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# Customs & Trade Updates

**Week 08/2023**

**Period Covered: 20 February - 27 February 2023**

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Topic Coverage	Customs processes & procedures (including AEO) Trade Agreements Biosecurity & Veterinary Border Controls Indirect Taxes (Customs Duty, Excise, Import VAT) Export Controls, Sanctions Green Customs and Global Trade
Do we need	Are we missing a topic you are interested in? Get in touch at <a href="mailto:info@customsmanager.org">info@customsmanager.org</a>
Country Coverage	European Union + selected Member States United Kingdom (with an additional focus on Northern Ireland) United States of America
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International Institution Coverage	WCO WTO UN (Sanctions, CITES) Other as appropriate

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## 9 Years Ukraine Resistance – 9+ years Trading with Sanctions against Russia

My fellow Customs & Global Trade Professionals,

This update was delayed a day for a good cause. We wanted to incorporate information on the UK-EU Northern Ireland talks breakthrough. We examine the "new Windsor framework" Northern Ireland Protocol arrangement between Britain and the EU. Prime Minister Sunak called the new pact a "decisive breakthrough" during a Windsor news conference. Sunak said the arrangement reached would provide a "*smooth flow of commerce*" inside the UK and a "*green lane*" for UK exports to Northern Ireland and a "*red lane*" for exports to the Republic of Ireland and the EU. The prime minister said today's accord would *preserve Northern Ireland's role in the UK*. Let's examine.

Last week, no surprise, much of our attention was focused on the first anniversary of the full-scale invasion of Russia into Ukraine. We focus on the sanctions that the EU, UK and the US have imposed, and there are many – We dedicate the first 20 pages of the report to compare and contrast these measures across the three jurisdictions – as they have far-reaching consequences for all of us.

Did you see our new sanctions training offer? You can book our new customs & global trade training here: <https://www.customsmanager.org/events>

A key feature of the update – we are proud of is the **SPECIAL REPORT on Mandatory EU supply chain due diligence obligations – What Customs & Global Trade Professionals Need To Know**. You may find this an interesting report to read (as a FULL subscriber).

Finally, the third edition of the **Customs Show** is out: In this must-watch edition of The Customs Show, Arne Mielken spoke with Walter van der Mieren, UPS' Director of Customs Compliance, about the critical eCustoms systems going live in 2023, which everyone involved in customs must be aware of!

<https://www.youtube.com/watch?v=VUyrkRmUMEc>

You can also keep up with what we're doing on Twitter, LinkedIn and YouTube.

Best wishes



Arne Mielken  
Customs Manager Ltd.



P.S. Don't miss the start of our [Diploma in Customs Competences](#) – in April, a one-of-a-kind! True customs professionals really must sit the 15 courses and two exams – including a case study. Will you?

## Content

<b>First Anniversary of Russia’s latest war against Ukraine</b> .....	<b>7</b>
EU Sanctions on Russia Update.....	7
EU Individual Sanctions (in the 10th package) .....	7
10 <sup>th</sup> EU Sanctions Package – What’s in it? .....	9
Standing with Ukraine: How customs and tax policy contributes to the EU response.....	11
Restrictive measures against Russia formally prolonged.....	11
UK Sanctions on Russia Update.....	12
UK: New sanctions ban every item Russia is using on the battlefield.....	12
92 entries were added to the UK-Russian regime.....	13
Legal Basis of UK Sanctions against Russia.....	14
US Sanctions Against Russia.....	15
US: New sanctions and support for Ukraine announced.....	15
EAR changes for Iranian UAVs and Their Usage by Russia Against Ukraine.....	15
OFAC Sanctions .....	16
Banks Banned.....	16
Targeting Russian Wealth .....	17
Targeting Evasion.....	17
Other noteworthy sanctions.....	17
All details here .....	18
US Entity list changes .....	18
200 per cent ad valorem tax on Russian-made aluminium goods and derivatives to the US....	18
US President increases additional import duty for Russian and Belarussian Products to 70%.	18
Russia: General Licence amendments.....	19
OFAC issued five associated Frequently Asked Questions (1114-1118). .....	19
Determination according to Section 1(a)(i) of Executive Order 14024. ....	19
<b>European Union</b> .....	<b>21</b>
Member States update EU list of non-cooperative jurisdictions for tax purposes .....	21
EU Customs Law & Guidance Update.....	23
EU changes Union Customs Code .....	24
EU Trade Policy & FTA Update .....	25
Commission proposes to renew trade benefits for Ukraine for a year .....	26
Vietnam facilitates the import of EU drugs. ....	26
EU urges WTO to concentrate on policy issues. ....	26

EU Export Controls .....	28
A new update to EU Dual-Use List.....	28
EU Sanctions (other than Russia).....	28
New Belarus Sanctions.....	28
Terrorism Sanctions.....	28
EU Reaches Humanitarian Sanctions Exemption Agreement with UN .....	29
Myanmar/Burma Sanction amendments .....	29
Iran Sanction amendments.....	29
EU ADD Updates .....	31
EU Veterinary & Biosecurity Zones.....	32
Animal diseases: Commission adopts harmonised rules on vaccination of animals .....	33
EU Rules on transporting live animals on livestock vessels change from 2024.....	33
African swine fever update .....	33
EU Due Diligence.....	34
SPECIAL REPORT: Mandatory EU supply chain due diligence obligations – <i>What Customs &amp; Global Trade Professionals Need To Know</i> .....	34
Germany: Customs & Global Trade Updates .....	35
Changes in ATLAS release 10.01 is live .....	35
Import and shipping: New ATLAS application CERTEX from 03/01/2023; Impact on submission of Common Health Entry Documents (CHED).....	35
Publication of the procedural instructions for the ATLAS IT procedure (as of February 2023) .....	35
Irish Customs & Global Trade Updates .....	36
AIS Outage.....	36
Technical specifications outlining the structure of ROS REST web services available to engage with the eCustoms Accounts System.....	36
Action required for Irish Single Window .....	37
<b>United Kingdom .....</b>	<b>38</b>
Northern Ireland Update.....	38
Background on Northern Ireland Protocol.....	38
New Windsor Framework.....	38
Highlights of the New Windsor Framework in the words of the EU Commission President.....	38
What is in the agreement in principle on the Windsor Framework? .....	39
UK Customs Update.....	41
Notices made under the Customs (Import Duty) (EU Exit) Regulations 2018.....	41
Manually arrive your goods in the UK .....	41

NCTS Phase 5: in-flight movements .....	42
UK CDS .....	42
UK ADD & CVD Updates .....	44
<b>United States .....</b>	<b>45</b>
US Customs.....	45
Customs Weekly Bulletin.....	45
Ocean House Bill Release – ACE Certification Deployment .....	46
Hearing: US Customs Modernisation Act to progress in 2023?.....	46
Elimination of Washing Machine Import Restrictions; ITC to Evaluate Impact .....	47
US Sanctions.....	47
Specially Designated Nationals And Blocked Person List (SDN) – Updated .....	47
Raiffeisen on the probe of Russia by US sanctions officials.....	48
Sanctions Compliance Guidance for Authorised Transactions Related to Earthquake Relief Efforts in Syria.....	48
Sinaloa Cartel - Zamudio Drug Trafficking Listed.....	48
US Export Controls.....	49
CCL Updated .....	49
What does the focus on Advanced Technologies in US Export Control mean? A commentary from Arne Mielken.....	49
BIS examines Cuban agricultural export licences.....	50
Mexico.....	51
Mexico Bans Imports of Forced Labor Goods .....	51
<b>This Week’s Supportive Documents .....</b>	<b>52</b>
• EU Sanctions’ on Russia 10th Package – Illustrative Summary .....	52
• Draft EU Dual-Use List.....	52
• New Annex for EU Dual-Use List.....	52
• SPECIAL REPORT: Mandatory EU supply chain due diligence obligations – What Customs & Global Trade Professionals Need To Know .....	52
• Overview of participant-related changes ATLAS release 10.1 vs. ATLAS release 10.0 .....	52
• New ATLAS application CERTEX from 03/01/2023; Impact on submission of CHED Documents .....	52
• Publication of the procedural instructions for the ATLAS IT procedure .....	52
• Windsor Agreement on Northern Ireland: customs - factsheet.....	52
• Windsor Agreement on Northern Ireland: sanitary and phytosanitary goods (sps) -Factsheet	52
• Windsor Agreement on Northern Ireland: stakeholder engagement - Factsheet.....	52

<b>NEW: Helpline &amp; Subscribers' Questions .....</b>	<b>52</b>
<b>Provide Feedback and WIN! .....</b>	<b>54</b>
<b>Our service offering in other languages .....</b>	<b>54</b>
<b>Job Postings &amp; Send CV .....</b>	<b>55</b>
<b>Events .....</b>	<b>55</b>
1 April 2023 - Start of Diploma in Customs Competencies .....	55
7 April 2023 – Intensive 1/2 Day Online Course: Origin of Goods & FTA.....	55
25-26 May 2023 - European Customs Practitioners' Conference, Vilnius, Lithuania .....	55
<b>How to Empower Yourself and Your Team .....</b>	<b>56</b>
<b>Connect with us on social media .....</b>	<b>57</b>

## First Anniversary of Russia’s latest war against Ukraine

On the first anniversary of the 2022 Russian aggression against Ukraine, the EU, the UK and the US have released significant sanctions. We compare them here.

### EU Sanctions on Russia Update

*How We Can Support You*

<b>Consulting &amp; Advice</b>	Come to us for thorough sanctions guidance across all regions worldwide and industry sectors. Use our Hotline service for easy questions or schedule a bespoke call.
<b>Analysis, Audit &amp; Impact Assessment</b>	We provide analysis and audits of supply chains and third-party risk trade controls, impact assessment of OFAC and EU, UK regulator laws and assistance with Sanctions’ licence management.
<b>Screening Service</b>	We offer cost-effective sanctions screening services to ensure you never fall foul of sanctions’ regulations, and crisis management
<b>Vision &amp; Mission Documents SOPS &amp; KPIs</b>	We write vision & mission documents for sanctions, processes and procedure documents Standing Operating Procedures and help you develop KPIs
<b>Training &amp; Education</b>	Public, In-House or Online Training Courses. For a certified education, join our <b>Diploma in Export Control Competences</b>

#### **EU Individual Sanctions (in the 10th package)**

Today, the Council included 87 people and 34 businesses in its ninth sanctions package. The seriousness of the ongoing Russian full-scale invasion and military action against Ukraine, which began one year ago on February 24 2022, prompted their decision. They are targeting 121 individuals and entities involved in the continuation of this brutal war, including those responsible for military activities and political choices, polluting the public space with disinformation and malicious narratives and contributing to military warfare through information warfare. We are also pursuing individuals who manufacture drones that attack Ukrainian citizens and civilian infrastructure and those who transfer and forcefully adopt Ukrainian children to Russia. The list includes

- new Members of the Federation Council of the Russian Federation since 20 December 2022, including the Representative of the illegally annexed so-called “Luhansk People’s Republic” and Deputy Secretary of the General Council of the “United Russia” Party
- 19 Deputy Ministers and several Russian Government officials, including Heads of federal agencies
- 4 Deputies of the State Duma
- the All-Russia People’s Front and five individuals related to it. The movement All-Russia People’s Front (ONF) is organising a social campaign called “All for Victory!” through which it collects physical and financial donations to support the military units of the so-called “Donetsk People’s Republic” and “Luhansk People’s Republic.”

The EU is also sanctioning Ukrainian child deporters and coerced adopters. Russian military In the Russian military and defence sector, a substantial number of designations are adopted, including Russian military leaders and two military commanders of the Wagner group deployed in areas of Ukraine where atrocities against civilians were committed, companies manufacturing missiles, drones, aircraft, military vehicles, warships or control systems, and supplying the Russian Armed Forces.

The EU is also imposing sanctions against individuals responsible for the deportation and forced adoption of Ukrainian children. The deportation of innocent Ukrainian children from occupied areas by Russian forces to be adopted by Russian families is a clear violation of human rights and international law. Furthermore, to address the continued occupation of regions of Ukraine, the Council also targeted proxy authorities, such as the so-called prosecutors in the four illegally annexed Ukrainian regions of Luhansk, Donetsk, Kherson and Zaporizhzhia and the so-called Ministry of Emergency Situations of the Donetsk Peoples Republic.

The EU is also imposing sanctions on organisations, like Rossyia Segodnya, and individuals, including writers, presenters, high-level executives in major TV channels and media groups, propagandists, and other personalities. They are polluting the public space with disinformation, adding to the military warfare through information warfare

Four Iranian individuals involved in the elaboration and supply of drones used by Russia against Ukraine are sanctioned.

Today’s listings also cover economic actors in sectors providing a substantial source of Revenue or supporting the government of Russia financially. The sanctioned entities include Alfa-Bank, Rosbank, Tinkoff Bank, the National Wealth Fund of the Russian Federation, and the Russian National Reinsurance Company.

Altogether, EU restrictive measures regarding actions undermining or threatening Ukraine's territorial integrity, sovereignty and independence now apply to 1473 individuals and 205 entities. Those designated are subject to an asset freeze, and EU citizens and companies are forbidden from making funds available to them. Natural persons are also subject to a travel ban, preventing them from entering or transiting through EU territories.

The relevant legal acts, including the names of the listed individuals and entities, have been published in the Official Journal of the EU.



- [Official Journal of the EU, 25 February 2023 \(including a list of the sanctioned individuals and entities\)](#)
- [One year of Russia's full-scale invasion and war of aggression against Ukraine, the EU adopted its 10th package of economic and individual sanctions \(press release, 25 February 2023\)](#)
- [EU response to Russia's invasion of Ukraine \(background information\)](#)
- [European Council conclusions of 9 February 2023](#)

### [Press release](#)

#### **10<sup>th</sup> EU Sanctions Package – What's in it?**

The 10th package of sanctions contains new listings plus trade and financial sanctions, including further export bans worth more than €11 billion, depriving the Russian economy of critical tech and industrial goods. It also steps up enforcement and anti-circumvention measures, including a new reporting obligation on Russian Central Bank assets.

Further to the additional listings, this package contains the following elements:

#### Additional EU export bans and restrictions

New export restrictions have been introduced on sensitive dual-use and advanced technologies that contribute to Russia's military capabilities and technological enhancement based on information from Ukraine, our Member States and our partners. This includes additional electronic components used in Russian weapons systems (drones, missiles, helicopters, and other vehicles) and bans on specific rare earth and thermal cameras with military applications.

Additional export bans are now also imposed on goods that can be easily redirected to be used to support the Russian war effort, including:

- Vehicles: heavy trucks not yet banned (and their spare parts), semi-trailers, and special vehicles such as snowmobiles;
- Goods easily directed to the Russian military: including electric generators, binoculars, radars, compass, etc.;
- Construction goods such as bridges, structures for buildings tower-like, fork-lifts trucks, cranes, etc.;
- Goods that are critical for the functioning and enhancement of Russian industrial capacity (electronics, machine parts, pumps, machinery for working metals, etc.);
- Complete industrial plants: this category has been added to avoid loopholes;
- Goods used in the aviation industry (turbojets).

The package imposes import bans on the following Russian high-revenue goods:

- Bitumen and related materials like asphalt; and
- Synthetic rubber and carbon blacks.

Other measures include the following:

- A ban on Russian nationals from serving on governing bodies of Member States' critical infrastructure companies;
- Prohibition on Russian citizens and entities to book gas storage capacity in the Union (LNG excluded);
- Measures to facilitate the divestment from Russia by EU operators;
- A third-country shipping company suspected of helping Russia circumvent sanctions on oil exports has also been listed.

Enforcement and anti-circumvention measures

Today's package imposes new reporting obligations on Russian Central Bank assets. This is especially important regarding the possible use of Russian public support to fund the reconstruction of Ukraine after Russia is defeated.

Other measures include the following:

- Reporting obligations on frozen assets (including for dealings before listings) and assets which should be frozen;
- Private flights between the EU and Russia, directly or via third countries, should be notified in advance;
- Prohibition to transit dual-use goods and firearms via the territory of Russia to third countries.

In addition to today's package, the EU sanctions envoy David O'Sullivan is reaching out to third countries to ensure strict implementation of sanctions and prevent circumvention. On 23 February, the first Sanctions Coordinators Forum took place in Brussels, gathering our international partners and Member States to strengthen enforcement efforts.

Additional bans on Russian disinformation outlets

Two additional Russian media outlets have been added to the media ban.

Technical amendments

Amendment to allow the provision of pilot services necessary for maritime safety ;

Definition of the term "import" to avoid goods being "stranded" in lengthy customs procedures;

- [Press release: EU agrees with 10th package of sanctions against Russia](#)
- [Official Journal](#)
- [European Commission website on Ukraine](#)
- [Q&A on restrictive measures](#)

## **Standing with Ukraine: How customs and tax policy contributes to the EU response**

It is nearly one year since Russia's ruthless aggression in Ukraine started, an event which called for a swift, determined and unified EU response.

DG TAXUD was heavily involved in this crisis response, identifying and implementing quick actions and cooperating with colleagues in Ukraine every step of the way. Nearly 12 months and ten sanction packages later, the Newsletter Team of DG TAXUD sat down with colleagues from across DG TAXUD to understand their contribution to this work – what has been done, how this was achieved, and what this work means to them on a personal level. [Read Interview](#)

- [One year of Ukrainian resistance](#)
- [EU Solidarity with Ukraine](#)
- [EU measures following the Russian invasion of Ukraine: Information for customs authorities and stakeholders](#)

## **Restrictive measures against Russia formally prolonged**

The sanctions against Russia are formally extended to 2024. [Read law](#)

Details here:

- Council Decision (CFSP) 2022/266 of 23 February 2022 concerning restrictive measures in response to the illegal recognition, occupation or annexation by the Russian Federation of certain non-government controlled areas of Ukraine ([OJ L 42 I, 23.2.2022, p. 109](#)).
- Council Decision (CFSP) 2022/1908 of 6 October 2022 amending Decision (CFSP) 2022/266 concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas ([OJ L 259 I, 6.10.2022, p. 118](#)).

## UK Sanctions on Russia Update

### **UK: New sanctions ban every item Russia is using on the battlefield**

The Foreign Secretary announced a new package of sanctions, including export bans on every item Ukraine has found Russia using on the battlefield.

- new sanctions ban the export of every item Ukraine has found Russia using on the battlefield to date
- UK sanctions on Russia top 1,500 as FCDO targets 92 individuals and entities, including those connected to Rosatom
- Putin's closest allies also sanctioned, including his former Chief of Security and the CEO of Nord Stream 2

Included in the hundreds of goods are aircraft parts, radio equipment, and electronic components that can be used by the Russian military-industrial complex, including in the production of UAVs.

Military intelligence has shown that a shortage of components in Russia due to sanctions is already likely affecting their ability to produce equipment for export, such as armoured vehicles, attack helicopters and air defence systems. As a result, international sanctions are likely to undermine Russia's role as a reliable arms exporter and its military-industrial complex. Moreover, these measures will further damage them, undermining Putin's military machine, which already has to mobilise soviet-era tanks and harvest freezers for low-grade chips.

Also sanctioned today are senior executives at Russian state-owned nuclear power company Rosatom, plus executives from Russia's two largest defence companies, four banks, and other Russian elites.

Rosatom has deep connections to the Russian military-industrial complex, including through Alexander Novak, who is both a member of the supervisory board and the Deputy Prime Minister in Putin's administration.

The state-owned firm has reportedly supplied arms manufacturers with the technology and materials needed to resupply Russia's front line, including defence firms under sanctions.

Four banks, including MTS, are also sanctioned as part of today's package. This will further isolate Russia from the international financial system and help the UK and its partners to prevent circumvention.

The designations also target the individuals and entities at the heart of Putin's military-industrial complex, including:

- 34 executives connected to Russia's two largest defence companies, Rostec, Russia's multi-billion state-owned defence conglomerate, and Almaz-Antey Corporation, a state-owned Russian company specialising in producing surface-to-air missiles and firearms for aircraft
- 6 Russian entities involved in the manufacture or repair of military equipment for Russia's armed forces, including aviation and navy

- Five senior Iranian executives in Qods Aviation Industry, the company manufacturing the drones used in Ukraine, demonstrate our commitment to continue to pressure third countries supplying Russia's military

The UK also announces new primary trade measures, undermining Russia's military machine and cutting at Putin's finances. Alongside banning exports of products found used by Russia on the battlefield, the UK will also ban the import of 140 goods, including iron and steel products processed in third countries.

The UK has also announced that it will be extending existing measures against Crimea, and non-government-controlled territory in Donetsk and Luhansk oblasts, to target Russian-controlled areas of Kherson and Zaporizhzhia oblasts, restricting their access to UK trade and finance.

### **92 entries were added to the UK-Russian regime**

Ninety-two entries were added, and one was amended under the [Russian financial sanctions regime](#).

On 24 February 2023, the Foreign, Commonwealth and Development Office updated the [UK Sanctions List](#) on [GOV.UK](#). This list provides details of those designated under regulations made under the Sanctions Act. Ninety-two entries have been added to the Russian financial sanctions regime and are now subject to an asset freeze. Furthermore, the following entry has been amended under the Russian financial sanctions regime and remains subject to an asset freeze.

- Nigina Zairova (Group ID: 15274)

The measures also increase pressure on the Russian elite. This includes sanctions on:

- Mattias Warning: a close friend of Putin's, the CEO of Nord Stream 2, and previously a member of the boards of Russian energy companies Transneft and Rosneft
- Lyubov Kabaeva: mother of former Russian gymnast and Duma Deputy Alina Kabaeva, who allegedly has a close personal relationship with Putin. The Kabaeva family reportedly own millions of pounds worth of property in Russia
- Alexei Dyumin: formerly Putin's chief security guard who played a vital role in the annexation of Crimea. Dyumin has been actively involved in supporting the Russian military in Ukraine, including launching and facilitating a drone training school for Russian troops
- Alexei Kozak: son of the former Deputy Prime Minister and Putin ally Dmitry Kozak
- 20 executives of Gazprom and Aeroflot, including Gazprom Chairman and former Russian Prime Minister Viktor Zubkov and two current Russian ministers

View the [complete UK Sanctions List](#) and more information about [UK sanctions relating to Russia](#).

### Asset freeze

An asset freeze prevents any UK citizen or any business in the UK from dealing with any funds or economic resources owned, held or controlled by the designated person. UK financial sanctions apply to all persons within the territory and territorial sea of the UK and to all UK persons wherever they are. It also prevents funds or economic resources from being provided to or for the benefit of the designated person.

### Travel ban

A travel ban means that the designated person must be refused leave to enter or remain in the United Kingdom, providing the individual is excluded under section 8B of the Immigration Act 1971.

### Transport sanctions

Recently introduced powers make it a criminal offence for any Russian aircraft to fly or land in the UK and give the government powers to remove aircraft belonging to designated Russian individuals and entities from the UK aircraft register, even if the sanctioned individual is not on board. Russian ships are also banned from UK ports.

### [Press Release](#)

## **Legal Basis of UK Sanctions against Russia**

### [Statutory Guidance on Russia \(Sanctions\) \(EU Exit\) Regulations 2019](#)

The [Russia \(Sanctions\) \(EU Exit\) Regulations 2019](#) came into force on 31 December 2020. They are intended to ensure that some sanctions regarding Russia continue to operate effectively.

You should also review the following regulations to find out any changes made to the Regulations:

- the [Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 2\) Regulations 2020](#)
- the [Sanctions \(EU Exit\) \(Miscellaneous Amendments\) \(No. 4\) Regulations 2020](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 2\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 3\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 4\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 5\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 6\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 7\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 8\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 9\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 11\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 12\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 13\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 14\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 15\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 16\) Regulations 2022](#)
- the [Russia \(Sanctions\) \(EU Exit\) \(Amendment\) \(No. 17\) Regulations 2022](#)

## US Sanctions Against Russia

In reaction to Russia's conflict with Ukraine, the US and its allies have implemented broad sanctions, export limits, and other measures. These policies cost Russia's financial industry hundreds of billions of dollars and slowed its technical development. As long as this conflict lasts, the US will charge Russia.

### **US: New sanctions and support for Ukraine announced**

The G7 has increased its budget and economic support to Ukraine to \$39 billion for 2023, and the Biden-Harris Administration plans to give up to \$250 million in additional emergency energy assistance to Ukraine and up to \$300 million to Moldova to increase local electricity production, help finances, and improve connections. In addition, G7 leaders will declare additional economic measures to punish Russia for its conflict in Ukraine. Leaders will endorse an Enforcement Coordination Mechanism to prevent Russia from circumventing G7 restrictions. They will freeze Russia's sovereign assets and penalise its oil, extractive, financial, military, and industrial sectors until a solution is found. The US will rapidly fulfil these pledges by doing the following. The Commerce Department regulates exports. It placed 90 Russian and third-country businesses on the Entity List for breaking sanctions and helping Russia's weapons industry.

The President has also issued [proclamations raising duties on select Russian imports](#). This targets essential Russian commodities and reduces U.S. dependence on Russia. We are already hurting Russia's economy, making it harder for it to wage its conflicts, and hurting its economy. In addition, the State Department determined that Russian troops and officials committed crimes against humanity in Ukraine. The US and its allies will discover and punish Russia's attackers and criminals.

### **Implementation of Additional Sanctions Against Russia and Belarus Under the Export Administration Regulations (EAR) and Improvements to Existing Controls**

The US changed the EAR to strengthen the sanctions against Russia and Belarus. It does this by expanding the restrictions on oil and gas production, commercial and industrial items, chemical and biological precursors, and "luxury goods" to make them more like the controls that U.S. allies and partners have put in place against Russia and Belarus. This rule also improves other controls on Russia and Belarus that were put in place after the invasion in February 2022. This rule will make the multilateral sanctions against Russia more effective by making it harder for Russia to access things that help its military and sources of money that could pay for those things. [The text of the rule is here.](#)

### **EAR changes for Iranian UAVs and Their Usage by Russia Against Ukraine**

Recent investigations have uncovered Iranian UAV parts on the Ukrainian battlefield. US-made parts were occasionally used. A new export restriction law took effect due to Russia's use of Iranian UAVs in its fight against Ukraine.

- Required permits for low-tech (EAR99) commodities like semiconductors travelling to Iran, even if no U.S. citizen is involved.
- Creates a new list (Supplement No. 7 to part 746) of EAR99 products and their HTS-6 codes for BIS and other U.S. government agencies to monitor and tally exports.
- Establishes the "Iran Foreign Direct Product (FDP) Regulation" for specified Commerce Control List categories and new supplement EAR99 goods. Only Iran follows this guideline.

- Expands the Russia/Belarus FDP rule to cover EAR99 items found in UAVs with U.S.-branded parts and components, even if they are not. This prevents Iran from utilising U.S. goods to construct Russia's UAVs in Ukraine.

On January 31, 2023, the BIS added seven Iranian UAV manufacturers on the Entity List as "Military End Users" from Russia. The Russia/Belarus Military End User FDP regulation applies to foreign-made goods and is one of the EAR's strictest export requirements.

[Rule text follows.](#)

### OFAC Sanctions

Treasury sanctions 22 persons and 83 organisations in Russia's metals and mining industry. OFAC designated over 30 third-country persons and entities involved in Russia's sanctions evasion. OFAC identifies over a dozen Russian banks, including one of the top 10 by asset worth. This further isolates Russia from the global economy and hampers its capacity to get finance, commodities, technology, and assistance. [All details here](#)

### Banks Banned

OFAC designated the following Russian banks according to E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy:

- **Credit Bank of Moscow** Public Joint Stock Company, one of Russia's ten largest banks by asset value and located in Moscow, is Russia's largest non-state public bank. The European Union removed the Credit Bank of Moscow from the SWIFT international payment system in June 2022 and entirely blocked the bank in December 2022. In addition, OFAC previously placed Credit Bank of Moscow on the Sectoral Sanctions Identifications List, now subject to full-blocking sanctions.
- **Joint Stock Company Commercial Bank Lanta Bank** is located in Moscow, Russia.
- **Public Joint Stock Company Commercial Bank Metallurgical Investment Bank (Metallinvestbank)** is in Moscow, Russia. Metallinvestbank has used alternative payment routes to facilitate receiving payments for Russian exports.
- **Public Joint Stock Company MTS Bank** is in Moscow, Russia and Abu Dhabi, United Arab Emirates. The UK also designated this bank today.
- **Novosibirsk Social Commercial Bank Levoberezhny** Public Joint Company is in Novosibirsk, Russia.
- **Bank Saint-Petersburg Public Joint Stock Company** is located in Saint Petersburg, Russia. The UK also designated this bank today.
- **Joint Stock Commercial Bank Primorye**, a bank located in Vladivostok, Russia.
- **SDM-Bank Public Joint Stock Company**, a bank located in Moscow, Russia.
- **Public Joint Stock Company Ural Bank for Reconstruction and Development (UBRD)** is in Yekaterinburg, Russia. Canada and the UK also sanction UBRD.
- **Public Joint Stock Company Bank Uralsib** is located in Moscow, Russia. The UK also designated this bank today.
- **Bank Zenit Public Joint Stock Company** is a bank in Moscow, Russia. The UK also designated this bank today.

Additionally, Russia-based financial institutions OOO Zenit Finance, OOO Zenit Leasing, and OOO Zenit Factoring MSP were designated according to E.O. 14024 for being owned, controlled



by, or having, or having, acted or purported to act for or on behalf of, directly or indirectly, Bank Zenit. [All details here](#)

### Targeting Russian Wealth

Moscow and Singapore-based multi-family office CONFIDERI Pte Ltd. serves high-net-worth people. Its founders, Russian Federation-Israel nationals Olga Borisovna Raykes (Raykes) and Marat Maratovich Savelov (Savelov), are private bankers, wealth managers, and financial counsellors. E.O. 14024 identified Vienna-based Vend Ore GmbH (Vend Ore) for being owned or controlled by, or for having acted or pretended to act for or on behalf of, Raykes and Savelov. Russian Federation-Cyprus nationals Dmitry Vitallyevich Bugayenko and Aleksei Dmitrievich Gnedovskii run IC Veles Capital LLC, an investment and wealth management organisation. Ilishkin is Deputy Chairman of the Management Board of U.S.-sanctioned Public Joint Stock Companies. [All details here](#)

### Targeting Evasion

Swiss-Italian businessman Walter Moretti, German citizen Markus Gerhard Mueller, Swiss nationals Ronald Eric Cosman and Bruno Koller, and Swisstec 3D AKUS AG are sanctioned by Treasury for sanctions evasion. Moretti has secretly bought hydraulic presses, armament packages, armour plating, and nuclear weapons lab equipment for Russia's security agencies and military. E.O. 14024 specified Moretti for representing the Russian Federation. OFAC designated Taerio Limited and Tamyna FZE under E.O. 14024 for substantially assisting, sponsoring, or providing financial, material, or technical assistance for, or goods or services to, Moretti. Moretti, Villa, Bomatter, and Schommer own Stratton Investment Group LTD and Tamyna AG, which OFAC identified. Taerio International LTD EOOD (Sofia, Bulgaria) and Interpolytrade Limited Corporation (Saint Petersburg, Russia) were also designated for acting or purporting to act for Moretti. Mueller was also named a Tamyna AG leader, official, senior executive officer, or board member. [All details here](#)

### Other noteworthy sanctions

- Treasury has blacklisted several Russian carbon fibres and advanced material producers to weaken Putin's military. In addition, OFAC has identified Russian technology and electronics companies that manufacture or import high-tech equipment. Kurbanov, a Russian-Turkmen weapons trader, has represented Russian and Belarusian military enterprises overseas, while Udodov is a financial criminal.



- OFAC designated Novilab Mobile, Promtekhekspert, PSV Technologies, Tamimed, AO Russian High Technologies, Forward Systems, R&DC, ZOO Akuta, and Vakuum.ru for FSB assistance. In addition, Vakuum.ru, Lavina Puls, Inforus, and Masalovich were designated for technical help to the GRU and other groups supporting Russia's war against Ukraine.
- OFAC extended Russia-related penalties by imposing restrictions on Russia's metals and mining industry. Joint Stock Corporation Burevestnik Central Scientific Research Institute, OOO Metallurg-Tulamash, and TPZ-Rondol OOO are four Russian metals and mining companies identified by OFAC.

[All details here](#)

### **US Entity list changes**

- BIS is adding 86 entities under 89 entries (since some businesses operate in more than one country) to the Entity List for various reasons relating to their support of Russia's defence-industrial sector and the war effort in two distinct acts. Russia has 79 new entries, China 5, Canada 2, France, Luxembourg, and the Netherlands 1. China and Russia have branches in these countries. This Regulation modifies four items under Russia as the destination.
- These restrictions are BIS's reaction to Russia's invasion of Ukraine. BIS adds allies and partners in many nations. This doesn't target the entities' home nations. Today's Regulation restricts organisations that have assisted the Russian military in violating U.S. foreign and national security policies.
- Today's regulations added "Russian/Belarusian Military End Users" to seventy-six entities. These organisations must observe the Department's tightest export requirements. For example, they cannot get EAR-covered things, even foreign-made ones.
- The End-User Review Committee (ERC), chaired by commerce, chooses what to add to the Entity List. The ERC adds, removes, and changes Entity List entries.

Rules are [here](#) and [here](#).

### **200 per cent ad valorem tax on Russian-made aluminium goods and derivatives to the US**

Starting March 10, 2023, a 200 per cent ad valorem duty is placed on aluminium products and derivatives made in Russia. Beginning April 10, 2023, a 200 per cent ad valorem tariff on aluminium articles and derivatives whose primary aluminium is melted or cast in Russia. "Primary aluminium" is made from the alumina by the electrolytic Hall-Heroult (aluminium oxide) method. [Read US President's Proclamation](#)

### **US President increases additional import duty for Russian and Belarussian Products to 70%**

The Suspending Normal Trade Relations with Russia and Belarus Act (Suspending NTR Act) ended nondiscriminatory tariff treatment and put duty rates on all Russian Federation and Republic of Belarus products as of April 9, 2022. In line with Executive Order 14066 from March 8, 2022, the

Ending Importation of Russian Oil Act (22 U.S.C. 8923 note) bans the importation of all goods from the Russian Federation that fall under chapter 27 of the HTSUS. In Executive Order 14068 from March 11, 2022, I banned the importation of fish, seafood, alcoholic beverages, and non-industrial diamonds from the Russian Federation. In Proclamation 10420 from June 27, 2022, I decided that increasing the column 2 rates of duty on certain products from the Russian Federation to 35 per cent ad valorem was appropriate and in line with U.S. foreign policy interests. Per section 3(b)(1) of the Suspending NTR Act, the US President raised the duty rate from 35% to 70%. The list of these products is in the Annex to this proclamation, and the United States will keep an eye on how the higher duties are put into place. [Read Proclamation](#)

### **Russia: General Licence amendments**

OFAC issued

- Russia-related General License 8F, "Authorising Transactions Related to Energy,"
- General License 13D, "Authorising Certain Administrative Transactions Prohibited by Directive 4 under Executive Order 14024,"
- General License 60, "Authorising the Wind-down and Rejection of Transactions Involving Certain Entities Blocked on February 24, 2023," and
- General License 61, "Authorising Transactions Related to Debt or Equity of, or Derivative Contracts Involving, Certain Entities Blocked on February 24, 2023."

### **OFAC issued five associated Frequently Asked Questions (1114-1118).**

- 1118. As of December 2022, the Government of the Russian Federation may require a so-called "exit tax" payment before divesting assets located in the Russian Federation, potentially mandating transactions involving the Central Bank of the Russian Federation or the Ministry of Finance of the Russian Federation. Does Russia-related General License (GL) 13D authorise transactions that involve the payment of this exit tax?
- 1117. My company provides goods or services to or engages in trade with persons that operate or have operated in the metals and mining sector of the Russian Federation economy. Does my company risk being sanctioned by OFAC?
- 1116. Does the determination of February 24, 2023, made according to Executive Order (E.O.) 14024 concerning the metals and mining sector of the Russian Federation economy, mean that all persons that operate or have operated in this sector of the Russian Federation economy are sanctioned by OFAC?
- 1115. For the determination of February 24, 2023, made according to Executive Order (E.O.) 14024, what is meant by the term "metals and mining sector of the Russian Federation economy"?
- 1114. What were actions taken on February 24, 2023, related to the metals and mining sector of the Russian Federation's economy?

[Answers here](#)

### **Determination according to Section 1(a)(i) of Executive Order 14024.**

Section 1(a)(i) of Executive Order "Blocking Property **Concerning** Certain Harmful Foreign Activities of the Government of the Russian Federation") imposes economic sanctions on any person **the US Treasury** determines to operate or have operated in such sectors of the Russian Federation economy. To do more about the unusual and extraordinary threat to U.S. national security, foreign

policy, and economy that is described in **the E.O., the US** has decided that section 1(a)(i) of **the E.O.** will apply **to the metals and mining sector of the Russian Federation economy**. Any person determined, according to section 1(a)(i) of E.O. 14024, to operate or have operated in this sector shall be subject to sanctions according to section 1(a)(i). [Link](#)

## European Union

We looked through the following updates of the European Union as published in the Official Journal of the EU. In addition, we also subscribe to news updates from DG TAXUD (Customs matters), DG SANTE (Biosecurity and veterinary matters) and DG TRADE (EU trade matters, ADD-CVD and export controls), as well as receiving other newsletters and subscriptions to get a comprehensive picture.

OJ legislation we analysed for you:

27/02/2023	<a href="#">L061</a> <a href="#">L062</a>	<a href="#">C070</a> <a href="#">C070I</a> <a href="#">C071</a>
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25/02/2023	<a href="#">L059I</a>	
24/02/2023	<a href="#">L059</a> <a href="#">L060</a>	<a href="#">C068</a> <a href="#">C068A</a> <a href="#">C069</a>
23/02/2023	<a href="#">L056</a> <a href="#">L056I</a> <a href="#">L057</a> <a href="#">L058</a>	<a href="#">C066</a> <a href="#">C066A</a> <a href="#">C067</a>
22/02/2023	<a href="#">L054</a> <a href="#">L055</a>	<a href="#">C065</a>
21/02/2023	<a href="#">L053</a>	<a href="#">C064</a>
20/02/2023	<a href="#">L051</a> <a href="#">L051I</a> <a href="#">L052</a>	<a href="#">C062</a> <a href="#">C062A</a> <a href="#">C063</a>

### Member States update EU list of non-cooperative jurisdictions for tax purposes

With the update, Annex I of the EU list includes 16 countries that have failed to strengthen tax good governance or execute their earlier pledges. American Samoa, Anguilla, the Bahamas, the British Virgin Islands, Costa Rica, Fiji, Guam, the Marshall Islands, Palau, Panama, Russia, Samoa, Trinidad & Tobago, the Turks and Caicos Islands, the US Virgin Islands, and Vanuatu. Meanwhile, 18 countries have joined Annex II to promote good tax governance. The EU will monitor these promises.

The EU evaluates nations on tax transparency, fair taxation, and BEPS minimum requirements. If they fail to meet these requirements, they are added to the **list of non-cooperative jurisdictions (Annex I)** and given a deadline to fix their problems. Since 2017, the EU listing procedure has removed over 140 harmful regimes globally. The Commission and Member States will examine the listing criteria and implications for listed nations to enhance the process. In EU forums, this procedure is being improved. More information is available [here](#)



## EU Customs Law & Guidance Update

### *How We Can Support You*

#### **Consulting & Advice**

Come to us for thorough import, export, transit and customs guidance across all regions worldwide and industry sectors. Use our Hotline service for easy questions or schedule a bespoke call.

#### **Analysis, Audit & Health Checks**

We provide analysis and audits of supply chains and your customs operations, verify customs compliance, and cost savings opportunities and provide recommendations.

#### **Customs Management**

Hire us to act as your customs manager. We can run your customs operations and department – except you don't have to employ us. We work with brokers, suppliers, and other third parties employing leading industry practices.

#### **Customs Filing & Authorisations**

We have software to file your customs declarations or we can instruct and monitor your customs agents. We also apply for and implement your customs authorisations and permits, including becoming AEO.

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## **EU changes Union Customs Code**

The EU changes the UCC by expanding the ways that

- customs declarations can be made orally or
- by any other act

that is considered a customs declaration, invalidating declarations in certain situations and defining the information exchange for entry summary declarations.

The Union Customs Code (UCC) is contained in Regulation (EU) No 952/2013 of the European Parliament and the Council of 9 October 2013 laying down the Union Customs Code.

The practical implementation of the UCC has shown that some changes need to be made to that Delegated Regulation better to fit the needs of economic operators and customs authorities and to consider what's happening with the upcoming releases 2 and 3 of the Import Control System (ICS2). So these amendments concern Article 131, point (c), and Articles 160 and 175 of the UCC.

### "third country postal operator"

To make it clear that, according to Article 127(6) of Regulation (EU) No 952/2013, the obligation to provide the entry summary declaration data lies with the postal operator in a third country from which the goods were sent, a new definition of **"third country postal operator"** needs to be made.

### Multiple filing

From the date listed in the Annex to Commission Implementing Decision (EU) 2019/2151) for the deployment of release 3 of ICS2, different people involved in bringing goods into the customs territory of the Union by rail will be able to submit other parts of an entry summary declaration. This is called "multiple filing." So, Delegated Regulation (EU) 2015/2446 should have a new Article 112a added to make this possible.

### Filing by third-country postal operators

Article 113a of Delegated Regulation (EU) 2015/2446 should be changed so that postal operators from third countries are required to send details of the entry summary declaration for goods shipped in the customs territory of the Union if they have not already given these details to the carrier.

### Packages brought into the EU on a temporary bases

Packages temporarily imported and re-exported, either whole or empty (with a permanent marking that identifies a person), can be declared through an oral declaration or any other act listed in Article 141 of Delegated Regulation (EU) 2015/2446. However, since this can only be done for filled packages brought in by people who live outside of the Union's customs territory, this simplified customs procedure needs to be made available to people who bring in packages, no matter where they live.

### Money back for good causes

Getting the import duty back should be possible when goods are given for free to charitable or philanthropic organisations. This should be done by adding a new reason for invalidating customs declarations after releasing goods.

[Download the new amendment](#)



## EU Trade Policy & FTA Update

### *How We Can Support You*

<b>Consulting &amp; Advice</b>	Come to us for guidance across any Free Trade Agreement and their Rules of Origin. Use our Hotline service for easy ROO or schedule a bespoke call.
<b>FTA Optimizer</b>	We carry out a detailed analysis into your supply chain and identify which FTAs you can use to reduce duty spent and speed up your supply chain. This can save you millions. Contract is for free high level scan.
<b>FTA Management</b>	We manage the entire FTA process for you in your company. We can set up a compliant and efficient ROO process and implement it, too. We request, manage and keep updated proofs of origin and supplier declarations.
<b>Audit &amp; Automation benchmarking</b>	We audit the imports where you claim preference for compliance and report any inconcitenencies, compliance challenges and opportunities. We help you sleect the more useful FTA automation software through clever benchmarking and our in-depth experience.
<b>Training &amp; Education</b>	Public, In-House or Online Training Courses. For a certified education, join our unique and unparalleled <b>Diploma in Customs Competencies</b> .

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### **Commission proposes to renew trade benefits for Ukraine for a year**

The EU Commission recommended renewing the Autonomous Trade Measures (ATMs) suspension of import taxes, quotas, and trade defence measures on Ukrainian exports to the EU for another year. The EU's continued assistance for Ukraine's economy helps Ukrainian manufacturers and exporters cope with Russia's unwarranted and unjustifiable military action. ATMs promote Ukraine but also address EU industrial concerns. Furthermore, the updated ATMs include an accelerated safeguard mechanism to protect the EU market against a significant rise in Ukrainian agricultural product imports in 2022. The European Parliament and Council of the EU will review the proposal to ensure a smooth ATM transition. Since 4 June 2022, the ATMs have improved Ukraine-EU commerce. Moreover, the ATMs and Solidarity Lanes have kept trade flows from Ukraine to the EU constant in 2022 despite conflict interruptions and a broader decline in Ukraine's commerce. Furthermore, in Ukraine's time of need, the ATMs suspend all outstanding levies, quotas, and duties on anti-dumping and safeguard measures on Ukrainian imports. [Read more](#)

### **Vietnam facilitates the import of EU drugs.**

Vietnam extended pharmaceutical marketing authorisations till 2024 February 8. As a result, EU pharmaceutical exporters will avoid complicated marketing authorisation renewal processes for two years. A more open and predictable marketing authorisation procedure helps EU operators and consumers access high-quality medications. The EU-Vietnam free trade agreement resolved this critical market access problem, benefiting EU businesses and Vietnamese consumers. That follows last October's decision to eliminate EU pharmaceutical regulatory bodies' prejudice. Both steps will help EU pharmaceuticals enter the Vietnamese market. Vietnam's Ministry of Health (MOH) published and enacted Decision 62/ QD-QLD on the "Announcement of the List of Medicines and Medicinal Materials with Market Authorisations Allowed to be Used under the Clause 1 Article 3 of the National Assembly Resolution 80/ 2023/ QH15 dated 9 January 2023" on 8 February 2023. Three annexes identify the medications whose market authorisations are extended until December 2024: Annex I covers domestic medicines, Annex II lists imported drugs, and Annex III lists vaccines. In addition, One thousand eight hundred fifty-six foreign medications currently have market approval until 2024. The Ministry of Health website hosts the listings. Recent years' difficult and time-consuming renewal of expired marketing authorisations hindered the EU industry's access to Vietnam's market and its customers' supply of high-quality medications.

Transparency and predictability are restored by extending pharmaceutical marketing authorisations until 2024. Vietnam is also changing its Pharma Law 2016 for long-term predictability. Vietnam recognised the EU Single Market for medicines and the EU regulatory framework by removing pharmaceutical regulatory authority discrimination on October 20, 2022, when Circular 08/2022/TT-BYT (Circular 8) went into effect. This resulted in equitable treatment of all EU drugs, including those from Spanish, Polish, Italian, and Hungarian pharmaceutical businesses, which previously faced lengthier and more onerous approval procedures due to regulatory authority differences. [More](#)

### **EU urges WTO to concentrate on policy issues.**

The EU thinks a more substantive WTO debate on today's trade problems may help minimise trade conflicts by supporting convergent policy approaches. Deliberations may also prepare WTO Members for official discussions.

The EU proposed state involvement, the environment, and inclusivity in a report presented to the WTO today as part of its continuing reform.

The EU's report to the WTO General Council on 6 March 2023 offers a foundation for further debate ahead of the 13th WTO Ministerial Conference in early 2024.

The EU prioritises WTO deliberation in three areas:

- Industrial policy and trade policy. Subsidies may help solve policy issues like the climate transition but can also affect trade and investment.
- Ecological issues and trade. WTO Members must examine how climate transition policies affect trade as they increase their efforts.
- Inclusive trade. How to better connect poorer developing nations to global supply chains, better incorporate stakeholders in trade decisions, and better share trade advantages need to be discussed.

The WTO reform effort began at the 12th WTO Ministerial Conference (MC12) in June 2022 and is led by the EU.

The EU's WTO reform aim is to have a fully functional dispute resolution mechanism by 2024. We also want the WTO to build on multilateral and plurilateral accomplishments and achieve ambitious negotiation goals.

[EU submission on improving the deliberative function of the WTO  
EU and the WTO](#)

## EU Export Controls

### A new update to EU Dual-Use List

The European Commission has approved a Delegated Regulation to update the EU's dual-use export restriction list in 2022 to reflect revisions agreed upon by the Australia Group. As a result, there have been four new entries for marine toxins, some items have been deleted, and there have been reference and editing modifications. Check out the most recent list. The update was prepared in collaboration with the United States as part of the Trade and Technology Council's Export Control Working Group (TTC). If no objections are raised within two months, the Regulation will be published in the Official Journal and come into effect.

### Additional Documentation, Guidance and Support Materials

Please find here download the following:

- [Draft EU Dual-Use List](#)
- [New Annex for EU Dual-Use List](#)

## EU Sanctions (other than Russia)

### New Belarus Sanctions

On 15 October 2012, the Council adopted Decision 2012/642/CFSP (1) concerning restrictive measures given the situation in Belarus and, as amended, that country's involvement in the Russian aggression against Ukraine. On the basis of a review of Decision 2012/642/CFSP, and considering the persistent gravity of the situation in Belarus and the involvement of Belarus in the illegal aggression of the Russian Federation against Ukraine, it is appropriate to maintain in force all the measures adopted by the Union. Consequently, Decision 2012/642/CFSP should be renewed until 28 February 2024. The entries for 21 natural and two legal persons included in the list of natural and legal persons, entities and bodies subject to restrictive measures set out in Annex I to Decision 2012/642/CFSP should be amended.

- [Council Implementing Regulation \(EU\) 2023/419 of 24 February 2023 implementing Article 8a of Regulation \(EC\) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine](#)
- [Council Decision \(CFSP\) 2023/421 of 24 February 2023 amending Decision 2012/642/CFSP concerning restrictive measures given the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine](#)

### Terrorism Sanctions

- [Council Implementing Regulation \(EU\) 2023/420 of 24 February 2023 implementing Article 2\(3\) of Regulation \(EC\) No 2580/2001 on specific restrictive measures directed against](#)

[certain persons and entities to combat terrorism, and repeal Implementing Regulation \(EU\) 2022/1230](#)

- [Council Decision \(CFSP\) 2023/422 of 24 February 2023 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Decision \(CFSP\) 2022/1241](#)

### **EU Reaches Humanitarian Sanctions Exemption Agreement with UN**

Humanitarian aid and other activities that serve basic human necessities are immune from sanctions in the form of asset freezes imposed by the United Nations Security Council or its Sanctions Committees under a resolution approved by the UNSC in December 2022. Except for Afghanistan, all UN sanctions regimes will now include a humanitarian exception from the asset freeze rules. Regulation (EU) 2023/331 and Council Decision (CFSP) 2023/338 were approved by the European Union to apply the humanitarian exemption established by the United Nations. Through a standardised humanitarian exception, the United Nations resolution and legislation adopted by the United Kingdom and the European Union provide clarity and consistency for humanitarian aid providers and financial institutions, facilitating the timely and appropriate distribution of humanitarian aid. Before these changes, there was no blanket humanitarian exception from all UN sanctions regimes, and in most instances, there was no exemption.

### **Myanmar/Burma Sanction amendments**

The High Representative of the Union for Foreign Affairs and Security Policy (the "High Representative") strongly condemned the murder of pro-democracy and opposition figures in Myanmar/Burma on July 25, 2022. The High Representative further said that these politically motivated killings are another step towards destroying the rule of law and blatantly violating human rights in Myanmar/Burma. The Union is profoundly worried about the escalation of violence and the development of a regional conflict. The Union condemns the Myanmar Military Forces' torture, sexual and gender-based violence, persecution of civil society, human rights advocates, and journalists, and assaults on civilians, mainly ethnic and religious minorities (Tatmadaw). In the lack of rapid progress in Myanmar/Burma, the Union underlined multiple times its preparedness to impose more restrictive measures against individuals responsible for undermining democracy, the rule of law, and significant human rights abuse. In light of the ongoing crisis in Myanmar/Burma, nine people and seven entities should be added to Annex IV to Regulation (EU) No 401/2013.

- [Council Implementing Regulation \(EU\) 2023/378 of 20 February 2023 implementing Regulation \(EU\) No 401/2013 concerning restrictive measures in view of the situation in Myanmar/Burma](#)
- [Council Decision \(CFSP\) 2023/380 of 20 February 2023 amending Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma](#)

### **Iran Sanction amendments**

- [Council Implementing Regulation \(EU\) 2023/379 of 20 February 2023 implementing Regulation \(EU\) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran](#)

- [Council Implementing Decision \(CFSP\) 2023/381 of 20 February 2023 implementing Decision 2011/235/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Iran](#)

## EU ADD Updates

### EU rejects Portuguese company's application for ADD exemption

Due to the expansion of the anti-dumping duty by Council Regulation (EC) No 71/97, the Commission exempted specific bicycle assemblers from the enhanced charge (4). Sangal's name change request should be withdrawn since he doesn't meet the Exception Regulation's standards. Sangal asked for more time to establish that it is a hybrid assembler. However, the Commission highlighted that the rising demand for e-bikes is irrelevant and that Sangal's operation is unaffected by future conventional bicycle assembly. [Read the decision](#)

### How We Can Support You

Globally, antidumping, countervailing tariffs and safeguards are increasing. Now you can tap into our trade remedy knowledge. We have represented international clients in many anti-dumping and other trade remedy proceedings. We support you with all types of hearings, negotiations, refund and anti-circumvention investigations, and assessments.

<b>Consulting &amp; Advice</b>	We build a defensive or offensive plan under tight timeframes. We assess the potential for adapting current trade remedies to your company's best interests. Plan a chat with us to explore how we can assist you.
<b>ADD &amp; CVD Application</b>	We assist you in developing a strong application for your ADD & CVD case and walk you through the application procedure, liaising with the relevant authorities on your behalf.
<b>ADD &amp; CVD Defence</b>	Affected by CVD or ADD? When your goods are subject to ADD measures, we provide help and investigate solutions to lessen the duty burden. You will profit from our expertise to make complicated computations and conduct successful conversations with investigative authorities during ongoing proceedings.
<b>Trade Intelligence</b>	We assist you in monitoring pricing and analysing trade flows so that you may obtain early indications of impending trade remedy risks—an crucial aspect of global company commercial strategy.
<b>Training &amp; Education</b>	Public, In-House, and Online Training Courses on ADD, CVD and more. Join our Diploma in Customs Competencies for a credentialed education.

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## EU Veterinary & Biosecurity Zones

### ***How We Can Support You***

Biosecurity, Veterinary and SPS Controls are complicated to protect the health of humans, animals and plants. Importers and exporters of SPS products need a knowledgeable partner by their side. We have supported food and plant product importers and exporters for many years and have expertise in this field.

<b>TRACES Filing</b>	We file TRACES and CHED's for you declarations into EU & GB systems for you.
<b>Veterinary Certificates</b>	We can help you identifying, obtaining and completing your veterinary health certificates from all your trade partners.
<b>Impact of EU Veterinary Border Controls on your supply chain</b>	We advise on veterinary border controls of the EU and how this fits into your supply chain. We will advise what you need to do and how to do it.
<b>Trade Intelligence</b>	We assist you in monitoring law changes in the field of veterinary controls so that you are aware of animal disease outbreaks, changes to certifications and laws.
<b>Training &amp; Education</b>	Public, In-House, and Online Training Courses on ADD, CVD and more. We have dedicated training on SPS measures and practicalities.

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### **Animal diseases: Commission adopts harmonised rules on vaccination of animals**

As part of the measures to address the most significant avian flu epidemic observed in the EU so far, the Commission is harmonising the rules on the vaccination of animals against the most severe animal diseases. In the context of avian flu, specific regulations for vaccination will be introduced when used to control or prevent the disease. This will allow the safe movement of animals and products from establishments and zones where vaccination occurs.

Stella Kyriakides, European Commissioner for Health and Food Safety, said: "In light of the most serious outbreak in recent history in the EU, the fight against avian influenza is at the top of our priorities. These outbreaks are causing enormous damage to this agricultural sector and hamper trade. The rules presented today will allow for harmonising the use of vaccination to prevent or control the spread of the disease and set conditions to enable movement of vaccinated animals and their products." These new rules are in line with the international standards of the [World Organisation for Animal Health](#) (WOAH, founded as OIE) and take account of newly available scientific knowledge and the experience gained in the application of the existing Union rules.

The new rules are published today in the [Official Journal and will be enforced on 12 March](#). Read more on [avian influenza](#).

### **EU Rules on transporting live animals on livestock vessels change from 2024**

Regulation (EC) No. 1/2005 says that the Member States' competent authorities must check livestock vessels before they load domestic animals and record details about certification in an electronic database. Competent authorities must have access to the results of official checks done by the competent authorities of other Member States to make good decisions when doing inspections. The Commission has conducted audits on Member States' official control systems to protect the welfare of animals during transport by sea to third countries using livestock vessels. As a result, changes are made to the Regulation. Official veterinarians and maritime experts with a relevant understanding of those mechanical and management systems and practical experience operating livestock boats shall examine livestock vessels to give a certificate of certification. An official veterinarian's examination on board the livestock vessel's initial trip with consignments of animals should be required for approval or renewal. To safely unload, feed, drink, and rest animals from other Member States or lengthy road trips, at least one control post shall be accessible at ports exit points or within two hours by road. For Member States to allocate staff and resources to the new tasks and obligations laid down in this Regulation, to ensure a smooth and seamless adaptation to the new rules, and to ensure that Member States have sufficient time to build control posts at exit points, if needed the parts on control posts will only apply from 1 January 2024. [Read the law](#)

### **African swine fever update**

ASF is a viral illness affecting domestic and wild pigs and may devastate livestock and crops. African swine fever outbreaks in Poland, Slovakia, Italy, and Sardinia have raised the danger to maintained porcine animals, prompting Annex I modifications to Implementing Regulation (EU) 2021/605. Due to the heightened risk of African swine fever in wild porcine animals, specific zones in Poland's Lubuskie area should now be categorised as restricted zones II. Due to three months without African swine fever outbreaks in maintained porcine animals in Zachodniopomorskie, Poland, it should be classified as restricted zone II. Polish restricted zone III should now be restricted zone II due to the lack of African swine fever outbreaks in housed and wild porcine animals. [Updated law](#)

## EU Due Diligence

### **SPECIAL REPORT: Mandatory EU supply chain due diligence obligations – *What Customs & Global Trade Professionals Need To Know***

The European Commission introduced a bill proposing the Corporate Sustainability Due Diligence Directive on February 23, 2022. Customs & Global Trade Professionals must also be aware of this DD Proposal. Access our briefing note to learn about it all. The Directive essentially mandates human rights and environmental due diligence for specific enterprises. It includes an enforcement system with potential fines and legal liability for non-compliance. Companies with a certain amount of Revenue or several workers will fall within the scope of the Regulation, whether located in the European Union or elsewhere. We analyse what customs and global trade professionals need to know

#### **Additional Documentation, Guidance and Support Materials**

**Please find here download the following:**

- **SPECIAL REPORT: Mandatory EU supply chain due diligence obligations – *What Customs & Global Trade Professionals Need To Know***

## Germany: Customs & Global Trade Updates

### **Changes in ATLAS release 10.01 is live**

On February 25, 2023, ATLAS Release 10.1 went live. This ATLAS Info contains a summary of the information concerning the participant's significant technical changes that have not yet been published in separate ATLAS information.

### **[📖 Additional Documentation, Guidance and Support Materials](#)**

**Please find here download the following:**

- **Overview of participant-related changes ATLAS release 10.1 compared to ATLAS release 10.0**

### **Import and shipping: New ATLAS application CERTEX from 03/01/2023; Impact on submission of Common Health Entry Documents (CHED)**

Introduction of a new ATLAS application, "CERTEX", from March 1, 2023; Impact on submission of Common Health Entry Documents (in German: GGED) at the customs authorities, From March 1, 2023, Common Health Entry Documents (in English: CHED) via a new application "CERTEX" (Certificate Exchange) in the customs clearance system ATLAS.

### **[📖 Additional Documentation, Guidance and Support Materials](#)**

**Please find here download the following:**

- **New ATLAS application CERTEX from 03/01/2023; Impact on submission of Common Health Entry Documents (CHED) Document**

### **Publication of the procedural instructions for the ATLAS IT procedure (as of February 2023)**

The current "Procedural instructions for the ATLAS IT procedure" are available at [www.zoll.de](http://www.zoll.de) Disposal. It will also be published in E-VSF Z 26 50.

### **[📖 Additional Documentation, Guidance and Support Materials](#)**

**Please find here download the following:**

- **Publication of the procedural instructions for the ATLAS IT procedure (as of February 2023)**

## Irish Customs & Global Trade Updates

### **AIS Outage**

Irish Revenue wrote to merchants about the 15-17 December outage of their import declaration system, AIS, and accompanying notifications. Due to the interruption, import declarations filed and completely published before 18.45 on Thursday, 15 December 2022, were unavailable in our system. This prevented AIS modification, invalidation, and refund requests for certain declarations. Previous notices handled urgent refund claims temporarily. Update: Irish Revenue has upgraded AIS to include all "released" disclosures before 15 December 2022. These declarations are now amendable, void, and refundable. If your manual application for an "urgent amendment/invalidation/refund" (as per Notification 52/2022) has not been completed, you may do it online on AIS. Any declaration not provided by 18.45 on 15 December is being treated independently. Such declarants contact us directly. Revenue apologises again for disrupting regular operations and appreciates your patience and cooperation.

### **Technical specifications outlining the structure of ROS REST web services available to engage with the eCustoms Accounts System**

In the past, Irish Revenue advised of the new Customs Accounting System: As part of the EU UCC work program, Irish Revenue deployed our new import declaration system, Automated Import System (AIS), in November 2020 to efficiently handle the increasing declaration volume once the UK became a third nation for Customs purposes. In addition, their Integrated Taxation Systems (ITP) accounts service, which maintains your Customs TAN account, will be enhanced next. This system collects Irish import duties and delivers client reports.

ITP will undergo multiple releases of updates. In addition, back-end upgrades and significant report modifications are included. The adjustments:

- Their Customs TAN account top-up service is now available 24/7. However, you may have to wait to pay import taxes after topping up your Customs TAN account. This may cause a declaration to become "Insufficient Funds," preventing you from relocating your products from customs supervision, such as from the port or airport. This improvement will make cash in your TAN account immediately available.
- The new method improves reporting. For example, as the "Importer" or "Payer," you may use date parameters to get real-time data on AIS imports impacting your C&E TAN account. (The system only reports the prior week or month.)
- Their new reporting is centred on your C&E TAN account. Thus we no longer give the report where your sole function on the declaration is "Declarant". However, you may see the reports above as declarant, importer, or payment.
- Amended declarations will be fully credited before Processing. The updated declaration must have adequate cash in the new Payer's account if the "Payer" is changed.
- ROS will continue to record non-AIS transactions such as Excise Duty Entry (EDE), Warehousing Warrants, and Exports. The first rollout of the new system will not update these entries.
- The system will collect cash, if available, before deducting it from the Customer deferred account where the Payer of the declaration is authorised for the delay. (The system currently uses the declaration's chosen payment method.)

We understand that ROS REST web services were introduced in March 2023. Details and features of this are included in the linked Notification. Revenue has now published the ROS REST web services document, which facilitates the retrieval of reports for Importers & Payers for C&E from the new accounts system through their software. This is available [here](#). Further information concerning PIT can be accessed [here](#)

### **Action required for Irish Single Window**

The EU Commission/Member State Customs Single Window-CERTEX automates CHED and COI administration. The EU Commission's TRACES system and Member States' Customs Import Declaration system communicate electronically. The project includes all CHEDs and COIs. Irish Revenue is phasing the project to minimise the effect on commerce and products entering Ireland. Phase 2 began on January 11, 2023, with CHED and COI certificate numbers confirmed upon declaration submission. The last phase of the project will include CN code and quantity management checks for all CHED and COI Certifications. After product presentation and control, this validation will occur. This last phase launches on February 28, 2023. Import declarations/declarants have been analysed since Phase 2 of this research. Irish Revenue has seen improvements, but we still find many mismatches between CN Codes and amounts indicated on the import declaration and the comparable data on the applicable CHED and COI certificates. Discrepancies may delay customs clearance for traders. We advise traders to modify their processes today. This will maximise CN code and quantity management checks. Corrective action now reduces clearance times following implementation. We'll keep working with error-prone traders.

## United Kingdom

### Northern Ireland Update

#### **Background on Northern Ireland Protocol**

As a key element of the Brexit Agreement, the Protocol on Ireland/Northern Ireland was agreed upon and confirmed by both the EU and the UK. It has been in effect since February 1, 2020 and has worldwide legal ramifications. The Protocol's objective is to safeguard the Good Friday (Belfast) Agreement in all its aspects, sustaining peace and stability in Northern Ireland, preventing a hard border on the island of Ireland, and protecting the integrity of the EU Single Market.

#### **New Windsor Framework**

United Kingdom Prime Minister Rishi Sunak and Ursula Van der Leyen, the EU Commission confirmed on Monday that a "new Windsor framework" deal between Britain and the European Union on Northern Ireland Protocol from the Brexit withdrawal agreement has been reached. Describing the new deal as a "decisive breakthrough" at a press conference in Windsor, Sunak said the two sides have changed the original Brexit agreement. The deal announced today will deliver a "smooth flow of trade" within the UK and a "green lane" for UK goods intended for Northern Ireland and a "red lane" for UK exports for the Republic of Ireland and the rest of the EU will be established, Sunak explained. Today's agreement will protect Northern Ireland's place in the UK, the prime minister underlined.

#### **Highlights of the New Windsor Framework in the words of the EU Commission President**

- The new arrangements are delivering a comprehensive package so that we can address in a definitive way the issues faced in everyday lives. I will only mention two examples that I find most telling.
- Indeed, the new Windsor Framework will ensure that the same food will be available on supermarket shelves in Northern Ireland as in the rest of the UK. Furthermore, the new Windsor Framework will permanently enable all medicines, including novel ones, to be available in Northern Ireland at the same time, under the same conditions as in the rest of the UK.
- For this to work, we have agreed on safeguards like IT access, labels and enforcement procedures that will protect the integrity of the European Union's Single Market.
- The new Windsor Framework respects and protects our respective markets and our respective legitimate interests.
- And most importantly, it protects the very hard-earned peace gains of the Belfast/Good Friday Agreement for the people of Northern Ireland and across the island of Ireland.
- This year will mark the 25th anniversary of the Belfast/Good Friday Agreement.
- An important milestone of the historic peace process.
- The new Windsor Framework is here to benefit people in Northern Ireland and support all communities celebrating peace on the island of Ireland. This is why I believe we can now open a new chapter in our partnership.

- A stronger EU-UK relationship standing as close partners shoulder to shoulder now and in the future.

### Statement by President von der Leyen

#### **What is in the agreement in principle on the Windsor Framework?**

The European Commission and the United Kingdom government secured a preliminary political agreement on the Windsor Framework. This is a comprehensive set of shared solutions intended to definitively solve the practical difficulties faced by individuals and companies in Northern Ireland, therefore providing them with permanent stability and predictability.

The combined solutions include, amongst other things, new arrangements

- on customs,
- agri-food,
- pharmaceuticals,
- VAT, and
- excise,

as well as unique tools meant to amplify the voices of the people of Northern Ireland on topics of particular importance to the communities there.

There are a lot of safeguards in place to protect the integrity of the EU's Single Market, which Northern Ireland is the only country that can access.

The political agreement in principle that was reached today makes it possible for the two sides to start a new chapter in their relationship based on trust and full cooperation, and to reach the full potential of their relationship.

In the context of the Withdrawal Agreement, the common solutions are based on the following:

1. A comprehensive, cross-cutting, and final plan that addresses the operational challenges of the Protocol.
2. A balance between flexibility for the flow of goods destined for final use in Northern Ireland and enough protections to protect the EU's Single Market.
3. A clear way to tell which goods are at risk of joining the EU's Single Market and which are not.

#### Sanitary and phytosanitary (SPS)

- In the sanitary and phytosanitary (SPS) domain, the shared solutions make sure that Northern Ireland supermarkets stock the same foods as the rest of the UK.
- Basically, agri-food retail items that will be eaten by people in Northern Ireland will be able to travel from the United Kingdom as long as they follow a few rules and procedures for certification.
- The UK's public health standards will apply to agri-food products that will be eaten by people in Northern Ireland, but EU regulations on plant and animal health will continue to protect the EU Single Market.

- Inspections on the ground will be based on risk and intelligence. Also, it will be easier to travel with pets thanks to a simple pet travel passport, a microchip, and a certification from the owner that the pet will not enter the EU.

#### New customs procedures

- The new customs rules are based on an expanded "trusted trader" system that British companies will also be able to use.
- Products that are shipped by reputable merchants and aren't in danger of getting into the EU's Single Market will have easier processes and fewer data requirements for declarations and paperwork. Freight and the movement of all kinds of packages, including business-to-business, business-to-consumer, and consumer-to-consumer, were made easier, and consumer-to-consumer packages were taken out of the main customs rules.
- New data-sharing agreements make these new ideas possible because they allow risk evaluations, which would be the main control foundation.
- The trusted trader program's strict licensing and oversight, as well as the UK government's efforts to keep a closer eye on the market and enforce the law, are also extra safeguards.
- Goods that could get into the EU Single Market will have to go through full customs checks.

#### Medicine

- People in Northern Ireland can now get all medicines, including new ones, at the same time and under the same conditions as everyone else in the UK.
- This is part of the plan for getting generic drugs to Northern Ireland that the EU decided on in April 2022.
- These new plans are possible because of stronger protections, like labeling, that are meant to stop the drugs from getting into the EU Single Market.

#### VAT & Excise

- Also, some VAT and excise laws were made more flexible, and measures were put in place to protect the EU from fraud risks and possible changes in competition.
- These rules include the option to set UK VAT rates lower than the minimum EU VAT rates for goods that can't be moved, without the risk that these goods will enter the EU Single Market (e.g., a heat pump for a house).
- Small and medium-sized businesses (SMEs) in the UK can now get out of paying VAT on both goods and services if they meet the EU's size requirements for SMEs.
- There is now the option to tax all alcoholic drinks based on how much alcohol they contain and to set lower duty rates for alcoholic drinks offered for immediate consumption in Northern Ireland hospitality venues, as long as the rates don't go below the EU minimum duty rates.

#### Governance

- In terms of governance, the people and stakeholders of Northern Ireland will have their voices heard more clearly if the mechanisms of the Withdrawal Agreement are always talking to each other.
- On issues related to the Protocol, communication with Northern Ireland's key players would be improved.
- The Joint Consultative Working Group will set up new topic-based subgroups. The Stormont Brake is a new emergency mechanism that will let 30 members of the Legislative Assembly in Northern Ireland ask the UK government to stop the application in Northern Ireland of



changed or new provisions of Protocol-related EU law that could have a big and long-lasting effect on people's daily lives.

- This mechanism would only be used in the worst cases and as a last resort, according to a clear procedure laid out in a UK unilateral declaration.

#### European Law and Court of Justice

- EU law is still only and always interpreted by the Court of Justice of the European Union.

#### Tariff Rate Quota

The collaborative solutions also take care of problems with implementing tariff rate quotas (TRQs) for the most sensitive steel categories and make it clear how State assistance rules should be used.

#### Next actions

Within the scope of their respective authorities, the European Commission and the Government of the United Kingdom will take the necessary measures to transform the consensual solutions into legally enforceable instruments and to execute them expeditiously and in good faith. In the coming weeks, there will also be a meeting of the EU-UK Joint Committee on the Withdrawal Agreement. In addition, the Commission has now filed legislative proposals to the European Parliament and Council in the areas of SPS, pharmaceuticals, and TRQs. The duties of the European Parliament and Council shall be honored in their entirety.

#### [Political Declaration](#)

#### [Memo](#)

#### [Factsheet](#)

#### [Legal documents](#)

#### **Additional Documentation, Guidance and Support Materials**

**Please find here download the following:**

- **Windsor Agreement on Northern Ireland: customs - factsheet**
- **Windsor Agreement on Northern Ireland: sanitary and phytosanitary goods (sps) - Factsheet**
- **Windsor Agreement on Northern Ireland: stakeholder engagement - Factsheet**

## UK Customs Update

#### **[Notices made under the Customs \(Import Duty\) \(EU Exit\) Regulations 2018](#)**

Notices made under the Customs (Import Duty) (EU Exit) Regulations 2018 have the force of law. The list of other listed locations under Regulation 131E(1) of The Customs (Import Duty) (EU Exit) Regulations 2018 has been added.

#### **Manually arrive your goods in the UK**

Find out what additional steps you or someone acting on your behalf may need to take to tell HMRC that your goods have arrived in the UK at a location using the Goods Vehicle Movement Service. The guidance has been updated to clarify that you should only now use the Customs Declaration Service to arrive at your goods manually. [Update](#)

### **NCTS Phase 5: in-flight movements**

This is the first NCTS5 update of 2023. It contains information on how to prepare for the implementation of NCTS5, which will happen on 16 November 2023. The UK is independent of the Common Transit Convention (CTC). Under the terms of the Common Transit Convention, all members must move to NCTS5, a new version with improved functionality, by 30 November 2023. HMRC will switch over to NCTS5 from NCTS4 on 16 November 2023. We're switching over Great Britain (England, Scotland and Wales) and Northern Ireland at the same time. If you're a declarant using NCTS, you must start submitting transit declarations on NCTS5 from 16 November 2023. If you use the free-to-use web portal through the Government Gateway to submit your transit movements, you'll need to sign-up for the new web portal for NCTS5.

- If you use a software developer, we update them separately so they know what to do and when. So, for example, if you use commercial software to upload your movement information, your software developer can tell you how and when you can get the new software.
- If you're a software developer using NCTS: Speak to your clients about the software you're developing for NCTS5 and when it will be available. From May 2023, you can test your product with the new NCTS5 Application Programming Interface (API) and functionality in the equivalent of a live system.
- In-flight movements: In-flight movements start their journey in NCTS4 before 16 November 2023 but have not yet arrived at their destination after 16 November 2023, when we switched to NCTS5.

NCTS allows pre-lodgement of UK departure declarations to be submitted up to 30 days before the movement's departure. Movements started before 16 November 2023 in NCTS4 will continue their journey as they do currently. If any of those movements have not reached their destination by 30 November 2023, HMRC will perform a manual action to ensure the movement is closed correctly and the guarantee is released. Movements starting on or after 16 November 2023 need to be submitted into the new NCTS5 system using software or the free-to-use web portal. If you usually pre-lodge your NCTS4 declarations in advance, you must ensure that any movements have been released before the cutover on 16 November 2023. If you do not release the movement before we switch to NCTS5, you must raise a new declaration in NCTS5. [Link](#)

### **UK CDS**

- Reference to Annex XVII added under Description and Usage of Code for Union code Y113.
- Data Element (DE) 2/2: Additional Information (AI) Statement Codes for the customs declaration or clearance request (Appendix 4). Two amendments have been made to ensure that the 'Import', 'Export' or 'Both' descriptors are fully spelt. No technical requirements have been altered.
- Data Element 2/3:
  - Documents, Other Reference Codes (Union), and details to be declared, such as licences and certificates (Appendix 5A): Licence Types X061 – X068 have been added.
  - Document and Other Reference Codes: Licence Types – Imports and Exports of the Customs Declaration Service (CDS) - codes for Government Department licences that can be declared for imports and exports in Data Element 2/3 (Appendix 5C). Licence Types X061 – X068 updated to reflect that these relate to Union General Export

Authorisations and can be used by quoting the appropriate authorisation number. See Annex II of Regulation (EU) 2021/821 for coverage. Only applicable to export declarations in Northern Ireland.

- Completion instructions for 955D and 9578 have been updated to reflect that a declaration will not be rejected if the documented reason is completed. However, this does not change the requirement to declare a document ID when using either of these document codes.
- Reference to Annex XVII added under Description and Usage of Code for Union code Y113.
- The ETSF Code GBAULYOLHRMNX has been removed.
- Information added to the 'Customs Declaration Service toolkit' section regarding critical dates for 2023.
- Data Element 2/2: Two amendments have been made to ensure that the 'Import', 'Export' or 'Both' descriptors are fully spelt. No technical requirements have been altered.

## UK ADD & CVD Updates

### [TRA opens exemption review for a UK importer of bicycle parts](#)

The TRA has begun reviewing an application from MiRider to be exempted from an anti-dumping duty on certain bicycle parts from China.

### [TRA reconsiders its recommendation on Aluminium Extrusion measures](#)

The TRA has begun reviewing its guidance on anti-dumping measures for imports of Aluminium Extrusions from China.

### ***UK ADD & CVD: How We Can Support You***

Antidumping, countervailing duties, and safeguards are expanding globally. Now you may use our trade remedy expertise. We have represented clients in several antidumping and other trade remedy cases. We provide assistance for all sorts of hearings, discussions, refund and anti-circumvention investigations, and evaluations. Use our worldwide expertise to mitigate trade remedy-related risks and assist your international company ambitions.

<b>Consulting &amp; Advice</b>	We develop a defensive or attacking strategy under strict time constraints. We evaluate the possibilities for adjusting existing trade remedies to the best interests of your firm. Schedule a conversation with us to see how we might help you.
<b>ADD &amp; CVD Application</b>	We support you in preparing a compelling application for your ADD & CVD case and guide you through the application process, communicating on your behalf with the necessary authorities.
<b>ADD &amp; CVD Defence</b>	Affected by heart disease or ADD? When your products are subject to ADD measures, we assist and examine duty-reduction options. Throughout ongoing processes, you will benefit from our experience to do complex calculations and engage productive dialogues with investigating authorities.
<b>Supply Chain Analysis</b>	We help you in monitoring pricing and analysing trade flows so that you may acquire early warnings of emerging trade remedy risks—a critical element of the commercial strategy of a worldwide firm.
<b>Training &amp; Education</b>	Public, in-house, and online ADD and CVD training courses. Participate in our Certificate in Customs Competencies for an accredited education.

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***[www.customsmanager.org](http://www.customsmanager.org)***

## United States

### US Customs

#### Customs Weekly Bulletin

- Determination That Maintenance of Finding of January 28, 2022, About Certain Palm Oil and Derivative Products Made Wholly or in Part With Palm Oil Produced by the Malaysian Company Sime Darby Plantation Berhad, Its Subsidiaries, and Joint Ventures, Is No Longer Necessary
- Receipt of Application for “Lever-Rule” Protection.
- Copyright, Trademark, and Trade Name Recordations
- (No. 10 2022)
- (No. 11 2022)
- (No. 01 2023)
- U.S. Court of Appeals for the Federal Circuit
- Appeal No. Page
- PrimeSource Building Products,
- Oman Fasteners,
- Columbia Aluminum Products, LLC,
- Meyer Corporation, U.S., Plaintiff, v. United States

[Link](#)

#### FAQs: Uyghur Forced Labor Prevention Act (UFLPA) Enforcement

FAQs have been updated. CBP's Operational Guidelines for Importers specify the documents that prove imported products and inputs are not on the XUAR or UFLPA Entity List. The transaction, supply chain, country of origin, and raw material payment and transit records should be provided by importers. CBP recommends that importers submit a brief tracing report to the allocated Center of Excellence to speed up the applicability evaluation process. Develop a strategy for reacting to a UFLPA detention, communicate early, alert the relevant Center, present a complete, well-organised package, offer a list of suppliers, and establish that supply chains do not use inputs commingled with forced labour materials. CP works closely with importers to acquire the necessary information and address problems and inadequacies when assessing paperwork needs for UFLPA-detained products. The UFLPA creates a rebuttable presumption that items mined, produced, or manufactured in XUAR or by a company on the Entity List are ineligible for U.S. import. CBP detains imported items under 19 U.S.C. §1499 and 19 CFR Part 151 for UFLPA enforcement. Businesses should avoid supplying XUAR or listed items. Companies and individuals should do due diligence to comply with U.S. law and identify supply chain exposure to XUAR firms. CBP will execute WROs and Findings for items imported after June 21, 2022, under the UFLPA's rebuttable presumption.

The FLETF publishes the UFLPA Entity List, which contains XUAR firms that utilise forced labour. Importers should analyse XUAR and supply chain risks, implement and maintain a due diligence program, and respond to CBP questions to ensure items are not mined, produced, or manufactured using forced labour. CBP targets items from XUAR producers, Xinjiang Production and Construction Corps subsidiaries and affiliates, and other producers on the UFLPA Entity List. CTPAT rewards trusted traders for social compliance with front-of-the-line admissibility assessment and redelivery. CBP will accept DNA traceability or isotopic testing to prove the cotton fibre was not from the XUAR.

In 2023, CBP will organise a Forced Labor Technical Expo and prioritise supply chain tracking and product testing. [Read the FAQs](#)

### **Ocean House Bill Release – ACE Certification Deployment**

U.S. Customs and Border Protection (CBP) has carried out our Automated Commercial Environment (ACE) Certification (CERT) Environment deployment today for the Ocean House Bill Release.

CERT Release included:

- Resolution to fix the ENTA validation using the Master Bill of Lading instead of the House Bill of Lading in the input message.
- Update of Delete PTT process to remove a ZFIRMS record for an automated FIRMS from a Bill of Lading participant that could have been added by Create PTT previously.
- A new check was added to the Master Bill of Lading background evaluation jobs to verify that the sum of all house Bill of Ladings amended quantities to match the Master Bill of Lading Amended quantity. If they don't match, we will withhold the Master Level 1Z / 1C notifications.
- Trade and Software Developers that submit via the Electronic Data Interface (EDI) must program and test their software to incorporate these changes.

Please get in touch with us if you have any questions on ACE the Ocean House Bill Release.

### **Hearing: US Customs Modernisation Act to progress in 2023?**

This year, in a hearing of officials and trade, the US Congress spoke in favour of significant customs modernisation. Lawmakers have shown interest in giving U.S. Customs and Border Protection the powers it needs for trade facilitation and enforcement. Since the 1993 Customs Modernization Act, U.S. trade volumes have increased from \$600 billion to over \$2.7 trillion, with two million low-value goods arriving daily, according to CBP. As a result, CBP finds it tougher to identify and deter infractions in complex supply chains. Now, CBP has resolved these difficulties with the 21st Century Customs Framework. Sen. William Cassidy, R-La., introduced 21CCF legislation in 2021; it was received with misgivings and halted before the previous Congress ended.

Nevertheless, customs modernisation was the Senate Finance Committee's first hearing of the year, indicating senators' enthusiasm. "A lot has changed" since Congress passed the Trade Facilitation and Trade Enforcement Act in 2015, Chairman Ron Wyden, D-Ore., said at the hearing. "Modernising U.S. customs law is fast becoming of essential relevance... to confront both existing hazards seeking to make their way into our country and those on the horizon," said Committee Ranking Member Michael Crapo, R-Idaho. Wyden said the committee will work with CBP and others this year to amend U.S. trade regulations to provide CBP tools to target "today's trade cheats" and "flexible enough to dissuade the next cycle of trade cheaters." "Help U.S. firms get the inputs they need, minimise bottlenecks, delays and price spikes for consumers, and let Customs focus their resources on enforcement to keep out illegal goods" by expediting imports from "trusted merchants with clean supply chains," Crapo advised using CBP and its advisory groups' 21CCF work from 2018.

Corporate groups emphasised trade facilitation and labour representation enforcement throughout the event.

- Expeditors International of Washington Inc. said these developments are essential, but CBP needs more money, technology, and employees to implement them.

- Worker Rights Consortium spokesperson advised CBP to "greatly enhance the number and accuracy of its public reporting" on forced labour enforcement.
- National Foreign Trade Council representatives agreed that future laws should embrace technology to speed freight processing and promote transparency.
- FedEx Logistics recommended the federal government to "remain focused on requiring the proper data, at the right time, from the right party" and link this to "trusted trader and authorised economic operator benefits."
- Steel workers' Unions called for faster responses to unlawful trade practices, harsher punishments for recurrent violations, and a focus on CBP's tariff collection and border intercepts.

### **Elimination of Washing Machine Import Restrictions; ITC to Evaluate Impact**

The International Trade Commission is examining the efficacy of U.S. safeguard tariff-rate limitations on large residential washing machines and components, which expired on February 7, 2023. The safeguards were initially implemented in January 2018 and most recently (from February 8, 2022, to February 7, 2023) included a 14 per cent charge on the first 1.2 million units of covered washers (HSUS 8450.11.00 and 8540.20.00) imported annually and a 30 per cent tariff on all subsequent imports. In addition, there was a 30% duty on covered washing machine components (HTSUS 8450.90.20 and 8450.90.60) and a limit of 110,000 exempt parts. Excluded from these TRQs were Canada and undeveloped countries that fulfil World Trade Organization requirements. The ITC has investigated how effectively these restrictions help domestic businesses adapt to overseas competition. Participants must notify the ITC by March 15 at the latest. The deadlines for pre- and post-hearing briefs are May 24 and June 8, respectively, for a hearing on June 1. August sees the release of the ITC's final report.

## **US Sanctions**

### **Specially Designated Nationals And Blocked Person List (SDN) – Updated**

OFAC publishes a list of people and organisations owned or controlled by or operating for or on behalf of designated nations as part of its enforcement activities. It also includes persons, organisations, and entities, such as terrorists and drug traffickers, designated under non-country-specific programmes. These persons and organisations are called "Specially Designated Nationals" or "SDNs." Their assets are frozen, and U.S. citizens are forbidden from interacting with them.

- [Complete the Specially Designated Nationals List \(in PDF format\)](#)
- [Complete the Specially Designated Nationals List \(in TEXT format\)](#)
- [What changed on the list when it was last updated?](#)
- [Archive of changes to the SDN list](#)
- [SDN List Sorted by OFAC Sanctions Program](#)
- [SDN List Sorted by Country](#)
- [Definition of SDN List Program Tags](#)
- [Specially Designated Nationals Alias Screening](#)
- [If you have an OFAC Alert on your Credit Report](#)
- [Click here to appeal an OFAC designation or other listing](#)
- [Website](#)

### Raiffeisen on the probe of Russia by US sanctions officials

The US sanctions agency has begun an inquiry into Raiffeisen Bank International's (RBIV.VI) ties with Russia, causing alarm for the Austrian financial institution, which is essential to the Russian economy. In response to questions from Reuters, the bank stated that in January, it had received a request from the OFAC to "clarify payments business and related processes maintained by RBI in light of recent events involving Russia and Ukraine." [A source told Reuters](#) that OFAC had sought information from Raiffeisen detailing the bank's exposure in Russia, the partially occupied Donbas area of Ukraine, Syria, and particular client transactions and activities. According to this source, the U.S. government had requested a response by the end of February. However, Raiffeisen's lawyers successfully negotiated a postponement by agreeing to respond to three parts at the beginning of April, May, and June. [In response to Reuters](#), Raiffeisen said that it was fully compliant with OFAC and acknowledged that the request was not the consequence of a specific transaction or activity. It claimed to have systems in place to ensure compliance with fines. The spokesperson said the queries were "general", and they were "assured that the material given to OFAC would satisfy their request." [Article from Reuters](#)

### Sanctions Compliance Guidance for Authorised Transactions Related to Earthquake Relief Efforts in Syria

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is issuing an [OFAC Compliance Communique: Guidance on Authorised Transactions Related to Earthquake Relief Efforts in Syria](#) in response to questions from the NGO community and the general public on how to provide assistance related to earthquake relief to Syria while complying with OFAC sanctions.

### Sinaloa Cartel - Zamudio Drug Trafficking Listed



OFAC has blacklisted six Mexican citizens and members of the Sinaloa Cartel involved in illegal methamphetamine and fentanyl trafficking and six organisations in Mexico. The Zamudio family businesses, Aceros y Refacciones del Humaya, S.A. de C.V. and Farmacia Ludim, have been designated under Executive Order 14059 for engaging in activities or transactions that have materially contributed to or pose a significant risk of materially contributing to the international proliferation of illicit drugs or their means of production. Luis Gerardo Flores Madrid, Ernesto Machado Torres, and Jose Santana Arredondo

Beltran get illegal precursor chemicals from Ludim, Luis Alfonso Zamudio Lerma, and their son, Ludim Ibarra. [Link](#)



## US Export Controls

### CCL Updated

The US Commerce Department's BIS has amended its Commerce Control List (CCL) to align with changes to the Wassenaar Arrangement control lists agreed upon in December 2021. See the 24 February 2023 [Final Rule](#) and 15 August 2022 [Final Rule](#).

### What does the focus on Advanced Technologies in US Export Control mean? A commentary from Arne Mielken

#### A new enforcement campaign

As we reported last week, DOJ and BIS launched a new enforcement campaign on February 16, 2023, to prevent and punish US export control evasion on essential technology, including

- semiconductors,
- artificial intelligence,
- additive manufacturing,
- and advanced biosciences.

Hence, these companies and their supply chains must comply with US export prohibitions and penalties.

#### What is the initiative about?

The initiative builds an interagency *Disruptive Technology Strike Team* to "target illicit actors, enhance supply chains and safeguard vital technology assets from being acquired or deployed by nation-state enemies" – the Strike Force.

#### Objectives of Strike Force Team

The objectives include disruption, administrative enforcement of US export rules, corporate sector cooperation, and worldwide enforcement. Additionally, data analytics and source information will guide the Strike Force.

Here is what we know:

The Strike Force will

- Target "*supercomputing and exascale computing, artificial intelligence, advanced manufacturing equipment and materials, quantum computing, and biosciences*" companies in the US.
- Will prioritise certain technologies for enforcement because of their military and intelligence purposes, such as manufacturing weapons and testing and breaking enemy encryption methods that threaten US national security.

The US government's Strike Force investigates high-tech companies that may violate export control and sanctions regulations. For example, when Russia invaded Ukraine, the DOJ created Task Force

KleptoCapture in March 2022 to enforce US sanctions and export prohibitions. As previously reported, Task Force KleptoCapture has been actively implementing since its establishment. The Strike Force targets China, Russia, Belarus, Iran, and North Korea.

#### What are possible actions?

- The Strike Force will emphasise US semiconductor and electronics export prohibitions.
- The Strike Force may prioritise companies' compliance with October 2022 US semiconductor export restrictions. These laws require considerable due diligence on end users and end uses of US technology in China's military, semiconductor manufacturing, and sophisticated computer applications.
- The Strike Force may also probe firms' efforts to limit American electronics and other components to projects supporting sanctioned states' military action, such as Iran's unmanned aerial vehicles and Russian military troops in Ukraine.

#### How is this Strike Force different?

The Strike Force's close coordination with the Intelligence Community will reveal cross-border supply channels. The Strike Force's tight cooperation with the Intelligence Community will distinguish it from previous strike units. The Intelligence Community's knowledge of cross-border supply networks can help the Strike Force uncover disruption and enforcement alternatives that law enforcement may not have.

Urban businesses may expect increased scrutiny and outreach. The Strike Force's connections in 12 metropolitan zones distinguish it from Task Force KleptoCapture. As a result, these firms may face more government scrutiny.

#### What should businesses do now?

These changes require companies to review compliance, supplier, and know-your-customer practices. Companies should also have policies for law enforcement outreach, inquiries, formal legal processes, and internal investigations. Prepared companies avoid enforcement risks and promote US national security. In addition, businesses should self-disclose sanctions or export control violations under US export control and sanctions laws. The DOJ's National Security Division, Treasury's OFAC, and BIS have specific requirements for voluntary self-disclosures.

Reach out to Customs Manager Ltd for support. E-mail: [info@customsmanager.org](mailto:info@customsmanager.org)

#### **BIS examines Cuban agricultural export licences.**

The Bureau of Industry and Security will accept public comments on the efficacy of its licencing procedures for agricultural exports and re-exports to Cuba until March 20. Commenters should be descriptive. 15 CFR 740.18 governs BIS authorisation of farm exports to Cuba. BIS must submit biennial reports to Congress on the operation of this licencing system, including the number and types of licences applied for and approved, the average time between application and approval, the extent to which the licencing procedures were effectively implemented, and comments from interested parties. BIS is developing a report on this licencing system's performance from October 1, 2020, to September 30, 2022, and any input given in response to this Notification will be included.

## Mexico

### **Mexico Bans Imports of Forced Labor Goods**

Mexico implemented Article 23.6 of the T-MEC/USMCA on coercive or coerced labour on February 17 in the official Gazette of the Federation. The guideline determines whether a foreign product was made using forced or coerced labour, including child labour. STPS prohibits imports of forced labour-made goods. This Regulation takes effect on May 18. The STPS may informally identify commodities created with forced or coercive labour or at a Mexican legal person's request. Natural or legal people must state their name, denomination, or business name and address, their legal Representative, the legal grounds and justifications, the facts and proof, the merchandise's description and tariff classification, and its area, country, or countries of origin or provenance. Suppose the STPS determines that there are sufficient elements to initiate a procedure. In that case, it will first request the competent institutions in other countries to collaborate in verifying abroad whether the merchandise in question is produced with forced or compulsory labour following international parameters and agreements. STPS will follow foreign institutions' decisions. If the following premise does not apply, the STPS will notify the product importer of the forced or coercive labour inquiry and give them 20 working days to react. The STPS must decide whether the products were made using forced or coerced labour within 180 business days of the request, which may be extended. After that, Mexico would outlaw commodities created using forced labour. If coercive or compelled work in manufacturing the items in question has ended or other countries have annulled the site determination, any person, national or international, may request that a decision be cancelled.

## **This Week's Supportive Documents**

Subscribers to the FULL Edition will also get extra materials and instructions to aid their tasks and upgrades. Moreover, you may learn more about the topics covered in this week's update by reviewing the factsheets, Q&As, PowerPoint presentations, Excel spreadsheets, reports, and notes. They are easily accessible through the e-mail attachment and our secure website. In addition, you will get the following this week:

- **EU Sanctions' on Russia 10th Package – Illustrative Summary**
- **Draft EU Dual-Use List**
- **New Annex for EU Dual-Use List**
- **SPECIAL REPORT: Mandatory EU supply chain due diligence obligations – What Customs & Global Trade Professionals Need To Know**
- **Overview of participant-related changes ATLAS release 10.1 vs. ATLAS release 10.0**
- **New ATLAS application CERTEX from 03/01/2023; Impact on submission of CHED Documents**
- **Publication of the procedural instructions for the ATLAS IT procedure**
- **Windsor Agreement on Northern Ireland: customs - factsheet**
- **Windsor Agreement on Northern Ireland: sanitary and phytosanitary goods (sps) - Factsheet**
- **Windsor Agreement on Northern Ireland: stakeholder engagement - Factsheet**

## **NEW: Helpline & Subscribers' Questions**

Have you got a question and got a concern? Then, ADD ON the Helpline with your FULL subscription.

Did you know we offer a cost-effective helpline to answer all your customs questions with no time limits or restrictions? For example, take our LinkedIn post from two days ago.

Today, we zoom in on **Customs Audits**

**Question:** *Help! We were randomly selected for a customs audit. However, we are concerned because we cannot predict what areas of their businesses HMRC may examine. We are not 100% sure if we adhere to the regulations of Inward Processing, customs storage, temporary admissions, etc. What shall we do to prepare?*

**Our answer:** We are now wary of

Inward Processing precisely because of a recent revelation about a UK trader being charged roughly £9m for the alleged unlawful use of the service. Not to scare you, but HMRC has imposed several hefty penalties on my business, Customs Manager Ltd., not only for violations of the Special Procedures regulations. One of the best methods to demonstrate to HMRC that you take customs operations seriously is to have a qualified auditor, such as myself or one of my colleagues at Customs Manager Ltd., do a "friendly" customs audit. Then, when our clients hire us, they can rest comfortably knowing that they have been thoroughly audited in more than twenty categories that HMRC also reviews. In the lead-up to an official HMRC audit, many of our clients have found a compliance audit highlighting areas of non-compliance to be quite helpful. When we do a customs audit for a customer, we don't just want to show them where they're breaking the law; we want to help them comprehend what those infractions entail, what they mean for their business, and how to turn those grey areas into fully legal, compliant operations. We will provide you with a summary or a detailed report after conducting an audit of your customs processes. We will describe our findings and provide recommendations.

Before we helped clients in the past, they were naturally anxious about the result owing to multiple areas of non-compliance; however, we could explain how they had changed these non-compliant areas into highly compliant processes and procedures during an official HMRC audit last week. The HMRC representative was so satisfied that they expressed their desire for other businesses to adopt a similar commitment to compliance and not attempt to hide any violations. If you believe this may apply to your business, an independent audit and report would greatly help ensure the highest level of compliance.

If you have any questions regarding our Helpline or our customs compliance services, or if you would like to learn more about how they may benefit your company, please get in touch with us at [info@customsmanager.org](mailto:info@customsmanager.org).



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## Provide Feedback and WIN!

Please provide feedback on these updates by commenting on the relevant social media post and emailing [info@customsmanager.org](mailto:info@customsmanager.org). Every week, we give out free training courses, free upgrades to the subscription to this service, and amazon gift vouchers to thank you. In addition, any feedback to improve the service or express your view is valued and automatically entered into the prize draw every Friday afternoon. Winners will be notified.

## Our service offering in other languages

- Serviceangebot auf Deutsch: <https://www.customsmanager.org/zollexpertise>
- Informations sur l'offre de services: <https://www.customsmanager.org/expertiseendouane>

## Job Postings & Send CV

You got a job you wish to advertise? Send your job posting here for free.

E-mail [info@customsmanager.org](mailto:info@customsmanager.org) to advertise a job.

Both current and aspiring customs professionals have our full support regarding their next professional step. Please get in touch with us if you are looking to change careers or if you have any openings. We will do everything in our power to connect you to the vast network of contacts to assist you in finding the next job or filling your open positions.

E-mail [info@customsmanager.org](mailto:info@customsmanager.org) with your CV to be listed here.

## Events

### 1 April 2023 - Start of Diploma in Customs Competencies

The next cohort of students will start on 1 April 2023, and this is not a joke! The Diploma in Customs Competencies is Your Pathway to Becoming A Customs Professional (or an Expert if already experienced). This Diploma turns you into a custom professional ready to carry out all import and export processes and procedures in a compliant, efficient and effective way. It was developed based on the kitemark in customs competence, the EU Customs Competency Framework. Get 60 hours of Live Tutor Training + exam. To find out more and to ask for a course guide ->

<https://www.customsmanager.org/diploma-in-customs-competencies>

### 7 April 2023 – Intensive 1/2 Day Online Course: Origin of Goods & FTA

This course develops the competencies that professionals need to carry out activities required to determine the economic nationality of goods. Complete Competency Levels 1 and 2 of the EU Customs Competency Framework. (Course ID: OC07) -> [Find out more](#)

### 6 April 2023 – Intensive 1/2 Day Online Course: Course: Prohibitions, Restrictions & Licences (includes Export Controls & Sanctions)

This course develops the competencies professionals need to identify and manage prohibitions & restrictions (incl. export controls and sanctions). Complete Competency Levels 1 and 2 of the EU Customs Competency Framework. (Course ID: OC08+22) -> [Find out more](#)

### 25-26 May 2023 - European Customs Practitioners' Conference, Vilnius, Lithuania

Law. Technologies. EU-UK TCA. Green cross-border trade. From the big picture to daily practice - for European importers, exporters and everyone involved in cross-border Trade. Let's meet in **Vilnius, Lithuania, on May 25-26, 2023!** Online attendance is also possible. Registration will start on January 20, 2023. The registration form and all the related information will be available on the LCPA website. The conference, including all materials, will be held in English. Simultaneous translation into Lithuanian and Russian (the working language in Central Asia) will be provided on the first day of the conference. The second day will be held in English only.

## How to Empower Yourself and Your Team

Part of our suite of solutions to empower customs managers, our Trade Intelligence update allows global trade professionals to save time and free up skilled staff to carry out more strategic tasks. Subscribers or current clients receive a professionally curated compilation of legislative changes that occurred in the prior week, created by experienced trade specialists and quality assessed before release.

Readers can rest assured that they have not missed any updates. In addition, subscribers can save time by forgiving to scan through floods of marketing e-mails and blog entries and instead focusing on operational performance and long-term profitability.

### Step 1: Trail the Free Version + Share it with You Team and Collect feedback

Following or visiting our Linked in Page means you get to download the accessible version of this update every week –to thank you for following us. However, this version does not include live links or supportive documents. Please review <https://www.customsmanager.org/trade-intelligence> for details

### Step 2: Upgrade to the Full Version for You and Your Team

To empower yourself, get the FULL version to receive this update with live links and additional supporting documentation. Also, get all your team members on their FULL plan to benefit from live links and other documentation. Please visit <https://www.customsmanager.org/trade-intelligence-upgrade> for details and get in touch for a bespoke quote.

### Step 3: Add Helpline for You and Your Team

A phone call or chat is a helping hand to support you with any question. Add “Helpline\$” to your entire subscription and allow your customs and global team to tap into expert knowledge whenever you need. Please e-mail [info@customsmanager.org](mailto:info@customsmanager.org) for details.



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