15	271583	Wheeled Filing Rack Item #1011997	9403.20.00.99 [GIR 1, 2(a), 6]

CBP Rulings: Downloads and Searches

As US Customs and Border Protection (CBP) issues several thousand rulings a year, it is not practical to list each ruling. However, almost all rulings issued by US Customs or CBP from 1993 to the present and many issued before 1993 are available for search and downloading using the [CROSS search engine](#). Over 190,000 such rulings are in the database.

CBP Rulings: Revocations or Modifications

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

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

No amendments to the explanatory notes to the *Combined Nomenclature of the European Union* were published in the *Official Journal* during the period covered by this *International Trade Compliance Update*.

Section 337 Actions

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

Inv. No	Commodity	Action
337-TA-921 (Enforcement Proceeding)	Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof	Notice of Institution of Formal Enforcement Proceeding
337-TA-951	Certain Lithium Metal Oxide Cathode Materials, Lithium-Ion Batteries for Power Tool Products Containing Same, and Power Tool Products With Lithium-Ion	Commission's Procedure for a Public Hearing on the Issues of Laches, Contributory Infringement, and the Public Interest

Inv. №	Commodity	Action
	Batteries Containing Same	
337-TA-963	Certain Activity Tracking Devices, Systems, and Components Thereof	Commission Determination Not to Review a Final Initial Determination Finding No Violation of Section 337; Termination of the Investigation
337-TA-975	Certain Computer Cables, Chargers, Adapters, Peripheral Devices and Packaging Containing the Same	Issuance of a Limited Exclusion Order; Termination of the Investigation
337-TA-977	Certain Arrowheads With Deploying Blades and Components Thereof and Packaging Therefor	Commission Decision To Review in Part an Initial Determination Granting Complainants' Motion for Summary Determination of a Violation of Section 337; Request for Submissions
337-TA-987	Certain Hospital Beds, and Components Thereof	Commission's Determination Not to Review an Initial Determination Terminating the Investigation Based on Settlement; Termination of the Investigation
337-TA-1002	Certain Carbon and Alloy Steel Products	Commission Decision Not to Review an Initial Determination Granting Complainant's Motion to Amend the Complaint and Notice of Investigation
337-TA-1023	Certain Memory Modules and Components Thereof	Initiation of an investigation based on a complaint (and supplements) filed on behalf of Netlist, Inc. alleging patent infringement
337-TA-1024	Certain Integrated Circuits with Voltage Regulators and Products Containing Same	Initiation of an investigation based on a complaint filed on behalf of R2 Semiconductor, Inc. alleging patent infringement
337-TA-1025	Certain Silicon-On-Insulator Wafers	Initiation of an investigation based on a complaint filed on behalf of Silicon Genesis Corporation alleging patent infringement
337-TA-1026	Certain Audio Processing Hardware, Software, and Products Containing the Same	Initiation of an investigation based on a complaint filed on behalf of Andrea Electronics Corp. alleging patent infringement

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

Ref. Number	Commodity	Complaint filed on behalf of:
DN 3177	Certain Food Supplements and Vitamins, Including Ocular Antioxidants and Components Thereof and Products Containing the Same	Kemin Industries Inc. and Kemin Foods, L.C.
DN 3178	Certain Mobile Device Holders and Components Thereof	Nite Ize, Inc.
DN 3179	Certain Mobile Electronic Devices	Qualcomm Incorporated

Antidumping, Countervailing Duty and Safeguards Investigations, Orders & Reviews

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

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


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

Case No	Merchandise/Country	Action
C-351-846 C-580-884	Certain Hot-Rolled Steel Flat Products From Brazil and S. Korea	Amended Final Affirmative CVD Determinations and CVD Orders
A-602-809 A-351-845 A-588-874 A-580-883 A-421-813 A-489-826 A-412-825	Certain Hot-Rolled Steel Flat Products From Australia, Brazil, Japan, S. Korea, the Netherlands, Turkey, and the United Kingdom	Amended Final Affirmative AD Determinations for Australia, the S. Korea, and Turkey and ADD Orders
A-533-840	Certain Frozen Warmwater Shrimp From India	Notice of Correction to Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2014-2015
A-570-826	Certain Paper Clips From China	Final Results of Expedited Fourth Sunset Review of AD Order
A-570-827	Certain Cased Pencils From China	Final Results of Expedited Sunset Review of the AD Order
A-570-044	1,1,1,2-Tetrafluoroethane (R-134a) From China	Preliminary Determination of Sales at Less-Than-Fair Value and Affirmative Determination of Critical Circumstances, in Part, and Postponement of Final Determination
A-570-977	High Pressure Steel Cylinders From China	Rescission of ADD Administrative Review; 2015-2016
C-533-844	Certain Lined Paper Products From India	Preliminary Results of CVD Administrative Review; Calendar Year 2014
A-570-890	Wooden Bedroom Furniture From China	Preliminary Results of ADD Administrative Review and Preliminary Determination of No Shipments in Part; 2015
A-570-848	Freshwater Crawfish Tail Meat from China	Preliminary Results of ADD Administrative Review and New Shipper Review; 2014-2015
C-570-978	High Pressure Steel Cylinders from China	Rescission of CVD Administrative Review: 2015
A-475-828	Stainless Steel Butt-Weld Pipe Fittings from Italy	Rescission of ADD Administrative Review; 2015 – 2016
A-533-843	Certain Lined Paper Products from India	Preliminary Results of ADD Administrative Review; 2014-2015
A-570-912	Certain New Pneumatic Off-the-Road Tires from China	Preliminary Results of ADD Administrative Review; 2014-2015
A-580-870	Certain Oil Country Tubular Goods from S. Korea	Preliminary Results of ADD Administrative Review; 2014-2015
A-552-817	Certain Oil Country Tubular Goods from Vietnam	Preliminary Results of ADD Administrative Review
A-583-844	Narrow Woven Ribbons with Woven Selvedge from Taiwan	Preliminary Results of ADD Administrative Review and Preliminary Determination of No Shipments; 2014-2015
C-570-913	Certain New Pneumatic Off-The-Road Tires from China	Results of CVD Administrative Review; 2014
C-533-858	Certain Oil Country Tubular Goods from India	Preliminary Results and Partial Rescission of CVD Administrative Review
A-580-885	Phosphor Copper from S. Korea	Affirmative Preliminary Determination of Sales at LTFV, Negative Preliminary Determination of Critical Circumstances
A-570-040	Truck and Bus Tires from China	Amended Preliminary Affirmative Determination of Sales at LTFV
A-570-929	Small Diameter Graphite Electrodes From China	Amended Final Results of ADD Administrative Review; 2014-2015
A-520-804	Certain Steel Nails From the United Arab Emirates	Final Results of ADD Administrative Review; 2014-2015
C-489-830	Steel Concrete Reinforcing Bar From the Republic of Turkey	Initiation of CVD Investigation
A-471-807	Certain Uncoated Paper From Portugal	Initiation and Preliminary Results of ADD Changed Circumstances Review
A-588-876 A-583-859	Steel Concrete Reinforcing Bar from Japan, Taiwan and the Republic of Turkey	Initiation of LTFV Investigations


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

Case No	Merchandise/Country	Action
A-489-829		
A-570-952	Narrow Woven Ribbons with Woven Selvedge from China	Final Results of ADD Administrative Review
A-821-809	Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from the Russian Federation	Continuation of ADD Order
C-570-938	Citric Acid and Certain Citrate Salts from China	Rescission of CVD Administrative Review; 2015
A-570-836	Glycine from China	Final Results of ADD Administrative Review; 2014-2015
A-570-929	Small Diameter Graphite Electrodes from China	Preliminary Results of ADD Administrative Review; 2015-2016
A-570-981	Utility Scale Wind Towers from China	Notice of Rescission of ADD Administrative Review; 2015-2016
A-552-814	Utility Scale Wind Towers from Vietnam	Notice of Rescission of ADD Administrative Review; 2015-2016
A-570-042	Stainless Steel Sheet and Strip from China	Postponement of Final Determination of Sales at LTFV Investigation
A-570-831	Fresh Garlic from China	Final Rescission of the Semiannual ADD New Shipper Review of Jinxiang Huameng Imp & Exp Co., Ltd.
A-357-818	Lemon Juice from Argentina	Continuation of Suspension of AD Investigation
A-570-970	Multilayered Wood Flooring from China	Rescission of ADD New Shipper Reviews; 2014-2015
A-469-805	Stainless Steel Bar From Spain	Initiation and Preliminary Results of Changed Circumstances Review
A-570-827	Certain Cased Pencils from China	Final Results of ADD New Shipper Review; 2014-2015
A-580-885	Phosphor Copper from S. Korea	Postponement of Final Determination of Sales at LTFV
C-570-031	Certain Iron Mechanical Transfer Drive Components From China	Final Affirmative CVD Determination
C-535-904	Circular Welded Carbon-Quality Steel Pipe From Pakistan	Final Affirmative CVD Determination
A-523-812	Circular Welded Carbon-Quality Steel Pipe From Oman	Final Determination of Sales at LTFV
A-535-903	Circular Welded Carbon-Quality Steel Pipe From Pakistan	Final Determination of Sales at LTFV
A-520-807	Circular Welded Carbon-Quality Steel Pipe From the UAE	Final Determination of Sales at LTFV
A-570-032	Certain Iron Mechanical Transfer Drive Components From China	Final Affirmative Determination of Sales at LTFV
A-122-856	Certain Iron Mechanical Transfer Drive Components From Canada	Final Affirmative Determination of Sales at LTFV
A-552-820	Circular Welded Carbon-Quality Steel Pipe From Vietnam	Final Determination of Sales at LTFV
A-533-840	Certain Frozen Warmwater Shrimp From India	Initiation and Preliminary Results of ADD Changed Circumstances Review
A-570-848	Freshwater Crawfish Tail Meat From China	Initiation of ADD New Shipper Review
A-557-813	Polyethylene Retail Carrier Bags From Malaysia	Final Results of the ADD Administrative Review; 2014-2015


United States International Trade Commission (USITC)

Inv. No	Merchandise/Country	Action
731-TA-696	Pure Magnesium From China	(Fourth Review) Institution of a Five-Year Review
731-TA-1091	Artists' Canvas From China	(Second Review) Institution of a Five-Year Review
701-TA-475	Aluminum Extrusions From China	(Review) Scheduling of Full Five-Year Reviews


United States International Trade Commission (USITC)

Inv. №	Merchandise/Country	Action
731-TA-1177		
731-TA-808	Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Russia	(Third Review) Determination that revocation of the ADD order would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.
701-TA-557 731-TA-1312	Stainless Steel Sheet and Strip From China	(Final) Scheduling of the Final Phase of CVD and ADD Investigations
701-TA-560-561 731-TA-1317-1328	Carbon and Alloy Steel Cut-to-Length Plate From Austria, Belgium, Brazil, China, France, Germany, Italy, Japan, Korea, South Africa, Taiwan, and Turkey	(Final) Scheduling of the Final Phase of CVD and ADD Investigations
701-TA-382 731-TA-800, 801, and 803	Stainless Steel Sheet and Strip From Japan, Korea, and Taiwan	(Third Review) Notice of Commission Determination To Conduct Full Five-Year Reviews
731-TA-457-A-D	Heavy Forged Hand Tools from China	(Fourth Review) Scheduling of Expedited Five-Year Reviews.
701-TA-379 731-TA-788, 792, and 793	Stainless Steel Plate from Belgium, South Africa, and Taiwan	(Third Review) Scheduling of Expedited Five-Year Reviews


Canadian International Trade Tribunal (CITT)

Ref. Number	Merchandise/Country	Action
PI-2016-002	Concrete Reinforcing Bar Originating In or Exported From Belarus, Chinese Taipei, Hong Kong SAR, China, Japan, The Portugal and Spain	Preliminary Determination of Injury
NQ-2016-002 and Ref. № GC-2016-001	Certain gypsum board, sheet, or panel originating in or exported from the USA, imported into Canada for use or consumption in the provinces of British Columbia, Alberta, Saskatchewan, and Manitoba, as well as the Yukon and Northwest Territories	Revised Notice of Commencement of Inquiries
NQ-2016-001	<i>Dumping</i> : Certain welded large diameter carbon and alloy steel line pipe originating in or exported from China and Japan; <i>Subsidizing</i> : of the above-mentioned goods originating in or exported from the China	Finding that the dumping and/or subsidizing of the subject goods, originating in or exported from the China and Japan, have caused injury to the domestic industry. CITT excludes certain products from Finding.


Canada Border Services Agency (CBSA)

Ref. Number	Merchandise/Country	Action
LLP 2016 IN AD 1408	Large Line Pipe from China and Japan	Dumping and Subsidy Final Determinations – Statement of Reasons



Mexico - Ministry of Economy

Ref. №	Merchandise/Country	Action
25/14	Aluminum kitchenware originating in China regardless of country of export	Final Resolution of the AD investigation
EC 21/15	Seamless steel pipe originating in Japan, regardless of country of export.	Final Resolution of the AD investigation
11/15	Ferro originating in the Republic of India, regardless of country of export.	Final Resolution of the AD investigation
27/14	Ceramic tiles for walls and floors originating in China, regardless of country of export, and for which a commitment on accepted price	Final Resolution of the AD investigation



European Union

Ref. Number	Merchandise/Country	Action
2016/C 363/05	Certain seamless pipes and tubes of iron or steel originating in, or exported from, Russia, Ukraine	Notice of the impending expiry of certain anti-dumping measures
(EU) 2016/1777	Certain heavy plate of non-alloy or other alloy steel originating in China	Commission Implementing Regulation imposing a provisional ADD
(EU) 2016/1778	Certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in China	Commission Implementing Regulation imposing a provisional ADD
2016/C 373/04	Hand pallet trucks and their essential parts originating in China	Notice of initiation of an expiry review of the AD measures
2016/C 384/07	High tenacity yarn of polyester, originating in China	Notice of initiation of a partial interim review of the AD measures
2016/C 398/10	Threaded tube or pipe cast fittings, of malleable cast iron, originating in China and Thailand	Notice concerning the judgment of 30 June 2016 in case T-424/13 in relation to Council Implementing Regulation (EU) No 430/2013 imposing a definitive ADD and collecting definitively the provisional duty imposed on imports and terminating the proceeding with regard to Indonesia
2016/C 398/11	Preserved citrus fruits (namely mandarins, etc.) originating in China	Notice concerning the AD measures in force: modification of the name of a company subject to the cooperating exporting producers' ADD



Australian Anti-Dumping Commission

Ref. №	Merchandise/Country	Action
2016/104	Deep Drawn Stainless Steel Sinks From China	Initiation of an Exemption Inquiry
2016/105	Zinc Coated (Galvanised) Steel From India, Malaysia and Vietnam	Initiation of an Investigation into Alleged Dumping and Subsidisation
2016/106	Steel Reinforcing Bar Reinforcing Bar From Spain	Initiation of a review of the AD measures relating to Compania Espanola de Laminacion, S.L
2016/108	Aluminium Extrusions From Malaysia and Vietnam	Preliminary Affirmative Determination
2016/110	PV Modules or Panels From China	Termination of Investigation
2016/111	A4 Copy Paper From Brazil, China, Indonesia and Thailand	Extension of time granted to issue Statement of Essential Facts


China Ministry of Commerce (MOFCOM)

Ref. Number	Merchandise/Country	Action
MOFCOM № 55	Pulp from the US, Canada and Brazil	Announcement on the Tax Rate Applicable to AV Group NB Company to the Companies of AV Nackawic Inc. and AV Cell Inc. in AD Measures
MOFCOM № 54	Ethylene chloropropane from Japan	Correction to Osaka Soda Co. English name


Government of India Ministry of Finance (Department of Revenue)

Notification №	Merchandise/Country	Action
48/2016-Cus (ADD)	Glass Fibre and Articles thereof, originating in or exported from China	Imposes definitive ADD
49/2016-Cus (ADD)	Para Nitroaniline, originating in, or exported from China	Extends the levy of ADD for a period of one year i.e. up to and inclusive of the 08-09-17.
50/2016-Cus (ADD)	Narrow woven Fabrics [Hook and Loop Velcro Tapes] of specified types, originating in or exported from China	Imposes ADD for a period of five years.


Brazil Ministry of Development, Industry and Trade

Reference	Merchandise/Country	Action
CAMEX Res. № 90	Monobutyl ether of ethylene glycol - EB-MEG, originating in the United States.	Extending definitive ADD for a period of five (5) years
CAMEX Res. № 93	Nylon yarn	Complete the evaluation of public interest, without the suspension of the ADD set in CAMEX Resolution No. 124 of December 26, 2013.
CAMEX Res. № 94	Jute bags from India and Bangladesh	Extending definitive ADD for a period of five (5) years
CAMEX Res. № 96	Polymerized styrene-butadiene rubber emulsion cold (E-SBR), originating in the European Union,	Extending the suspension for a period of one year, the levying of ADD mentioned in CAMEX Resolution n the 110 of November 19, 2015.
SECEX Cir. № 59	Polypropylene resin originating in the United States.	Extends the deadline for completion of the review of the applied ADD
SECEX Cir. № 60	N-butanol originating in the USA	Starts review of ADD
SECEX Cir. № 61	Monocalcium monohydrate food grade phosphate - MCP originating in Argentina	Starts review of ADD
SECEX Cir. № 62	Steel flat bars originating in China	Extends the deadline for completion of the dumping investigation
CAMEX Res.№ 97	Polyvinyl chloride resin (PVC-S) obtained by suspension process, originating in China and S. Korea (№ 68/2014) and USA and Mexico (№ 85/2010).	Decides not to suspend in the public interest, the ADD of CAMEX Resolution No. 85 of 08-12-10, and the CAMEX Resolution n 2 68 of 14-08-14.

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Opportunity to Request Administrative Review

In an October 3, 2016 *Federal Register* [notice](#), the US Department of Commerce announced that it will receive requests to conduct administrative reviews of various antidumping (AD) and countervailing duty (CVD) orders and findings with October anniversary dates:

AD/CVD Proceedings - Country/ Merchandise	Case No.	Period
Antidumping Duty Proceedings		
Brazil: Carbon and Certain Alloy Steel Wire Rod	A-351-832	10/1/15-9/30/16
Indonesia: Carbon and Certain Alloy Steel Wire Rod	A-560-815	10/1/15-9/30/16
Italy: Pressure Sensitive Plastic Tape	A-475-059	10/1/15-9/30/16
Mexico: Carbon and Certain Alloy Steel Wire Rod	A-201-830	10/1/15-9/30/16
Moldova: Carbon and Certain Alloy Steel Wire Rod	A-841-805	10/1/15-9/30/16
The PR of China: Barium Carbonate	A-570-880	10/1/15-9/30/16
Barium Chloride	A-570-007	10/1/15-9/30/16
Boltless Steel Shelving Units Prepackaged for Sale	A-570-018	4/1/15-9/30/16
Electrolytic Manganese Dioxide	A-570-919	10/1/15-9/30/16
Helical Spring Lock Washers	A-570-822	10/1/15-9/30/16
Polyvinyl Alcohol	A-570-879	10/1/15-9/30/16
Steel Wire Garment Hangers	A-570-918	10/1/15-9/30/16
Trinidad and Tobago: Carbon and Certain Alloy Steel Wire Rod	A-274-804	10/1/15-9/30/16
Countervailing Duty Proceedings		
Brazil: Carbon and Certain Alloy Steel Wire Rod	C-351-833	1/1/15-12/31/15
Iran: Roasted In Shell Pistachios	C-507-601	1/1/15-12/31/15
The PR of China: Boltless Steel Shelving Units Prepackaged for Sale	C-570-019	1/30/15-12/31/15
Suspension Agreements		
Russia: Uranium	A-821-802	10/1/15-9/30/16

Requested Reviews

In an [October 14, 2016](#) *Federal Register* notice, the US Department of Commerce announced that it has received timely requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with August anniversary dates. See actual notice for companies requesting review:

AD/CVD Proceedings - Country/ Merchandise	Case No.	Period
Antidumping Duty Proceedings		
Italy: Granular Polytetrafluorethylene Resin	A-475-703	8/1/15-7/18/16
Malaysia: Polyethylene Retail Carrier Bags	A-557-813	8/1/15-7/31/16
Mexico: Light-Walled Rectangular Pipe and Tube	A-201-836	8/1/15-7/31/16
S. Korea: Certain Steel Nails	A-580-874	12/29/14-6/30/16
Large Power Transformers	A-580-867	8/1/15-7/31/16
Romania: Carbon and Alloy Seamless Standard, Line and Pressure Pipe (under 4 1/2 inches)	A-485-805	8/1/15-7/31/16
SR of Vietnam: Frozen Fish Fillets	A-552-801	8/1/15-7/31/16
Thailand: Polyethylene Retail Carrier Bags	A-549-821	8/1/15-7/31/16
The PR of China: Certain Steel Nails	A-570-909	8/1/15-7/31/16
Passenger Vehicle and Light Truck Tires	A-570-016	1/27/15-7/31/16
Polyethylene Retail Carrier Bags	A-570-886	8/1/15-7/31/16
Tow-Behind Lawn Groomers and Parts Thereof	A-570-939	8/1/15-7/31/16
Ukraine: Silicomanganese	A-823-805	8/1/14-7/31/15
Countervailing Duty Proceedings		
The PR of China: Passenger Vehicle and Light Truck Tires	C-570-017	12/1/14-12/31/15

AD/CVD Proceedings - Country/ Merchandise	Case No.	Period
Suspension Agreements		
None		

Initiation of Sunset Reviews

In an October 3, 2016, *Federal Register* [notice](#), the US Department of Commerce advised that it was automatically initiating a five-year (“Sunset”) review of the antidumping and countervailing duty orders listed below.

AD/CVD DOC Case No.	ITC Case No.	Country	Merchandise
A-570-899	731-TA-1091	PRC	Artist Canvas (2 nd Review)
A-570-832	731-TA-696	PRC	Pure Magnesium (4 th Review)

Advance Notification of Sunset Reviews

In an October 7, 2016, *Federal Register* [notice](#), the US Department of Commerce advised that the following cases were scheduled for five-year (“Sunset”) reviews for November.

AD/CVD Proceedings - Merchandise/Country	Case No.
Antidumping Duty Proceedings	
Helical Spring Lock Washers from the PRC	A-570-822 (4 th Review)
Multilayered Wood Flooring from the PRC	A-570-970 (1 st Review)
Gray Portland Cement and Cement Clinker from Japan	A-588-815 (4 th Review).
Welded ASTM A-312 Stainless Steel Pipe from S. Korea	A-580-810 (4 th Review)
Solid Urea from Russia	A-821-801 (4 th Review)
Helical Spring Lock Washers from Taiwan	A-583-820 (4 th Review)
Welded ASTM A-312 Stainless Steel Pipe from Taiwan	A-583-815 (4 th Review)
Solid Urea from Ukraine (A-823-801) (4th Review)	
Countervailing Duty Proceedings	
Multilayered Wood Flooring from the PRC	C-570-971 (1 st Review)
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in November 2016	

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