



For Customs and Global Trade Professionals and Trade Associations that need to receive comprehensive [Trade Intelligence](#) in the field of

# US Customs & Global Trade Update

Edition 23

Covering Week 24/2023 (12 June – 18 June 2023)

Published: 19 June 2023

## Executive Summary of this Edition

This week, our attention is directed towards the latest Customs Bulletin and Decisions release and the CROSS-database classification rulings featured on the U.S. Customs and Border Protection (CBP) website.

CBP is now making efforts to engage in green customs, environmental sustainability, and climate change mitigation. Would you be interested in attending their conference?

In addition, the Bureau of Industry and Security (BIS) is conducting introductory training sessions throughout the summer on export control.

Significant investigations exist in a comprehensive case of products on ADD and CVD. We detail what this means.

Furthermore, Canada is proposing to modify their customs valuation basis to the last sale rule, which could significantly impact trade between the United States and Canada.

Enjoy!

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## Customs & Border Protection

### Customs Bulletin and Decisions

Are you someone who wants to stay informed about customs and related matters of the U.S. Customs and Border Protection, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Court of International Trade? If so, you'll be happy to know that the Customs Bulletin and Decisions is an excellent resource. This publication is designed to keep you up-to-date on all the latest news and developments in the world of customs, making it an essential tool for anyone who wants to stay informed. If you're looking for a one-stop shop to stay up-to-date on the latest happenings in your field, look no further than this weekly publication. Each issue is packed with decisions, rulings, regulations, notices, and abstracts, giving you a comprehensive overview of the most recent developments. Whether you're a seasoned professional or just starting out in your career, this publication is an invaluable resource for staying informed and staying ahead of the curve. If you're looking to stay up-to-date with the latest version, be sure to download it now.

### [Customs Bulletin Weekly, Vol. 57, June 14, 2023, No.23](#)

### Last Chance TO Have Your Say: Changes to Import Entry Form

The U.S. Customs and Border Protection is inviting comments until tomorrow regarding proposed revisions to CBP form 7501. The importer or their agent has to submit this form for each import transaction within ten working days from the time of entry. CBP uses the data provided in this form as a record of the import transaction to gather the appropriate duty, taxes, certifications, and enforcement information and to share data with the Census Bureau for statistical purposes.

CBP is suggesting the inclusion of some essential data fields in Form 7501. These fields include:

- The country where the steel used in manufacturing an imported steel product was melted and poured into its first solid shape.
- The countries where the largest and second-largest volumes of primary aluminum used in the manufacture of an imported aluminum product were smelted and the country where the aluminum was most recently cast.

Importers may also be required to report if primary aluminum from specific countries is used in the product. CBP notes that this information will be required for those HTSUS numbers that fall under the Commerce Department's steel and aluminum import license applications and, where applicable, the Section 232 measures on steel and aluminum.

## Climate Change & Environmental Sustainability update

## CBP Green Trade Innovation and Incentives Forum



Join the Green Trade Innovation and Incentives Forum on Tuesday, July 11, 2023, hosted by the U.S. Customs and Border Protection Office of Trade, to contribute your ideas on building an eco-friendlier future for trade. This forum will gather professionals from the trade industry, technology, research, academics, non-governmental organizations, and interagency government personnel to discuss green trade innovation, incentivizing sustainable supply chains, promoting environmental stewardship, and international trade decarbonization.

The CBP Green Trade Strategy commits to positioning CBP as a leader in fighting climate change and supporting the green economy. We strive to work with global customs authorities, interagency partners, and private sector entities to establish sustainable standards for global trade. Our aim is to create opportunities for collaboration among government, industry, and the public to achieve a more sustainable future.

You can watch a short video that explains the Green Trade Strategy by clicking on this link. <https://www.cbp.gov/video/opa/2023/cbp-green-trade-intro.mp4>

[Find out more and register.](#)

[Join our Training on Climate Change and Environmental Sustainability](#)

## Biosecurity & Veterinary Border Updates

### Attention Importers: Don't Delay Your Cargo, File APHIS Core Message Set

The Animal Plant Health Inspection Service of the Department of Agriculture would like to remind customs brokers, filers, freight forwarders, carriers, and other members of the importing community about the importance of filing an APHIS core message set for clearance before moving cargo to plant inspection stations. Failure to do so may result in cargo delays. According to APHIS, when electronic information is submitted through the Automated Commercial Environment, a properly filed APHIS core message set must be submitted along with any required documents in the ACE Document Imaging System. For cargo that is exempt from electronic submission or clearance done through non-electronic means and must go to a PIS for clearance, a properly completed PPQ 368 paper form and accompanying paper documents must be submitted for clearance of cargo. To avoid delays, APHIS recommends that importers submit electronic information or paper documentation in advance of the cargo's arrival, including products that meet U.S. Customs and Border Protection requirements for

de minimis exemptions. Importantly, APHIS accepts the use of entry type 86 test data for cargo meeting those requirements.

## U.S. Customs Classification Update

### Customs Rulings Online Search System (CROSS)

If you need a reliable and efficient method of searching through CBP rulings, then CROSS could be the perfect solution for you. This database provides the flexibility to search for rulings using simple or complex search criteria using keywords. Aside from basic search functionality, CROSS also offers a powerful feature that allows you to cross-reference rulings from the initial search result set with any modified, revoked, or referenced counterparts. This feature ensures that the search results are accurate and comprehensive, making it an indispensable resource for legal professionals and researchers alike. It's worth noting that in 1989, rulings collections were divided into two categories: Headquarters and New York. CROSS was last updated Jun 16, 2023, 12:45 PM with one ruling, bringing the total number of searchable rulings to 212583. The most recent ruling is dated Jun 16, 2023.

[Access CROSS](#)

### As of yesterday, there has been a reclassification of women's tops.

In April, CBP announced the reclassification of a particular woman's top. The garment in question will now be classified as a cotton blouse under HTSUS 6206.30.30, with a 15.4 per cent duty, instead of a cotton garment under HTSUS 6211.42.1056, with an 8.1 per cent duty.

This item is made from 100 per cent cotton woven fabric and features a full front opening with seven-button closures, a pointed collar, long sleeves with button cuffs, a single chest pocket, a curved hemmed bottom, and an inside pouch below the waist that is sewn along one edge to the top's inner seam.

CBP has clarified that garments with pockets below the waist cannot be classified in heading 6206. However, the inside pouch on this garment is not considered a pocket. According to CBP, pockets are designed to carry small items, but the pouch's construction and position make it impractical for holding or carrying articles. Therefore, consumers would not reasonably utilize it for that purpose.

Some commenters expressed concern about the subjective "actual use" determination used in CBP's ruling. CBP responded by stating that it is not requiring the wearer to use the pocket to carry objects. However, based on dictionary definitions, pockets must be intended for carrying objects.

Ruling HQ H326573 will revoke ruling NY N324185 to reflect this change, effective for goods entered or withdrawn from the warehouse for consumption since yesterday.

For more information on seeking or utilizing classification and other rulings, please contact Arne Mielken at [info@customsmanager.org](mailto:info@customsmanager.org).

## ACE Updates

### UPDATE - U.S. Food and Drug Administration (FDA) to Process Port of Entry Changes Through ACE

Port of Entry (POE) changes can now be made using the Update Action Code (U) on an ACE Cargo Release transaction as suggested by trade. Trade users will no longer need to request an entry cancellation and submit a new entry to change a Port of Entry for entries with FDA data. FDA will respond to an entry submission with a POE change with new reason codes to acknowledge the POE change and indicate previous decision/status messages remain applicable. As is the case today, changes to the FDA message set will not be considered. This enhancement for FDA is currently available in CERT. Due to continued testing, FDA expects to begin processing PoE changes via ACE, including sending the new reason codes in Production no earlier than June 24, 2023. An additional CSMS message will be sent next week to provide an update on the planned deployment date.

Refer to the updated [Information for FDA Entry Filings document](#) for further information on Port of Entry changes for the FDA.

## ADD & CVD updates

The International Trade Administration and/or International Trade Commission have released updates on antidumping and/or countervailing duty cases.

Brass rod from Brazil, India, Israel, Mexico, South Africa, and South Korea has received preliminary affirmative AD/CV injury determinations.

We have reviewed the AD/CV duty orders for the periods April 1, 2022, through March 31, 2023 (AD) or Jan. 1 through Dec. 31, 2022 (CV), unless stated otherwise. The following products have been reviewed: R-134a from China (AD), activated carbon from China (AD), alloy and certain carbon steel threaded rod from China (AD), aluminum foil from China (AD/CV), carbon and alloy steel threaded rod from China (CV) and India (AD/CV), common alloy aluminum sheet from Bahrain (AD/CV), Brazil (AD), Croatia (AD), Egypt (AD), Germany (AD), India (AD/CV), Indonesia (AD), Italy (AD), Oman (AD), Romania (AD), Serbia (AD), Slovenia (AD), South Africa (AD), Taiwan (AD), and Turkey (AD/CV), drawn stainless steel sinks from China (AD), granular polytetrafluoroethylene resin from Russia (CV; July 6, 2021, through Dec. 31, 2022), magnesium metal from China (AD), mobile access equipment and subassemblies from China (AD; April 13, 2022, through March 31, 2023), phosphate fertilizers from Morocco and Russia (CV), silicon metal from Iceland (AD), stainless steel sheet and strip from China (AD/CV), and wooden cabinets and vanities and components from China (AD/CV).

The AD duty order on carbon and alloy seamless standard, line, and pressure pipe (over 4.5") from Japan and AD duty orders on such pipe (under 4.5") from Japan and Romania will continue effective June 6.

Additionally, preliminary affirmative AD/CV injury determinations have been made on non-refillable steel cylinders from India and boltless steel shelving units prepackaged for sale from India, Malaysia, Taiwan, Thailand, and Vietnam.

To learn more about AD/CV duty matters, such as how to reduce liability, please reach out to Arne Mielken at [info@customsmanager.org](mailto:info@customsmanager.org)

## Export Controls Update

### Complying with U.S. Export Controls Seminar, June 20-23, 2023

BIS provides an online program for our Complying with U.S. Export Controls seminar. Through virtual and interactive learning tools, they aim to deliver essential compliance information on the Export Administration Regulations (EAR). For more information, [please click on the provided link](#).

### Update Conference on Export Controls and Policy 2023

The upcoming 36th annual conference on Export Controls and Policy by the Bureau of Industry and Security (BIS) is scheduled to take place from Tuesday, November 28 to Thursday, November 30, at the Marriott Marquis Hotel in Washington, D.C. The conference will be held in person only for two and a half days, including an evening reception. Attendees can expect keynote speakers, plenaries, breakout sessions, and live Q&A sessions with BIS and other agency experts. The event's agenda

and specific details will be announced at a later date. If you are interested in participating as an exhibitor, please get in touch with the Outreach and Educational Services Division at [UpdateConference@bis.doc.gov](mailto:UpdateConference@bis.doc.gov).

## U.S. Sanctions Update

- [Transnational Criminal Organizations Designations](#)
- [Non-Proliferation Designation;](#)
- [North Korea Designation;](#)
- [Russia-related Designation Update](#)

## Canada



## Canada to join the EU and move to “last sale for export.”

There is a potential change to Canadian customs valuation policy that could result in negative consequences for U.S. businesses. The proposed change would affect how import duties are calculated for goods shipped into Canada, and companies have less than two weeks to voice their concerns.

Currently, import duties are calculated based on the transaction value of the goods, which is typically the price paid for the sale of goods to a purchaser in Canada. However, under the proposed change by the Canada Border Services Agency, when an imported product is subject to multiple sales, the "last sale" would be considered the "sale for export". This means that a sale within Canada, such as from a distributor to a retailer or from a retailer to a consumer, could be considered a sale for export and result in increased duty rates.

The proposed regulations are written so broadly that importers may have difficulty understanding how their imported goods will be valued and what agreements or arrangements will affect their value. This lack of transparency could make it harder for importers to plan and compete and increase their chances of being penalized for non-compliance.

Not only could the proposed change be detrimental to business, but it may also be illegal. It goes against longstanding Canadian court rulings and violates the World Trade Organization's Customs Valuation Code. Moreover, the proposed regulations could lead to increased import duties above the levels agreed upon under WTO rules and violate the U.S.-Mexico-Canada Agreement. This could potentially result in retaliatory duties on Canadian exports.

To learn more about this proposal and how it may impact your business, please contact Arne Mielken at [info@customsmanager.org](mailto:info@customsmanager.org).

## Your Supportive Documents

*Customs and trade compliance are crucial aspects of international trade that ensure the smooth flow of goods across borders while adhering to legal regulations. In addition, compliance with customs and trade regulations helps businesses avoid penalties and legal issues while ensuring the safety and security of goods and people involved in the trade. Therefore, companies must prioritise customs and trade compliance to maintain their reputation and competitiveness in the global market.*

*The purpose of these supportive documents is to help you and your business in ensuring compliance with customs and trade regulations and to identify duty-saving opportunities.*

*Customs and Global Trade Professionals are essential as they provide practical support tools that allow the reader to quickly grasp new complex issues, laws and policies. This enables the Customs Manager to get up to speed rapidly and speak competently about a subject: The analysis and the summary work have already been done for you.*

*Download extra materials. factsheets, Q&As, PowerPoint presentations, Excel spreadsheets, reports, and notes to support your work – ordered by A-Z.*

[Download](#)

## Trainings & Events

### **Course: CITES - Trade in Endangered Species & Products**

10 Jul, 13:00 – 17:00 BST

Virtual Training Event

This course develops the competencies professionals need to deal with all aspects of the CITES regulation, including identifying endangered species and licensable products, applying for permits and designing an effective compliance system. (Course ID: E-FA 08)

### **Webinar: The Practical Implementation of the Windsor Framework - Guide For Businesses**

12 Jul, 16:00 BST - 17:30 BST

Virtual Event (Zoom)

Fri, 14 Jul | Virtual Training Event

### **Course: Incoterms®**

This course develops the competencies that professionals need to deal with all aspects of customs Incoterms®, including how to handle circumstances and activities in Incoterms®, including how to identify the correct term and apply it in the business context (Course ID: OC6)

### **Course: Climate Change & Environmental Sustainability**

17 Jul, 13:00 – 17:00 BST

Virtual Training Event

This course develops the competencies professionals need to deal with all aspects of Green Customs, identifying the rules and regulations that impact companies in climate change and environmental

sustainability. (Course ID: E-FA 10)

**Course: Biosecurity & Veterinary Border Controls (SPS)**

17 Jul, 13:00 – 17:00 BST

Virtual Training Event

This course develops the competencies that professionals need to deal with all aspects of food and plant importations, identifying the type of food, feed, animal, and plant products that require a licence, how to apply for permits + design an effective compliance system. (Course ID: E-FA 09)

**Course: Entry of Goods. Export & Exit of Goods**

04 Sept, 13:30 – 17:30 BST

Virtual Training Event

The course has two parts. In the first part, students learn every step of bringing goods into a country up to the ultimate release of the goods. The second part covers activities needed to export and exit goods from your country/jurisdiction compliantly and efficiently (Course ID: OC12+14).

**Course: Customs Compliance Assurance**

Fri, 15 Sept

This course develops professionals' skills to handle all facets of ensuring customs compliance. It includes the actions companies may take to ensure their operations comply with customs laws, procedures, and regulations. (Course ID: OC11)

For all bookings: [www.customsmanager.org](http://www.customsmanager.org) -> Events

## Sources of this edition

### U.S.

- Cargo Systems Messaging Service
- CBP
- Federal Register
- OFAC
- BIS

## About this Update

<b>Topic Coverage</b>	Customs processes & procedures (including AEO) Trade Agreements Biosecurity & Veterinary Border Controls (including news or changes relating to seafood trade or Regulation) Indirect Taxes (Customs Duty, Excise, Import VAT) Export Controls, Sanctions Green Customs and Global Trade
<b>Audience</b>	Importers, Exporters, Transport Companies, Retailers, Manufacturers, Food & Feed Producers, Tech, Pharma, Life-Science Companies, Trade Associations, Chambers of Commerce, Institutes, Research Association, Government Officials, Agencies, Customs Brokers, Shippers, Agents, Customs & Tax Advisors, Lawyers
<b>Country Coverage</b>	United States
<b>Required Knowledge Level</b>	<b>This is not a marketing newsletter.</b> Good working knowledge of customs and global trade matters with some practical experience (“L2”) is required to understand & appreciate the updates delivered in this document.
<b>International Institution Coverage</b>	WCO WTO UN (Sanctions, CITES) Other as appropriate

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